

PLANNING MEETING AGENDA

December 17, 2013

5:00 p.m.

*Pledge of Allegiance*

*Roll Call:*

1. **Minutes:** Approval of the November 19, 2013 meeting minutes
2. **Consent Agenda:**
  - 2.1. **UVC110113** Consideration and action on an administrative application, final approval of the Causey Estates Subdivision No. 1 2<sup>nd</sup> Amendment (2 Lots) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Aspen Circle, and recommendation for the vacation of lots 19 and 20 of Causey Estates Subdivision No. 1, located at 15278 E Aspen Circle within the Forest-10 (F-10) Zone. (Lynn Wood, Applicant)
  - 2.2. **UVE101813 & SUBVAC 2013-10** Consideration and action on an administrative application, final approval of Evergreen Park Subdivision No. 1 1<sup>st</sup> Amendment (1 Lot) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Spring Way, and a recommendation for the vacation of lots 411, 412, and 413 of Evergreen Park Subdivision No. 1, located at 3360 North Spring Way within the Forest-40 (F-40) Zone. (Thomas O'Dell, Applicant)
  - 2.3. **Rules of Order** Consideration and Action on an administrative decision for approval on the Annual Planning Commission Rules of Order
3. **Petitions, Applications and Public Hearings**
  - 3.1. **Administrative Items**
    - a. **New Business**
      1. **UVS110413** Consideration and action on a request for preliminary approval on an administrative application of the Silver Summit Estates Subdivision, consisting of 13 lots located at 9150 E 1300 S within the Forest Valley-3 (FV-3) Zone (Park City Premier Properties LLC, Applicant; Matthew Lewis, Agent)
      2. **CUP 2011-06** Consideration and action for approval for a time extension on a conditional use permit application (CUP 2011-06) for a public utility substation (cellular site) located at approximately 95 Ogden Canyon Road within the Forest Residential 1 (FR-1) Zone. (David Hardman, Ogden Weber Chamber of Commerce, Owner)
4. **Public Comment for Items not on the Agenda**
5. **Remarks from Planning Commissioners**
6. **Report of the Planning Director**
7. **Remarks from Legal Counsel**
8. **Adjourn**

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



***In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791***

Minutes of the Ogden Valley Commission Regular Meeting held November 19, 2013, in the Weber County Commission Chambers, 1<sup>st</sup> Floor, commencing at 5:00 p.m.

*Present:* Pen Hollist, Chair; Ann Miller; John Howell; Greg Graves

*Absent/Excused:* Laura Warburton; Kevin Parson;

*Staff Present:* Rob Scott, Planning Director; Sean Wilkinson, Planner; Scott Mendoza, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

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- **Pledge of Allegiance**
  - **Roll Call:** Chair Hollist stated that Commissioner's Warburton and Parsons were excused and all others are present.

1. **Minutes:** Approval of the October 1, 2013 and October 22, 2013 meeting minutes.

Chair Hollist declared the meeting minutes of October 1, 2013 and October 22, 2013 approved as written.

Chair Hollist asked if any member had ex parte communications they would like to declare. No ex parte communications were declared.

Chair Hollist said he had administrative matters to take care of and there is an item that is listed as a Legislative Item under 3.2. ZMA 2013-04 is not a legislative item and the chair moved that to an administrative item to be considered under Agenda Item 3.1. Relative to the Consent Agenda, the Chair will entertain a motion concerning moving the consent agenda item to another part of the agenda.

**MOTION:** Commissioner Miller made a motion to move Consent Item CUP 2013-25 as an administrative item, to follow the legislative item that was moved by the Chair. Commissioner Graves seconded.

**VOTE:** A vote was taken with all members voting aye and Chair Hollist declared the motion carried (4-0).

### 3. **Petitions, Applications and Public Hearings**

#### 3.1. **Administrative Items: a. New Business:**

1. **ZMA 2013-04:** Consideration and action on a request to amend the Concept Development Plan for The Ridge Townhomes (C 2006-62, ZP 2006-03, ORD 2006-15) formerly known as The Townhomes at Eagles Landing by using 4-plex rather than 2-plex units, reducing the number of structures from 24 to 12, and changing the architectural design. (Capon Capital LLC, Applicant; John Lewis, Agent)

Sean Wilkinson reviewed the staff report and said that staff recommends approval of the proposed Concept Plan Amendments for the Ridge Townhomes, based on the Planning analysis of the proposed amendments as follows: The reduction from 24 to 12 structures is significant from an aesthetic perspective as it allows the building heights to be reduced from nearly 35 feet to 26 feet. The amended layout is similar to the approved layout with the exception of the five 2-plex buildings shown on the north side of Moose Hollow Drive. The amended layout still provides similar open space areas, parking, and fire turn-around areas. The clubhouse is a 500 foot structure with a swimming pool and spa. The clubhouse/pool location is located where three 2-plex structures were previously shown, so there is now more open and undeveloped than previously proposed. The "mountain modern" design is similar to what has been approved earlier this year and the materials are very similar with wood and stone products, but the main difference is the roof pitch. The new design reduces the building height by approximately nine feet. The Planning Commission should make a recommendation to the County Commission.

In response to a question from Commissioner Howell; Sean Wilkinson said it may be similar to what was approved at Edgewater Beach, and that architecture was different than what was proposed, or what was actually built on that property. There's one four-plex unit currently and Lakeside Village has the similar Alpine design is built adjacent and that may be a better comparison with this modern mountain design.

Eric Householder, representative of Capon Capitol, Eden resident, said that if you drive up on Wolf Creek Drive, there is the golf course line, and there are a lot of grades coming down which makes the layout fairly challenging. The intent with the new design, lower the height and limit the visual there.

Ray Bertoldi, Bertoldi Architects, an Eden resident, said what they have done in the topography to protect the ridge line so it's not so prominent was to reduce the scale of the building in terms of massing. The original building on the street side was a two and three story building on the backside; and that is why they are getting such an increased height. The pitch of the roof is about a 7 and 12 pitch which adds to the height of the building; there is a transition in the architecture to get the mass down. On the garage side, the first bay of the garage which serves one of the units has a shed roof on it and the intermediate garage has the flat roof. The main body of the house is a shed roof, and starting from the background brings the mass down, that creates more of a horizontal line on the landscape. This is the street side view where they have a one story structure where the tip of the roof has a number of bracing so it's not just one long horizontal roofline. The general plan talks about breaking the rooflines up and keeping the heights broken.

Commissioner Howell said that Mr. Bertoldi had mentioned that there were flat roofs in the valley but the problem here is that all the flat roofs are going to be in one spot and not spread out throughout valley. When they get through phases one through five, these roofs are all going to look like a shed type roof. Ray Bertoldi replied that this development has a combination of shed roof and flat roofs.

Commissioner Miller said she did not like to see high buildings and appreciated the buildings being reduced from 35 feet to 26 feet. She would not like to look at the valley and see all these ridge top homes and would not like for them to break up the ridge tops.

Chair Hollist suggested reviewing this again because he thought he saw how they were tucking these buildings into the contours and indentions, and to point out where they have tucked these into the folds of the land so they are not prominent. Ray Bertoldi replied what is going on is that the lower level are called walk outs. The confusion in regards to 26 versus 35, the height is from the side. When you go up another story on the street side it's much higher; and in the upper elevations there are a lot of shallow lines and variations all the way up to the ridge line.

Chair Hollist said in the existing approved plan, they not only have a pitched roof on top but also a third story on that downhill side. Ray Bertoldi replied what you see is a big mass of roofing material there. The other thing that they have done is not put a bunch of garages to the side; each one of the garages has one forward and one back.

Commissioner Graves asked Mr. Bertoldi to clarify the flat roof theory and how it drains. Ray Bertoldi replied that it isn't a flat roof but just a way to articulate the term. What you have are two walls and a parapet wall that climbs up and there are two ways to slope. What happens is the roof plane slopes through a drain, and they will typically bring that inside so that it's on the warm side. What takes place is it directs water, snow, to where it won't cause damage.

Martha Schickedamz, on Eden Resident, said that she liked the lower buildings but her concern as a resident on North Elkridge Trail is what street was going to access that? Is it Moose Hollow Drive that goes on out to Wolf Creek Drive, or is it going to come down to Elkridge Trail? Is that going to be developed differently than it presently is? Chair Hollist replied at some point in this phase process, Moose Hollow will connect with Elkridge Trail. It will be in Phase 3 that Moose Hollow Drive has been considered to connect with Elkridge Trail.

Martha Schickedamz asked if it connects with Elkridge Trail at it is presently, is it going to connect past her house going north, or is it going south down toward Wolf Creek Drive. Sean Wilkinson replied this is Moose Hollow Drive and it does come from Wolf Creek Drive through the Moose Hollow area, and connects through a parcel and into what will be a future extension of Elkridge Trail coming down through the Eagles Landing project.

Commissioner Miller said the question was asked is it going to connect going north or connect going south. Sean Wilkinson replied eventually Elkridge Trail will continue down and connect to Moose Hollow Drive, and there will be the potential to go back up north on that road, so the extension of Elkridge Trail is to the south.

Dick Schickedamz, an Eden resident, asked on the construction of this phase if the access, entrance, and exit to the building of this project would be by way of Moose Hollow Drive. Chair Hollist replied yes until Phase 3 is built; however, right now the applicant is considering all twelve structures, five phases. When the last connection is made, that will be along Wolf Creek Drive.

**MOTION:** Commissioner Miller moved to recommend approval to the County Commission of ZMA 2013-04 to amend the Concept Development Plan for the Ridge Townhomes formerly known as The Townhomes at Eagles Landing, by using 4-plexes rather than 2-plex units, reducing the number of structures from 24 to 12, and changing the architectural design to include the four Planning Commission considerations as recorded in the staff report. Commissioner Graves seconded.

**DISCUSSION:** Commissioner Graves said that the applicant can look at how they can better fit this in and it's taken this Planning Commission time to get used to the new style. In this particular case, it's taking advantage of the topography to reduce some of the impacts in which this particular applicant has done a good job. Chair Hollist said that if he looked at the applicants' purpose to get the structures down and the view lines preserved for those residing up the hill from this plan. This Planning Commission might be establishing a trend where they are very light on the land and trying to preserve the open space, which is what he would want and believes this is a good idea. Commissioner Howell said it is a great project, with the materials they are using and the layout of the buildings, but he did not like the rooflines. Chair Hollist indicated that the USU students involved in the Charrette thought there were better ways to use the land than the way that it has been used in the past. They did not like the pod of high density housing as it was not appealing to them.

**VOTE:** A vote was taken with Commissioner's Miller, Graves, and Chair Hollist voting aye and Commissioner Howell voting nay. Chair Hollist declared that the motion carried (3-1).

## 2. Consent Agenda:

- 2.1. **b. 2. CUP 2013-25:** Consideration and action for approval on an administrative application of a Conditional Use Permit for The Ridge Townhomes at Wolf Creek PRUD a 48-Unit Condominium Project, located at approximately 3400 North Moose Hollow Drive, within the Forest Residential (FR-1) Zone. (Capon Capital, Applicant; John Lewis, Agent)

Sean Wilkinson reviewed the staff report and said that there are six items for the Planning Commission to consider that the ordinance states has to do with architectural design and their relationship to the site the development beyond the boundaries of the proposal. Which streets shall be public and private, the circulation pattern, off-street parking, landscaping and screening. The size, location, and nature of any signs the intensity of lighting, residential density, the demonstrated ability of the components of the PRUD to financially carry out the project. The Wolf Creek Water and Sewer District will be providing culinary water and sewer service for this project. Approximately 63% of the project is set aside as open space. There is a 6X10 steel range enamel sign with an aluminum logo with the name of the subdivision. The proposal complies with Title 110 Chapter 2 of the Land Use Code. Regarding street and traffic circulation; it is a public street with a 60 foot right-of-way through this project. It does connect into a future extension of what will be Elkridge Trail and that does provide the necessary circulation and would be the only place that would connect to a road in the future. Staff is recommending approval subject to all the agency requirements, and this does meet the technical requirements of a PRUD subject to a few variances that are being requested such as parking.

Eric Householder, the Applicant's Representative, clarified that what they are proposing is 10X18 traditional stalls that you pull in and to his understanding there is a 180 foot requirement. The reason being that it's on the hillside and trying to minimize the cut in that hill. That is why you will see some parallel parking and some street parking for parking there is an oversize garage where one car could go in and there is a landing before you go into another garage so it would be side by side parking, one in the garage and one out back. So they still get that minimum requirement but it's just laid out differently. The main road going through here is a Weber County road and all the roads coming off would be private drives and they vary between 16 and 20 feet depending on where they are at.

Chair Hollist asked what streets would be public and what would be private. Eric Householder replied that Moose Hollow Drive is public. All these other roads are private drives and the County would be responsible for snow removal along the main drive and the Home Owners Association would be responsible for the maintenance of the private drives.

Eric Householder said that the only variance that they are asking for are setbacks on a few of their buildings. There are three buildings along the front and the standard is 25 feet but they are requesting 15 feet. With the road they are proposing there will be 20 new feet from back of curve to the garage of the unit. Along the back on these four

buildings, they are requesting a variance from the 30 feet setback to 20 feet and it would give them enough room to get the utilities through there and it would be abutting to the open space.

Chair Hollist asked staff to clarify the variances for setbacks. Sean Wilkinson replied in the PRUD's; typically the purpose is to provide that flexibility for the purpose of locating the structure where they fit on a hillside. It makes sense to put them 20 feet instead of 30 feet, and 15 feet instead of 25 feet out in front. The Planning Commission has the ability to vary those setbacks as part of PRUD or make those recommendations to the County Commission. Staff has looked at those setback variances and they are recommending approval based on what is shown on that site plan.

**MOTION:** Commissioner Miller moved to recommend to the County Commission to approve CUP 2013-25 an administrative application of a Conditional Use Permit for The Ridge Townhomes at Wolf Creek PRUD a 48-Unit Condominium Project, located at approximately 3400 North Moose Hollow Drive. The motion is subject to the discussion on variances whereby they approved the requested variances as they are listed on with one through six on Page 2 of the application. Commissioner Graves seconded the motion.

**DISCUSSION:** Commissioner Graves asked if the water and sewer is being taken care of by Wolf Creek Water and Sewer Improvement District. Is there a secondary source or do they provide that as there is a significant amount of landscape that will be need to be watered. Eric Householder replied that the District will provide culinary water, secondary water, and sewer.

**VOTE:** A vote was taken with member's present voting aye. Chair Hollist declared that the motion carried (4-0)

### 3.2. Legislative Items: New Business

**b. 2. ZTA 2013-06:** Consideration and action on a request to staff's amendment to the Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) updating access exception design standards. (Weber County Planning Division)

Sean Wilkinson said reviewed the staff report and said the minor changes that they are making are in line with what the Fire District and the Engineering Division is requesting. On the site plan that is required to be submitted to the Fire District, they have requested that all access roads and driveways, along with the location and distance to the nearest fire hydrant and home location should be submitted for review.

Commissioner Graves suggested that does a quick summary of the information provided. Sean Wilkinson replied the difference between agricultural parcel and parcel with dwellings, is that the increase in the access easement went from a minimum of 16 to a maximum of 50, where it was 20-30 before. The travel surface has to be at least 12 feet serving fewer than five dwellings, 20 feet if it is serving more than five dwellings. The grade was reduced from 15 to 10%. Existing bridges have to show a certification and a recommendation that they post the weight capacity of the bridge. New bridges are required to meet the 75,000 lb. weight limit. The change in the radius width went from a general standard of 75 ft. to 26 ft. inside, 45 ft. outside, and 50 ft. for the outside clear zone. The changes on the site plan were submitted to the Fire District.

**MOTION:** Commissioner Howell moved to recommend to the County Commission to ZTA 2013-06 as written on the Planning Meeting Agenda with the addition that the load bearing capacity of the bridge is posted for the safety of the firemen.

**FRIENDLY AMENDMENT:** Commissioner Miller moved to include on the actual width of the right of way, the possibility for an exception through the Fire District and County Engineer. Commissioner Howell agreed to include the friendly amendment.

**VOTE:** A vote was taken with member's present voting aye. Chair Hollist declared that the motion carried (4-0).

**3. ZTA 2013-07:** Consideration and action on a request to amend the Title 104, Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Weber County Land Use Code by adding Agri-tourism to the list of Conditional Uses allowed in the Forest-5 (F-5) Zone only. (Daniel Daily representing the Dailey Family Limited Partnership)

Scott Mendoza reviewed the staff report and stated that this is a request for this Planning Commission to recommend to the County Commission that they approve an amendment to Title 104 Chapter 7 (Forest Zones F-5, F-10, and F-40). The request is to consider adding Agri-Tourism to the list of conditional uses in the F-5 zone only. The applicant owns property in the South Fork area and the rationale behind this request is when they were looking at the valley floor and preserving agricultural open space, there are important lands that lie within the valley portion of the South Fork Canyon. Staff is recommending to the County Commission for approval only in the F-5 Zone.

Daniel Dailey, the applicant who resides Salt Lake City, and a property owner of South Fork Canyon, said in the petition that he wanted to create an Ecology Center up by Red Rock Ranch. He took over the Red Rock Ranch Café and the plan is to make the café a food to table restaurant where they would grow food on their property, serve it in their café, and network with the local farmers by using the café in promoting local businesses. The property would be setup as a farm; where they would also be doing permaculture, beekeeping, and other ecological classes. What the plan is for this Planning Commission to approve the F-5 Zoning and then eventually include the Conditional Use in the Agri-Tourism Ordinance.

Chair Hollist said they had toured a farm called the Sandhill and he got a lot of his high altitude plants from the Andes; is that something that Mr. Dailey is thinking about doing? Dan Dailey replied that with the permaculture they can create systems where they can actually grow things that wouldn't be able to grow as part of the three sister's method.

In response to Commissioner Howell's question, Daniel Dailey said that they are looking into providing kayak rentals, paddle board rentals, having an outdoor pizza oven to cook pizza from their farm produce.

**MOTION:** Commissioner Howell moved to recommend to the County Commission ZTA 2013-07 to amend Title 104, Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Weber County Land Use Code by adding Agri-Tourism to the list of Conditional Uses allowed in the Forest-5 (F-5) Zone only. Commissioner Graves seconded.

**VOTE:** A vote was taken with member's present voting aye. Chair Hollist declared that the motion carried (4-0)

4. **Public Comment for Items not on the Agenda:** No comments by public
5. **Remarks from Planning Commissioners:** Commissioner Howell asked staff if the meat cutting business was in operation. Sean Wilkinson replied that the last time they were there, they were told they would operate through November and then be done for the season. Chair Hollist said they have done construction on the road and added large rocks which fit what was already there. Commissioner Graves thanked everyone for his card and indicated that he was glad to be back. Chair Hollist said that he did host 37 students and 2 professors for a tour of the Ogden Valley. He made contact with Major Jim Truett of Huntsville town who is interested in participating. Professor Christiansen said that one team will be assigned to give a conceptual design of the 82 acres across Highway 39 between the road that goes to South Fork and the Fire Station as well as the town square where the old elementary school was raised. Commissioner Howell said that Rob Scott is retiring and that Sean Wilkinson will be the new Planning Director and he wanted to give congratulations.
6. **Report of the Planning Director:** Rob Scott said that he wanted to clarify the schedule for the month of December; for December 3 there has to be a quorum for a recommendation on one item and a set of other items for a work session following that. Then staff will work towards having a quorum for the 17<sup>th</sup> for those that are not in attendance tonight. He reminded the member of the annual dinner scheduled for December 4<sup>th</sup>.
7. **Remarks from Legal Counsel:** There were no remarks from Legal Counsel.
8. **Adjourn:** The meeting was adjourned at 7:10 p.m.

Respectfully Submitted,



Kary Serrano, Secretary, Weber County Planning Division



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on an administrative application, final approval of the Causey Estates Subdivision No. 1 2nd Amendment (2 lots) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Aspen Circle, and a recommendation for the vacation of lots 19 and 20 of Causey Estates Subdivision No. 1.
<b>Agenda Date:</b>	Tuesday, December 17, 2013
<b>Applicant:</b>	Lynn Wood
<b>File Number:</b>	UVC110113 and Subvac2013-12

### Property Information

<b>Approximate Address:</b>	15278 E Aspen Circle
<b>Project Area:</b>	2.14 acres
<b>Zoning:</b>	F-10
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	23-059-0012 and 23-059-0011
<b>Township, Range, Section:</b>	6N 3E Sec 14

### Staff Information

<b>Report Presenter:</b>	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	SW

## Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (F-10 Zone)

## Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The applicant is requesting final approval of the Causey Estates Subdivision No. 1 2<sup>nd</sup> Amendment (2 lots) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Aspen Circle, and a recommendation for the vacation of lots 19 and 20 of Causey Estates Subdivision No. 1, located at 15278 East Aspen Circle. This two lot subdivision amendment is on 2.14 acres and is located in the F-10 Zone. The F-10 Zone requires a minimum of 10 acres in area and a lot width of 400 feet per dwelling. These lots meet these requirements by being part of a previously approved cluster subdivision. There is an existing home on one lot. The applicant is requesting to realign the lot lines in a different configuration so that a garage that has been built will comply with the minimum side yard setback requirements.

As the two lots and home already exist all services have been provided, and no new improvements will be required. Due to excessive slope on the two lots, they will be restricted and a hillside review will be required for future development. An "R" will be placed on both lots.

## Summary of Planning Commission Considerations

- Does the subdivision meet the requirements of applicable Weber County ordinances?

## Conformance to the General Plan

The proposed subdivision meets the requirements of applicable Weber County ordinances and conforms to the General Plan.

## Conditions of Approval

- Requirements of the Weber County Engineering Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Requirements of the Weber County Surveyors Department

## Staff Recommendation

Staff recommends final approval for the Causey Estates Subdivision No. 1 2nd Amendment with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Aspen Circle, and a recommendation for the vacation of lots 19 and 20 of Causey Estates Subdivision No. 1.

## Exhibits

- A. Proposed plat for Causey Estates Subdivision No. 1 2nd Amendment

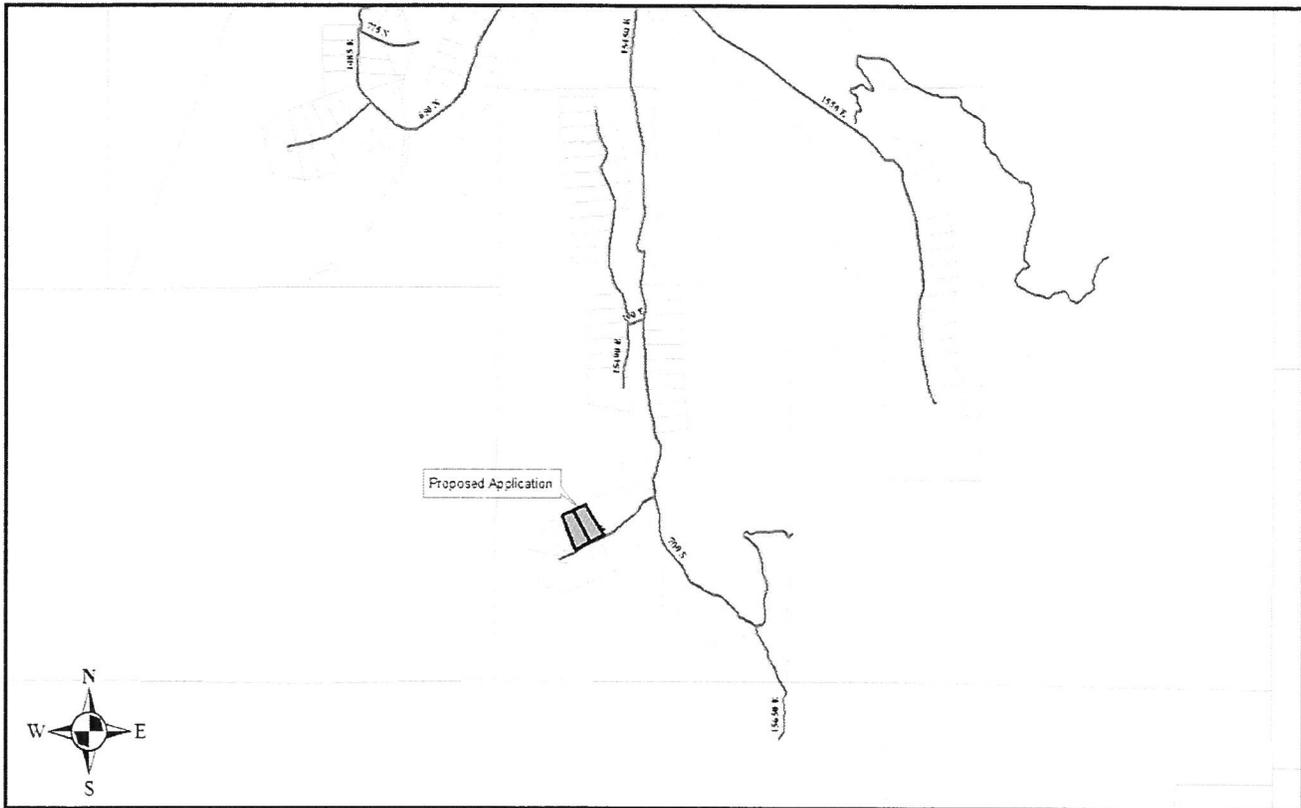
## Maps

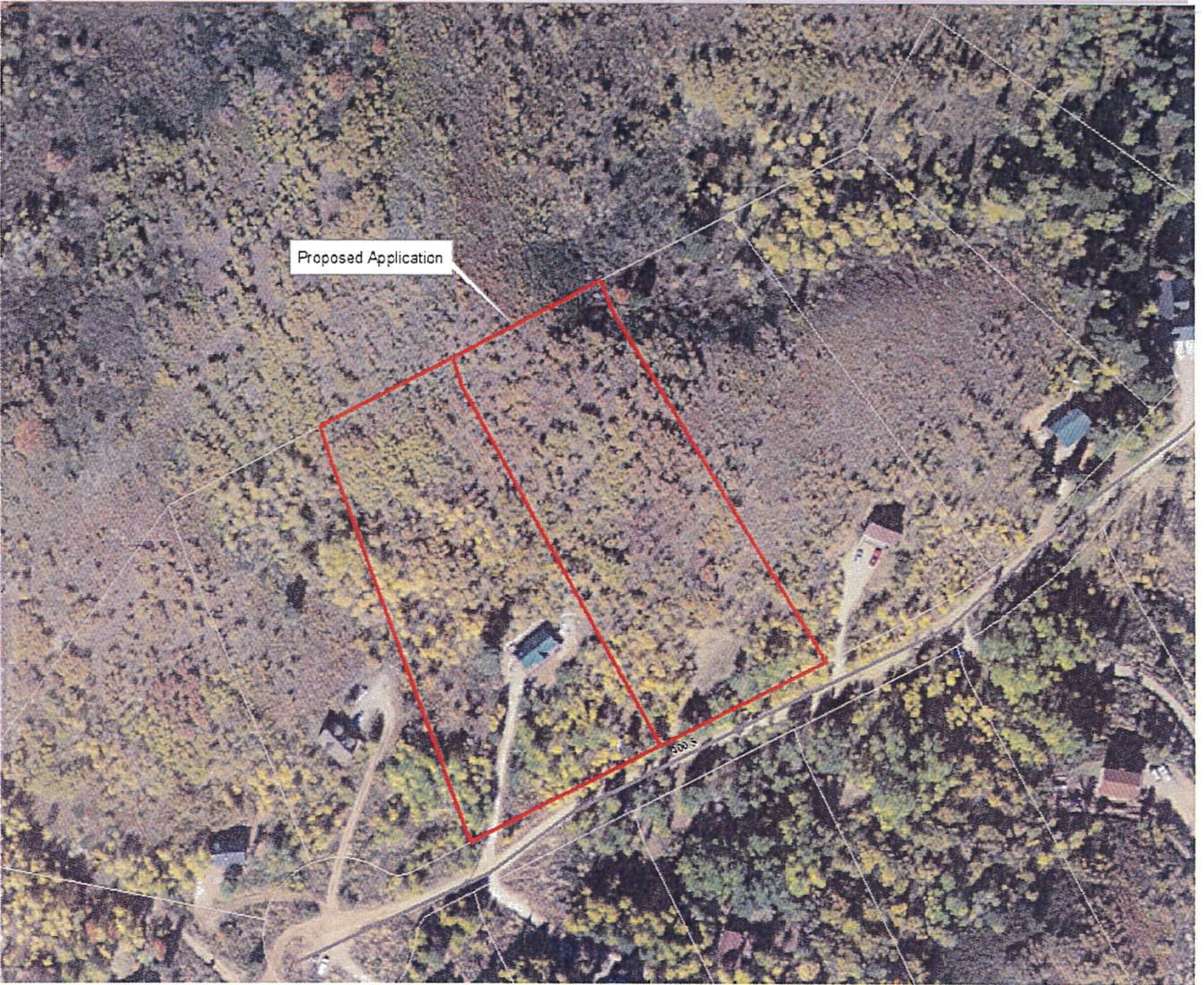
### Adjacent Land Use

**North:** Agricultural  
**West:** Agricultural

**South:** Residential  
**East:** Agricultural

### Map 1









## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an administrative application, final approval of Evergreen Park Subdivision No. 1 1st Amendment (1 lot) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Spring Way, and a recommendation for the vacation of lots 411, 412 and 413 of Evergreen Park Subdivision No. 1.

**Agenda Date:** Tuesday, December 17, 2013

**Applicant:** Thomas O'dell

**File Number:** UVE 101813 and Subvac2013-10

#### Property Information

**Approximate Address:** 3360 North Spring Way

**Project Area:** 9.064 acres

**Zoning:** F-40

**Existing Land Use:** Vacant Residential

**Proposed Land Use:** Residential

**Parcel ID:** 23-032-0006, 23-032-0007 and 23-032-0008

**Township, Range, Section:** 7N 3E Sec 30

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (F-40 Zone)

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting final approval of the Evergreen Park Subdivision No. 1 1st Amendment (1 lot) with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Spring Way, and a recommendation for the vacation of lots 411, 412 and 413 of Evergreen Park Subdivision No. 1, located at 3360 N Spring Way. This one lot subdivision amendment is on 9.064 acres and is located in the F-40 Zone. The F-40 Zone requires a minimum of 40 acres in area and a lot width of 600 feet per dwelling. This lot meets these requirements by being part of a previously approved subdivision which met the requirements prior to a zone change. The applicant is requesting to combine the three existing lots into one lot.

Approval of a private well and septic system will be required by the Weber Morgan Health Department prior to any construction of a home.

### Summary of Planning Commission Considerations

- Does the subdivision meet the requirements of applicable Weber County ordinances?

### Conformance to the General Plan

The proposed subdivision meets the requirements of applicable Weber County ordinances and conforms to the General Plan.

## Conditions of Approval

- Requirements of the Weber County Engineering Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Requirements of the Weber County Surveyors Department

## Staff Recommendation

Staff recommends final approval for the Causey Estates Subdivision No. 1 2nd Amendment with a recommendation for the deferral of curb, gutter, and sidewalk improvements on Aspen Circle, and a recommendation for the vacation of lots 19 and 20 of Causey Estates Subdivision No. 1.

## Exhibits

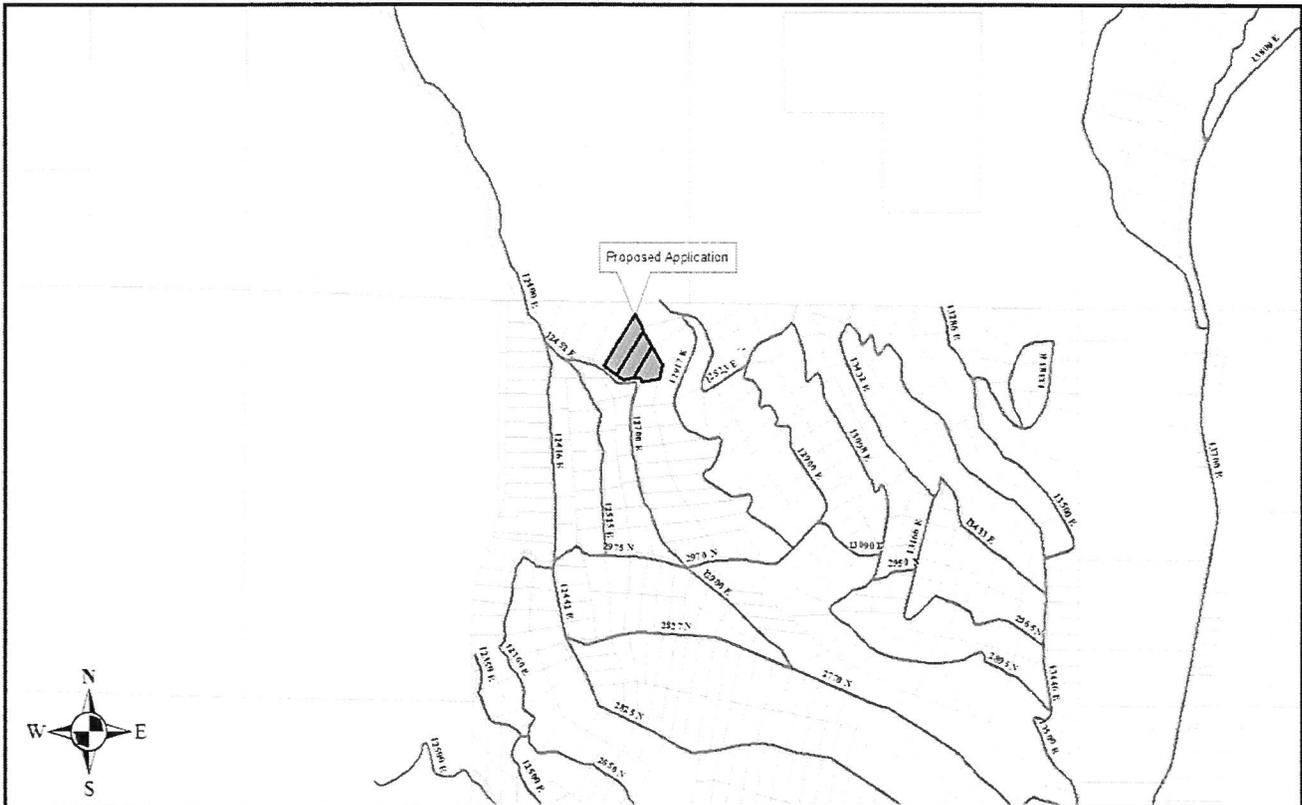
- Proposed plat for Causey Estates Subdivision No. 1 2nd Amendment
- Plat of the lots 411, 412, and 413 to be vacated

## Maps

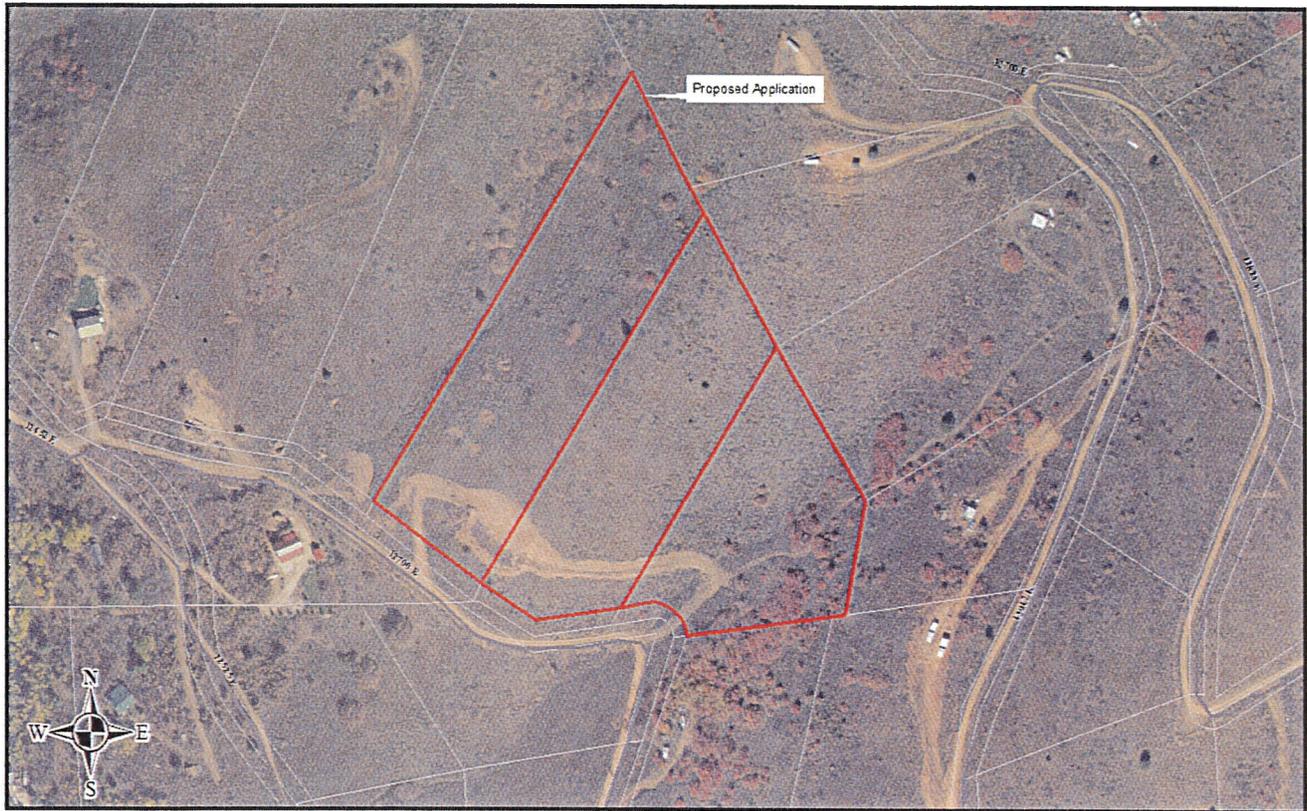
### Adjacent Land Use

<b>North:</b>	Forest	<b>South:</b>	Vacant/Residential
<b>West:</b>	Vacant/Residential	<b>East:</b>	Vacant/Residential

### Map 1



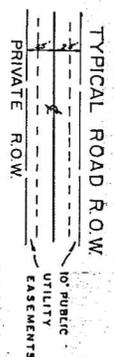
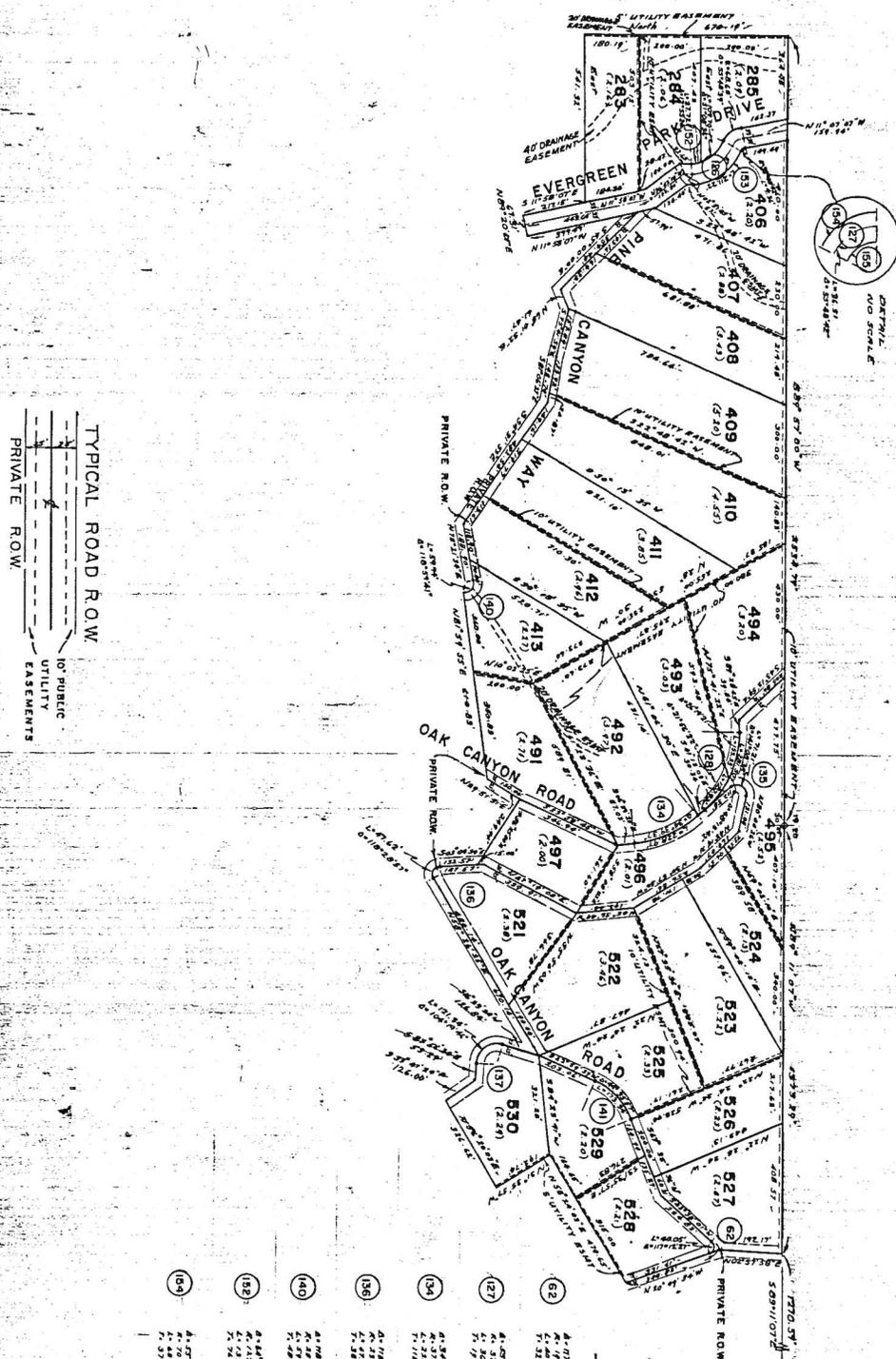
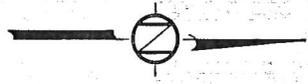
Map 2





# EVERGREEN PARK SUBDIVISION NO. 1

PART OF N/2-SEC. 29 & 30, T.7N., R.3E., SLB. 8.M., U.S. SURVEY  
WEBER COUNTY UTAH  
SCALE 1" = 200'  
DECEMBER 1963



NIELSEN & MAXWELL  
CONSULTING ENGINEERS

### CURVE DATA

(126)	81° 17' 11" 31'	126'	81° 45' 00" 30'
(127)	81° 07' 44" 37'	127'	81° 45' 15" 30'
(128)	81° 07' 44" 37'	128'	81° 45' 15" 30'
(129)	81° 07' 44" 37'	129'	81° 45' 15" 30'
(130)	81° 07' 44" 37'	130'	81° 45' 15" 30'
(131)	81° 07' 44" 37'	131'	81° 45' 15" 30'
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(149)	81° 07' 44" 37'	149'	81° 45' 15" 30'
(150)	81° 07' 44" 37'	150'	81° 45' 15" 30'
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(157)	81° 07' 44" 37'	157'	81° 45' 15" 30'
(158)	81° 07' 44" 37'	158'	81° 45' 15" 30'
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 RUTH FAMES OLSEN  
 WEBER COUNTY RECORDER  
 12/15/63



## Weber County Planning Division

Date: December 17, 2013  
To: Ogden Valley Planning Commission  
From: Robert O. Scott, AICP *RS*  
Planning Director  
Subject: Annual Rules of Order Adoption

Each year both Planning Commissions adopt the Planning Commission Rules of Order. Both Planning Commissions have held a work session to review suggested amendments to the Rules of Order. (See attached Rules of Order)

The Western Weber Planning Commission adopted the Rules of Order on December 10, 2013.

The only change to the Rules of Order for this year has been the change on voting procedure to section I. Procedure - Voting. Both Planning Commissions approved the change to the voting procedure earlier this year that all voting will be done by voice vote.

Staff is not suggesting any further changes at this time. As part of the December 3, 2013 work session a consideration of policies regarding commission contact information and electronic communications were discussed. Staff has reviewed these with Chris Allred and he agrees that these should be a separate policy from the Rules of Order. Staff is preparing some language for the OVPC to consider at an upcoming meeting.

It is recommended that the Ogden Valley Planning Commission adopt the Rules of Order.

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
November 19, 2013

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

(a) Disqualification

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) Disclosure of Potential Conflict of Interest

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

(c) Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Communications regarding legislative matters are generally permitted.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(d) Planning Commission Members Wishing to Give Comment

A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he / she can fully participate in the matter.

(e) Gifts and Favors. Gifts and favors standards are found in UCA 67 16 5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.

(g) Political Activity. Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

## C. MEETINGS

### 1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

### 2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

### 3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
- (b) Pledge of Allegiance
- (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (d) Approval of minutes of prior meetings
- (e) Planning Director reads opening meeting statement
- (f) Chair asks commissioners if there are any exparte communications or conflicts of interest to disclose
- (g) Consent Agenda
- (h) Petitions, Applications and Public Hearings

1. Administrative Items

- a. Old Business
  - b. New Business
- 2. Legislative Items
  - a. Old Business
  - b. New Business
- (i) Public Comment for Items not on the Agenda
- (j) Remarks from Planning Commissioners
- (k) Report of the Planning Director
- (l) Remarks from the County Attorney
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.

3. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and determined that Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

4. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

**E. ORDER AND DECORUM**

1. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
- (c) Staff makes a presentation on the criteria, standards, and recommendations;
- (d) Applicant or applicant's agent presents evidence for the proposal;
- (e) Any opponents and/or proponents may comment;
- (f) Planning Commission members may question staff, applicant, or opponents on all the above;
- (g) Applicant's rebuttal if requested;
- (h) Closing of the public hearing, if applicable;
- (i) Concluding comments of Staff or Staff summary and recommendations;
- (j) Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should

asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, and rebuttal information.
- (d) Question any person appearing, and allow other members to question any such person.
- (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

4. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

**F. PROCEDURE - MOTIONS**

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact

supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.
- (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn;
- (b) To adjourn;
- (c) To continue, table, or postpone indefinitely to a specified time;
- (d) To amend; to substitute;
- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending

measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yesses) and nay (no's) given by members of the Commission by voice vote. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

3. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

5. Commission Members Required to Vote - Late Voting  
No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.
6. Tie Votes  
If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.
7. Explaining Vote  
After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
8. Not to Vote Unless Present  
No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

**J. DOCUMENTS OF THE COMMISSION**

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

**K. AMENDMENT**

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

**L. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

February 26, 2013

February 12, 2013

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Pen Hollist, Chair  
Ogden Valley Planning Commission

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Andrew Favero, Chair  
Western Weber Planning Commission



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on a request for preliminary approval of the Silver Summit Estates Subdivision, consisting of 13 lots.
<b>Agenda Date:</b>	Tuesday, December 17, 2013
<b>Applicant:</b>	Matthew Lowe representing Park City Premier Properties LLC.
<b>File Number:</b>	UVS1104-13

#### Property Information

<b>Approximate Address:</b>	9150 East and 1300 South - East Huntsville.
<b>Project Area:</b>	42.51 Acres
<b>Zoning:</b>	Forest Valley-3 (FV-3)
<b>Existing Land Use:</b>	Agriculture with one Single-Family Dwelling.
<b>Proposed Land Use:</b>	Residential Subdivision
<b>Parcel ID:</b>	21-035-0079; 20-035-0080
<b>Township, Range, Section:</b>	T6N, R2E, Section 21

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Agriculture
<b>East:</b>	Residential	<b>West:</b>	Agriculture

#### Staff Information

<b>Report Presenter:</b>	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
<b>Report Reviewer:</b>	JG

### Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay Districts)
- Weber County Land Use Code Title 108 (Standards) Chapter 17 (Ogden Valley Pathways)

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting preliminary approval of the Silver Summit Estates Subdivision located at approximately 9150 East and 1300 South in the east Huntsville area. The proposed subdivision will occupy 42.51 acres and will consist of 13 (3 acre) lots and 2,100 feet of road improvements. It falls within the Forest Valley-3 (FV-3) Zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet. See Map 1 below for location map. See Exhibit A for proposed dedication plat.

The proposed roadway will be dedicated as a public road and will extend northerly off of 1300 South Street where it will provide one access to an adjacent parcel before extending further north and forming a cul-de-sac. The access provided to the adjacent lot has a note on the preliminary plat that states that the right-of-way will be dedicated on the Silver Summit plat but will be constructed by another property owner to the west who will be developing the proposed Powder Ranch Subdivision. Deferring road construction to another land owner at a future time is prohibited by the County's Land Use Code (106-4-1); therefore, the Planning Commission should make any approvals subject to the applicant's ability to comply with all applicable standards which include grading and surfacing dedicated streets.

The block length that is proposed measures approximately 1,700 feet. According to Section 106-2-3(a) of the Weber County Code, blocks that exceed 800 feet in length may, at the discretion of the Planning Commission, be provided with a dedicated walkway through and near the center of the block. The Planning Staff is looking for an opportunity to provide a walkway that could connect the neighborhood located along 9275 East Street with the new neighborhood that is being developed as Silver Summit Estates. This opportunity would provide (in the future) a safer way for local families to travel in between neighborhoods. The Planning Commission may make any approvals subject to the applicant providing a walkway in the event that a connection can be made through a willing landowner's property to the east.

Culinary water will be provided by private individual wells; however, water rights associated with the property have not been presented for review. In the event that culinary water rights are not presented, prior to recording a final plat, an official notice or deed restriction will be recorded on each lot notifying all potential lot purchasers of the outstanding need to acquire water rights and develop a source of adequate quality and quantity.

Wastewater treatment will be provided by individual septic systems. See Exhibit B for the Weber-Morgan Health Department letter describing system types and requirements.

The Weber County Engineer's Office has reviewed the project and has responded with a favorable recommendation for preliminary approval. See Exhibit C for the review and the applicant's response letter that addresses the comments made by the County Engineer.

The Weber Fire District has reviewed the project and has responded with an approval that is conditioned upon specific requirements provided in Exhibit D.

Trails, meeting Chapter 17 (Ogden Valley Pathways) of the Land Use Code have not been addressed on the preliminary plat; however, a *shared roadway* is an appropriate trail-type for this subdivision. A *side path* (5 feet wide, located 10 feet away from the travel lane) may also be appropriate along 1300 South Street. This side path may be approved in lieu of sidewalk according to Section 106-4-2(f) of the County's Code.

### Summary of Ogden Valley Planning Commission Considerations

- Does this subdivision meet the requirements of applicable County Codes?
- Should the Planning Commission require a mid-block walkway due to the block length being proposed?
- Should the Planning Commission defer the construction of all of the curb, gutter, and sidewalk?
- Should a gravel pathway be constructed in lieu of a sidewalk along 1300 South Street?

### Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Codes conform to the General Plan.

### Staff Recommendation

The Planning Division recommends preliminary approval of the Silver Summit Estates Subdivision, subject to the following:

1. Compliance with all applicable standards (including construction of dedicated streets) and review agency comments.
2. A walkway being provided to the neighborhood to the east only in the event that a connection (deeded right) can be arranged with a neighboring property owner prior to the recording of the final plat.
3. The final plat showing steam corridor setbacks.
4. A deferral for curb, gutter, and sidewalk may be granted; however, a gravel side path shall be provided (within the ROW) along 1300 South Street.

### Exhibits

- A. Proposed subdivision plat.
- B. Weber-Morgan Health Department.
- C. Engineer's Office review and applicant's response letter.
- D. Weber Fire District review.





REVISIONS

NO.	DATE	DESCRIPTION
1	11-04-13	PRELIMINARY PLAN

**Silver Summit Estates**  
 WEBER COUNTY, UTAH  
**Preliminary Plan**

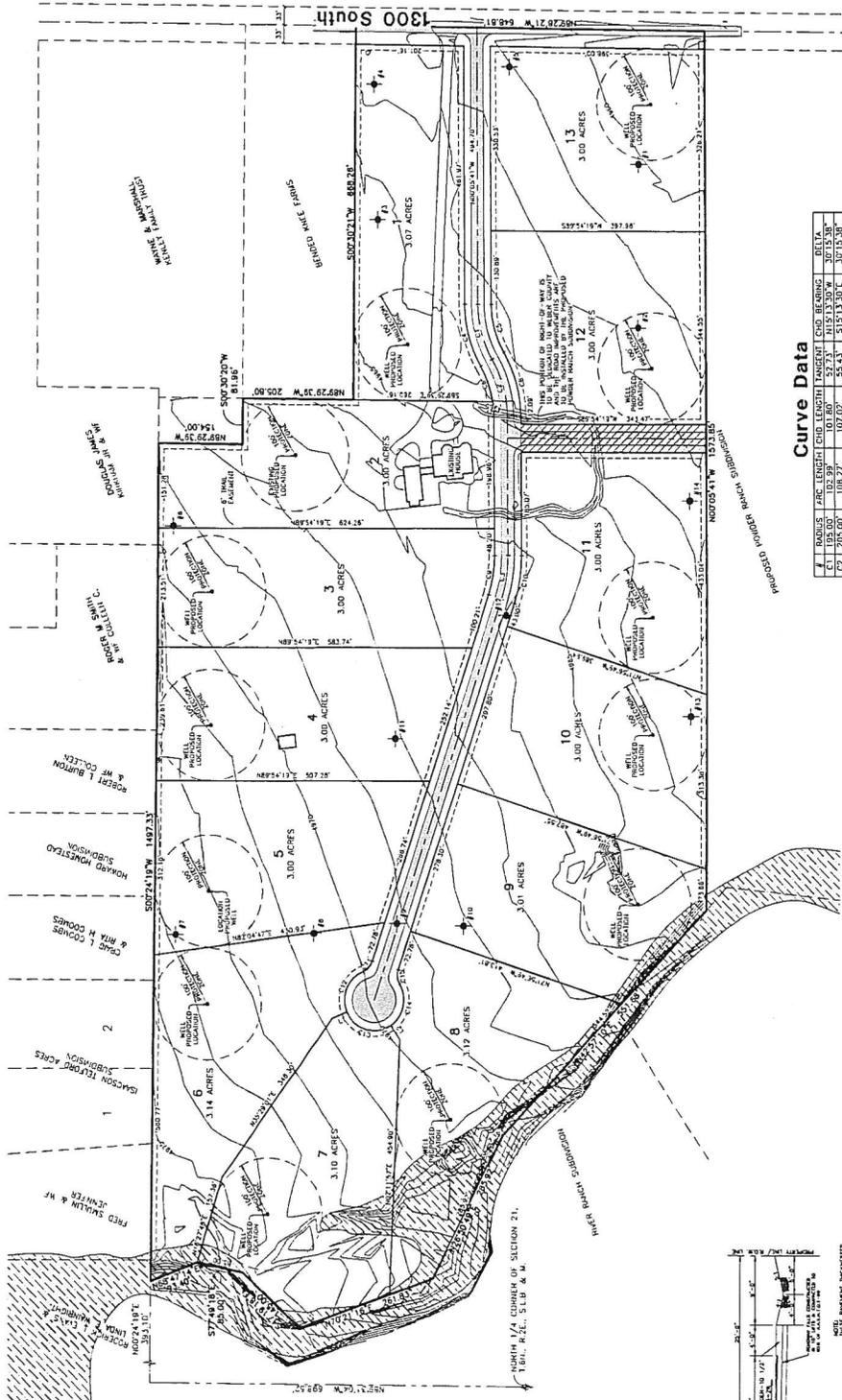


**PROJECT INFO:**  
 Engineer: M. L. Reeve  
 Designer: J. Pace  
 Date: November 18, 2013  
 Name: Silver Summit Estates  
 Number: 624-08

Revised: November 4, 2013



Vicinity Map



Curve Data

#	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT	CHORD BEARING	DELTA
C1	100.00	100.00	100.00	0.00	0.00	90.00
C2	100.00	100.00	100.00	0.00	0.00	90.00
C3	100.00	100.00	100.00	0.00	0.00	90.00
C4	100.00	100.00	100.00	0.00	0.00	90.00
C5	100.00	100.00	100.00	0.00	0.00	90.00
C6	100.00	100.00	100.00	0.00	0.00	90.00
C7	100.00	100.00	100.00	0.00	0.00	90.00
C8	100.00	100.00	100.00	0.00	0.00	90.00
C9	100.00	100.00	100.00	0.00	0.00	90.00
C10	100.00	100.00	100.00	0.00	0.00	90.00
C11	100.00	100.00	100.00	0.00	0.00	90.00
C12	100.00	100.00	100.00	0.00	0.00	90.00
C13	100.00	100.00	100.00	0.00	0.00	90.00
C14	100.00	100.00	100.00	0.00	0.00	90.00
C15	100.00	100.00	100.00	0.00	0.00	90.00

Line Data

LINE	BEARING	LENGTH
1	N89°23'35"W	154.00
2	S77°48'10"W	50.00
3	S77°48'10"W	50.00

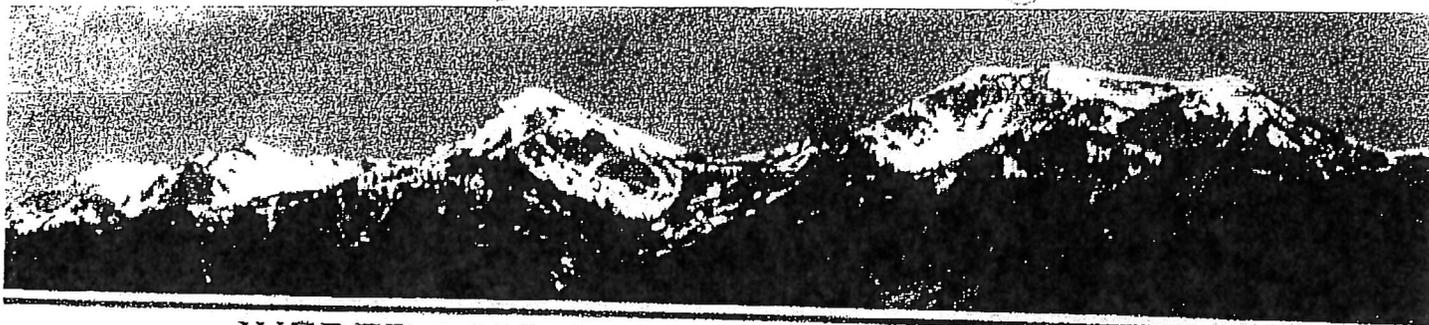


**Developer:**  
 Matt Lowe  
 6028 S. Ridgeline Dr., Ste. 100  
 South Ogden, UT 84405  
 (801) 645-1044

**Silver Summit Estates**

Weber County, Utah

BOUNDARIES ARE SHOWN WITH A ONE FOOT INTERVAL.  
 SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. 220 CHAMBERS STREET, STE. 14, OGDEN, UTAH 84403. AND SHALL NOT BE PHOTO-COPIED, RE-DRAWN, OR USED IN ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.



# WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.  
Health Officer - Director

August 29, 2013

Division Directors  
KAY LARRISON, Administration  
CLAUDIA PRICE, Nursing & Health Promotion  
LOUIS COOPER, Environmental Health  
COLLEEN JINSON, WIC

Weber County Planning Commission  
2380 Washington Blvd.  
Ogden, UT 84401

RE: Silver Summit Estates, 13 Lots  
9096 E. 1300 S., Huntsville  
Parcel #21-035-0079

Gentlemen:

The plans and supporting information for the above-referenced subdivision have been reviewed.

Culinary water will be provided by private well(s). All proposed lots must be so sized and shaped to allow for a 100 foot radius protection zone to protect the well from concentrated sources of pollution and to provide an area outside the protection zone large enough to install the onsite wastewater treatment system and a 100 percent replacement area. Any lot unable to meet this requirement will not receive subdivision approval from our office. The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

Lot 1: Soil characteristics, percolation rates of 10 MPI, and ground water table not to exceed 24 inches, fall within the range of acceptability for the installation of a Mound Wastewater Disposal System. The location of the mound must be within 50 feet of soil exploration test pit 4, located near 1300 south. Soil characteristics on the northern portion of the proposed lot were found suitable for the installation of a Packed Bed Media pretreatment system and a convention drainfield with a maximum depth of 18 inches

Lot 4: Existing home

Lot 2, 3, 5, 6, 12, and 13: Soil characteristics, percolation rates of 10 MPI, and ground water table not to exceed 24 inches, fall within the range of acceptability for the installation of a Mound Wastewater Disposal System.

Lot 7, 8, 9, 10, and 11: Soil characteristics, percolation rates of less than 5 MPI, and ground water table not to exceed 24 inches, fall within the range of acceptability for the installation of a Packed Bed Media pretreatment system and a convention drainfield with a maximum depth of 18 inches

All alternative disposal systems are to be engineered by a designer certified by this office and plans are to be submitted for approval prior to issuance of an individual wastewater disposal permit.

Documentation showing the Deed Covenant and Restriction is recorded will be required before a permit will be issued. Mound Wastewater Disposal Systems are required to maintain a bi-annual operating permit issued by the Health Department.

Plans for the construction of any wastewater disposal system is to be prepared by a Utah State Certified individual and submitted to this office for review prior to issuance of a wastewater disposal permit.

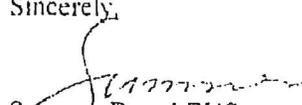
All subdivision plats submitted for review are to show the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. Mylars submitted for signature

without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with Onsite Wastewater Systems Rule, R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan Health Department policies. Final approval will be given only after an on-site inspection of the completed project and documentation of a yearly Operation & Maintenance contract is supplied to the Health Department.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

  
Summer Day, LEHS  
Environmental Health Division



Go

Edit Delete Add a File Email

## Engineering Review 2

**Project:** Silver Summit Estates Subdivision  
**User:** Rochelle Pfeaster  
**Department:** Weber County Engineering Division  
**Created:** 2013-12-02 14:32:39  
**Modified:** 2013-12-02 14:33:09

### Notes

I have had a chance to review the plan(s) and have the following comment(s):

1. This department recommends preliminary approval for this project. Please submit the following for final approval:
  1. Improvement drawings (construction grade) stamped and signed by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. A checklist for can be found on the following website: [http://www.co.weber.ut.us/mediawiki/index.php/Subdivision\\_Improvement\\_Plan\\_Checklist](http://www.co.weber.ut.us/mediawiki/index.php/Subdivision_Improvement_Plan_Checklist)
  2. Storm Water Study and calculations stamped and signed by a licensed civil engineer.
  3. The location of percolation test holes on each lot.
  4. A Storm Water Construction Activity Permit (attached to this review) is required for any construction that:
    1. disturbs more than 5000 square feet of land surface area, or
    2. consist of the excavation and/or fill of more than 200 cubic yards of material, or
    3. requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit.
  5. A Storm Water Pollution Prevention Plan (SWPPP) is now required to be submitted for all new development where construction is required. The State now requires that a Utah Discharge Pollution Elimination Systems (UPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Department of Environmental Quality at the following web site: <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>
  6. Engineer's estimate of improvements.
2. After all items have been addressed, a wet stamped copy of the improvement drawings will be required.
3. All improvements need to be either installed or escrowed for prior to recording of the subdivision.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

### Files

Name	Size	Date Uploaded	Actions
Stormwater Construction Activity Permit.pdf	188 KB	2013-12-02 14:32:59	Rename Delete

## Engineering Review 1

**Project:** Silver Summit Estates Subdivision  
**User:** Rochelle Pfeaster  
**Department:** Weber County Engineering Division  
**Created:** 2013-11-06 10:30:57  
**Modified:** 2013-11-07 13:18:07

### Notes

I have had a chance to review the submitted Preliminary Plan and have the following comment(s): **Written responses to the following comments are required.**

1. The proposed subdivision will need to have curb, gutter and sidewalk as per the county commission. As a bare minimum there will need to be a deferral on the curb, gutter and sidewalk, which has been signed by the developer prior to final approval.
2. 1300 South will need to follow the County Standard cross section from the centerline North (16' asphalt, 5' shoulder, 9' swale)
3. There is a note on the lot line between Lot 2 and Lot 3 which says "6' Trail Easement", What is that for? What is the leader pointing to? How big is the easement? Is it an existing easement or a proposed easement?
4. Because soil conditions vary throughout the county, it is now necessary to provide an engineered pavement design showing required sub-base, road-base, fabric, and asphalt thickness as needed for soil type. Asphalt thickness shall not be less than 3 inches. The county engineer is now requiring a minimum of 8" of 4" minus sub-base and 6" road-base. Compaction tests on both will be required.
5. A 100' setback line from the river must be shown as a non-buildable area.
6. The 50' ROW shown for the internal roads is acceptable with an easement given for snow storage.
7. The existing home on Lot 2 needs to be dimensioned to the proposed front and side property lines.
  1. Will the existing drive remain? If so, an easement will need to be shown through lot 1. If not, please indicate what the plan is for the driveway and future access to the existing home.
8. Lot 7 needs to have a 20'x30' easement for snow storage shown as discussed.
9. I see the proposed FEMA Floodplain has been shown on the drawing, please show the current effective FEMA floodplain also.
10. Lot 4 shows a rectangle with no labels or dimensions. I assume this a shed or building of some sort. Please label it, show dimensions to proposed property lines and indicate if it will be removed or remain with the construction of the subdivision.
11. How will drainage for the subdivision be handled?
  1. Where will the retention pond be located?
  2. A storm water study will be required to be submitted.
12. The proposed Powder Ranch Subdivision, which is mentioned on the preliminary plan as being responsible for the improvements on the stub road to the West has not been submitted to County. Is there a back up plan if they don't end up submitting this subdivision?

I have tried to address all items of concern on the Preliminary Plan from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.



November 27, 2013

Scott Mendoza/Rochelle  
Weber County

**Project:** *Silver Summit Estates*  
**Re:** *Planning/Engineering Division*

Below please find our response to your Miradi posted comments dated November 6, 2013. Please note that our numbering reference system corresponds to your comment numbering system.

1. The developer has requested a deferral for the installation of the curb, gutter and sidewalk.
2. The street section has been added to the plan.
3. The note was in error and has been removed from the plan.
4. The street section has been updated as noted.
5. The 100' set-back line has been added to the plan.
6. The snow storage easement has been added to the plan.
7. The dimensions have been added to the plan. The existing driveway will be modified to access from the proposed right-of-way.
8. The snow storage easement has been added to the plan.
9. The current FEMA flood plain has been added to the plan.
10. The building will be removed from the lot.
11. The storm drain will be designed with the final submittal. We are proposing that check dams be incorporated into the roadside ditches. If a retention basin is required, it will be designed and placed in an easement on the proposed lots.
12. The developers of this project and the future Powder Ranch Subdivision are working on a agreement for the development and construction of the stub road. We will work with staff and have a resolution prior to the final plat.

If you have any questions, or we can be of further assistance, please let us know.

Sincerely,  
REEVE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to be 'Chris J. Cave', written over a horizontal line.

Chris J. Cave  
Project Manager



# Weber Fire District

## Plan Review

Date: November 14, 2013

Project Name: Silver Estates Subdivision

Project Address: 9096 East 1300 South, Huntsville

Contractor/Contact: Mathew Lowe 801648-8229

Fees:

Plan Review				\$50.00
Residential	417.00 per residence or unit	N/A		\$0.00
Commercial	\$18.00 per 1000 square feet	0.018		\$0.00
Industrial	\$9.00 per 1000 square feet	0.009		\$0.00
Total Due				\$50.00

### FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: Weber Fire District.

### REVIEW STATUS: APPROVED

### SPECIFIC COMMENTS:

1. Due to the fact that there is no permanent water supply in this area the Weber County ordinance does not require fire hydrants.
2. For single family dwellings, the minimum fire flow required is 1000 gallons per minute. The required water storage capacity for firefighting purposes is 120,000 gallons. All structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system.
3. Fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 foot 6 inches and shall be capable of supporting a 75,000 pound load.
4. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code.
5. Radius on all corners shall be a minimum of 28'-0".
6. 3. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for a time extension on a conditional use permit application (CUP 2011-06) for a public utility substation (cellular site).

**Agenda Date:** Tuesday, December 17, 2013

**Applicant:** Nefi Garcia, agent for TAIC,  
David Hardman, Ogden Weber Chamber of Commerce, owner.

**File Number:** CUP 2011-06

#### Property Information

**Approximate Address:** Approximately 95 Ogden Canyon Road

**Project Area:** 11.37 Acres

**Zoning:** Forest Residential 1 Zone (FR-1)

**Existing Land Use:** Vacant/Trailhead

**Proposed Land Use:** Public Utility Substation

**Parcel ID:** 13-075-0006

**Township, Range, Section:** T6N, R1W, Section 24

#### Adjacent Land Use

<b>North:</b>	Residential/River	<b>South:</b>	Forest/Vacant
<b>East:</b>	Forest/Vacant	<b>West:</b>	Forest/Vacant

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 12 (FR-1 Zone)
- Weber County Zoning Ordinance Chapter 22-C (Conditional Uses)
- Zoning Ordinance Chapter 26 (Public Buildings and Public Utility Substations and Structures)
- Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Zoning Ordinance Chapter 18-C (Ogden Valley Architectural, Landscape and Screening Standards)
- Zoning Ordinance Chapter 43 (Ogden Valley Sensitive Lands Overlay Districts)

### Background

The applicant is requesting approval of a 6 month time extension for conditional use permit (CUP 2011-06) for a public utility substation (cellular site). The Ogden Valley Planning Commission approved a conditional use permit for this site on December 4, 2012 with the following changes to the site plan and conditions:

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber County Planning Division
  - All requirements of the Utah State Historical Preservation Officer (SHPO)
  - A review of the SHPO letter by staff prior to the issuance of this permit
  - That this location be co-locatable for other cellular providers
  - That all doors vents and equipment be painted to match the colors of adjacent buildings or walls
  - Equipment, signage, decals, and warning stickers be screened from public view
  - A landscaping plan be implemented using native vegetation in screening this site
  - A light colored mottled brick matching the ones on the site be used for the walls surrounding the site
  - The pole type be changed to match a corten or iron-oxide color

- That the sign on the building read Verizon and 2013

Since then the applicant has been working with other landowners in the area to obtain a different site which may not have such impacts upon an historic site (exhibit A).

Concerning expiration of a conditional use permit the Weber County Land Use Code states:

"Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its approval from the Planning Commission, the conditional use permit shall expire. The Planning Commission may grant a maximum extension of six (6) months. Upon expiration of any extension of time granted by the Planning Commission, the approval for the conditional use permit shall expire and become null and void."

### **Summary of Planning Commission Considerations**

- Does the proposed use meet the requirements of applicable County Ordinances?
- Has sufficient progress been made to warrant a 6 month time extension?

### **Conformance to the General Plan**

As a conditional use, this operation is allowed in the FR-1 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this proposal will not negatively impact any of the goals and policies of the General Plan.

### **Conditions of Approval**

- The same conditions, recommendations and requirements of the approval of CUP 2011-06 from the December 4, 2012 meeting.
- The time requested to be extended will be 6 months from December 4, 2013, (June 4, 2014).

### **Staff Recommendation**

Staff recommends approval of this request for a time extension on conditional use application CUP 2011-06, subject to the conditions of approval and staff suggestions in the staff report.

### **Exhibits**

- A. A request for the time extension
- B. Site Plans
- C. Minutes of the December 4, 2012 Ogden Valley Planning Commission meeting.

Map 1



# Technology Associates

Technology Associates

27 November 2013

Weber County  
Planning Department  
2380 Washington Blvd.  
Ogden, UT 84401

Dear Ben:

On December 4, 2012, the Planning Commission of Weber County heard item number CUP-2011-06 for a Verizon Wireless (VZW) cell tower in Ogden Canyon. It was approved and given an approval letter dated January 17, 2013.

One of the conditions of approval was that VZW obtain approval from the State Historical Preservation Office (SHPO). VZW applied with SHPO and they requested that we exhaust all means in attempting to go back to doing a cell site in Fairmount Subdivision. The challenge with that location is that in order to cross the bridge VZW would need approval from all 17 owners within Fairmount Subdivision.

VZW approached one of the 17 owners (Yvonne Creamer) and we developed a plan where VZW would lease from her and a portion of the lease amount would go to the subdivision for snow removal, bridge repair, etc. Basically it would benefit the 17 owners. In exchange for that Yvonne would get written approval from the 17 owners to allow VZW to cross the bridge and place a cell tower on her property.

I had many meetings with her, her family and their attorney to set all of this up. They in turn had a number of meetings with the owners to obtain their approval.

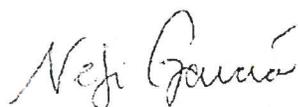
Last month I was informed by the Creamers attorney that they were not able to get all the owners on board with it. Therefore, it will be impossible for VZW to do a cell site within Fairmount Subdivision. Consequently, VZW will go back to the land that is owned by Ogden/Weber Chamber of Commerce. That is the land that was approved for as CUP-2011-06.

Since it will expire on January 17, 2014, I hereby request a 6 month extension. It is evident that VZW lost a year of time in order to address SHPO's request.

Please place this item on the next available agenda for Planning Commission.

Should you have any questions, please contact me via mobile at 702-429-0410

Sincerely,



Nefi Garcia  
[nefi.garcia@taec.net](mailto:nefi.garcia@taec.net)  
702-429-0410  
Technology Associates, agent for Verizon Wireless  
Project Manager



**verizon**wireless

# SAL - PEERY CAMP

## SITE INFORMATION

**APPLICANT:**  
VERIZON WIRELESS  
8847 SOUTH PROSPERITY ROAD  
WEST JORDAN, UTAH 84088

**SITE ADDRESS:**  
SOUTHWEST CORNER OF SECTION 24, T8N, R1W  
OGDEN CANYON HWY  
OGDEN, UTAH 84401

**LATITUDE AND LONGITUDE:**  
N 41°42'34.5", W 111°54'18.11"

**ZONING JURISDICTION:**  
WEBER COUNTY

**PROJECT DESCRIPTION:**  
VZW IS PROPOSING TO CONSTRUCT AN UNMANNED COMMUNICATIONS FACILITY CONSISTING OF ANTENNAS MOUNTED TO A NEW MONOPOLE WITH EQUIPMENT LOADED INSIDE A 11'-6" X 28' PREFABRICATED EQUIPMENT SHELTER

**TYPE OF CONSTRUCTION:**  
PRE-FAB SHELTER, MONOPOLE, AND ANTENNAS

**HANDICAP REQUIREMENTS:**  
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS REQUIREMENTS DO NOT APPLY

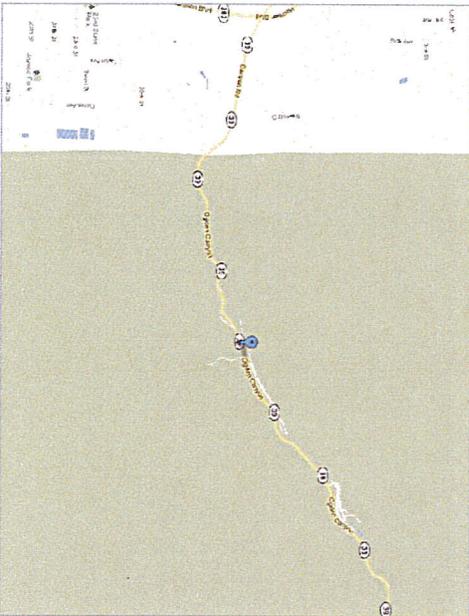
**POWER COMPANY:**  
ROCKY MOUNTAIN POWER, 1-800-221-7070

**TELEPHONE COMPANY:**  
CENTURY LINK, 1-800-244-1111

**SITE ACQUISITION:**  
THE APPLICANT HAS ACQUIRED THE PROPERTY FROM THE LANDLORD, SAL - PEERY CAMP, 8847 SOUTH PROSPERITY ROAD, WEST JORDAN, UTAH 84088  
CONTACT: NERI GAVINA  
PHONE: 801-443-1020

## CONTACT INFORMATION

## LOCATION MAP



## DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS, AND EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

## DRIVING DIRECTIONS

TAKE I-15 NORTH TO 12TH STREET EXIT IN OGDEN (APPROX 40 MILES), TURN EAST ON 12TH AND FOLLOW ROAD EAST TOWARD THE MOUNTAIN. CONTINUE UP THE CANYON APPROX 1 MILE. SITE IS ON THE RIGHT SIDE EAST END OF THE ROAD AND TRAIL HEAD.

## APPROVALS

VERIZON WIRELESS REPRESENTATIVE:  
VERIZON WIRELESS RF ENGINEER  
TAC SITE ACQUISITION:  
TAC CONSTRUCTION MANAGER:  
SITE OWNERS:

## DRAWING INDEX

SHEET NO.	TITLE SHEET, VARIETY W/P, GENERAL SITE INFORMATION	R	E	V	REV DATE
T100	TITLE SHEET, VARIETY W/P, GENERAL SITE INFORMATION	7			10/09/2012
SURV	SITE SURVEY	3			10/09/2012
C100	OVERALL SITE PLAN	7			10/09/2012
C101	ENLARGED SITE PLAN	7			10/09/2012
C200	SOULDEASTLY SITE ELEVATION	7			10/09/2012
C201	SOUTH AND WEST SITE ELEVATIONS	7			10/09/2012



UNDERGROUND SERVICE ALERT, CALL BLUE STAKES OF UTAH @ 811 OR 1-800-662-4111  
THREE WORKING DMS BEFORE YOU DIG



**verizon**wireless  
VERIZON WIRELESS  
8847 SOUTH PROSPERITY ROAD  
WEST JORDAN, UTAH 84088

**TAC**  
Technology Assisted Engineering Corporation  
TECHNOLOGY ASSOCIATES  
UTAH MARKET OFFICE  
8847 SOUTH 800 WEST  
SALT, UTAH 84070  
CORPORATE OFFICE  
1000 EAST 1000 SOUTH  
SALT LAKE CITY, UTAH 84143

DRAWN BY: JHC  
CHECKED BY: NERI G

REV	DATE	DESCRIPTION
7	10/09/2012	RESPONSE PER CITY
6	08/27/2012	ISSUED LEASE AREA
5	01/18/2012	RESPONSE PER CITY
4	01/11/2012	RESPONSE PER CITY
3	12/09/2011	RESPONSE PER CITY
2	10/25/2011	FMA UTMATE
1	08/15/2011	ISSUED LEASE AREA
0	08/24/2011	ZONING DRAWINGS

SAL - PEERY CAMP  
SW SEC 24, T8N, R1W  
OGDEN CANYON HWY  
OGDEN, UTAH 84401  
-- RAWLAND SITE --

SEE TITLE SHEET VICINITY MAP  
GENERAL INFORMATION  
SHEET NUMBER  
**T100**



INFORMATION REGARDING SURVEY DATA SUBMITTED TO THE FAA

FAA Order 8260.19c requires proponents of certain proposed construction (located beneath instrument procedures) provide the FAA with a site survey and/or letter, from a licensed land surveyor, which certifies the site coordinates and the surface elevation at the site. On October 15, 1992, the FAA started using the North American Datum of 1983 (NAD-83), and therefore all site coordinates should be based on NAD-83. The FAA requires that the survey letter contain an accuracy statement that meets accuracy tolerances required by the FAA. The most requested tolerances are +/- 50 feet in the horizontal and +/- 20 feet in the vertical (2-C). When the site coordinates and/or site elevation can be certified to a greater accuracy than requested by the FAA, please do so.

In order to avoid FAA processing delays, the original site survey or certifying letter should be attached to the 7460 when it is filed at the FAA's regional office. It must be signed and sealed by the licensed land surveyor having performed or supervised the survey.

The FAA accuracy codes and a sample accuracy statement are listed below.

ACCURACY CODES:

<u>HORIZONTAL</u>		<u>VERTICAL</u>	
Code	Tolerance	Code	Tolerance
1	+/- 15 ft	A	+/- 3 ft
2	+/- 50 ft	B	+/- 10 ft
3	+/- 100 ft	C	+/- 20 ft
4	+/- 250 ft	D	+/- 50 ft
5	+/- 500 ft	E	+/- 125 ft
6	+/- 1000 ft	F	+/- 250 ft
7	+/- 1/2 NM	G	+/- 500 ft
8	+/- 1 NM	H	+/- 1000 ft
9	Unknown	I	Unknown

Date: SEPTEMBER 19, 2012

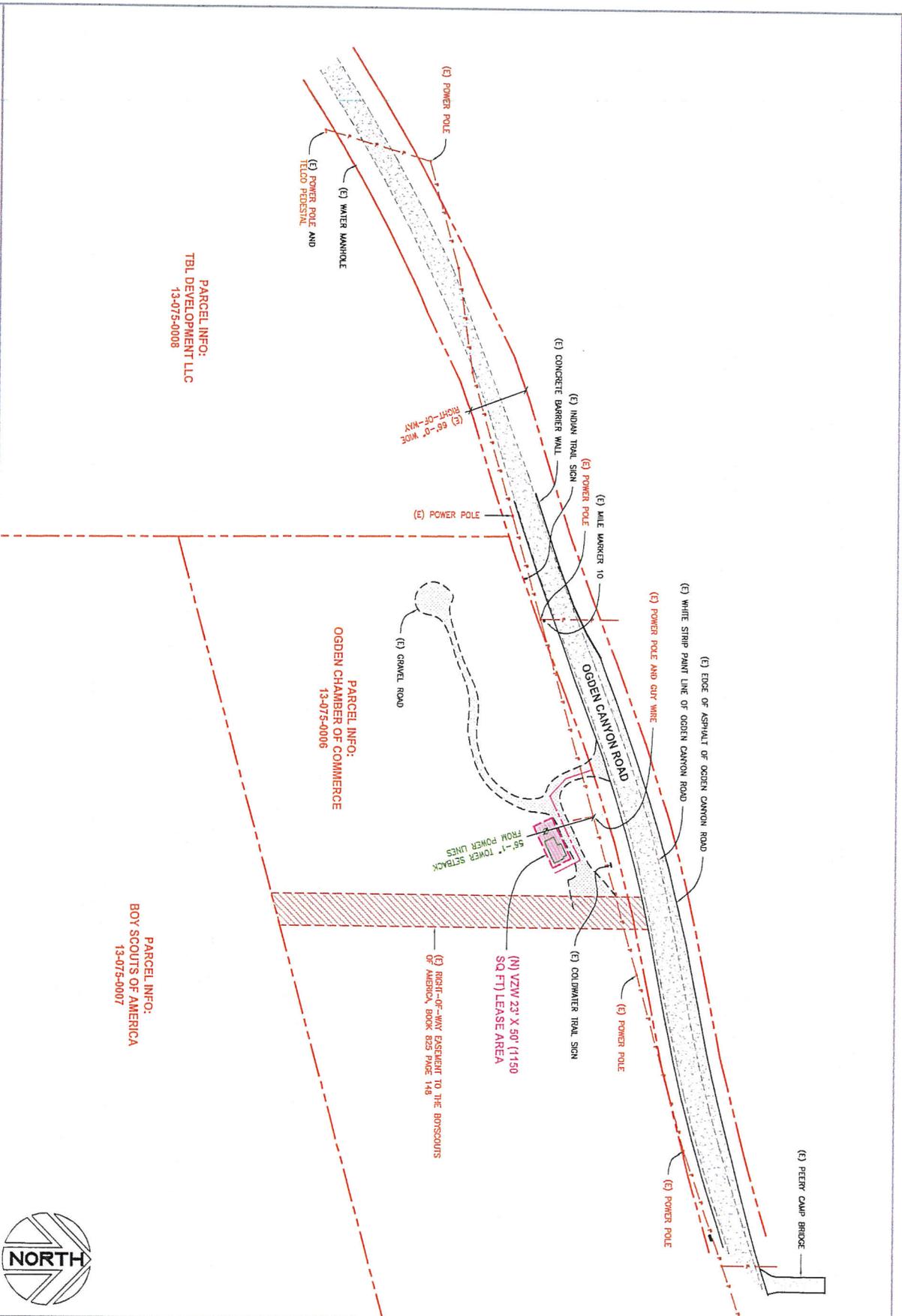
Re: SAL PEERY CAMP  
 SW 1/4 OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN  
 OGDEN CANYON HIGHWAY, OGDEN, UTAH

I certify that the latitude of 41°14'23.95", and the longitude of W 111°54'16.16", are accurate to within 15 feet horizontally and the site elevation of 4623.02 feet, AMSL (American Mean Sea Level), is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD-83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the (NAVD88) and are determined to the nearest foot.



Professional Licensed Land Surveyor:  
 I-A FAA Letter

Richard W. Miller, Utah LS no. 155641



SHEET TITLE  
OVERALL SITE PLAN

SHEET NUMBER  
**C100**

SAL - PEERY CAMP  
SW SEC 24, T6N, R1W  
OGDEN CANYON HWY  
OGDEN, UTAH 84401  
-- RAWLAND SITE --

PARCEL INFO:  
13-075-0008  
TBL DEVELOPMENT LLC

PARCEL INFO:  
13-075-0006  
OGDEN CHAMBER OF COMMERCE

PARCEL INFO:  
13-075-0007  
BOY SCOUTS OF AMERICA

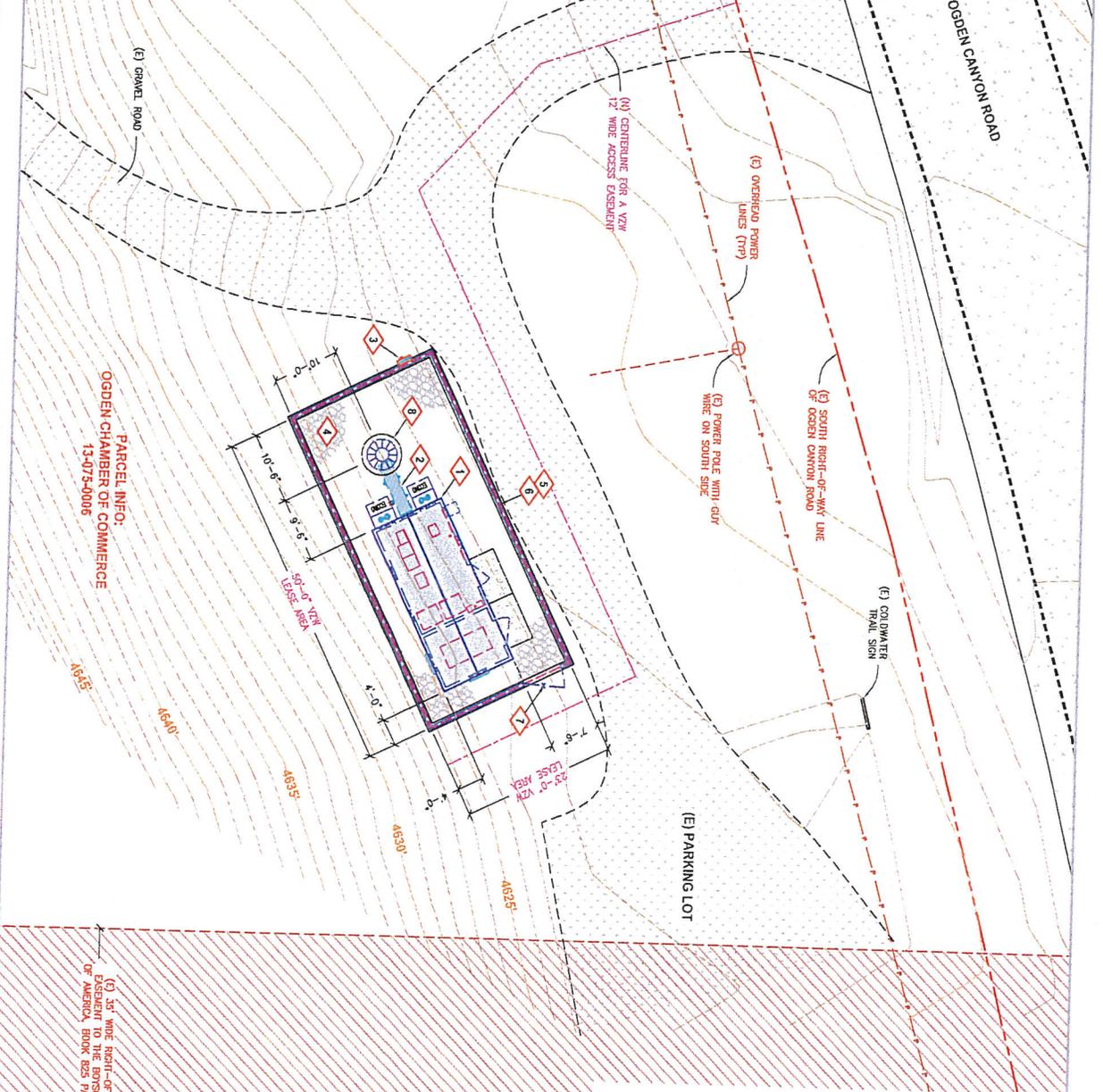
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7	10.09.2012	RESPONS PER CNT
6	08.27.2012	MODIFIED LEASE AREA
5	08.14.2012	RESPONS PER CNT
4	01.11.2012	RESPONS PER CNT
3	12.09.2011	RESPONS PER CNT
2	10.28.2011	PER UPPDATE
1	09.15.2011	ISSUED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

DRAWN BY: JUN 6  
CHECKED BY: MERT 0

TAABC  
Technology Associates Engineering Corporation  
UTAH MARKET OFFICE  
6447 SOUTH PINEVIEW ROAD  
SANDY, UTAH 84070  
CORPORATE OFFICE  
2500 PINEBROOK DRIVE  
CANTON, UTAH 84010



ENLARGED SITE PLAN



KEYED NOTES

- 1 VZW FIBERROAD 11'-6" X 26' PRE-CAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND 3100/3101 FOR CONCRETE FOUNDATION.
- 2 VZW ICE BRIDGE WITH GPS ANTENNA MOUNTED TO SUPPORT LEG, SEE C300/1, C300/3, AND C200. CEILING FISHING PER MANUFACTURER.
- 3 VZW 4-GANG METER BANK TO BE MOUNTED TO THE VZW AND REMOVE SOIL NECESSARY TO GRUB SITE FROM EXISTING GRADE TO THE PROPOSED GRADE SITE (INSIDE THE 5% SLOPE TO THE NORTH TO DRAIN THE WATER ON THE LEASE AREA, SEE C300/2 AND SITE WORK NOTES ON C302.
- 4 VZW 12" WIDE BY 7' TALL RETAINING WALL TO BE CONSTRUCTED TO BUILD THE VZW SITE INTO THE HILLSIDE.
- 5 VZW 6" (SOUTH) TO 12" TALL (NORTH) DECONVATIVE BRICK MANHOLE TO BE CONSTRUCTED OF ANTILOE BRICK WITH PRECAST CONCRETE CO-95, SEE C200.
- 6 VZW 6' WIDE BY 8' TALL WROUGHT IRON ACCESS GATE TO BE INSTALLED IN BRICK WALL FOR VZW TO ACCESS THEIR EQUIPMENT SHELTER.
- 7 VZW 50' TALL MONOPOLE WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS. VZW WILL MOUNT (4) 8' TALL FLUSH MOUNT ANTENNAS UPON MONOPOLE. (2) PER SECTION AT A 45° CENTERLINE.
- 8

(E) 30' WIDE RIGHT-OF-WAY EXISTENT TO THE BOYSCHOUS OF AMERICA, BOOK 825 PAGE 148

SCALE: 1/16" = 1'-0"



SHEET NUMBER  
**C101**

SHEET TITLE  
ENLARGED SITE PLAN

SAL -- PEERY CAMP  
SW SEC 24, T8N, R1W  
OGDEN CANYON HWY  
-- RAWLAND SITE --

REV	DATE	DESCRIPTION
7	10.09.2012	REVISIONS PER CITY
6	06.27.2012	MOVED LEASE AREA
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.09.2011	REVISIONS PER CITY
2	10.24.2011	TRA UPGRADE
1	09.15.2011	MOVED LEASE AREA
0	06.24.2011	ZONING DRAWINGS

DRAWN BY: JAY C  
CHECKED BY: NERT Q

UTAH MARKET OFFICE  
847 SOUTH 500 WEST  
SALT LAKE CITY, UT 84143

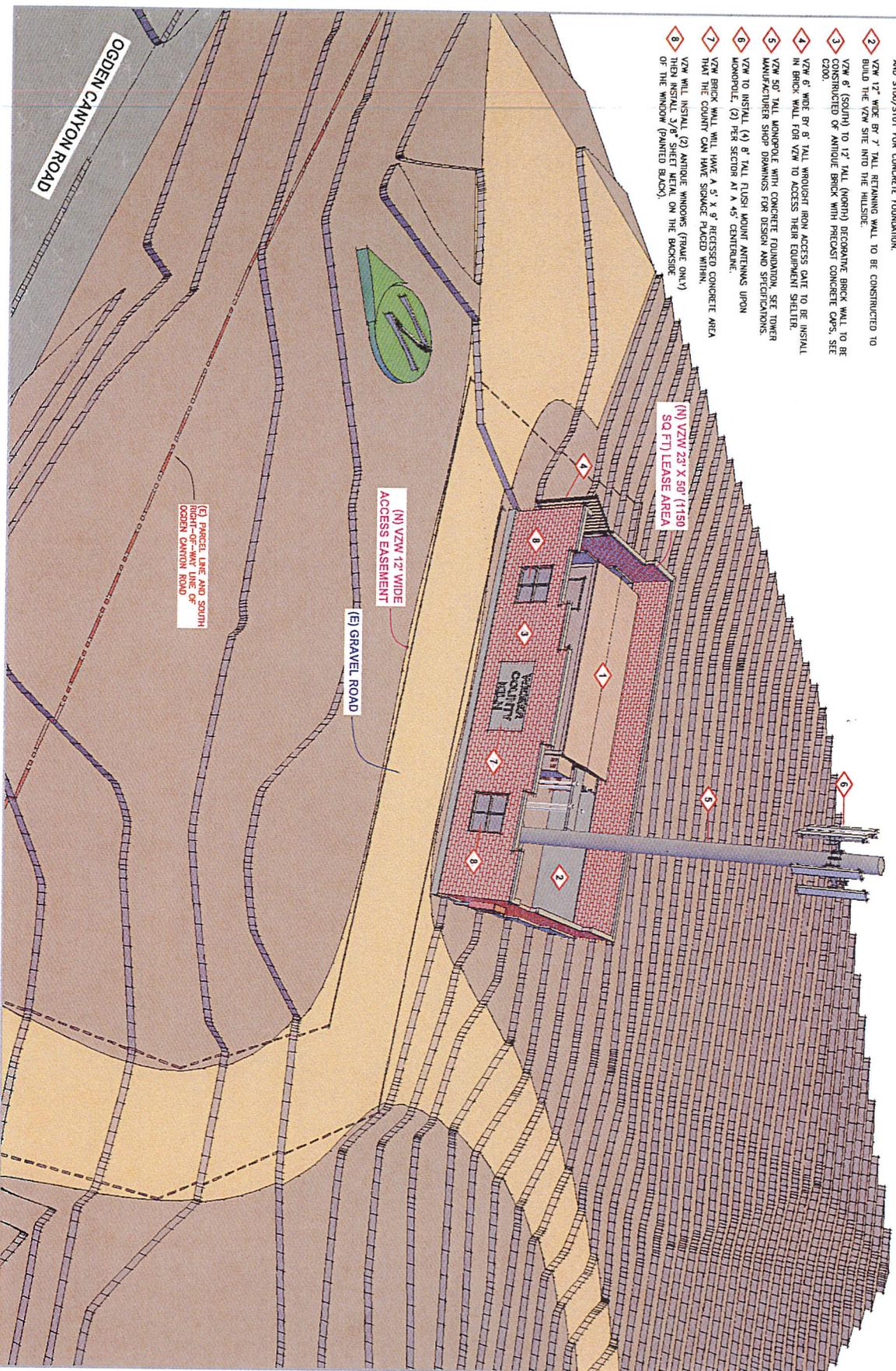
CORPORATE OFFICE  
1600 PLEASANT VALLEY BLVD  
CHANDLER, CALIFORNIA 95008

TAIAC  
Technology Association of Engineering Companies  
TECHNOLOGY ASSOCIATES



**KEYED NOTES**

- 1 VZW FIBER/ROUND 11'-6" X 26" PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
- 2 VZW 12" WIDE BY 7' TALL RETAINING WALL TO BE CONSTRUCTED TO BUILD THE VZW SITE INTO THE HILLSIDE.
- 3 VZW 6" (SOUTH) TO 12" TALL (NORTH) DECORATIVE BRICK WALL TO BE CONSTRUCTED OF ANTIQUE BRICK WITH PRECAST CONCRETE CAPS, SEE C200.
- 4 VZW 6" WIDE BY 8' TALL WROUGHT IRON ACCESS GATE TO BE INSTALLED IN BRICK WALL FOR VZW TO ACCESS THEIR EQUIPMENT SHELTER.
- 5 VZW 50' TALL MONOPOLE WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
- 6 VZW TO INSTALL (4) 8' TALL FLUSH MOUNT ANTENNAS UPON MONOPOLE, (2) PER SECTOR AT A 45° CENTRELINE.
- 7 VZW BRICK WALL WILL HAVE A 3' X 8' RECESSED CONCRETE AREA THEN THE COUNT CAN HAVE STORAGE PLACED WITHIN.
- 8 VZW WILL INSTALL (2) ANTIQUE WINDOWS (FRAME ONLY) THEN THE COUNT CAN HAVE STORAGE PLACED WITHIN.



**verizon**  
wireless

VERIZON WIRELESS  
950 SOUTH PERRYWAY ROAD  
WEST JORDAN, UTAH 84088

**T.A.E.C.**  
Technology Associates Engineering Corporation  
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE  
8447 SOUTH 900 WEST  
SALT LAKE CITY, UTAH 84107

CORPORATE OFFICE  
3630 PRESTON DRIVE  
CANTON, OREGON 97103

DRAWN BY:	JAY C
CHECKED BY:	HEIDI G

REV	DATE	DESCRIPTION
7	10.09.2012	REVISIONS PER CITY
6	08.27.2012	MOVED LEASE AREA
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.08.2011	REVISIONS PER CITY
2	10.26.2011	FM UPRATE
1	08.18.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

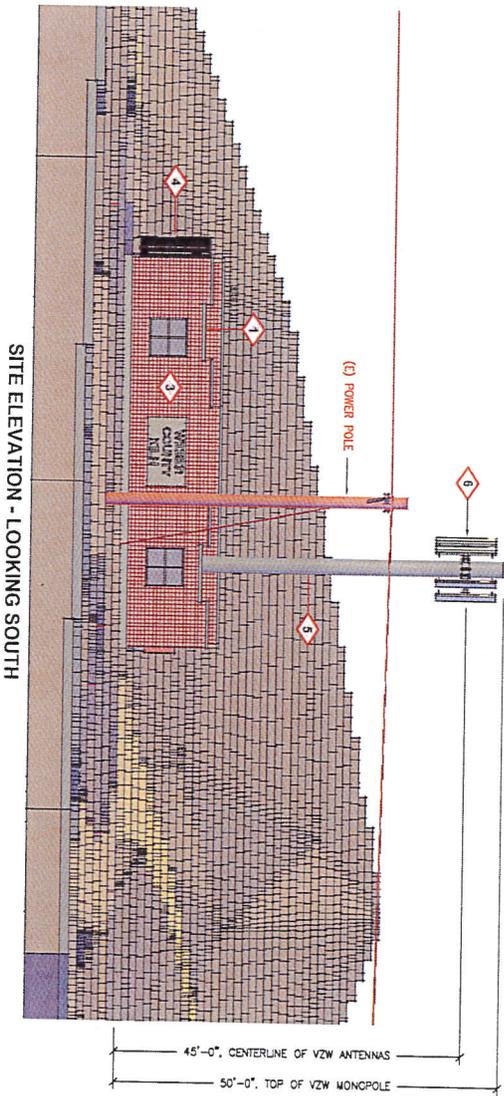
SHEET TITLE  
SOUTHEASTERLY  
SITE ELEVATION

SHEET NUMBER  
**C200**

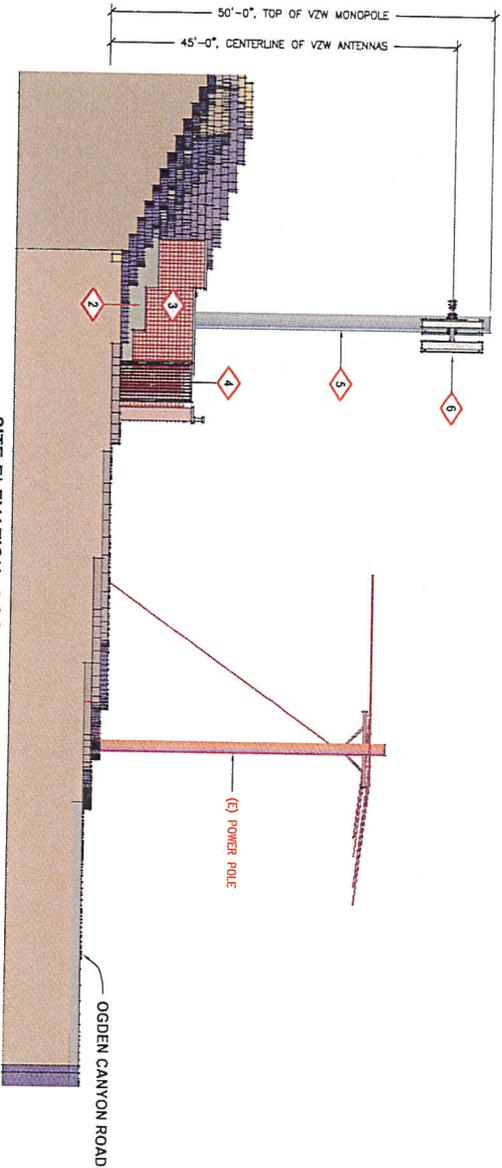
SAL - PERRY CAMP  
SW SEC 24, T8N, R1W  
OGDEN CANYON HWY  
OGDEN, UTAH 84401  
-- RAWLAND SITE --

**KEYED NOTES**

- 1 VZW FIBERBOND 11'-6" x 26' PRE-FAB EQUIPMENT SHELTER WITH (2) HWAC UNITS AND (2) LOW PROFILE MANUFACTURER SPECIFIED EQUIPMENT LAYOUT AND ST000/S101 FOR CONCRETE FOUNDATION.
- 2 VZW 12' WIDE BY 7' TALL RETAINING WALL TO BE HILLSIDE.
- 3 VZW 6' (SOUTH) TO 12' TALL (NORTH) DECORATIVE BRICK WALL TO BE CONSTRUCTED OF ANTIQUE BRICK WITH PRECAST CONCRETE CAPS, SEE C200.
- 4 VZW 6' WIDE BY 7' TALL WROUGHT IRON ACCESS GATE TO BE INSTALLED IN BRICK WALL FOR VZW TO ACCESS THEIR EQUIPMENT SHELTER.
- 5 VZW 50' TALL MONOPOLE WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
- 6 VZW TO INSTALL (4) 8' TALL FLUSH MOUNT ANTENNAS FROM MONOPOLE, (2) PER SECTOR AT A 45° CENTERLINE.



SITE ELEVATION - LOOKING SOUTH



SITE ELEVATION - LOOKING WEST



**TAIEC**  
 Technology Associates Engineering Corporation  
**TECHNOLOGY ASSOCIATES**  
 UTAH MARKET OFFICE  
 8047 SOUTH 800 WEST  
 SALT LAKE CITY, UTAH 84120  
 CORPORATE OFFICE  
 9630 PRESTON PARK  
 DAVISDALE, CALIFORNIA 92606

DRAWN BY: JAN C  
 CHECKED BY: MGT 6

REV	DATE	DESCRIPTION
7	10/09/2012	REVISIONS PER CITY
6	08/27/2012	MOVED LEASE AREA
5	01/18/2012	REVISIONS PER CITY
4	01/11/2012	REVISIONS PER CITY
3	12/08/2011	REVISIONS PER CITY
2	10/25/2011	FM UPGRADE
1	09/18/2011	MOVED LEASE AREA
0	08/24/2011	ZONING DRAWINGS

SAL - PEERY CAMP  
 SW SEC 24, T8N, R1W  
 OGDEN CANYON HWY  
 OGDEN, UTAH 84401  
 -- RAWLAND SITE --

SHEET NUMBER  
**C201**

Minutes of the Ogden Valley Township Planning Commission meeting held December 04, 2012 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Pen Hollist, John Howell, Laura Warburton, Dennis Montgomery, Ann Miller  
Member(s) Excused: Greg Graves

Staff Present: Rob Scott, Director; Ben Hatfield, Planner; Sean Wilkinson, Planner, Chris Allred, Legal Counsel; Sh Sillitoe, Secretary

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***Pledge of Allegiance***

***Roll Call***

**1. Minutes:**

- *Pledge of Allegiance*
- *Roll Call*

**1. Minutes:**

1.1. Approval of the October 23, 2012 meeting minutes

Commissioner Hollist indicated that he submitted a couple of non-substantive changes to the minutes to Sherri. Commissioner Miller indicated that the word "retired" should possibly be "reformed." The members indicated that Mr. actually said the word "reformed." Commissioner Miller also clarified the paragraph referring to her experience in special education and gave the changes to Sherri. Chair Parson declared the October 23, 2012 meeting minutes approved as amended.

**2. Consent Agenda**

- 2.1. Consideration and action on a request to vacate the Lance Roylance Subdivision located at approximately 5358 E 2625 N
- 2.2. Consideration and action on a request for final approval of Valley Lake Estates No. 3 Lot 34 Amended and a request to vacate Lot 34 of Valley Lake Estates No. 3
- 2.3. Consideration and action on a request for final approval for the Hubbard Subdivision (1 lot), located at approximately 963 N 7800 E

Commissioner Warburton indicated that the lot in Item 2.2 looks like it has three roads on three sides of it and one road is a private road. However, the subdivision ordinance indicates that they cannot have two access points but in this case it seems reasonable to allow the second access point. Sean Wilkinson indicated that the Subdivision regulations prohibit the second access unless there are special conditions. Commissioner Warburton indicated that they believe that the lot would meet those special conditions.

MOTION: Commissioner Warburton moved to approve Consent Agenda Items 2.1, 2.2 and 2.3 as presented, with the requirement that they add a no-access restriction on that lot in Item 2.2. Commissioner Hollist seconded the motion. A vote was taken and Chair Parson said the motion carried with all members present voting aye.

**3. New Business:**

3.1. Consideration and action on a request for a new Zoning Development Agreement (Contract 2006-62) – John Lewis Applicant

Jim Gentry indicated that when the zoning changed in the Ogden Valley in 1998 from 1-acre to 3-acre zoning, a lawsuit was filed by a property owner who owned two large tracks of land. One parcel is located in Nordic Valley and the other parcel is in Wolf Creek. The property in Wolf Creek is the only remaining parcel from the lawsuit. As part of a settlement to solve any potential litigation, the County, through a consent agreement allowed one dwelling per one and one-half acres. This Consent Agreement between the County and property owner was entered into in 2002, and was to run for 10 years. In 2006, the property in Wolf Creek was rezoned to Forest Residential FR-3, Residential Estates RE-15, and Open Space O-1, and was incorporated into the Wolf Creek Resort Master Plan. As part of the rezoning the

density was based on the consent agreement. The area that is zoned Forest Residential FR-3 is known as the Town Home site and the rest of the project is known as Eagles Landing. The property owners are requesting a new Zoning Development Agreement to match the consent agreement.

When the rezoning was approved by the County, a Zoning Development Agreement was also approved giving Wolf Creek and the property owner 2 years to start the project and 5 years to finish the project. In 2009, the County Commission granted a 5-year time extension to the Consent Agreement, which extended the agreement to February 2017. (The Consent Agreement expires in 2012. The 5 year extension was from 2012 to 2017).

The Zoning Development Agreement is needed because of the Consent Agreement. The Consent Agreement is for a specific time and for a specific density. The density granted is because of the special consideration given and will go away once the Consent Agreement goes away, unless the project is completed while the Consent Agreement is still in effect.

At the rezone hearing it was shown and represented that the Open Space O-1 would be sold to Wolf Creek and Wolf Creek would build another 9 holes of golf. The golf course parcels were subdivided and deeded to Wolf Creek. With the bankruptcy of Wolf Creek these parcels have now been bought back by the developer of Eagles Landing. The current owners of Wolf Creek and Eagles Landing have no desire to build any additional golf courses, but potential buyers of Eagles Landing and the Town Home site could buy into these projects expecting a golf course since that was represented at the time of the rezoning.

Staff agrees that the Zoning Development Agreement should match the Consent Agreement, however prior to a new zoning development agreement being approved; the Planning Commission should review and approve a revised open space plan. Staff has met with the applicants concerning the open space. The parcels that were deeded for the future golf course will remain open and left natural. The applicants in a letter have addressed the concerns regarding the open space.

Howard Schmidt representing John Lewis indicated they would like to let the situation heal right now and then they will be back with a plan in the future.

MOTION: Commissioner Warburton moved to approve ZDA 2012-01 to extend the ZDA to 2017 and that they approve the revised open space plan. Commissioner Hollist seconded the motion. A vote was taken and Chair Parson indicated that the motion carried (Vote 6-0 unanimously).

3.2. Consideration and action on a conditional use permit application for a public utility substation (cellular site), located at approximately 95 Ogden Canyon Road (Nefi Garcia, agent for TAIC; David Hardman, Ogden Weber Chamber of Commerce, Owner

Ben Hatfield presented a staff report and indicated the FR-1 Zone allows a "public utility substation" as a conditional use. This site is the fifth, and center, of a series of cell sites that have recently been constructed in the Ogden Canyon, and is located on an 11.37 acre property owned by the Ogden Weber Chamber of Commerce. The Ogden Valley Planning Commission reviewed a similar plan on this property on February 28, 2012. Due to concerns about the historic remains of a kiln on the site, a new location has been proposed. A letter from the environmental engineering firm is included in the meeting packet. On September 25, 2012, the Planning Commission reviewed a proposal at the new location, and tabled a decision due to aesthetic concerns.

The applicant and staff have discussed different ideas which would allow the necessary equipment of the utility, yet be more harmonious with the historical nature of the property. Recognizing these sensitivities, the applicant proposed plans which are intended to reflect the history of the location.

The revised site still consists of a 50 foot by 23 foot leased area, but will be surrounded by a 6 foot (South) to 12 foot (North) tall decorative brick wall. The wall will be made of antique brick with a concrete cap on top. An 8 foot tall

wrought iron gate will allow access into the site and will be located on the east side away from the highway. Two false windows will be attached to the wall to replicate a building, and a 5 foot by 9 foot recessed concrete area will be left in the wall where a sign could be placed. The top of the wall will look like the roofline of a building, and will be high enough to screen the shelter within.

Just as before, a 26 foot by 12 foot by 10.5 foot tall equipment shelter will house the mechanical equipment for the site, and will be connected to a 50 foot tall mono-pole cellular tower. The pole diameter and specifications again have not been shown in the plans. Affixed to the pole will be an array of 4 antenna panels (8 foot) at a height of 45 feet. There are no lights associated with this cellular site. Access to the site will be adjacent to the parking lot drive. Anything exposed on the outside, staff is requesting that it be painted to match the interior. Staff recommends approval of this conditional use application, subject to the conditions of approval and staff suggestions in the staff report.

Commissioner Hollist asked if the footprint multiplies when the site is required to be collocatable. He believes that typically another provider can collocate within the same footprint. Commissioner Howell indicated that if the pole area is landscaped with pine trees to match the pine trees which are located on the mountain. He questioned why this plan was chosen over the previous plan. Mr. Hatfield indicated that due to the difficulty of receiving approval from the State's Historical Society and possibly other reasons, the applicant found the present location.

Nefi Garcia indicated that the redesigned plan was based on the comments and recommendations made at the previous meeting two months ago. As far as collocating, companies can share the tower but everyone has their own equipment and the structure size would need to be increased. They moved ahead and ordered the SHIPPO requirements and are expecting their approval. They were told that SHIPPO likes this location better. They have no problem with the recommendations regarding painting. They are required to have some decals, but they are typically required on the doors. He believes a monopole would work better rather than designing it to look like a pine. It is tough on the south and west side to find a place to landscape and the east side is their door.

Commissioner Warburton asked if it is typical to have a 7 ft. shelter with no roof. This is typical and works for them.

Commissioner Hollist asked if the galvanized pole would lend itself to painting. Mr. Garcia indicated that when the painting is done at the plant but it is his experience that the galvanized metal dulls over time. A lot of scrub oak exists on the site. Commissioner Hollist indicated that grass seeds do well.

Commissioner Miller indicated her concern about the red brick. At one point they talked about yellow antique brick such as which exists at the Blacksmith's shop. Nefi Garcia indicated that they talked about the antique brick so it would look like an old Blacksmith Shop; they are amenable to using beige type antique brick.

Nefi Garcia indicated that it is possible to paint the poles but he believes the galvanized poles stand out. The transmission poles by the substation in the mouth of the canyon have a rusted look.

Commissioner Warburton asked if they have a problem with any of the proposed conditions. Nefi Garcia replied no with the exception of the decals if they are required by Federal regulations.

Chair Parson indicated that the applicant has been thoughtful in their design and he believes finding the right brick would not be difficult. He believes some type of aesthetics goes a long way.

Commissioner Howell indicated that he would like to see a rendering of what the landscaping would look like around the proposal.

Norman Knudsen lives in the Ogden Canyon and is the closest property owner. He believes that a miscommunication has been made regarding his Mother's property. He stated that the proposed area is at the end of an historical rockslide area. He is willing to entertain putting the tower possibly in the Fairmont area. He can see the Historical Society having an issue. He believes they will have a problem with people climbing over the building because there is a problem with people climbing on the lime kiln now. At one time there was a blacksmith shop and a powder company in the area in the past. He believes there are other alternative locations available.

Commissioner Hollist indicated that this is the third time this issue has been discussed. Mr. Garcia indicated that it is an access issue. Mr. Knudsen should get in touch with Verizon as to their siting efforts thus far. Chair Parson indicated that he via his brother spoke with Verizon this afternoon who suggested that they attend tonight's meeting. Chair Parson welcomed his comments and thanked Mr. Knudsen for attending and participating in this meeting. Commissioner Miller indicated that this is still contingent on approval from the State Historical Society.

Mr. Knudsen stated that he believes it is a poor location at the bottom of an historical rockslide area. He believes that as far as naming the area, the name should be something historical such as the stone that they used in the old kiln or the name of the former powder company.

Dave Hardman indicated that in many cases they have allowed others to use that property for good i.e. the Scouts, the Forest Service etc. He thanked the Planning Commission for their work. There are traditional old brick looks and his concern of going to the stone and trying to replicate that, there were not a lot of stone buildings at that time. They have some historical photographs not of the former buildings, but taken during the same period.

Nick Breeze indicated that he was a member for 11 years on the Weber County Heritage Foundation. At the last meeting with the Weber County Heritage Foundation, the Forest Service, etc., were opposed to putting anything on this site. His involvement with working on the kiln for 11 years, leads him to believe that this small site is the wrong site. The opposition if there was any to locating it in Fairmont is now gone. A tower would not be viewable from Highway 39. His preference would be that the farthest away from the road would be better as it is a Scenic Byway.

Mr. Knudsen indicated that to his knowledge (he has lived there all his life), the Boy Scouts always had property up there and always had access. Since the Chamber obtained the property from the Perry Foundation anything they have done in the best interest of the public happened for many years prior to them obtaining the property. He believes the use is not in the best interest of the public.

Nefi Garcia indicated that they have looked at title reports and met with Verizon's lawyers, etc. It is clear to them that once you get past the bridge it will not work for them.

Nick Breeze indicated that the issue should be solvable right now; the property owner in Fairmont is willing to let them use the property. Dave Hardman indicated that these are opinions and he believes it is important for the Planning Commission to focus on the law and not opinion.

**MOTION:** Commissioner Warburton moved to approve a conditional use permit application for a public utility substation (cellular site), located at approximately 95 Ogden Canyon Road (Nefi Garcia, agent for TAIC; David Hardman, Ogden Weber Chamber of Commerce, Owner, subject to the conditions listed in the staff report as listed under the Conditions of Approval. Commissioner Montgomery seconded the motion

**Friendly Amendment:** Commissioner Howell indicated that they need a landscaping plan showing what building material is going to be used, the color of the pole, and, the letter from the State Historical Society approving the site. Commissioner Warburton indicated that all those items are part of the conditions in the staff report. She would refuse that Friendly Amendment.

Chair Parson said he likes brick and he doesn't have a problem with decals warning no trespassing. Commissioner Hollist indicated that he likes the lighter colored brick and the industrial look there. An iron-oxide or Core10 look on the pole might be attractive and blend with the hills around the pole. Commissioner Miller indicated that she would like the rusted look pole and the beige brick. Chair Parson indicated the masons did not have the tools or the time back then to screen their clay so the brick is a mottled look.

Discussion followed regarding having a light colored mottled brick and the rust look pole. Regarding the sign, what they do now will be historic in the future. Having a nice antique sign with Verizon's name listed and the date would be appropriate. Commissioner Miller indicated that she would agree. Ben Hatfield indicated that there are some bricks lying on the ground that they could match up.

Friendly Amendment: Commissioner Hollist offered a friendly amendment to the main motion: That the additional conditions is that the brick shall be a light colored mottled matching brick, the pole is to be iron-oxide pole, and the sign would read Verizon and 2013. A vote for the amended motion was taken and Chair Parson indicated that the motion carried unanimously (6-0).

3.3. Consideration and action on a conditional use permit application for a public utility substation (cellular site), located at approximately 4905 East Willow Brook, Eden (Jared White, agent for Uctechs.com; Peggy Bowden, KBC Leasing, Owner)

Ben Hatfield indicated that the applicant is requesting approval of a conditional use permit for a public utility substation (cellular site) in a CV-2 Zone. The site is on commercial property which has an approved site plan as CUP 2009-14 for Bowden RV Storage which was approved in September 2009. Staff and the applicant have had email correspondence concerning the review of the plans.

The proposed site consists of a 50 foot by 35 foot leased area which will be surrounded by a 6 foot tall white vinyl fence. One 20 foot by 11 foot equipment shelter will house the mechanical equipment for the site and will be connected to a 100 foot tall monopole cellular tower. The pole diameter and specifications have not been shown on the plans. Affixed to the pole will be an array of 4 antenna panels (8 foot) at a height of 100 feet (104 feet total height with antennas). There are no lights associated with this cellular site. Access to the site will be through the main entrance of the storage unit complex. Three trees will be relocated due to this plan, as they are located within the leased area. With the tower height of 100 feet it is possible for other providers to co-locate at this location.

Staff recommends approval of this conditional use application, subject to the conditions of approval and staff suggestions in the staff report.

Commissioner Howell indicated that the site is not far from his house. The tower will be quite visible being silver and he believes this tower should also be the iron-oxide color and would tie into the highline poles that have existed for many years across the street. He believes the site is a good site because people are already used to the highline poles.

Jared White, AT&T, indicated that they would like to change the vinyl fence due to security reasons. They would like to change it to a cinderblock similar to that at the storage units. The fence would be 6 ft. and the structure inside would be 10 ft. 6 inches. They need 80 ft. but went with 100 ft. in order for it to be co-locatable. They are happy with anything having to do with aesthetics. With their experience, in winter the iron-oxides stand out more in the winter. Right now the design in place will have 3 antennas per sector but are requesting 12 for future demand. He anticipates that the pole will remain with nine. Zoning will only allow a 6 ft. fence and they plan to use cinderblock walls to match the storage units.

Commissioner Hollist asked what alternative locations for this pole they have considered that meets their technical requirements. Mr. White indicated that they only looked at one other location but found they would miss the area they are planning to cover. It is simpler for them to co-locate and they would rather pay rent than pay capital.

MOTION: Commissioner Howell moved to approve a conditional use permit application for a public utility substation (cellular site), located at approximately 4905 East Willow Brook, Eden (Jared White, agent for Uctechs.com; Peggy Bowden, KBC Leasing, Owner) with the conditions of approval as indicated in the application and with the pole being a red iron oxide-Core10 steel and the cinderblock wall fence is to match the storage units that will be built around the structure. Commissioner Warburton seconded the motion

Commissioner Warburton suggested that she was visualizing the pole color as silver. Mr. White indicated that he has not scientific information but they will take pictures of poles in the same area of a galvanized pole and an oxidized pole and see what blends in better. There is more galvanized pole and people tend to not see the galvanized pole as much. Jared White indicated that it takes approximately three months for the surface color to dull.

Commissioner Montgomery said it does not make any difference to him on the color. He sees them the same. In the winter you may see the brown pole more. Commissioner Warburton indicated that she believes they need to consider how the pole will look for everyone not just those going up the hill. Chair Parson indicated that he would like to see the oxidized galvanized look. Commissioners Miller and Jack prefer a dark pole and Commissioners Montgomery, Hollist and Warburton prefer a light pole. Commissioner Howell withdrew his motion.

MOTION: Commissioner Warburton moved to approve a conditional use permit application for a public utility substation (cellular site), located at approximately 4905 East Willow Brook, Eden (Jared White, agent for Uctechs.com; Peggy Bowden, KBC Leasing, Owner) with the stipulations of conditions of approval as listed in the staff report and to include the amendments and that the pole be non-reflective galvanized and the block wall painted to match the storage units. Commissioner Montgomery seconded the motion. A vote was taken and Chair Parson said the motion carried (5-1) with Commissioners Miller, Hollist, Montgomery, and Chair Parson voting aye and Commissioner Howell voting nay.

### 3.3. 2012 General Plan update discussion

Rob Scott said one of the challenging things they have is how planning really happens and operates. Staff has put together a significant list as to what staff and the Planning Commission has been involved with for the year.

The Moderate-Income Housing Study is very close to being finalized and staff will bring the results to the Planning Commission in 2013.

The new Powder Mountain Development Agreement has been approved which involves 2,800 units. Commissioner Hollist. Rob indicated that the state requirements for sewer and water will have to be met. They will have phases. When they reach 250 units, they will have to rezone to the DRR-1 Zone and do another Development Agreement. Commissioner Hollist asked if the 2,800 is below the threshold needed for a major sewer system. Mr. Scott indicated that the infrastructure will have to be expanded over time. The people that signed the agreement signed the Memorandum of Understanding – the Pronia Development group. It was not the Summit group.

Since the A-frame sign discussions, they started working with the Convention and Visitors Bureau (CVB) and others to coming up with some generic signs for the valley. Commissioner Zogmaister has been spearheading the preliminary discussions and Sarah Toliver has also been involved.

**6. Staff Communications:****6-1. Planning Director's Report**

Rob Scott reminded the members of the December 5, 2012 Annual Dinner.

Rob Scott indicated that the Agri-tourism Ordinance was heard by the County Commission today. It went for approximately two hours. There were approximately three or four items they had questions with and would like staff to further address. There was a lot of outreach and time spent by the Planning Commissions and many other people. Concerns were raised in the County Commission hearing regarding the size of the building, addressing amusement type activities, concern whether this was a way to go around the elk cutting issue.

Commissioner Miller indicated that she believes that listening to public comment during a hearing is part of the process and that is what she came to the hearing expecting to hear.

**5. Planning Commissioner Comments**

Commissioner Warburton asked Rob if he remembered his comment about amending the open meeting statement and Rob replied yes. Rob Scott indicated that Wilf Summerkorn will hold a one hour work session on December 18, 2012 in the break-out room regarding public clamor. Commissioner Parson said when they discuss the nodes, "What is rural?" He believes that rural to one person may not be to another. He believes they take for granted what others believe is rural. He has been speaking with the elementary school and Jr. High school principals to do an art project of what they believe rural is.

**4. Public Comments:**

Richard Webb, representing the GEM Committee, asked Rob Scott of the 19 points in the MOU Powder Mountain, does he recall the points that were not covered or disregarded. The 19 points were considered in the MOU, but the number of units was not consistent with the recommendations of the Planning Commission. There were two golf courses and now there was one golf course. Once they come forward with their zoning application, they will have to come forward with their new vision. There was general support for the 19 points.

Commissioner Hollist said he has always been concerned about the roadway and wonders whether anything was addressed about the roadway. Rob Scott indicated that for many years to come there will only be the single road until they reach 1,400 units.

**7. Adjourn -** There being no further business, the meeting was adjourned at 7:27 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission