

**Minutes of the Unofficial Western Weber Planning Commission meeting of June 12, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.**

**Members Present:** Roger Heslop-Acting Chair  
Mark Whaley  
Wayne Andreotti

**Members Excused:** Blake Hancock  
Jennifer Willener  
John Parke  
Jannette Borklund

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

Director Grover states that there are only three Planning Commissioners present there is no quorum. Since the public has shown up, they will hold an unofficial meeting to take public comment so that it can be transcribed and passed on to the Planning Commissioners not present at a later meeting. He adds that when the public comes up they are to state their name and address.

**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**

Chair Heslop opens public hearing on item #4. under the legislative items on the agenda. Chair Heslop asks Mr. Ewert to give an overview of the changes from administrative to legislative and some of the major items to give the public a base to make appropriate comment. Mr. Ewert gives a brief overview of the changes made as listed in the staff report.

Chair Heslop opens for public hearing. There is no public comment on this item.

**DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden**

Chair Heslop opens for public hearing. There is no public comment on this item.

Director Grover states that the applicant and other representatives of Kimberly Clark have left. He adds that he would like to have a special meeting for this item specifically because they are on a time sensitive schedule. The other items can be postponed until the next official meeting. If the Planning Commissioners are available, he would like to see if there is a quorum for that meeting so that the Planning Commissioners can act on this item. He asks if the Planning Commissioners are available to be present. Commissioner Andreotti states that he will be available, and Commissioner Whaley states that he will be available. Commissioner Heslop states that he will be in Arizona.

**ZTA 2018-02-Public hearing to discuss and take comment on a proposal to amend the following section of the Weber County Code: Standards for Detached Single-Family Dwelling (Chapter 108 Title 15) to add standards for single-family dwellings with secondary kitchens.**

Chair Heslop opens public hearing. There is no public comment on this item.

Director Grover states that it allowing and requiring an agreement to be entered into if they decide to put a second kitchen in their home. They end up signing an agreement recorded at the County so that it can't be rented out .it makes it legitimate to have a canning kitchen.

**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.**

**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.**

Chair Heslop asks Mr. Lleverino to address the M-1 zone issue that is referred in to on the general map of M-1 in the land use as well as item #3 on the Legislative agenda the change of zoning in the areas along 900 South at 7500 West to 8300 West from M-1 to A-2.

Mr. Lleverino states that item #2 under the legislative agenda where it states public hearing for consideration and action on a request to amend General Plan Zoning Map, that would be amending the future land use map. Where it mentions M-1 zones text amendments to remove single-family dwellings from the list of permitted uses, if you were to look at the land use code you would see an M-1 zone. If you have 5 acres or more you can have a single family dwelling in the manufacturing zone. If you refer back to the general plan, there is an action or implementation in the general plan that suggests that the single-family dwelling is removed as a permitted use from the M-1 zone.

Eldon Davis 7090 W. 900 S. Ogden asks why they are getting rid of the homes in that section. He owns some ground that is surrounded with homes that would require him to rezone in this case. What the motivation for taking family dwellings out of the M-1 zone?

Mr. Lleverino states that this proposal was made by the applicant named John Price. He owns property out there, he requested a rezone of that area from M-1 to agricultural. He states that there are conflicting uses. There are residential uses that could be negatively impacted by uses in the manufacturing zone such as noise, smell, and sound. He adds that no homes are being removed.

Randy Giordano 7852 W 900 S. Ogden states that the problem out there is A-1 coming from 700 down 900 S 1 acre lots all the way along the front. M-1 for 20 or 30 acres and then A-1. There are L shaped area and M-1 areas that are surrounded by A-1 or A-2 it makes no sense. If the plan is to keep M-1 by itself, keep it by itself. It's Joggled in and out. He adds that these changes are punishing some people that own property there. If they had plans to give it to their children or sell it, they can't do it now, because of the changes. He states that it makes no sense at all to him.

Mr. Lleverino states that it is a good point, this rezone would actually solve that problem.

Gary Hayes 5484 W 560 N states he owns property in the area. His shop has been there since 1976. They have been done business for almost everybody in the area. He asks what is going to happen to him and his shop. Do they get to keep their zoning? They have 3 acres there. They have 1 acre that is in the agriculture zone in the front that they can't do anything with. He would like to propose that the 3 acres stay in the M-1 zone so that they can continue to do what they are doing. If the zoning is changed they get grandfathered in. He can't sell it or do

anything with it. It makes his property worthless. He adds that he has a big concern with this. He wants to know what it would do to his sellability. He bought the shop from his father, his son is planning on buying it from him.

Director Grover states that as far as the selling, he would have a legal nonconforming lot. Mr. Hayes would be able to sell it to another owner. The only thing is he could lose that right if it was vacant for a year. He would still be able to use for manufacturing type uses in that area. If it gets rezoned and if by chance he stops using it there is a 12-month clause; If it stays vacant or it wasn't operated during that year it would lose its right and revert to the original zoning. As long as the use is maintained he can have that indefinitely. It runs on the property.

Mr. Crockett states that it wouldn't be a legal nonconforming right to new uses, but it would allow the continued use for the use that is there right now.

Kelly Penrod 5764 W 4600 S. states that when he looks at the items that are being contemplated, it seems that it is conflicting with the work and study that is going on in Western Weber County regarding conforming the zones. Anybody that looks at the zoning map out there can see that there is a hodgepodge of zones. He asks how does this tie in with all the work and the public meetings that are being done regarding the General Plan. Does it go forward and then get changed when the study is completed?

Director Grover states that if they want to change the use they can do that but they can't change the intensity. They would look at the use that is currently being used and the manufacturing zone and see if it is a permitted use in a manufacturing zone and the uses of someone else wanting to come in and it is a permitted zone and the intensity, it could be changed in that respect. He states that regarding the second part of his question this zone has been zoned manufacturing for quite a few years. Nothing has happened on this property, the only thing that has happened in this area Mr. Hayes business. By going to residential you start to look at the character, and residential is picking up more of the flavor in the area. Mr. Price who is the applicant has asked for the rezone to A-2 which is agriculture and residential so that he can accommodate for the primary use in the area. It would also be getting rid of some of the slivers and island in some of those areas.

Kelly Penrod 5764 W 4600 S. states that he has looked at the codes a bit and he can appreciate what is said. The A-2 zone it allows a cluster subdivision and regarding density, the people out there are fine with 5-acre lots and it should be kept rural. Is the opinion of the people living out there, not just people that own a piece of ground out there is it going to be taken into consideration?

Director Grover states that these comments will be transferred to the next meeting. Also, they will be taken into consideration at the next meeting with the other Planning Commissioner present when the item can be acted upon. The comments will also be forwarded to the County Commission for their review as well.

Mr. Ewert states that he would like to give some information and background on the work that is being done and the meetings being held as a part of the West Weber Visionings. He states they are trying to figure out where Western Weber will go in the future. At this point, there is an application requesting a very specific thing. It is entirely possible that years down the road the future land use map and the general plan amendment comes in and relooks at this area with fresh eyes. It a valuable thing to consider. He adds that another thing to think about is that there is a bit of a misunderstanding regarding the cluster subdivision. Cluster subdivisions don't allow any more density than the underlying zone. If you have 5-acres in a 1-acre zone you get 5 houses. If you have large enough quantities of land you could get bonus density but it based on the amount of acreage you have. If you have 20 acres you might get 20 percent bonus density. In this area, there is, not enough land acreage or enough density rights already allocated to constitute 50 homes in general.

Jill Hipwell 585 S. 3600 W states that there are subdivisions that are being approved and they are getting 50 percent bonus density. When there are 175 acres and 250 homes on this acreage it's an issue. A lot of these people do not want cluster subdivisions. She adds that she has researched all the surrounding areas, and considering they have the most agricultural they are the most unprotected entity out there. Ogden, North Ogden, and Pleasant

View have to do their own zoning. In her opinion, the PRUD and maybe the cluster subdivision need to be repealed until there something that will work for their community the rural and agricultural community not the urban.

John Price 400 S 6700 W states that this is his proposal and he would like to state his reasoning. M-1 is where his farm sits. It makes his ground worthless. No manufacturing would purchase that ground. It doesn't make sense. He states that he talked to the neighbors and it made more sense for a long-term future use. His intention is not to build right away when he retires in the future it will make more sense. As West Warren grows, it would be a more logical land use than M-1.

Bill Davis 7598 W 900 S states that his family has owned their ground for a long time. When Mr. Price purchased his land it was zoned M-1. Mr. Davis states that he doesn't care if it is changed or not because he plans on farming for a long time. His question is if it is changed from M-1 to agricultural, is there going to be a buffer zone?

John Price states that this concern was addressed in the last meeting. Where it shows M-3 they talked about making that M-1 and creating a new buffer zone. He states that there is a lot of ground out that way. It would make sense to create a buffer zone on the other side of 83. There is still a plethora of M-3, they aren't taking any of the M-3 ground. That is where manufacturing would go anyway. The ground where it's filling up residential is going to be more expensive. The further west you go the cheaper the ground will get. It is more accessible.

Director Grover states that some of the uses that could happen in the M-1 zone and the M-2 zone. M-2 is heavy manufacturing and M-1 is light manufacturing. A junk and salvage yard would not be allowed in an M-1 zone it would be allowed in an M-2 zone. A more intensive type manufacturing use would be allowed in the M-2 zone. Part of the proposal is that the other side of the street would be rezoned M-1 so that there is a transition area

Eldon Davis 7090 W 900 S states that part of what concerns him is the accessibility of the ground. if it is changed from manufacturing to A-2 the density is going to affect the infrastructure. There currently the infrastructure can't support it. He states that he's not sure if any plans have been made but 900 S is the only exit area. The infrastructure needs to be looked particularly going from M-1 to A-2. The potential for a lot more traffic exists. He adds that at this time they aren't set for that.

Director Grover states that this is a concern that they have too. The developers are going to have to pay for the cost of those improvements to go in. The County doesn't have the money to do that. If residential comes to that area or if manufacturing comes to the area they have to address those improvements. Right now there is nothing on the table but when the developer comes in they will be responsible.

Randy Giordano 7852 W 900 S states that they started developing that road because they had some big scheme to get industrial to go below 750 W. The County started to pour money into there like crazy. The industrial left so now they don't want to build the road anymore. He states that they have been left in a big mess out there. There are no other plans to do anything more out there until 2025. It works both ways they get a big shot at industry and they will get going again. The County is paying to improve the roads but they are throwing it back on the Water District to improve the water district and the Powerlines to do the power lines. Everybody is paying to improve their share. He knows because he sits on the Board of the Water District. The County is not doing anything other than making a mess out there.

Director Grover states that the County is not going to be doing those things. As he mentioned before the developers are responsible for those improvements. The County doesn't have the funds to do that. Unless some grants are acquired, that is the only way that is going to happen.

Gary Hayes 5484 W 560 N asks what are the chances of leaving that M-1 and changing the front acre to M-1, and leaving his piece alone. He states that he understands what is being said, but he was grandfathered in. He understands that as long as they stay to do the same type of business, it would continue, but the market to sell his company has gone from a big market to small because now, he has to find somebody who is going to do the same type of business. It changes his market, his sellability, and makes it extremely difficult to sell.

Director Grover states that it is a definite possibility. He adds that it is something that can be brought up in the next planning meeting when the Planning Commissioners look at it in more detail.

Flora Hayes 5484 W 560 N states her husband's family has been at this for over 40 years. She adds that they have likely worked for everyone in the room. She states that they are neighbors. They don't want to change; they don't want to leave. They want their son to be able to do the same thing for every farmer in the community. Her grandfather was a farmer and she believes in farmers. She will bend over backward for farmers. She adds that it can't be done if their business is taken away.

John Price 400 S 6700 W states that when this was looked at initially he assumed that the Hayes business was in agriculture because part of it is. He states that he never wanted to hurt their business at all. He adds that he is one of their biggest beneficiaries. He states that he loves them and would love to see them stay how they are.

Commissioner Andreotti states that he has a question for legal. It makes sense to have his 3 acres all be one zone. This is something that can be considered. Is that Correct?

Director Grover states that it is within the Planning Commissioners purview. Typically, they do like to create zoning boundaries they try to keep clear of the linear line. If it is in the interest of making a situation better from what exists. That is a determination the Planning Commissioners can make.

Kelly Penrod 5764 W 4600 S asks if Item #3 on the legislative agenda is asking for a rezone beyond the applicant's property. Is he asking to rezone other people's property?

Director Grover states that as it sits, the staff has given him some direction to look at the possibility of rezoning other people's property because when they look at rezoning they want proper edges and the proper connections. It creates cohesiveness. That is why staff has recommended it. Mr. Price is asking just to rezone his property but based on talking to staff, they have given him some direction.

Mr. Lleverino states that there are another 15.75 acres that he would like to rezone from A-3 to A-2.

Mr. Price states that he originally just wanted to rezone his property. The "pig farm" the entire farm 80 acres of it is A-2 and the south end is A-3. He states that for future uses he would like it all to be in A-2. On the M-1 ground, there was originally individuals on the original application. He adds that they understood it would be better if everybody was in agreeance. They spoke to multiple people that had M-1 ground. He states that it was deceiving because of the A-1 that went across some people's frontage. He might have missed some people that had M-1 ground. He tried to talk to all the neighbors, the people that he spoke to were all in favor of the change. He states that clearly he missed Mr. Gary Hayes but he was under the impression that he was A-1 zone. He notes that he didn't just get random people and add them to the application, everyone that they were aware they spoke.

Ron Huemiller 1956 S. 7500 W states that he right across the street from the little piece that Mr. Price wants to change. His concern is that he likes the rural lifestyle. He moved out there 10 years ago to have that. Is this going to increase the likelihood of development, and a subdivision going in across the street from him? Is this going to tear down the rural lifestyle he enjoys out there? He states that if it just so that all his land will be the same zone and he is going to continue farming, then he can understand that. If he has near future plans to sell it off to subdivisions. He is not sure if he will stay.

Commissioner Whaley asks how the public found out about the zoning change. He states that the information received from the public is useful to the County, the staff. He asks how many people have been to speak to the Planners.

Gary Hayes states that he received the postcard a week ago and he called Mr. Lleverino to find out what was going on. He is not sure how all this works and it was not suggested to them to get with the Planners. This was the first notice they received.

Commissioner Whaley states that the Planning Commissioner come in and try to be an interface between the community and the County. He notes that the reason the Planning Commissioners volunteer is the same reason the public is present tonight because they are interested in how the communities develop. The Planners are highly trained and spend a lot of time and effort to make sure the County functions efficiently. They do it every day. He notes that he understands they everyone in the audience has a job and it makes it inconvenient to make this information known to the Planners, but they would likely appreciate knowing all this information ahead of time. When the staff makes their recommendations to the Planning Commissioner they have a full spectrum from the public. He adds that without having a quorum there is not much that can be done at this point. As Commissioner Heslop stated the information will be passed on at the next meeting. He adds that he believes that if the public takes these comments and brings them up with the Planners before the meeting, there can be a proper discussion and the Planners explain the objectives in detail, and everybody can be better informed.

Gary Hayes points out that perhaps the notices sent out should have more instruction and a list of contact information. He states that they were only given a weeks' notice and they all have jobs. It makes it difficult. Commissioner Whaley states that speaking for the Planning Commissioners they are a volunteer, they come in once a month.

Gary Hayes asks why everybody is getting lumped in with Mr. Prices application. Why does it have to be addressed now?

Commissioner Whaley states that that discussion ought to be had with the Planners. He states that they are happy to listen and try to help the Planning. He thanks them all for coming, but it is important to keep in mind that this something that they volunteer to do.

Director Grover states that when an application comes into the office there are certain thing they look at. The first thing they look at is the General Plan. The General Plan is what the community has said they want their area to grow into. In this situation, the General Plan does not give an option for residential at this location. It talks about manufacturing in this area. The petition is requesting two things. To amend the General Plan because it doesn't give an option for residential in the area. He is also asking for a rezone. When staff looks at those things they have to make a judgment call as far as what makes the best sense for the community. All staff is doing is giving a recommendation to Planning Commission and to the County Commission and they can take the recommendation, change it and make changes. It's nice to be able to hear the public comments beforehand because they can get with the petitioner, and have a discussion regarding the public concerns and possibly make changes. He adds that he does recommend that the public keep an eye on the agenda or keep in contact with Planning office so they are aware of future meetings. He will have another notice sent out for the next meeting. He adds that they will take the comments from the tonight's meeting and get with the developer. He also adds that the notices do have the Planners name the public should feel free to contact the staff. It does help to hear the comments beforehand. The public who is in attendance should also be aware that the comments received at this meeting will be taken into consideration when it reaches the County Commission. All the Planning Commission does is make the recommendation to the County Commission. They are not approving it, all they are doing is giving their recommendation and it's being forwarded to the County Commission for them to act on. They will also have a public hearing. There will be a lot of chances for public comments.

John Price 400 S 6700 W states that everyone is welcome to discuss it with him. There is a community Facebook page. It has a lot of information. A lot of people are worried about growth. He is a farmer and he wants to continue farming. He states that he doesn't believe it is a concern for the near future. He would rather see homes than a FedEx Shipping and have trucks going in and out. He would rather see families in his backyard. He wants everyone to know available to contact as well.

Commissioner Heslop states that having driven down in that area with the exception of the Hayes area is A-1. It is not manufacturing. What they are looking at doing is making the zone what it really is. It is currently being used as agriculture. For those who are asking for it to remain as it is, it is not currently being used as M-1 with the exception of the Hayes family. It is being used as A-1, A-2, or A-3.

Jill Hipwell 585 S 3600 W states that she has brought up the public comment issue before. Why can't the applicant or developer be responsible to post public notice on their property or send out public notice 15 maybe 30 days ahead of time? There are some other counties that already have this in place. She adds that it would give the public more time to do research and get with the Planners.

Director Grover states that the staff does put out signs, he will get with the staff and make sure it happens in the future.

Kelly Penrod 5764 W 4600 S asks that even if Mr. Prices property is all the way at the bottom of 7500 is the staff proposing to do a rezone of properties that are even on the north side 900 s all the way to 8300 W. It seems like the proportionate change is 50 times the property that the rezone affects.

John Price 400 S 6700 W state that he actually has two properties and he points them out and his neighbor's properties out on the map. He also goes over changes made from the original application.

Mr. Crockett states that regarding the noticing procedures state law requires the minimum requirements. If there are other suggestions or recommendations the County Commission has the ability to adopt those.

Chair Heslop closes public hearing.

Chair Heslop asks Director Grover if he has any comments.

Director Grover states that the public comments will be put into minutes and they will be given to the Planning Commission and Staff will also look at them and look at possible modifications. He adds that they will re-notice and get it back before the Planning Commission.

Chair Heslop thanks the public for coming out. He notes that they had a meeting not long ago, and a farmer made a comment which lead to a change in verbiage that is used in the cluster ordinance. Their comments are taken into consideration.

Unofficial meeting adjourned-**6:18 PM**

Respectfully submitted,

*Marta Borchert*