

Minutes of the Western Weber Planning meeting of July 10, 2018 held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Blake Hancock
Jennifer Willener
Jannette Borklund
Bren Edwards
Greg Bell
John Parke

Members Excused: Mark Whaley

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner/ Long Term Planner; Steve Burton, Planner III; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Approval of minutes for June 19, 2018.

Chair Hancock asks if there are any corrections to the minutes for the supplemental meeting. He notes that there is one correction. Commissioner Whaley was present at the last meeting and was not listed as a members present.

Minutes approved with the noted correction.

Chair Hancock points out that there was no quorum for the unofficial meeting of June 12, 2018 meeting. Chair Hancock asks if there is a motion.

MOTION: Commissioner Parke moves to adopt the public comment from June 12, 2018, as a part of the record. Commissioner Willener seconds. Motion carries (6-0).

Chair Hancock states there are two new Planning Commissioners. Commissioner Greg Bell and Commissioner Bren Edwards.

Chair Hancock asks if Director Grover has an opening statement.

Director Grover states that the items for this meeting include an administrative item. Item 2.1 does not require public comment. He states that Chair Hancock can take public comment on the item if he chooses but it is not required. There are 4 legislative items that do require public comment. Items 3.1, 3.2, 3.3, and 3.4 require a public hearing to take public comment.

Petitions, Applications, and Public Hearings:

2. Administrative items a. New Business 2.1 LVD 061218: Consideration and action on a request for preliminary approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden.

Director Grover states that this is an administrative item. Mr. Burton will give a short presentation to orient everyone with the site, and the developer will present the proposal.

Mr. Burton gives a brief overview of the proposal. He states that all the preliminary requirements have been received, including feasibility letters. A letter was received from Taylor West Weber water. A letter from the Health Department has also been received regarding the septic system. Staff recommends preliminary approval of the D.M. Hadley Subdivision based on the recommendations and conditions as listed on the staff report.

Jeff Hales 5355 W 2150 N states that he represents the family on the division of this property. It has been divided into three pieces earlier and is now just being divided into the other 2 pieces. He adds that there is an expansion in 3300. The process will begin to widen the road. This is shown in the plan. The acquisition of that property he believes has begun. He asks the Planning Commission and the Planning staff if this is correct. Chair Hancock states that he is not aware. Director Grover adds that he is not sure. Mr. Hales notes that when he came in for a meeting this was something that was discussed. The joining of the two properties and designed it so that if it did take place it would already be designed. This is the reason for requesting a wider right of way through there, it is wider than what the original plan was supposed to be.

Commissioner Edwards asks if there will be a secondary line? It just shows a proposed secondary service. Mr. Hale states that they are not sure yet because there is a ditch that comes in behind it. He adds that they aren't sure if it will be that way or if they will need to run the line from 3300.

Chair Hancock asks if there are any more questions from the Planning Commissioners for Mr. Hales. There are none.

Chair Hancock opens the public hearing. There is no comment from the public.

Chair Hancock asks if there are any further comments from the Planning Commissioners. There is none.

MOTION: Commissioner Parke motions to grant preliminary approval of D. M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden. This recommendation is subject to all review agency requirements and the following conditions. Sidewalk, or walking path, is required to be installed and escrowed for, along with other required improvements prior to the recording of the final mylar, as outlined in LUC§106-4-3. The recommendation is based on the following findings: The proposed subdivision conforms to the West Central Weber General Plan. The proposed subdivision complies with applicable county ordinances.

Commissioner Borklund seconds. Motion carries (6-0)

3. Legislative items

a. New Business

3.1 ZTA 2018-01: Public hearing for consideration and action on a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

3.2 ZTA 2018-02: Public hearing for consideration and action on a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.

Director Grover states that this is a legislative item and the Planning Commission will be making a recommendation to the County Commission on these items. Mr. Lleverino is going to explain and orient everyone present to this item. The developer Mr. John Price will then stand up and explain his request. Mr. Lleverino will then explain how it is or is not in compliance.

Mr. Lleverino gives a brief overview of the proposal.

John Price 400 S 6700 W states that he wants to clarify that his intention has never been to infringe on other people's properties. The proposal is to rezone from M-1 to A-2. A-2 is the current use of the land and likely the future use. It is being used as agricultural and residential. He states that when this was first made M-1 ground there were no houses in that the area. Recent developments have changed the landscape in the area and his land. He adds that in that M-1 zone there are roughly 60 acres that he owns which is basically worthless in the M-1 zone. There are 29 homes on 7900, and he doubts that industrial business would want to purchase land in the middle of that residential area. The best use for his land is A-2 and the north of his land is bordered A-2. The Hayes are the only ones that currently operate as M-1 in that M-1 area. He adds that they have no desire to change the Hayes land and they are an absolute asset to the community and all the farmers in the area. He indicates that they would like to see them stay M-1. A lot of the people in the area go the Hayes to get their equipment fixed. The frontage of their land is A-1 and when it was first looked at it was believed that their property was all A-1 and that they were operating under A-1. He adds that the current the frontage for their property is A-1 and part of the goal is to look at that and see if it can be changed so that it becomes all conforming. He states that there are a few problems with the zoning but he believes that they can make it work for everyone. When the General Plan was written the area looked a lot different than it does now, and at this point, it needs to be changed. He asks if the Planning Commissioners have any questions for him.

Commissioner Bell asks if the A-2 zone allows the Hayes to continue to operate. Mr. Lleverino states that with the rezone this is something that was taken into account. They would be able to continue to operate grandfathered and nonconforming. Commissioner Borklund adds they could continue to run their business but they could not expand. Mr. Lleverino states that this is correct they could not expand or change uses and if they use was abandoned for 12 months that uses would go away. Commissioner Borklund asks if they wanted to grow their uses, would it be better for them to continue in the M-1 zone. Mr. Lleverino states that is part of the reason why it was included in some recommendations were provided specifically for the nonconforming. Chair Hancock points out that it was mentioned that as it is now the Hayes cannot drive large vehicles in the frontage area. Mr. Price states that the whole frontage area needs to be changed to M-1. The best use for them would be M-1. He adds that it is important to protect them.

Mr. Lleverino goes over the differences between the current zoning and the proposed rezoning as listed in the staff report.

Chair Hancock asks if there any questions for staff from the Planning Commission

Chair Hancock asks if there is any residential on the Hayes property or is it just the welding facility?
Mr. Lleverino states that it is just the welding facility.

Commissioner Borklund asks what the difference between option 2 and 3 is.

Mr. Lleverino states that option 2 the zoning would change M-1 to A-2 as proposed by the applicant excepting protesting owners. M-1 would extend to 900 S, this would allow owners the full use of their parcel, but they would have to be willing to enter contractually limit their future uses to uses that would reasonably operate adjacent to future residential uses with limited intrusions. If the limits are not applied the expanded zone could stimulate more intense manufacturing uses and disharmony. The Hayes property would be zoned M-1,

but they would have to enter a contractual development agreement that would limit their uses to avoid disharmony with the A-2 zone and future residential uses.

Option 3 would rezone as the applicant proposed excepting out the protesting owners. This would limit the M-1 zone creating islands, but it might be limit enough to limit disharmony with A-2 uses.

Director Grover states that the contract would be a part of the development agreement. The Planning Commission would be able to specify the uses that could or could not be allowed in the zone.

Mr. Crockett states that if option 2 the contractual obligation comes in the form of a convent. It would have to be recorded.

Chair Hancock opens the public hearing.

Randy Giordano 7852 W 900 S states that he is the chairman on the board for the West Warren and Water District. They purchased that land from him years ago, they plan on building a shed there to store items and make an office for meetings, and for patrons to pay the water bill. The long-term goal is to build a 2-million-gallon storage tank, right now the tank is being rented. He states that he believes this property should be kept M-1 also. He adds that he is not sure if that is what is required for this type of facility because they will likely have meetings once a month and they will need a secretary to process bills and the water tank. They don't manufacture anything. The property next door is his. He was one of the owners on the original application and he believes A-2 is better for him but, he does not want to be rezoned A-2 if it's going to infringe on other people's rights. He states that he believes that the Hayes should be able to stay M-1 because they are good neighbors.

Commissioner Bell asks how much land is owned for the Water District.

Mr. Giordano states that the Water District owns two and ¼ acres.

Mr. Lleverino states that within the A-2 zone a public utility is approved. It is allowed as a conditional use. Commissioner Bell asks if this would include an office building not just water storage. Mr. Lleverino states it includes a public utility building. Commissioner Willener asks with that piece of property being currently split between M-1 and A-1, would it apply to the A-1 portion as well? Mr. Lleverino states that it would.

Chair Hancock asks if there is any further public comment.

Flora Hayes 5489 W 560 N states that option two limits them. They have been there for 42 years working for the community. If her husband gets hurt and leaves the business vacant for a year while she is trying to sell the place, it would affect her options for selling it. She asks how many of the people present would like to have everything ripped out from underneath them? She states that she wants the Planning Commission to choose option three. She understands what is they are attempting to accomplish. She reiterates that they have been there 42 years.

John Price 400 S 6700 W states that regarding option three, he believes this option will work for him and his community. He states that they are a long way from the massive growth in West Warren. When the application was submitted there was never any intention to infringe on anybody else's rights. He really likes option three. He doesn't believe that it hurts the community, they are the ones that are affected by the change. He adds that everyone in the room would benefit from option three.

Bill Davis 7598 W 900 S states that part of the proposal is his ground. He doesn't understand why all of a sudden they want to rezone the M-1 that it is in the small square. They want to eliminate that for residential

and if you go to the east there is a big spot that is M-1 that goes clear across the community. Why isn't that involved in this? Chair Hancock states that that is part of a different slide. Commissioner Borklund adds that it is not part of the petition. Mr. Davis states that in the beginning it was no big deal and it didn't make much of a difference to him. As time has gone on and he has spoken to staff he has more options in M-1 and A-2 is more limiting. He believes it would be better for him to stay under M-1. He adds that they have been there for over a hundred years, the County rezoned M-1, they have had to live with it and now they don't like that so they are changing it. His issue with this is if he stays in the M-1 he won't be able to build a house for his children. He doesn't like that they want to remove the residential uses from the M-1. He believes that anyone who wants to stay M-1 should be grandfathered for the present uses of when it was zoned that way. He doesn't like that they are being limited by the conditional uses. He has a construction business and they park a lot of their equipment there and it is allowed on the A-2 but if you read the one above it, it says no overnight parking other than an automobile no more than 24,000 lbs. Dump trucks are 80,000 pounds there is a conflict, he has some concerns regarding what he is allowed to do and what he is not allowed to do. Commissioner Borklund asks where his property is located. Mr. Davis states that it is right next to the Hayes property. Everyone keeps telling him that he is in violation. He feels that as long as he stays in M-1 he won't be in violation, but he is changed to A-2 he will lose a lot of his rights. He doesn't want to hinder Mr. Price or Mr. Giordano anybody else. He will likely sell his property in the future as residential if things change. Another concern he has is there is no city center. At some point, it would be good to have a convenience store or a restaurant.

Eldon Davis 7090 W 900 S states that some items that are being brought up are not being appreciated. Some of the conditional uses like correctional facilities and limits on construction. The C-3 portion is what interests him, and it goes back to what Mr. Davis was referring, it would be good to add a restaurant, a bakery, or an assisted living home. The C-3 zone has about 90 uses. He states that he wants to keep his property as M-1 for that reason. He adds that he would rather have a bakery than a correctional facility next to his home. Director Grover asks where his home is located. Mr. Davis states that it is along 7900 W.

Joseph Havasi 695 W 4200 N regarding the effects slide there is an indication that a residence in the A-2 scenario would become a nuisance to M-3. Would there be a setback, and what would the setback be? Commissioner Bell states that it would be the opposite. The nuisance would be created by the M-3 zone to the residential. Commissioner Hancock states that there would have to be a buffer between the residential and commercial. Mr. Havasi states that there would be an erosion of the M-3 use and he is curious what the distance of the setback would be? Mr. Lleverino states that he would have to look at the zoning, but he will get that information for him.

Gary Hayes 5484 W 560 N states that he can understand why the other owners want to do it. He doesn't see any manufacturing coming to this area with all the homes. He states that they have been there 42 years and they have all the zoning around them. He gets what is being said about keeping the manufacturing but limiting certain things, but all it does for him is to cut potential buyers and he has maybe 15 years left. He is going to have to do something with the company. Either he is going to have to sell or let his son take it over. With the A-1 that is in the front, they don't have any options. There are almost 2 acres in the front of his property that is worthless. All the County is doing is taking away his ability to expand his company, to add another building. He states that the third option is what they want, take the A-1 and change it to M-1 and have his whole property be M-1. He adds that he doesn't understand why it's such a big deal to have his property be a purple dot on the map. It costing him money to attend these meetings. He states that it is his right to do the things that he is doing on his ground. He feels that his rights are being taken away and its right or fair. Why can't they just they leave the purple dot in the middle of the map that's been there for 42 years? He wants to stay M-1 and he doesn't want to sacrifice his rights or options. He already has them and they are already in place. He

doesn't want to have to hire a lawyer to figure out what his rights are. He explains that this is costing everybody. It's expensive.

Commissioner Bell asks if option three would also leave Mr. Davis property as M-1 also as well as the Hayes property? Commissioner Borklund states that the Planning Commission would be able to include any properties they see fit.

Eldon Davis states that if they are going to do away with the housing as one of the permitted uses, is a dwelling unit for a night watchman or guard allowed? Is this going to be removed as well? Chair Hancock states that he does not believe it would be wise to remove it. He states that he wants to make it clear to everyone that the Planning Commission is not trying to take anything away from anybody. He adds that he does not want to do anything that is going to limit the Hayes. Whatever they decide to do it will be a recommendation to The County Commission. Commissioner Borklund adds that all they are doing at this point is responding to a petition.

Chair Hancock states that he understands that the other owner have their rights, but Mr. Price also has rights with his property to put in agriculture and someday the land is going to be subdivided. There is an opportunity to tackle something at this point and make the lines nice and straight. He knows it doesn't always work that way, and the Planning Commission isn't looking to tie anybody's hands. He understands their point of view, he is a small business owner and he wouldn't want people limiting him either. He adds that they aren't looking to take away anybody's rights.

Mr. Davis states that the manufacturing zone has a whole set of opportunities there, agriculture being one of them. Chair Hancock states that the problem with that is that at some point it becomes a nuisance. For example, there have been instances where there is agriculture such as chicken farms, the homeowners will sell their homes and the new homeowners will start to complain about the chicken smell. He adds that what the Planning Commission is trying to do to avoid these types of conflicts between the zones and keep the nuisance to a minimum. He states that it's not going to be perfect. Mr. Davis states that chickens, ducks, and the slaughtering are a permitted use on 5 acres in A-1, so it's important to keep that in mind as well.

Jessie Miller 2271 S 7500 W states that early on in the presentation there was mention of changing an area from A-3 to A-2. There is almost no real difference between the A-3 and A-2. He asks why this step is being taken. Mr. Lleverino states that he is not sure what the owner's intention is, but based on his own observation there is potential for density there and development rights. If you take that 15-acre piece and continue as A-3 the minimum lot size is 2 acres get 6 and ½ lots, but that same 15-acres in an A-2 zone would allow smaller lots. There would be 1-acre requirements there. Commissioner Borklund asks whether removing single family homes is in the ordinance or the plan? Is it amending the ordinance or the plan? Mr. Lleverino states that it would be amending the plan, the zoning ordinance and changing the map.

Commissioner Parke asks how many owners want their property changed other than Mr. Prices. Mr. Price goes over the owners on the application and points them out on the map. He wants to point out that farming is very expensive and it is important to think about the future, the point of this application to allow him more options. He adds that he has no immediate plans to develop.

Flora Hayes states it was brought up that the Planning Commission has to answer a petition, she points out that Mr. Price did not petition for their property. She adds that it was something the County jumped on. She supports Mr. Prices right to do what he wants with his property. Mr. Ewert has stated that if the farmer next door wants to subdivide his property, that is his right. She states that in the same sense if she wants to make a living and continue to do what they are doing and continue to fix farming equipment. She states that it is her right as the landowner as much as Mr. Price has the right. She wants to stay M-1.

Boyd Talbot 2163 S 7500 W states that the 15 acres that they are talking about rezoning, the whole road is 2 acre lots. It hasn't been farmed in the 30 years he's been there. He adds that he doesn't have any problem with 2-acre lots. They should not start splitting it up to 1-acre lots. He and his neighbors who recently subdivided all had to have 2-acre lots. All the houses down that road had to have 2-acre lots. They should leave it how it is.

Commissioner Bell asks if the landowner who owns the 15-acre lot is present. Mr. Price states that he is the one who owns those 15-acres. Mr. Price states that his intention for the 15-acres is just to make it so it's all one zone. It's not to create more density.

Chair Hancock asks if there is any further comment. There is none.

MOTION: Commissioner Borklund moves to close the public hearing. Commissioner Parke seconds. Motion carries (6-0)

Commissioner Borklund states that if there needs to be M-1 there needs to be more than one parcel. It sounds like there are 2 or 3 parcels that would like to stay M-1. Chair Hancock asks would it would be beneficial to move the M-1 all the way to 900. Commissioner Willener states that is not part of the proposal. Commissioner Borklund agrees that it is not part of the proposal but they can make a recommendation. Commissioner Edwards states that he would like more information and he would like to see who wants to change to A-2 and who wants to stay M-1 on a map. Currently, there is an island over by the tracks, so there is already an island. He adds that he doesn't feel the need to change the Hayes property. He feels that another small island isn't going to be an issue there. He would like to table these items and see it on a map. If they want to as M-1 it should go to 900 S.

Commissioner Willener states that there are two or three action items tied together in the one presentation. This action is only addressing 2018-01 and 2018-02. Item 2018-1 sole addresses whether or not single family dwellings should be removed from the M-1 zone. This is a separate issue that would be effective for the entire zone. As an item, it needs to be addressed as a separate issue. ZTA 2018-02 comes down to the property owners and the concerns of the property owners. They need to be separated out and address them as individual issues. Commissioner Borklund states that the regarding changing the zoning from A-3 to A-2 it should be separated as well. They are so far removed from each other they should not be in the same action. Director Grover states that when you look at the manufacturing area you look at how you want that area to grow. As the manufacturing grows in the area and there are single-family dwellings in the area eventually the single-family dwellings will be impacted by those manufacturing type uses. Going out to the Ogden City Industrial Park in a few areas there are some single-family homes, they are very much impacted. It's important when looking at the manufacturing zones to look at how you want it to grow ultimately and function. At this point, the current residents of the area don't see an impact, but the staff is trying to think ahead at future impacts and how the area should grow. As the Planning staff, they are offering advice and guidelines. The Planning staff is looking at how the area and residents could be impacted down the road. He adds that if the Planning Commission wants to they can handle them as separate items. If the Planning Commission doesn't feel comfortable with the rezone or the plan amendment they can table, it. He states that the can show the area more in detail on the map to clarify how the rezoning would take place. Commissioner Borklund asks if a watchman's quarters are a permitted use and it's different than a single family home. Director Grover states that this is correct. A watchman's quarter is an accessory use to the storage area or the facility they are watching over. He adds that for clarification regarding any expansion to the water facility they would be allowed in either one of the zones. It would be a conditional use in the manufacturing zone and in the A-zones because it's a public facility. The only way it could be denied is if they can't provide safety issues such as water or sewer. Other than that the Planning Commission is bound to approve it with conditions.

MOTION: Commissioner Parke moves to reject the proposal to remove the language for single-family dwellings in the permitted uses and to reject the updating of the map. Chair Hancock asks if there is a second. There is not. Motion denied.

Mr. Crockett states that in this case, the questions open back up again.

Commissioner Bell states that Commissioner Borklund brought up a good point, it affects all of Weber County, not just that area. He asks is there currently residential dwellings in the M-1 area.

Director Grover states that the residential dwellings would remain legal nonconforming use. This change would be for new residents that are built in the manufacturing area. Everything that is there right now is legal nonconforming. Commissioner Willener asks what type of notification was sent out to other residents in an M-1 zone, that is not directly impacted by the rezoning petition. Were they given the opportunity to speak on this issue? Director Grover states that typically on text amendments there is not a requirement to send out notification. There was a notice placed in the newspaper, it meets legal requirements. Commissioner Borklund states that since it is a Countywide it is impossible to notify everyone. Director Grover states that on this particular item notices were sent out within 500ft. The next item coming up notices will be sent out to people within 1000 ft.

Chair Hancock states that he does not feel comfortable sending these items to the County Commissioners. He feels that the items should be tabled.

Director Grover states that he would recommend that the Planning Commissioners not approve the plan amendment, table it along with the rezone, come back with some clarification that includes mapping, if they see fit they can table the single-family dwelling portion, to have it all approved or denied at one time. He states that this is his recommendation to keep things concise and clear. If they want to break it up it's not a problem approving the single-family dwelling or excluding it.

MOTION: Commissioner Borklund moves to table the action on the General Plan amendment on item ZTA 2018-01 and rezone portion on a petition for item ZTA 2018-02, regarding the property along 900 S, not the A-3 portion. Commissioner Bell asks if the motion is to table everything except the rezoning of the 15 acres from the A-3 to the A-2 zone. Mr. Crockett asks if it would be to recommend that portion or to continue the discussion on that part. Commissioner Borklund states that it is to recommend that portion. Commissioner Bell seconds. Motion carries (6-0)

MOTION: Commissioner Bell makes a motion to approve the rezoning of 15.75 acres from A-3 to A-2 zone. The recommendation is based on the findings that the A-2 rezone is consistent with the General Plan. Commissioner Parke seconds. Motion carries (6-0)

MOTION: Commissioner Bell makes a motion to table the request to amend the General Plan Zoning Map, Future Land Use Map, M-1 zone text amendment to remove single-family dwelling from the list of permitted uses, and to amend pages 2-2,2-6, and 2-15 of the General Plan. Commissioner Edwards seconds. Motion carries (6-0)

3.3 ZTA 2017-17: A public hearing to discuss, receive public comment, and take action on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

Mr. Ewert states that right now a PRUD is an administrative action. PRUD's are listed as a conditional use in many different zones as an administrative right. One of the challenges with PRUD code it allows developers to modify or amend any part of the Land Use Code and it leaves a wide open door of discretion for the Planning Commissioners and County Commissioners. An administrative item when it goes to court or an appeal, the court or the Board of Adjustments will determine whether or not the decision was arbitrary, or legal. When comes to administrative it either complies with the law or it doesn't. There has to be an objective criteria, reasonable findings, and facts. Sentences that say you can modify or waive any part of the code have to be interpreted in favor of the developer. If this administrative action is changed to a legislative action and called a rezone, there will be a wide open door of legislative decision making discretion. The Planning Commission can ask a question to make sure the decision is in the best interest of the community and how it's going to affect the General Plan. When it comes to appeals in a legislative decision the courts just want to know if there is a reasonable public purpose behind the decision. The intention here to change PRUD's from administrative to a legislative overview zone.

Mr. Ewert explains changes and gives an overview of the proposal as listed in the staff report.

Mr. Ewert states the County Commission has established a resolution on March 20, 2018, for anyone that comes in after March 20th they have to comply with the final decision. There are 180 days to make the change. The change needs to be made by September. PRUDs that have been previously approved get to continue exactly as they are. The Planning Director or the Planning Commission determine de minimus revisions to the PRUD they maintain their entitlement under the grandfather rule. If it is a big enough issue that requires careful consideration Planning Director or Planning Commission can make a revision that is not de minimus, and it would need to go through the overlay zone process. There is a lot of control over how it gets to be applied.

Mr. Ewert asks if there are any questions.

Commissioner Willener states that as she understands it in the cluster subdivision ordinance there is no bonus density allowed above 50%. With the PRUD overlay, there is a table that if they were able to squeeze all of these elements in and get a bonus density over 50%. She states that she understands the PRUD overlay but she is not comfortable allowing the PRUD to exceed the 50% threshold. There needs to be a cap or a maximum that can be defined so that that particular piece of the subdivision ordinance could not be flexed out because of the PRUD overlay. Mr. Ewert states that he believes this is fair and what is being requested there is an additional bridling of legislative discretion. The way that is written if it is adopted it doesn't have to be more than 50% it doesn't have to be 50% or they could do well over 50%, but what he is hearing is that they don't want to have that wide of decision making scope. Commissioner Willener states that based on the public comments when it goes above a 50% bonus density it starts to deviate from what the public wants and where they want the preservation to be. There could be exceptions, such as the Ogden Valley where they want large open spaces and small clusters in the corner, but it is a big exception. She adds that she's not sure if they want to be responsible for that decision, it would be better written as an ordinance. Mr. Ewert states that at this point the General Plan does not indicate what that limit should be. It does talk about bonuses and reasonable bonuses, but there is no limit. Commissioner Willener states that she's not sure if the Commissioners agree with her, but she feels that based on the public responses it is a concern. Mr. Ewert states that he started to write it that way but what if a developer comes in with a great location and a great development, and he wants double the density, but he wants to give a large amount of open space. He adds that he has spoken to people with this type of proposals. Commissioner Bell states that he agrees with the caps because there are still other uses for the property that they can still make significant money with and still minimize the amount of traffic from residents. 50% is reasonable considering it meets the same requirements as a cluster. Mr. Ewert states that if this favorable for the Planning Commissioners to make it part of the motion.

Commissioner Willener asks for clarification regarding the low income or affordable housing bonus, it says that the 10% additional density shall not be included when calculating other densities. Mr. Ewert states that it is abstract because the other bonus density calculations are guidelines anyway. If they are looking at 15% bonus and strictly following that guideline and there is a public offering that is exactly 15% and there are 100 they will be able to build 110 homes if they chose to do the affordable housing. Their 15% is only going to be calculated in the 100, so they are not doing 15% on the 110 just the 100. He asks the Planning Commissioners if they want it to be written differently. Commissioner Willener states that she is concerned that if they put a cap at 50% and if this doesn't count in the bonus density are they going to get 60%. Commissioner Bell asks if it could be included as part of the table. Mr. Ewert states that he could but when he wrote it, he wanted it to appear as a standalone item. Commissioner Bell states that he would suggest adding a description outside of the table to clarify. As long as it is included as a part of the table it will look like it was included as a part of the initial calculation. Mr. Ewert states that he will recraft the table.

Commissioner Bell asks regarding the definition of affordable housing. He states that he has not read the affordable housing act of 1990, he asks what the definition is and if it is relevant. Mr. Ewert states that it is relative to the community and it is based 80% of the median household income. Weber County's affordable housing threshold is around 40,000. Median household income is around 50,000.

Commissioner Bell states that regarding section 106.24 number 5 subsection B. there should be a big X on that. Mr. Ewert asks if the other Planning Commissioners agree or disagree. He adds that he feels that it fights against cluster code. People end up with a ½ acre behind them that just goes to waste. Commissioner Edwards states that he agrees and if there is a minimum lot width of 80 ft. there is going to be 250 ft. behind the house with most houses being built with setbacks it becomes tough to build a home with 80ft frontage. If that portion stays the lot width needs to be a minimum of 100. Mr. Ewert states that he will reserve striking it out until there is a motion.

Commissioner Borklund states that she has a question about processes, if somebody wanted to do a PRUD they would come to the Planning Commission with a plan, it would get approved by the Planning Commission and the County Commission. If they didn't have enough money to complete it, what happens then, is it set in stone. Mr. Ewert states that it is set in stone as much as the development agreement can be. It's still an overlay and the overlay is specific to the development agreement. A development agreement can be amended from time to time. It's still a legislative action and is amendable. If a developer decides the plan is no longer working the Planning Commission and the County Commission can look at the benefits of any changes. They have the option to go back to the negotiation table. Commissioner Borklund asks they can either apply with the underlying zone or do the development agreement. Mr. Ewert states that they won't be required to do the PRUD if the development agreement is negotiated in a way that they are entitled as A-1 or A-2 without doing the benefits. Director Grover states that if you look at Wolf Creek they weren't doing well and they came in and John Lewis took it over and the development agreement and now it's succeeding. Mr. Ewert adds that it is like a rezone or a text amendment, changes can be made to help the developer and the community be successful.

Commissioner Willener asks since the Ogden Valley Planning Commission has approved it as it stands if a motion is made does it need to go back to Ogden Valley. Mr. Ewert states that it won't need to go back to the Ogden Valley, and they have asked for some minor tweaks that are irrelevant to Western Weber. He adds that if the Western Weber Planning Commission does make changes that have a significant effect on the Ogden Valley, he could send it back to them, but with the County Commission requesting it, he might just send it their way first.

Commissioner Edwards asks regarding the bonus density, given the land that the County for emergency or recreational services say that development is required to install detention basin and it's fully landscaped. They call it a detention basin/park, is there anything in the code that would say they get half of the bonus instead of getting it all because it is a requirement outside of the park. Mr. Ewert states that he had not thought about that, because its legislative there is a lot of flexibility. He states that they need to tie whatever their decision is

to whatever is reasonable to the public interest. If could give more density because they have efficiently combined land uses or could give less because they should be separate it just depends on what they feel is reasonable.

Commissioner Willener states that they have run into some issue with the old cluster subdivision directly around detention basins and not seeing it addressed brings up some concerns.

Commissioner Bell states the given the extreme flexibility in granting bonus density in the PRUD it feels reasonable that there is no need to specify because as the Planning Commission it's discretionary. The difference with the cluster code was that it was required. Mr. Ewert points out that the cluster code was specific to combining agriculture animals to a detention facility.

Chair Hancock opens the public hearing

Jill Hipwell 585 S 3600 W asks for clarification regarding the ½ acres. If they do away with that is 9,000 sq. ft. the minimum lot size? Commissioner Bell states that it would be in a cluster subdivision. Mrs. Hipwell asks what the minimum is a for a PRUD. Mr. Ewert states that it is not listed. Mrs. Hipwell states that her main concern is that there is going to be another 5000 sq. ft. subdivision come up. She asks if they really want the lockouts and overnight rentals in West Weber. She adds that if they are going to do that they might want to put a cap on it. There might be certain developers out there that might advocate that. She asks regarding bonus density. If she understands correctly, they go in to get approval and then they have to get a title search, and they go in per phase. Director Grover states that when they go for the title search if it's just for a standard subdivision they have to go in for the whole subdivision if they choose to phase it the Planning staff looks at the phases. Mrs. Hipwell asks if it is done when they go in for conditional use permit or for preliminary approval. Director Grover states that it is done when they go in for subdivision approval, as part of the conditional use it's not a requirement. Mrs. Hipwell states that her concern is that it's not being looked at as a whole.

Brent Hipwell 585 S 3600 W states that he wants to touch up on the overnight rentals. The regarding the village that is planned and has been approved in West Weber, they have agreed that the owner of the home adjacent to or on the property had to be present in that home, it was one of the conditional uses. He believes this is an excellent idea. This way developers don't won't be able to buy every third home and rent them, and also advertising the lockout rental. He states that the community doesn't really like people coming and renting out the houses, they like to get to know their neighbors. He states that he has seen it done in Ogden, where a developer buys every third home, they rent them out until they are five years old and then they sell them. It's not a good way to get to know the neighbors. He adds that he believes that it was a good idea that the conditional use was out on the lockout.

Chair Hancock asks if there are any more public comment. There is none

MOTION: Commissioner Borklund moves to close the public hearing. Motion carries (6-0)

Commissioner Bell states that this has been a huge step forward in the PRUD allowing flexibility as a legislative action. He adds that he does have some question regarding the bonus density that was discussed. He states that he understood that lockouts were only allowed in the Ogden Valley. Mr. Ewert states that the current PRUD code allows nightly rentals in any PRUD. He adds that with these change would allow some discretion to say no nightly rentals in the PRUD.

Chair Hancock asks if there are any further questions. There are none.

MOTION: Commissioner Bell motions to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density with the following stipulations: the affordable housing bonus density be clarified, and that section 106.2-4 subsection B5 be removed and add a cap of the bonus density at 50%, and the requirement that owners be must be present for overnight rentals and lockout. Mr. Ewert states that regarding the nightly rentals and lockout he will separate The Ogden Valley and Western Weber because the Ogden Valley has an area that specifically wants it. Commissioner Parke seconds. Motion carries (6-0).

3.4 ZMA 2018-03 and ZDA 2018-03 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following:

- **2003 West Central Weber General Plan, to support a rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West.**
- **Rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West, from A-1 to a zone that will support a small-scale commercial village. The purpose of the general plan amendment and rezone is to enable a small-scale commercial village, with a development agreement that limits the commercial uses and controls the site's layout and architectural design better than existing ordinances.**

Mr. Ewert gives an overview of the proposal as listed in the staff report.

Commissioner Borklund asks if in order to support the petition, they would need to amend the plan to include the language. Mr. Ewert states that that is correct and the petitioner would have to request a General Plan amendment. He adds that he is not suggesting that the General Plan be changed but it does go along with some of the comments being voiced during the public process. It is important to keep in mind that it was not a formal process intended to change the General Plan. However, the information was used to inform this item.

Commissioner Willener states that this addresses some of the concerns voiced. In terms of where the vision of the County is going, the amendment would have to be made for this to be something that landowners could consider. Mr. Ewert states that the Planning Commission by ordinance is required to follow the general plan and make a recommendation that is keeping with the General Plan. The County Commission can make any decision; they have the Planning Commission and Planning Staff to give them recommendations. He states that for him to be able to offer it as a recommendation, there would have to be a rezone. The first step would be an amendment of the General Plan; the second step would be the approval of the rezoning. At this point, he is only requesting a public meeting to discuss the potential of the rezone and the General Plan amendment and what it would mean for the community. He states that one thing that is clear for the public process it doesn't seem like there is a lot of support for that side of the street to be changed. If the General Plan is changed to allow the owner of that area to change the zoning map. That would just help them in the future there would not be any mandatory requirement, no nonconforming, and no grandfathering. Commissioner Borklund notes they would be able to amend the plan without rezoning. Mr. Ewert agrees and states that as some of the landowners are not part of the petition they are just offering some guidance. Commissioner Willener asks if the North East corner has something on it. Mr. Ewert states that it has a Country Corner and it is currently zoned C-2. Commissioner Willener asks if the petition is only for the 21 acres. Would the proposed changes to the General Plan impact those changes as well or just the Southeast corner with the 21 acres? Mr. Ewert states that the petition is for the rezone which includes the request to amend the plan, the intent of this

is for the plan to be fixed so that rezones can be changed. The reason the 4 corners are the way they are, is because of the way the plan is written. Commissioner Bell asks what is the zoning on the Southeast corner. Mr. Ewert states that it is A-1 with entitlements of 20 homes, agriculture, or anything else allowed. Chair Hancock states that there is a need to be proactive when it comes to commercial development in the community in a specific area and the area in question might not have any other use than what is being proposed. Commissioner Borklund asks if both 4700 and 12th streets are arterial. Mr. Ewert states that they are both connector streets and they are currently working on that street, replacing the concrete.

Mr. Ewert continues the overview of the proposal. He states that he wants to get the Planning Commissioners take on this and hear how the public feels regarding this item.

Tammy Baugh 4441 S. 4300 West Haven states that she owns the property in question for 20 years. She states that they have tried to have it rezoned 2 other times. It was proposed to break it down to pieces, the only use to the property to anyone out there is commercial. Partial use renders the rest of the land unusable. With the discussion that they have had with potential buyers they would like to see a grocery store, a farming equipment store, there is a huge interest in a convenience store. Based on the community wishes they would like to see a bank, a clinic, a dry cleaner, and possibly a sports facility. She adds that if they use 2 acres for retention, it could be a soccer field or retention there could be a walking track around it. She states that they would like to see a restaurant. They want to give the community more variety, but they don't want to change the feel of it. She states that they would like to see it developed appropriately they want to see things that will enhance, they want to sell it to somebody but with the condition that it needs to be developed appropriately.

Chair Hancock asks if anyone has any question for Tammy Baugh. There are none.

Chair Hancock opens the public hearing.

Kerry Gibson 5454 W 1150 S states that he is also a principle in the Country Corner across the street from the rezoning. He states that a Master Plan revision is an important process. It is an extensive process. It's important to know the difference between a zoning change and a Master Plan amendment. It's confusing to the public. This process requires extensive public input, and it's an opportunity for everyone in the community to be a part of what they want their community to look like. The challenge is that once a Master Plan is adopted, there is a perception that the Master Plan be followed, that doesn't mean it can't be changed. Dramatic changes are very concerning because people see it as some type of a protection, they do not think that someone is going to show up at a Planning Commission meeting and change the Master Plan. He states that it may be time to change the Master Plan it's been sixteen years since the last revision. As that gets done it's important to keep in mind that it takes time, and it's an extensive process. Regarding this change, it is a dramatic change from what is in the Master Plan. There are three or four acres of commercial ground in all of West Weber unincorporated area and the development is concerning 21 or 22, that is a major change and it could be a shock to their system knowing what the Master Plan says now. He states that he agrees with Commissioner Hancock, it's an opportunity to think forward. There is a responsibility to the constituents to do that. When it comes to Master Plan revision there is an expectation that there will think forward as well, and offer guidance in what they think is important. He states that regarding the changes that were proposed he can't see any changes that he couldn't handle in one way or another if it was done in accordance with a well thought out Master Plan. His main concern is making a significant change to the Master Plan without looking at the entire masterplan in the community as a whole. If they are ready and willing to make changes of this magnitude, then they need to step back and go to the County Commission and request that they fund a Master Plan update. Regarding the Dark Sky ordinance, he does not believe it is a good idea in a commercial area. It's important to have proper lighting in livestock operations and for safety purposes in commercial and residential areas.

Brent Hipwell 585 S 3600 W states that he wants to back up what Mr. Gibson stated. He states that curb and gutter will come and if you allow 21 acres on one side of state highway and have 21 acres on all four corners, not only are you going to be writing a General Plan to accommodate the 30 acres there is going to be 80 to 100 acres on that corner will be commercial. There will be amendments in the future because even though right now the public says no, it's a possibility and just be aware that 21 acres on 1 corner will equal 30 on the other 3.

Brian Opheikin 644 South 4700 W states that he has been trying to build a home in Western Weber County for over a year. He states that this proposal is a good one. He states that the Master Plan goes along with the community and he has had to follow it in building his home and it has taken a year to make adjustments and changes to comply. If it's as easy as having Mr. Ewert propose the changes in the planning developments and it gets voted on and it makes it okay. It makes the public question what the Commission really stands for. He states that he feels this is a good plan but they need a new beginning as a County and the people. He states that he knows it isn't a PRUD but the whole time that it was being discussed he thought about what he can offer to the County for his lot to be developed. He asks what would it take to get his lot approved. He also feels that if he as a one lot development has to follow numerous requirements and regulations big developers should have to follow the same regulation even though they might have more to offer.

John Price 400 S. 6700 W states that he gets where everybody is coming from but growth is upon Western Weber. When the amendment was made in 2003 the community doubled in size. There has been a lot of changes that nobody anticipated. He states that they need to plan for the growth. It's nice to talk about what everyone would like it to be but the reality is they need to accommodate for growth. The changes are positive.

Dan Baugh 4441 S 4300 W states they have tried to zone it commercially before. If you live in West Weber nobody wants any change. He states that if the public is thinking it's going to be something big. There 21.9 acres but nobody wants to build on there but them. It's not about common sense, for them it's about they bought it as a farm it's going to stay a farm. He notes that they need to think about what's best for the community. He states that they need to drive 8 miles to go to the grocery store or to get a hamburger. There could be an emergency care for farmers, in case they get hurt. There are services out there that are needed and wanted. It's important to keep in mind that getting a grocery store out there is not going to happen overnight. It might start off as a convenience store and possibly a fast food place and develop from there. Right now the focus is on getting the zone changed, and he is hoping they can come to an agreement somewhere in the middle. He states they there are some things that need to be adjusted, but they are not against all the changes proposed. He states that they would like the aesthetic changes because he disagrees with the Dark Sky, but he also doesn't want it flooded with light. He states that they are amenable to changes, they are not going to be difficult.

Tammy Baugh 4441 S 4300 W states that if they can see the zone changed the changes will be sooner rather than later. The big box stores biggest hold up has been the zoning. They don't want to go through the process. She states that this is something that they need. Please consider the reasons why they may need to want these changes. She adds that they are willing to work with the Planning Commission so that the changes can be sensible and responsible.

Chair Hancock asks if there any other public comments. There are none.

Chair Hancock asks if there are any further questions from the Planning Commissioners.

Commissioner Bell asks on the east side bordering 4300 W that road from the South dead ends on the tracks. Would this allow for this to continue through? Mr. Ewert states that it is a possible ask. It is one of the

challenges when dealing with Union Pacific. It was closed for a reason, but it's not the first time the question has come up. It could be added into the development agreement that the resulting owner and the master developer will foster and provide improvements as long as the merits it and it's reasonably related.

Commissioner Willener states the proposed language for the adjustment says the General Plan the zoning for the village should limit large commercial uses and uses that are heavy dominated by automobile-oriented commercial uses. She states that she has heard people requesting a convenience store and to her, that sounds like a gas station and this would be the vehicle traffic. She states that she needs clarification on whether it's being envisioned as retail or a gas station on every corner. Mr. Ewert states that one thing in talking to the developer and understanding their desires for the corner, the market would dictate a gas station it doesn't mean that corner has to be reserved for a gas station. He states that he wants to be supportive to the applicant's desires for a bit of automobile-oriented commercial is to make sure that the drive-thru windows the stacking lanes, and the canopies are on the backside. He would also like to see a ton of pedestrian facilities that have crosswalks.

Commissioner Borklund asks what would be involved in the plan amendment process. Mr. Ewert states that it depends on the type of end product they want; it is something they will talk to the County Commission during the budget session. He states that the Ogden Valley General Plan cost 150,000 and the State threw in 50,000 for County resource fund. The Ogden Valley plan was slated for a year and it took two years, they had a very active and vocal public. It didn't cost more money but it took more time. Commissioner Borklund asks how the public would be notified. Mr. Ewert states that as far notices go there is no mandatory requirement. He states that sending out postcards is expensive. He adds that the expectation is that the public is paying attention to what is going on in their community and that is why they are not required to send notices. He notes that a postcard, in the beginning, will help the public along. Commissioner Borklund asks what is the turn out usually like. Mr. Ewert states that with the Western Weber Future Visioning the first meeting there was eighty people, the second there was forty or fifty, and thirty or so in the last few. It dwindles down and planning fatigue happens.

Chair Hancock asks if these kinds of general items were discussed in those Visioning meetings. Mr. Ewert states that they weren't specific but the deliverable was a map of desired future land uses in the area, it also focused on the potential creation of the Western Weber Corridor out West. He adds that he will provide maps and a full detailed report of the Planning staff's recommendation to the County Commission.

Director Grover states that it might be good to compare that map to this proposal to forward the Planning Commission's recommendation to the County Commission. It can be used in aiding the amendment to the General Plan. Right now the Planning Commission needs to decide if a full-blown plan is needed in order to look at this request or a text amendment without looking at a full-blown plan. Commissioner Parke asks how realistic a revision to the General Plan is. Director Grover states that it not likely to be on this budget cycle but the one after that, a year and a half to two years out. There is a warrant for that especially after the Visioning that happened out there. He states that they have a few options they can table the request and give staff some direction, they could forward a recommendation of denial to the County Commission pending a plan amendment, or they can recommend approval. There are some different options.

Chair Hancock states that at this point he doesn't feel he can make a good judgment especially after hearing the public comment.

Commissioner Edwards states that he doesn't disagree there have been some great comments, everyone has to follow a process. He states that it would be a possibility to offer the 14 acres as the plan says, it does restrict the other corner maybe it goes as a first come first serve, it at least wouldn't sting this applicant along

for two and half years everyone has property rights. They have the right to do with their property what they would like. It would allow them to move forward. He states that he agrees with the dark sky comments from the public it might not be a good idea for the area.

Commissioner Bell states that this is the second thing that was brought up this evening that there was mention of amending the General Plan. He states that they can be too quick to amend the General Plan. He adds that if these type of items keep surfacing there is no reason to keep putting off peoples requests if there is not going to be an update. There has been a lot of public comment that he wants to mull over.

MOTION: Commissioner Bell motions to table item 3.4 ZMA 2018-03 and ZDA 2018-03 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following:

- 2003 West Central Weber General Plan, to support a rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West.
- Rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West, from A-1 to a zone that will support a small-scale commercial village. The purpose of the general plan amendment and rezone is to enable a small-scale commercial village, with a development agreement that limits the commercial uses and controls the site's layout and architectural design better than existing ordinances to consider public comment. Commissioner Edwards seconds. Motion carries (6-0)

Commissioner Willener states that she believes it would be helpful to see the results from the Western Weber Visioning Project specifically regarding the feedback from the village concept. In lieu of having to amend the entire General Plan that could be a resource where public comment has already been gathered.

Director Grover states that as they table the item there is a statutory right for due process, they will need to make a recommendation to the County Commission at some point because there is a paid application. Commissioner Bell asks if there is a timeline. Director Grover states that it can be argued but as long as it reasonable, preferably in the next couple meetings as long as there is justification on giving staff direction on what to look at. Commissioner Bell states that they would like to see what is proposed in the next meeting based on the public comment.

4. Public Comment for Items not on the Agenda. There are none

5. Remarks from Planning Commissioners- Commissioner Borklund asks whether the ex parte rules apply with regard to legislative items. Director Grover states that they don't. He adds that he encourages them to engage with the public if they ask a question about a legislative item. Commissioner Borklund states that she believes this could be a tool to get input and information.

6. Planning Director Report- Director Grover states that the Planning Commissioners need to get with Planning Staff regarding the APA conference October 3rd and 4th in Sandy. It is the State Conference good training and dialogue is offered.

7. Remarks from Legal Counsel- There is none.

8. Adjourn-8:52pm

Respectfully submitted

-Marta Borchert