

**Minutes of the Western Weber Planning Commission meeting of June 11, 2019, held in the Weber County Commission Chamber, 2380****Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.**

**Members Present:**       **Bren Edwards-Chair**  
                                  **Andrew Favero-Vice Chair**  
                                  **Greg Bell**  
                                  **Jannette Borklund**  
                                  **Jennifer Willener**  
                                  **John Parke**

**Members Excused:**       **Blake Hancock**

**Staff Present:**    **Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Steve Burton, Planner III; Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary**

- **Pledge of Allegiance**
- **Roll Call**

Chair Edwards asks if there are any ex parte communication or conflicts of interest to declare. Commissioner Bell states that he would like to note that there was some discussion Regarding item LVH 040419 between him and the applicant after the meeting before the work session. He notes that the applicant asked for clarification and more of a direction moving forward after the item was tabled. Director Grover states that he asked Commissioner Bell to disclose this information. He notes that he does not feel that there was anything inappropriate and he does not believe it would sway his decision one way or the other.

**1.1 LVH 040419: Consideration and action on a request for preliminary approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden.**

***Applicant: Tyler Brenchley; Staff Presenter: Steve Burton***

Steve Burton states that this item was before the Planning Commission last month and it was tabled to allow the applicant and staff to get more information. Staff recommends approval based on the findings and conditions listed in the staff report.

Tyler Brenchley 1064 Spyglass Ave.

Keith Ward 1978 S Cameron Dr.: ask if there are any questions for them. Commissioner Bell asks regarding the treatment of the lake. Mr. Ward notes that the lake will use Hooper Irrigation water which is already treated. If there is additional treatment required, it would be treated in a similar fashion. A blue dye might be added, to prevent the light from penetrating the surface. This dye has no effect on the fish. In the event that it has to be released there should not be any harmful effects. He states that a study is being done and is currently looking at different ways to provide water to the lake. If they decide to go with a pressurized line it will require 26% of the allotment used over the irrigation ditch. The loss would be greater with the ditch, because of the conditions of the ditch and running through the private ground.

Regarding the water shares, there is a contract in place with the sellers to have a full share provided with each acre. Commissioner Borklund asks if it is governed by the Army Corp of Engineer or by the Health Department. Mr. Ward states that its not, due to the design. The water is below grade, there is no water being held above the natural water level. Because it is not above water level it is not required but they plan on submitting and getting it signed off anyway. Commissioner Parke asks how they will handle the irrigation water concerning surrounding properties. Mr. Ward states that there is a number of ways to handle it, in terms of piping the ditch or rerouting the ditch. The engineers have done the elevation study, with a survey to support either approach. Currently,

the proposal is to reroute around the subdivision. He states that currently, the flow is 3 CFS. He adds that there have been comments about the ditch being in need of repairs. Redoing the ditch would help maintain the flow. As developers, they are required to ensure that all the shareholders retain their share of water.

Mr. Ward states that regarding the noise ordinance it will be no obnoxious noise or and the time limit will be set on that requirement. The boats will be operated under California emission, the noise is significantly less.

Mr. Ward states that they would like to fence the lake for the benefit of the owners. They have not decided on a specific fencing material.

Commissioner Parke asks how they plan to mitigate dust and contamination.

Mr. Ward states that it could be a serious issue if the water was low enough. There are a lot of lakes that exist in farm country and there doesn't seem to be any notable impact. He notes that he can't account for people's future concerns.

Commissioner Willener asks what are the impacts in off-season regarding secondary water availability. What happens to the lake when it can't be filled.

Mr. Ward states that evaporation goes nonexistent in mid-October. This is when the water season ends. He adds that he has not seen a problem regarding this as long as there is irrigation. The other option is to apply for a change in water rights to use groundwater to do so with the state. He notes that they are currently working with Hooper Irrigation.

Commissioner Willener asks if there is any implication for freeze-thaw impact as far as the structural engineering. Mr. Ward states there is no significant impact regarding freezing and thawing. The water is at ground level it is not sitting above, so it is not retaining water. Freezing and thawing is not a major concern. Commissioner Willener asks if it would impact the integrity of the lake. Would it affect seepage in the future? Mr. Ward states that it would not have a significant impact on this type of design. He notes that he can contact engineering on this issue.

Chair Edwards asks if there are any further concerns regarding this issue. There are none.

Chair Edwards opens public comment.

Rosalie Howard 4024 W 1800 S: states If people want to live near a lake or have the access they can move near a lake. She is very concerned about the raised groundwater. She notes that during the spring the sump pump goes all the time. She adds that there were many comments from the developers regarding the water turns, the mosquito abatement, and noise. She asks who is going to hold them responsible.

Dean Martini 4392 W 1400 S: states that he has concerns about the seepage. He is concerned about being able to maintain the good farm ground. He adds that if there is going to be water there it doesn't matter at what level it is, it will hurt the farm ground. It is his understanding each will be 300,000 and up. What is going to happen if some lots are sold and some are not? How will this affect the maintenance of the lake? It is his understanding that part of the farmland has been sold to the school and he believes this is a danger to the children even with a fence. Regarding the mosquitos, they are going to need to spray constantly.

Randy Ropelato 3954 W 1400 S: states he has two concerns. They stated that there were two ways to get the water in the lake. One way was through the ditch. He asks how are they going to set up the proper people to help maintain the ditch all the way. The second option they mentioned was a pressurized line. He notes that there is no pressurized system out there that he is aware of. He asks what pressurized system are they talking about.

Dennis Martini 1326 S 4700 W: states that they mentioned they are going to reroute the ditch. He asks how they would reroute that part of the ditch that goes through their property. Even if the ditch is rerouted it's going to start affecting other farmers. If they are going to do something about the ditch they need to do something from the head of the canal down. They can't just fix portions of it. He notes that they have farm fields on both sides of where that lake is supposed to be.

Josh Martini 1326 S 4700 W: States that they have their cows on one side and the field on the other side. He asks if they will be reimbursed for any damage to their property caused by seepage. He adds that they haul manure and it stinks. If people spending 300,000 dollar home they aren't going to want to leave near those smells. There are going to be complaints regarding the smell. Early fall when it is time to harvest corn, they spray for spiders. What happens if there contamination in the lake.

Carolyn Jones 1741 S 3950: states that it is terrible to take good farmland for something like this. There is so much land farther west. She adds that she is very concerned regarding 1800 S. It is a 2 lane highway there are no shoulders on. There is a lot of traffic on that road. There are a lot of homes being built in this area. Because it is a State highway there will not likely be a light put in. There is farm machinery going in through there. There is a lot of people riding horses and bikes in that area.

Brad Blanch 736 S 4700 W: states that these kinds of developments are the type of developments that Weber County needs. The plan is thoughtfully planned out. It would be an asset to Weber County. He states that all that said there are some concerned that need to be addressed. He adds that Carolyn Jones is spot on regarding the roads. Weber County has so many roads that are below their own standards and they refuse to bring them up to standards. He asks that the Planning Commissioners to think about what precautions need to be taken and to make sure all precautions are adhered to.

Dennis Lund 1447 S 4700: states that this is exactly what West Weber doesn't need. This is how Plain City started. He adds that if they drive over to Plain City that is the future of West Weber. He asks how the sewer is going to work.

Mike Martini 4288 W 1800 S: asks where the lake will drain. Right now it's an open ditch. If there is another wet winter, the pipes won't be able to hold that much water, especially for a lake. He adds that it will also affect the homes that are downstream.

Chair Edwards asks if there is any further public comment. There is none.

Chair Edwards closes public comment.

Chair Edward asks Mr. Burton if he would like to address some of the concerns that have been raised.

Mr. Burton states he would like to remind everyone that the proposal is before the Planning Commission for preliminary subdivision approval. This addresses the way the lots are laid out. He states a lot of the concern would not be brought up if there wasn't a lake in the middle. One thing that is important to note is that the applicant is required to provide engineered drawings and plans to make sure that the water gets to where it needs to at the same capacity that it always does. The County has engineers that review and approve those issues, based on engineering best practices and standards. Someone mentioned that there was concern regarding the lake not being available to the public, this is something that the developer has a right to do, just as they have the right to plat the lots the way that they have plated them. He adds that some of the other things that were brought up he can't really speak to. The pesticide could affect anybody. Whether they are in that subdivision or not. He states that it will be connected to the Central Weber Sewer. Regarding the roads this is a common concern with subdivisions, the County Engineers are responsible for how many people are using the roads and widening them as they see fit. Many of the concerns are valid, but they will be addressed moving forward as the developers provide engineered plans. Regarding the secondary water system, it is going to be piped, and pressurized.

Commissioner Willener asks regarding the County's responsibility should the engineering design fail. If issues with seepage arise. Mr. Burton states that he can't speak to that. He adds that it is not a concern for the Planning Commission. It could be if there is life safety involved, but this is the standard subdivision process. The application meets all of the subdivision requirements.

Director Grover states that the Planning Commissioners can look at what issues would be a concern for life safety. He notes that they need to be very cautious that they do not request anything and beyond what is required. Looking at issues such as groundwater and the type of issues that might have could be made into conditions. The can be addressed prior to final approval.

Commissioner Borklund asks if the lake is part of the first phase or the second phase. Mr. Burton states that the lake is part of the second phase. The first phase is to the east.

Commissioner Parke asks what happens with the water shares if all the lots aren't sold. Mr. Ward states that pressurized irrigation is being extended up 4300 W to the frontage of the property. They have the water rights, they are part of the contract. He notes that because they are providing pressurized water to all the lots being put in, they will not be selling lots and water shares. Hooper irrigation water will be treated at the canal head for the algae growth.

Commissioner Borklund asks there will there be and HOA. Mr. Ward states that there is an HOA with all the covenant's restrictions and requirements for maintenance. He adds that they will be in a position to hold water back that is why they are applying through the Dam Safety Commission. He is currently working with engineering to upsize the drainage ditch.

Commissioner Bell states that there is a lot of concern regarding lake seepage. He adds that the staff report has significant detail regarding seepage. He asks that Mr. Ward explain it to the public. Mr. Ward states that they have done a geotechnical study to understand the feasibility, and the construction requirements to mitigate any safety concerns. They recommend that the bottom of the lake be lined with a clay liner to minimize or stop seepage or a synthetic liner. Following engineering practices and standards, they can mitigate any concerns with seepage from the lake. The engineering on this issue has been completed; they are just waiting for preliminary approval to submit that. Commissioner Bell states that there was some concern regarding contamination of the lake from the farming around it. Mr. Ward states that he doesn't understand this concern. If it were airborne, everyone would have a significant problem just from the current farming operations, the same thing with mosquito control. Regarding the groundwater level according to the state of Utah groundwater expert, if the lake was to fail and all the water was to drain instantly into the ground level table the elevations would be immeasurable. He adds that this is beyond his understanding, but that his why they retained the expert. He asks if there are any further questions for Mr. Ward. There are none.

Commissioner Bell asks Mr. Burton when HOA's are involved there is a condition that they need to be registered. Is that just during final approval? Mr. Burton states that it is required for cluster subdivisions to maintain open space. It is not required for a standard subdivision. Commissioner Borklund states that covenants are not enforced by the County, they are enforced by the homeowners. Chair Edwards states that he would like to echo Mr. Burton's comments there are a lot of concerns, but the plans will be reviewed by all reviewing agencies. Preliminary approval is concerning the lot layouts, it will be back for final approval. At that point, all concerns should be addressed.

Commissioner Borklund states that she would legal to go over the abilities they have as a Planning Commission and what they are charged with. Mr. Wilson states that if there life safety concern, or regarding the general welfare Planning Commission is charged with making sure it complied with the subdivision code. Because it is different doesn't mean that it doesn't apply to the subdivision code. If they are going to rely on the safety and general welfare, there needs to be sufficient findings.

Commissioner Bell states that it is a lands right issue. The applicant owns the land, it meets the code. It is not within the Planning Commission to deny the proposal.

**MOTION:** Commissioner Bell moves to recommend preliminary approval of Halcyon Lake Estates Subdivisions consisting of 28 lots. This recommendation is based on is subject to all review agency requirements and the following conditions: That the property is annexed into the Central Weber Sewer Improvement District prior to the recording of the final subdivision plat. The boundary and area of the remainder parcel must be shown on the final subdivision plat as required by LUC 106-1-8 ( c ) (3). A note shall be placed on the plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceeds the minimum area and average width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code" this recommendation is based on the following findings: The proposal of the subdivision conforms to the West Central Weber General Plan. The proposal subdivision complies with applicable county ordinances. Commissioner Parke wishes to abstain from voting because there is a flaw in the current code. Mr. Wilson states that that is not a legitimate reason to abstain from voting. Motion carries (5-1) Commissioner Parke votes Nay

**1.2 LVF101718: Consideration and action on final approval of Fenster Farms Phase 3 Subdivision, a nine lot subdivision.**

***Applicant: Kenny Palmer; Staff Presenter: Tammy Aydelotte***

Tammy Aydelotte notes that Mr. Palmer is not present at the meeting. It is a 9 lot subdivision located in the A-2 Zone. The width and area of each lot meet the subdivision requirements. The subdivision phase includes a continuation of a County dedicated road. Previously there has been some concern regarding the irrigation ditch that runs to the East and along the South of the subdivision. This phase of the subdivision meets all applicable County ordinances and they have received approval from Mountain View irrigation, as well as West Warren and Warren Water improvement district. They have met all those conditions. Engineering and Planning are requiring fencing on any open ditches within 600 ft. of a residence given the proximity to the subdivision it being required as one of the conditions. She asks if there are any questions for her.

Chair Edwards asks if there is any discussion on this issue. There is none.

Chair Edwards asks if there is any public comment. There is none.

**MOTION:** Commissioner Parke moves to grant final approval of Fenster Farms Subdivision Phase 3, a nine-lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements, and the following conditions: 1. An escrow established for improvements to be installed, prior to recording the subdivision. 2. A fence must be installed along the irrigation ditch to the east and south of the proposed subdivision. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the West Central Weber General Plan 2. The proposed subdivision complies with applicable county ordinances. Commissioner Bell seconds. Motion carries (6-0).

**2.1 ZTA 2019-04: Public hearing to consider and take action on a proposal to amend Titles 101, 106, and 108 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same.**

***Applicant: Hooper Irrigation Company. Agent: Greg Seegmiller. Staff presenter: Charlie Ewert.***

Charlie Ewert states that they have an application from Hooper Irrigation to modify the ordinance as it relates to secondary water. When an application is received, the Planning Office has an obligation to address them in a timely manner. All of the changes have been review by the Ogden Valley Planning Commission. They rejected the amendment. The challenge that Hooper Irrigation is trying to address is, is it possible to create your own secondary water system. You can bypass or avoid existing systems in the area. Infrastructure in the ground costs money. One of the challenges with secondary water systems being built by the developers is they are not regulated. Because the County doesn't have governing regulations on how to build a secondary water system. There is no way to hold developers accountable. When the culinary water company defers its responsibility for assuring there are adequate water provisions to each lot the County, the County has no regulation or standard. At this point, secondary water is only required when the culinary water company requires it. There is no obligation in the land-use code to tie into an existing secondary system. The question is whether or not it should be within the Counties purview to mandate for people to look into the systems that are currently in place and functioning and willing to serve. The proposal states that if they are within 300ft per lot multiplied by the number of lots to a utility system you need to tie into that system if they are can and is willing to serve.

In Western Weber, this is no as big of an issue because the basin is catching the aquifer. It is generally more constant throughout the area. In Ogden Valley, it is a big issue because of the hydrogeology changes throughout the valley. An engineer or a geologist would be required to study wells within the vicinity to determine if each of the proposed wells have a reasonable likelihood of getting water through the well. There is no guarantee until the well is physically tested and verified for adequate water flow. There are some people in the County who like to make sure that the wells be drilled before the subdivision plat is approved.

Commissioner Borklund asks if this will create a monopoly. Mr. Ewert states that this was his primary concern fortunately culinary and secondary water are regulated by the state. State code says they can't charge more than what can be proved it cost to run the company. It has to be nonprofit.

Chair Edwards states that a lot of the secondary water providers are not irrigation companies any longer they are secondary districts. They are secondary special services districts. Would they look at these type of reviews differently if they become a special services district? They are still required to perform those reviews. Mr. Ewert states that they have the ability to ask for it but it is not necessarily required. He adds that the way the code is written there is an ability to ask for it, and would possibly hold up approval.

The proposal before the Planning Commission whether it be a district or a private company is required to accept the improvements before the County Engineers will accept the improvements. The County likes to check to make sure things hooked up and connected, but there is no responsibility, accountability, or liability if they are not. The proposal states that the secondary water companies have to inform the County in writing. Commissioner Edwards states that some of the Cluster Subdivision that has 100+ lots if they choose to put in their own system and not connect to one of the others because they have their own and provided their water and they are going to have their own governing body. Who is going to stop them? Mr. Ewert states that there is no way to verify that the administrative capacities of the new system have the ability to keep the system functioning. He adds that this is one thing that the culinary water companies have brought to staff attention. Chair Edwards states that one of his concern is that regarding the 300 ft. that is the impact fee are for the system. Mr. Ewert states that the Ogden Valley Planning Commission had is that they have wells and options to build their own systems. Why would they want to remove the options? Mr. Ewert states that water is an essential life source. It is a commodity. The consolidation of resources into administration and infrastructure and rights might be in the best interest of the whole. For water systems, it might be appropriate.

Commissioner Parke asks how they are dividing the waterline systems for secondary water. He asks if it would be an irrigation ditch. Mr. Ewert states that it would be both, right now the code talks about secondary water and irrigation water. He references part 2. A. If multiple systems are available, a connection to the system that will yield the best organization of culinary water infrastructure in the area is required.

Chair Edwards opens the public comments.

Brad Blanch 736 S 4700 W: states that he has a real-life example in his development. He adds that he does not want anything that he says to be misconstrued. His development would require him to search for water secondary or culinary four and half miles wide. The cost to pull it from where it exists is around 1 million dollars based on the 300 ft. requirement. It is an undue burden and an impossible task. Hooper Irrigations has been great to work with. He states that he needs to have the option to have a secondary water pond on site for the development. The cost he is looking at is 150,000 to 200,000 dollars. On a pioneering agreement, there is no guarantee when anybody is going to tap into the line. There is a disparity in the number of shares versus the water provider and what they want to mandate. There needs to be options for the developer. Mr. Ewert stated that there is no requirement for a secondary water system via Weber County. This is completely opposite from the mandate given to him, almost dictating that they have to hook up to Hooper Irrigation. There is a disconnect because he was under the impression that the mandate is to connect to Hooper Irrigation, and it turns out there is no system there is no mandate. He adds that he fully supports Hooper Irrigation moving into the area but the cost is a problem.

Jill Hipwell 585 S: asks if you have to tie in or is there an option to opt-out. In some cities, there is an option. She asks if someone has a 20-acre lot they have existing irrigation on one side of their property, but the other side is closer to the side they are putting in. Do they have to tie in? In septic, it has been an issue.

Randy Giodano 7852 W 900 S: states that he sits on the board for the West Warren Water District. There are several of the HOAs go in and none of them have worked. Everyone is using their culinary water. Their property out there that there is no water available for and people want to build on it. He asks if the Water District can deny them water if they don't have a secondary source.

Craig Jackson 3170 N 700 W: asks if there is a company or a developer that has an established record of accomplishment and the systems work well his current lines are farther does he have to tie into the competitor's lines? If he can build his own system that is just as good? He adds that he does not believe that this is right. It impedes the entrepreneurial spirit and setting up one's own system. He asks regarding the discussion about monopoly. Competition can heighten the standards of quality.

Scott Jenkins County Commission: states that for the County Commission they would really appreciate some direction. He served in the legislature for years on several water boards and committees that studied water. All water in Utah about 99.9% is allocated and filed on, it has a place to go. Surface wells and drilling that secondary water, they are illegal. When this is done, they are taking someone else's water. He adds that he would support some xeriscaping and let people develop without secondary water if they put the right kind of landscaping in. He states that there is also a downside to this. Traditionally in the past, the primary municipal water

provider has driven these requirements. He adds that you can see why development drives a city. There needs to be a city in that area. These types of decisions are municipal in nature. The people out there should decide their own future. He hopes the Planning Commission takes the time to study the plan and sends the County Commission something they can work on.

Greg Seegmiller 5902 S 4150 W: states that he is the engineer for Hooper Irrigation and The District Engineer for Bona Vista Water. The changes came up because they were discussing what to do with the systems that pop up with the Planning Staff. Hooper Irrigation has some unique issues and they have secured a loan to build a system. In order to pay for that system, people need to hook on until the loan is paid off. There is a possibility of paying off the system. The system is built to a standard, other systems are likely built to a lower standard, they are less expensive. Another issue is when blue stakes are called if there is one system in the ground and it is big enough with the resources they can address a blue stake in their own pipe. Smaller systems don't have that ability. They don't know when someone is going to dig in their road and possibly hit their system. There are meter requirements coming down from the state legislature these days. Some of the smaller systems may not have the ability to meter, plus the other requirements that the state is requiring. Larger systems have the ability to manage a leak and systems have the equipment to deal with these issues. Hooper Irrigation has worked with surrounding systems, Roy water Conservancy, Pineview and Weber Basin Water. There is an agreement as to where the boundaries are. Special Services District has to define where the boundaries are with the State of Utah. Hooper Irrigation is a private water company, and they don't have to. Depending on the system, it depends on where they need to go. Hooper Irrigation has changed its policies in the past and they now have an oversized agreement. Competition is good as long as the playing field is consistent.

Chair Edwards asks if you can tie in Bona Vista without proof of secondary. Mr. Seegmiller states that it is in their policy, they can't get culinary water without secondary and the reason is for water conservation. If you run a lateral to your and the owner doesn't have secondary they are wasting a lot of the resource that people need to drink in the event of a drought. Chair Edwards asks if there is a standard on the secondary that it has to meet. Mr. Seegmiller states that there is not.

Blake Carlin Bona Vista Water: The cities are the ones that enforce a lot of that. Each city has it's own ordinance.

Chair Edwards closes the public comment.

Mr. Ewert states that he would like to address some of the questions. For a developer, if he puts in a 100-lot subdivision he needs to build around six miles of pipe. Pioneering agreements can be challenging. To require a developer to install an improvement is an exaction. There are limitations on what the County or another governing organization can exact from a developer. Regarding oversize agreements, a governmental agency cannot state that all the pipes need to be one size and have everyone dig up their pipes and replace them it also does not make a lot of sense to have 2 different size lines next to each other. This is where the pioneering agreement makes sense, the government agency agrees to add the 2-inch line in and they balance out with the difference. The developer pays what he would otherwise put in for his lot and the gets the rest back. The developer can share the burden for anything above and beyond regarding impact. When irrigation companies and secondary water companies ask for more water than what is proposed to be irrigated.

Regarding Commissioner Jenkin's comment about the xeriscaping if a developer agrees to xeriscape how do you make sure the xeriscape stays there through the chain of title as it changes from one person to the next. How are the new owners to know about the agreement and how would the county know that they tied in? What happens if they don't do xeriscaping the right way? He states that with the Ogden Valley one of the water managers has suggested requiring a minimum. In the Ogden Valley, there is a minimum requirement for a 3-acre lot zoning and a third of an acre-foot is intended to cover the acres. He adds that they could require 3-acre ft. of right for every single 1-acre lot that comes in and they can choose to xeriscape and use their water. The challenge will be how to balance it out, and the County would have a really hard time tracking it.

Regarding whether there is an option to opt-in or out. The proposal does not have an option to opt-in or out. This is something that needs to be addressed. If the site already has a delivery system, but they happen to be closer to the line that is out on the street.

Regarding Mr. Giordano's question about whether or not a culinary water company can deny a will serve letter based on whether or not they have secondary water. Mr. Ewert states that this is a legal question, he is not sure he should answer this question completely. This is a question that the District should ask their advisors. A non-legal response to this is yes. There is a provision in the State code, it is the provision that compels the Planning Commission and County to approve the proposal if it checks all the boxes that have been adopted. The water company has a lot of authority to say no. if they say no for a legal reason the County cannot say yes to the subdivision. The water companies have more control over whether subdivision gets approved than County does. The County's authority is bridled. He is not aware of a section of code that bridles the culinary company.

Regarding the developers wanting to build their own systems that the competition is important and necessary. When it comes to water it is different and he is not sure what the right answer is.

Commissioner Bell states that he is not sure if they are ready for a public hearing on this issue yet.

Mr. Ewert states that he wants to clarify that the biggest change was the 300 ft rule and the mandate to connect. The rest of it is standards, it is written in the code to help the developers understand and the culinary water company understands. It outlines what kind of bases they can be denied access to the culinary water. Mr. Wilson answers that regarding § 17-27a-603(2)(a) it states that if certain items are presented the Counties hands are tied, it does not, however, state that if those items are absent the County cannot approve.

Commission Favero asks how expeditiously they want to pursue this item. How long can Planning work on this without them feeling like they are being strung out? This is a big proposal to put into a condition. Mr. Ewert states that this is a good question for the applicant. Mr. Seegmiller states that if Planning took to the time to look further into the proposal it would not string them along that much. It is a problem that they face every time a larger development takes place. Commissioner Parke states that this is an important issue and getting it right is critical and he believes that no action should be taken on this. Mr. Seegmiller states that he is not sure that Hooper Irrigation would make the proposal a second time. Commissioner Bell states that he is not sure that it would be necessary as long as it is placed on the priority list, they can get some input from those involved.

Chair Edwards states that this proposal came quickly, normally there are work sessions. This is a very needed item that needs to be looked at and discussed.

**MOTION:** Commissioner Parke moves to recommend denial of this item, and for it to be moved to the high priority in the work sessions, that as many people as possible are involved such as culinary and secondary water districts. This recommendation is based on the findings that there has not been enough time to discuss it. Planning Commission should be more familiar with this proposal to be able to vote on it. Anytime a proposal involves making changes to the ordinance the Planning Commission needs to certain of what they are doing. Where this proposal involves water it is very critical. Commissioner Bell seconds. Motion carries (5-1)

Commissioner Favero votes nay. He notes that the opposition is because he does not want this proposal to get lost in the cracks.

Mr. Ewert state that he would like to point out that work session item number 1 on the agenda is a review of the subdivision code this item was already programmed to be a part of that discussion. Because of the inability to get together for this item Planning Commission is a bit behind on those discussions. They could not give them a guarantee on what that schedule would be. Knowing that it is in the process the file will remain open and the discussion will continue on this item.

Chair Edwards states that he appreciates this being brought to the Planning Commission's attention. He adds that he hopes it will be addressed in a timely manner.



**2.2 ZTA 2019-05: Public hearing to consider and take action on a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master-planned developments.****Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe. Staff presenter: Charlie Ewert.**

Director Grover states that this item is like the previous one. There will be a public hearing on this.

Mr. Ewert states that this item has to go through the Ogden Valley Planning Commission and it is a change to the subdivision code which both Western Weber and Ogden Valley share. The proposal from the applicant was to delete section 106.2.8. In the Uintah Highlands, this might be a challenge, everywhere else. When you are removing slopes of 40% or 30% depending on what zone you are in from the calculation of a cluster subdivision you are removing the developing potential of the acreage of the area depending on what zone you are in. If a developer were to do a standard subdivision, slopes don't matter they don't have any barring on how many dwelling units they can get out of it. What this does is it gives a really disproportionate advantage to developers that want to do a traditional subdivision as opposed to using the new cluster. The proposal here is to delete that advantage. The Ogden Valley made the point that this could potentially create more density, more dwelling units. The complaint with cluster code is that doing the open space calculations and the density calculations are complicated and have nowhere near the same kind of outcome as a standard subdivision. Ogden Valley's request was to propose something different that made the calculation in a cluster subdivision and PRUD into something more equitable with a standard subdivision. Mr. Ewert explains that this proposal would be giving more density in a cluster subdivision but it is not, it is allowing the developer the benefit of clustering the lots. A lot or 2 is a big deal it can offset some of the expenses and a lot of different reasons to go towards a standard subdivision. If the goal is to enhance the cluster subdivision ordinance it should be included.

Commissioner Parke states that he does not understand the rationale for slope, why would that be taken out. Mr. Ewert states that these are multiple issues that are interrelated. The 30% is the area unsuitable for development another definition that was not included was acreage unsuitable for development. This is anywhere in the code that says you can't develop on or anywhere else where development is not reasonably likely to occur. Roads are acreage unsuitable for development. When you have a sloped area you can not use any of that area towards the calculation for density. If you were to propose a standard subdivision the formula does not apply to the standard subdivision. Commissioner Parke asks if there is a slope and hill ordinance. Mr. Ewert responds that there is one but it does not change the number of units that can be acquired. Commissioner Bell asks if it would change the calculations. Mr. Ewert states that it would if you are in the ½ acre or less zone RE-20 and RE-15. It would change the calculation a little bit but it would not be significant. He notes that the slope and hill ordinance would still be in effect for the standard subdivisions, and there would be nothing in effect for cluster subdivisions. The goal for the cluster code is to avoid the areas that are hard to build on, it is in the best interest of the developer not just the County. Commissioner Parke states that the ordinance was put in there was concern regarding sliding, and now it is being suggested that it is not important in a cluster. Mr. Ewert states that in the last two year a new code has been developed that was intended to replace the purpose of that ordinance, it is the geologic hazards ordinance. In the Uintah Highlands and most places in the Ogden Valley, it's all study area. Rather than saying this is a hillside review, if you are within a hillside area a geologist needs to be hired.

Chair Edwards opens the public hearing. There are no comments.

Chair Edwards closes the public hearing.

**MOTION:** Commissioner Bell moves to offer a favorable recommendation to the County Commission. This recommendation is based on the following findings: 1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018. 2. The changes reduce conflict in the ordinance. 3. The changes will strengthen the administration of the ordinance. 4. The changes are not detrimental to the health, safety, and general welfare of the public. Commissioner Favero seconds. Motion carries (6-0)

**2.3 ZMA 2019-03: A public hearing and consideration regarding a proposal to rezone approximately 87 acres located at approximately 2650 W 1200 S from the A-2 zone to the C-2 zone; and to amend the West Central Weber County General Plan to provide for commercial uses in that area.****Applicant: Bay Entertainment Group. Agent: Matthew Bartlett. Staff Presenter: Charlie Ewert**

Director Grover states that this is another public hearing, the Planning Commission is forwarding a recommendation to the County Commission. Mr. Ewert will introduce it, and Mr. Bartlett will explain the project because the County is not representing the

proposal. Commissioner Bell asks if the proposal is only addressing the rezone, and not necessarily the use of the property. Director Grover states that the use will be addressed during the development agreement, it will come through when an application for the use is submitted. He adds that the Planning Commission will want to look at the use with regards to the rezone and specifically the condition to make sure they cover what the Planning Commission feels is appropriate.

Mr. Ewert states that this is looking at a potential rezone for 87 acres. In order for this proposal to work the General Plan will need to be updated. The General Plan does not anticipate development in this particular area. The uses include a movie studio and school, a rodeo area, shopping center along with open spaces area are being proposed.

Matthew Bartlett 5615 N 6500 W Morgan: states that he is an attorney with an office in Riverdale and he does a lot of business in Weber County. He asks if the Planning Commission has any questions. Commissioner Bell notes that looking at the staff report the proposal has changed a bit. He asks if it is all preliminary. Mr. Bartlett states that it is very preliminary in the concept plan. He adds this is the reason for the bubble diagram and the staff report states that there are not specific engineering designs yet. They need to get past the General Plan amendment and the rezone to warrant the cost of engineering 87 acres and bring the plan back to the Planning Commission. He states that they anticipate that in the mixed-use zone the bubble pushes around the 12<sup>th</sup> Street area there could be another hotel in that area. There is one specific site that is designated, and that is by the river. Commissioner Bell states that at the work session there was some discussion regarding the building height and Mr. Bartlett was not sure of the height of the second hotel. Does that mean that the height of the second hotel would be larger will still maintain 60ft building height? Mr. Bartlett answers that at the back end of the property there inside the zone there are no height restrictions. He adds that for the development agreement up by the road it would be 45 ft. and the remainder would be 65 ft. Mr. Bartlett states that all of this is voluntary they want to be good neighbors they understand that this will change the nature of the property significantly. It seems that the Planning Commission has recognized that under certain circumstances, you have to approve subdivision and there is some pain in that. Under the same circumstance, someone else can submit a proposal for a subdivision with 80 homes with lot averaging. The plan is to leave 26.5 and 48.5 acres open space through both agricultural uses and parks. The main intent for the area is a film studio and school that is viewed in an agricultural environment around a ranch type of atmosphere. The intent is not to wedge a bunch of buildings in the area. There will be 6 ft. berms around 2800 W and the existing residential properties will be surrounded by berms, a trail and trees. There will not be any buildings within 200 ft of those residents, and they will comply with the dark sky requirements of the Ogden Valley so that it will not be an eyesore at night. There might be some filming done during the nighttime hours but it will mostly take place indoors. He adds that the bright lights outside tend to interfere with the camera work. He asks if there are any more questions.

Commissioner Willener states that regarding exhibit H there are a few different configurations, looking at the residential properties that would be surrounded by the rezone. In one of them, there is quite a bit open space, horse pastures and landscaping and in there, other areas the residential areas are butted up against public parking. There is a significant difference in the plans. Mr. Bartlett explains that there have been several iterations of the plan the most current one is the bubble diagram in the staff report. It includes the berms, the trees, and the agricultural properties by the houses. It moves the retail down on to 12<sup>th</sup> street to make it less impactful on 28<sup>th</sup> St. They worked on the plan with the designers in New Hampshire. The reason for this is that they did not want the layout to be too constrictive but they wanted to make those concessions to the County. He notes that they intend to surround the residential area with agricultural and barns, the intent is to move the arena down and away from 28<sup>th</sup>, it will likely work better with traffic flow. This will allow for a retail buffer the arena and 12<sup>th</sup> St. In addition, move the arena of the mixed-use area into the bottom southeast corner. He states that they tried to move the most impactful uses toward the back of the property. One of the concerns regarding the layout was a wall of buildings along 2800. This is a more realistic layout of what the film school and studio would look like. There will be a 6 ft. the berm that should cover 75% of the area. There would be a flat parking spot for the workshops. The workshops are 25 ft. tall. With the pathways, it will be about 100 ft. from the road. The sound stages are 52 ft. tall. The production offices step down to 35 ft. One of the concessions made is that some of the exteriors of the sound stages and workshops will have some tonal and agricultural aspects to them. The hope is that the berm and the step-up will protect the public eye from seeing the tall buildings. This particular property is unique along 2800 there is a significant decline in altitude of the property. The buildings will be down off of the road which will make them appear shorter.

Mr. Bartlett states that they intend for the rodeo arena to have two parts to it. One will be a shorter warmup arena. It will be about 300 ft. by 300 ft. the intent is to put a rooftop garden on top of that. Part of the reason for this is that generally at film studios they

are very private. He notes that they want the public to be a part of the experience. They want to put the warm-up arena close to the film studios and have a public garden where the public can look into the back lot and studios. The retail area will be designed to be fully filmable. It will have interchangeable light posts and varying types of architecture that blend together so that directors can choose specific angles to film. In the bubble diagram north of the river there is a spot reserved for the veteran's services program. They would like to attract veterans for occupational therapy and rehabilitation and allow them to attend the school and within 40 weeks, they would be fully certified to work on any film set. In speaking to the people in Rob Bishop and Mitt Romney's office he found that they might be able to obtain GI funding. Dennis Lisonbee will be running the school he has been the director of the film school at UVU for some time. They are working on the core curriculum right now.

Commissioner Bell asks if the plan is to keep the natural vegetation. Mr. Bartlett answers that they intend to keep a lot of it. The park encompasses a lot of forested areas. He walked the property to see how the river was doing. There are numerous dead cottonwood trees, but some of the older ones they want to keep, create pathways down by the river. At the work session, there was some discussion regarding wetland mitigation and the potential to keep the wetland. In talking with the Army Corp and FEMA they have decided to mitigate the wetland but not for the purpose of removing them. If you make any change to a wetland you have to mitigate it. The purpose of changing and mitigating the wetland is to improve the area. Deeping some of the areas and allowing for more water in the area and make it a scenic place for people to go.

Commissioner Willener asks regarding traffic coming in and out of a development like this, how lighting entry and exit points fit in with the dark sky concepts. Mr. Ewert states that they would not follow the exact Ogden Valley Lighting ordinance. The Ogden Valley ordinance is very restrictive and would not work in this particular case. As long as the light is completely cut off at the property, it should be enough.

Chair Edwards opens the public hearing.

Commissioner Bell states that he does have an email that was sent to him By Lane Findlay. Mr. Findlay states that due to another commitment he was unable to attend the meeting. There are greater issues that need to be considered. The General Plan was designed as a guiding document for the future growth of desired by the community. The General Plan might be out of date but it is still the current guiding document. Finds it disconcerting that the public officials seem to be ignoring the principles set forth in the plan and continue to make amendments to satisfy individual requests. This particular property is in the A-2 zone and is designated agricultural under the General Plan. There is no surrounding commercial property in the immediate area. One would have to go further east into Marriott-Slaterville on the other side of 1900 West to find a commercial zone. The 87 Acres in question for rezoning is nowhere near this area and is not designated as a potential commercial area. If an interest exists to expand the commercial zoning along 12<sup>th</sup> street, then this should be addressed with the creation of a new general plan, not and an amendment to the existing one. Granting an amendment of this magnitude would show total disregard for the current plan and the desires of community members. He adds that although he does not know the particular details about the ownership of 87 acres it does raise some questions as far as protecting the interest of landowners. Commercial land is far more valuable than agricultural land, and it opens the door to other properties to do the same. A rezone of this particular property is a drastic deviation from the General Plan. Making exceptions on a case by case basis is short-sighted, irresponsible, and not in the best interest of the community as a whole.

Dan Hammer 1036 S 2800 W: states that he lives in the residential area surrounding the property. They have addressed a lot of the issues that they were concerned about. They are also concerned about traffic. He is not sure if the road will be capable of handling the additional amount of traffic. There is some concern about the entrance and exits for the parking lot. The berm sounds good but if you look at the level of the property it slopes down towards the river. He asks if the berm is going to be at the level of the property or the level of the road.

Annamarie Giordano 7852 W 900 S: states that she does live near the area in question but she drives up 12<sup>th</sup> street. Driving down 12<sup>th</sup> street along 4700 is at times bumper to bumper. 12<sup>th</sup> street is a UDOT road and 2800 is a County road. She asks if they intend to add a light 2800 W and 12<sup>th</sup> St. It would have to be a 4 corner stop. She lives on 900 s which is part of 12<sup>th</sup> St. She asks if they have thought about the safety of people traveling up 12<sup>th</sup> St.

Becky Hammer 1036 S 2800 W: states she is one of the residents that live in the surrounding area. Traffic is one of her main concerns. 12<sup>th</sup> is 55 mph and there are no turn lanes. Something needs to be done about this. Another one of her concerns is that

there are discrepancies with the maps that have been presented. One lists rock climbing, laser tag, and golf carts. She asks what the use will be because different versions of the plan have been submitted. She notes that she has a real problem with the changes requested for zoning when there is no clear plan regarding what is going in. Regarding the open theater, she does not want to listen to a concert while she is trying to sleep. The open theater and concerts are a real problem for her. She asks if they are going to take care of the dust created by the horses. She asks how many horses there will be. She would like clarification. What kind of train are they talking about?

Kirt Linford 1062 S 2800 W: states that he lives next to Becky, and it looks like they are getting landscaped all the way around. He asks are putting a water system in for all the landscaping? If so and there is too much water do the residents have to join into their pressurized system. He notes that the neighbors in the area are really good. When the project is done they will continue to have a close community and that the owners will work them.

Robert Manning 915 S 2700 W: states that there is a lot of traffic on that road. It is a backroad. There is a lot of speeding in that area. There has been discussion with the sheriff there needs to be a study. He adds that he is not sure if there is a speed limit sign on one side of the road coming off of 200. He is concerned about the entrance, this might be the fourth variation on what they plan on doing there.

Gordon James 1143 S 2800 W: states that he lives across the street from this. He echoes the sentiment from Layne Findlay. He states that he hopes they are not getting ahead of themselves in rezoning this, without thinking of the overall impact. If it gets rezoned does it set the precedent down the road? The General Plan needs to be updated. What happens if the rezone happens and the developer doesn't have enough funds and or they back out of it. It opens the door to different types of commercial developments. It will have a direct impact on the people that currently live there.

Katrina Miller 1172 S 2800 W: notes that some of her concerns are with the General Plan. It needs to be updated. They want to value and protect the rural character lifestyle and atmosphere. She states that she is 5<sup>th</sup> generation in West Weber and a lot of her family is out there, not directly on the road but in the area. It is a big deal for her to preserve the new atmosphere. She states that she understands that growth is going to happen but it needs to be managed carefully and the General Plan should not just be amended when circumstances arise. She asks if a C-1 zone would be sufficient for their uses and if they would be willing to leave some of them out such as the retail and hotels. She does appreciate the berms and that makes it match the atmosphere. She asks if the rodeo arena is a necessary thing. The Golden Spike Arena is available. Traffic is a major concern for her. She has 5 children and it is already a struggle for them to get the mail. Regarding the berm and the trail next to it, it is going to be on the studio side.

Linda Holmes 2614 W 1850 S: states that she has property in the area. It is going to be approved something needs to be done about 12<sup>th</sup> street to make it safer for people. She asks how this got so far along with the people living along that road knowing what is going on. She states that Marriot-Slaterville has been trying to annex into the property's but all along they have let the owners in the area know what is going on. She states that it is too bad that they haven't heard from Weber County about what is happening.

Gene Atkinson 4413 W 400 S: It is time for a new General Plan. He states that he is sitting on the committee for incorporation. The goal is to study incorporation for the community. He notes that he agrees with what has been said about the traffic and road capacity. It is a significant issue and it needs to be addressed. He asks Mr. Bartlett if the intention to remain in the jurisdiction of the county, or will they be annexing into Marriot-Slaterville and have the project be part of the city. If this is approved he hopes the developer will listen to the concerns of the citizens.

Lewis Petterson 4114 E 1400 S: states that he has a farm in that area and he has to cross 12<sup>th</sup> street in a tractor. It is very difficult. He hopes this will be taken into account. This project will likely be annexed into the sewer district.

Chair Edwards closes the public comment.

Mr. Ewert states that part of the planning process from a taxpayer-funded and applicant-funded review is to see what might fit if possible. Part of this process is to verify that it does not disproportionately affect the neighbors. He notes that he had a discussion with the developer and expressed that the first plan presented might not be what the market might demand later on. They agreed that it might be better to look at a bubble diagram. What is in the bubble diagram is no different from zoning on a microscale. Each one of the bubbles will have things that can happen in them and things that cannot, and they will have a maximum amount of

acreage that be associated with them so that one type of use does not overwhelm another. Through the development agreement, restriction and conditions of approval they can address what the concerns and impacts are. The rezone would run with the land. He notes that they are anticipating it will run with the applicant. They have discussed the option to allow this to be extended to a purchaser. He states that any new owners are tied to the development agreement. There is an expiration clause. There are items that are grandfathered. Commissioner Borklund asks if they don't act on the development agreement does it revert to the previous zone. Mr. Ewert states that this can be written in. There is a list of 13 mitigating measures from a planning perspective that could allow this to fit in with reasonable and objective criteria. Regarding traffic issues, traffic engineers don't look at the road the same way that people that live in the area do. He states that he asked the applicant for a traffic study in time. They look at speed and volume. When looking at the intersection UDOT determines whether or not it warrants a signal. If they don't need one they aren't going to suggest one. He notes that the County doesn't have to grant the rezone if they don't like how it is going to impact traffic. The developer agreed that a traffic study will be provided at certain increments of the development. The County has a limited influence on what happens on 12<sup>th</sup> street. The County has more say about 2800. When the rodeo arena is added they will look at the peak demand and how those issues can be mitigated. Commissioner Parke states that he is not comfortable amending the General Plan without the community input. He adds that he does not want to move forward with the change without updating the General Plan first. The General Plan should not be amended so radically without the public's input.

Commissioner Bell asks if Mr. Ewert can speak to a comment made by Linda Homes regarding public notices. Mr. Ewert states that there is a public website and the state website and everyone has the ability to log on to the website and sign up for notices. These sites are updated with projects that are submitted. This proposal is applicant driven if it was County driven the conversation would have started at a work session. The applicant has a right to a decision within a certain period of time. For this reason, the proposal was brought before the Planning Commission as quickly as possible, but there was a work session on this item a month ago on the public record with public notice. There is an expectation that the public should be aware and involved in the things that are happening in the community. He asks should the County notice everyone regarding every proposal every time. This is the challenge. Commissioner Bell asks if this is the first step in notifying to surrounding neighbors. Mr. Ewert states that this is correct, they might be notified if they are signed up for notices on the State website.

Mr. Ewert states that there was a question about landscaping, and they were going to create a secondary water company and are the neighbor going to be required to connect in. There was never a suggestion that the current property existing owners be required or mandated to connect in.

Mr. Ewert states that regarding entrance location the map does show a 3<sup>rd</sup> alternative to where the entrances are going to be proposed. He notes that they worked with the applicant to assuage some of the concerns about it being right across from residents.

Regarding the open theatre, this is a good question for Mr. Bartlett. The trail, the thought is that the trail can be on top, have a recreational amenity can be of benefit of the neighbors, but they might not share the same opinion. It could be tucked in on the inside. The six-foot berm will take up a lot of acreages, especially from the level of the street. This is one of the reasons why the trail would be better on top. He adds that staff is asking for trees, the species has not been specified. The need to be a type of species and certain distance apart that would at a 10-year mark cover 75% of the linear distance. He notes that all the requests from the staff the applicant has agreed to.

Matthew Bartlett states regarding the noise for the amphitheater, The film industry values the quiet. The reason for using the film studio is to go somewhere where it is quiet. One of the mandatory things in a studio is that they have an acoustical engineer. They measure the sounds on the site and the uses and make sure that they do not interfere with the sound stage. Otherwise, people will not utilize the studio. The ideal range for a studio 62 decibels, which is equivalent to a park with people in it. 70 decibels is a car moving at 65 miles an hour from 25 ft. away. The area cannot be loud. He adds that if there were to be concerts in the park much more valuable projects would need to be shutdown. They are willing to work this into a development agreement. Regarding the sound emanating from the arena, this is an issue that they have begun to address with acoustical engineers. The building is expensive to build. They can cost up to 3 times the cost of a normal tilt-up construction project. This is because of the sound buffering. There is foam filled concrete and there is buffering on the inside and on the roof. It might a place for people to speak but there won't be any concerts. Mr. Bartlett states that the rodeo arena is envisioned as multipurpose. Utah has a number of independent films that need a place to film. Film studios without the sound baffling are essentially large open spaces with catwalks for lighting. They anticipate that the warm-up arenas can be built in a way that independent films can film there on a cheaper basis

than a traditional sound stage. This would support the area more than it would the film studio. He states that the arena is meant to be multiuse; the Golden Spike Arena is not multiuse. The floor has the ability to be changed out for different events.

There was a question regarding whether they intend to be in Marriott Slaterville or in the County. He states that it is too soon to tell. Marriott Slaterville asked for a meeting and pointed out that this project is within their annexation designation. He notes that there is a lot going on in the area and for the time being they can only deal with what they have. They want to be the best neighbors and the best part of Weber County that they can be. The jobs that they intend to create should number anywhere from 400 to 600 just for the film studio. Whether they remain as a part of the County or are annexed into Marriott Slaterville. They want to make sure that the people living in the area are happy.

Mr. Bartlett states that regarding the question about the type of retail. He states that the initial plan was a concept. It was included in the packet to show what concessions were made. The intent is to stay within the approved uses of the zone. He states that it was great working with Mr. Ewert. He has been very receptive.

Regarding Mr. Lindford's comment about the owners in the area wanting to work with the developer. He states that they are not a big development company. He is a local guy who has been in the area for 19 years and he feels very tied to the community. He wants this to work because he wants to be in Weber County. He adds that it is very important for Weber County to be okay with it. He notes that some of the perceived lack of miscommunication could have happened because of the necessity of the expeditious nature of this which they need for financing purposes. He notes that whether or not it gets approved they want to hold a community dinner, or gathering where he can sit down face to face with the community to discuss their needs and wants.

Commissioner Bell asks how ready they are to begin the process. Mr. Bartlett states that if it gets approved by the County Commission, the first step would be to hook in the sewer. They should be able to begin that process in the fall.

Commissioner Willener asks regarding item 8 referring to 80% or greater excluding lodging rooms located above the first-grade commercial. She asks if they are condominiums or rentals. Mr. Bartlett states that this is referring to condominiums they anticipate that people will own those properties. Often times they are bought out by the production company to house people who work their long term. The plan for it to be phased full buildout is 10 years. Commissioner Willener asks if they are asking for private residents and renters to occupy the storefront. Mr., Bartlett states that the storefronts would be traditional retail. He notes that they already have some letters of intent; it is part of the financing plan. It will be the companies responsibility to find tenants for the storefront not the County.

Commissioner Parke states that he would like to commend Mr. Bartlett and his partners on their presentation, they have been very thorough and it is one of the best he has seen.

Commissioner Bell states that he was a big proponent for shooting down any new commercial development because the General Plan needs to be updated. With that being said, this is the first time that they have been presented with a commercial rezone with an applicant ready to start executing the plan. He notes that if this proposal is shut down there is a high probability that Marriott Slaterville will pick it up. He adds that he appreciates the efforts that have been put in, with the development agreement, and the efforts that have been put in by the applicant to make sure that the agriculture fits in the rural atmosphere of the area.

Commissioner Willener states that the funding was available for a new General Plan update, but it was put off because of the potential incorporation of Weber County. She asks if there is a timeline regarding the process. Mr. Wilson states that it has reached the Lieutenant Government office and they certified it. There is a feasibility study that is being conducted and should be done in July. Commissioner Bell states that the RFP is out and the selection is out for who would do that study. It might be pushed out to early fall. Commissioner Willener states that the update has been pushed back and she doesn't feel that it can be put off that long. She states that the General Plan is an important document and they need to be respectful. The General Plan does allow for some flexibility. Commissioner Parke states that he really likes this proposal. Standalone he supports it but he is uncomfortable amending the General Plan. He adds that if they move forward with this there needs to be some assurance that it will stay in Weber County. If West Weber does incorporate, that tax would be part of that base. The tax base will determine the feasibility of the city.

Chair Edwards states that this is the first time that they have seen someone come to the table with a plan actually showing documents. He notes that there will be a great benefit to the community because of the tax base and the jobs. He states that

regarding the General Plan update he feels the incorporation issue should be addressed before moving forward. There is a division in the community over the incorporation and it would affect the outcome of the update.

Director Grover states that the Planning Commission has a legal obligation to act upon the application before them otherwise, He adds that they need to make a decision, they should not table it.

**MOTION:** Commissioner Bell moves to forward a positive recommendation to the County Commission for the general plan amendment, File #GP 2019-02, and the rezone, File #ZMA 2019-03 with the following requirements to be executed by means of a development agreement: 1. The uses allowed in the C-2 zone that are automobile dependent and open for the public to use should be prohibited, such as car sales, car wash, mechanic services, drive-through restaurants, etc. 2. Six foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences. 3. Six foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences. 4. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting. 5. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1. 6. The tall studio buildings should be setback from 2800 West and be buffered by parking areas and lower-height buildings. 7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet. 8. 80 percent or greater residential units, excluding lodging rooms, should be located above first story commercial. 9. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features as found in the proposed architectural theme document. 10. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building. 11. That all other agency concerns should be accounted for as may be necessary in the development agreement. 13 See Page 1-5 of the West Central Weber County General Plan. 14 See Page 1-6 of the West Central Weber County General Plan. This recommendation may come with the following findings: 1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan. 2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities. 3. The proposal offers public recreation, shopping, jobs, and has the potential to offer moderate-income housing, all cornerstones of sustainable community planning principles. 4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers. 5. The development will enhance the overall health, safety, and welfare of the community. With the condition that noise limits be added into the development agreement. Commissioner Borklund seconds. Motion carries (5-1) Commissioner Parke votes nay. He notes that he does not believe that the proposal does not comply with the Western Weber General Plan it will offer an impact on the community.

Commissioner Borklund moves to table the public hearings for item 2.4 and 2.5. Commissioner Parke seconds. Motion carries (6-0)

**2.4 ZTA 2019-01: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.**

**Staff Presenter: Steven Burton**

This item was postponed.

**2.5 ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards.**

**Applicant: Weber County. Staff presenter: Charlie Ewert and Iris Hennon.**

This item was postponed.

**3. Public Comment for Items not on the Agenda:** Gene Atkinson states that it appears the rezone concerning item ZMA 2019-03 is moving forward. He notes that if it is appropriate Weber County can have an influence on the development it can be more harmonious than pushing back too hard and letting Marriott Slaterville jump in. Weber County can have a better impact on development than Marriott Slaterville.

**4. Remarks from Planning Commissioners-None**

**5. Planning Director Report-** Director Grover states that they are looking at having joint work sessions with The Ogden Valley to speed things along regarding the ordinance changes. It will likely happen in August. Fall APA registration is coming up, October 3<sup>rd</sup> and 4<sup>th</sup> let the Planning office know if they would like to attend. He adds that they do have the budget to send all of the Planning Commissioners. If the Planning Commissioner would like to attend only one day, there is flexibility.

**6. Remarks from Legal Counsel-None**

**7. Adjourn to Work Session**

**WS1: Discussion regarding subdivision code amendments. -Postponed**

**Presenter: Charlie Ewert**

**WS2: Discussion regarding creating standards for appearance and location of storage units.-Postponed**

**Presenter: Charlie Ewert**

**WS3: Discussion regarding the land use table and supplemental standards.-Postponed**

**Presenter: Charlie Ewert**

**Adjournment- 9:07 pm**

**Respectfully submitted,**

**-Marta Borchert**