

Minutes for the Western Weber Planning Commission meeting of December 10, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Bren Edwards
Andrew Favero
Gene Atkinson
Janette Borklund
Greg Bell
Wayne Andreotti
John Parke

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton, Principle Planner; Felix Lleverino, Planner II; Tammy Aydelotte; Planner I; Matt Wilson, Legal Counsel; Angela Martin, Secretary

Chair Edwards asks if there are any ex parte communications or conflicts of interest to declare. There are none.

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

Petitions, Applications, and Public Hearings

New business

1. Administrative items

- 1.1 SPE 2019-02:** Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision located at approximately 3800 W 1800 S.

Applicant: Lync Construction; Staff Presenter: Tammy Aydelotte

Ms. Aydelotte states that this is a 40-acre parcel in the A-1 Zone. The applicant has submitted a sketch plan for a 56 lot subdivision. Acreage and density only allows for 54 lots when they do submit their subdivision application they need to make sure they are compliant with the cluster code. There are 4 acres of the road with the net developable acreage it gives them 36 acres of net developable space, with the request of bonus density they would be required to show a minimum, of contiguous open space.

Commissioner Bell states that if the open area is going to be agricultural there needs to be some open space. Ms. Aydelotte states that they would require an easement for that, or off of their road. They are looking to connect through the neighboring subdivision and there has been some discussion regarding requiring some trails. There has been some discussion regarding a trail easement beyond, that more detail is not required until the subdivision application.

Pat Burns 1407 N MTN RD, states that he has another concept drawing. There is a road that goes out, to get heavy equipment in. He states that they would like to have a trail all around the open space and then 500 ft there will be trails. Mr. Burns gives an overview of the new concept plan. Chair Edwards asks if the open space will be agricultural. Mr. Burns states that it will be agricultural, but he is not sure to what extent. He states that he would like to either farm it or build a horse corral or a riding arena. Chair Edwards states that based on the type of soil in the area he would recommend a requirement to test the ground and verify that it is farmable. Part of the cluster code requires that the area left for open space or agricultural preserve has to be cultivated and be producing ground. Commissioner Parke states that he likes that the open space is being kept together. Commissioner Atkinson asks what the plan for

open space is, he asks if there is access from outside the subdivision. Mr. Burns states that access is through the subdivision. He notes that it is a 60ft or 66ft right of way. He notes that they are still in the planning process.

Chair Edwards asks if there are any more questions. There are none.

Commissioner Bell states that he would like to add the condition that the soil is tested to make sure the open space is the most fertile piece of ground. He asks how this is determined. Director Grover states that they would need to look at the drainage in the area, make sure they have water rights, and do a soil analysis to make sure that there is an ability to farm it. Ms. Aydelotte states that regarding the width of the road engineering will typically guide the applicant towards the width that they would like to see. Chair Edwards states that he would like them to look at the States manual on low impact development, less curb and gutter and more swells type drainage feature. Ms. Aydelotte states that they can look at that when the applicant applies for subdivision approval. Mr. Burns notes that this is one reason they are looking at the 66 ft right of way to add swells. He notes that this is his preference.

1.2 SPE 2019-03: Discussion on a sketch plan endorsement request for Vaquero Village Cluster Subdivision Amended.

Applicant: Justin Burrow; Staff Presenter: Felix Lleverino

Felix Lleverino states this request is for an amendment because the Vaquero Village Cluster subdivision is a recorded development. There are a couple of homes in this development already. When Vaquero Village was first approved it was on the old cluster code. Staff wants to make sure that it is up to date with the new ordinance. The zoning in the area is A-1 and A-2. The applicant is proposing to increase the lot sizes and some additional 10 acres open space. He notes that the previous packet that was sent out did not include the 8.33-acre piece. The applicant is hoping to get feedback totals 38 acres. Mr. Lleverino states that he deducted the area that is being used for roads and came up with a density of 30 acres minus the 2.5 acres for the road. He notes that the minimum requirements for preservation in the A-1 and A-2 zoning is 30 percent. The applicant is preserving more than they are required. Mr. Lleverino gives an overview of the density. Lot 21 does not have frontage, something needs to be done to provide frontage for the lot. It was meant to be left as open space.

Commissioner Favero asks if the lot sizes are less than what is required for the zoning. Mr. Lleverino states that the minimum lot size is 40,000 sq. ft. the cluster code allows them to go down to 20,000 sq. ft. The proposed lot sizes range from 20,000 to 30,000.

Justin Barrow 2579 W 2725 N, thanks to the Planning Commissioners for their time. He states they are an existing cluster subdivision that is proposing to vacate their existing cluster and move into the new ordinance. He notes that they do not get to use their detention basin as open space. They have built a beautiful lake it is aesthetically pleasing to the homeowners it can no longer be used as part of the open space. They prefer the more open less sidewalk approach. There will be 4 lots on the East side of 7900 W of the new road. They are proposing 3 lots and 5.38 acres of open space be adjoined to the landowner. They already have a buyer and someone ready to build there. Part of the agreement is that he will have an alfalfa field and a horse arena there. In the amendment in the vacation of the other subdivision lots 14, 15, and 16 will be added. They were previously open space, that area was acquired at a later time.

Chair Edwards asks where access to the 6-acre lot will be. Mr. Burrow states that the access will be through his lot and there will be a right of way from 900 S a dirt road on the back of the lots into that property. There will be an equestrian facility, which will be accessible to all of the owners. He notes that if they get approval from the County they will no longer be under an HOA.

Commissioner Atkinson states that there were recently some changes in the Department of Environmental Health that made some changes on septic systems and added replacement system space that could not be built on. He asks if this is part of the plan. Mr. Burrow states that there are currently 6 homes in, at this point, and 2 nearly liveable homes. All of the 13 lots are sold and have plans to be built on. He notes that they feel that half-acre lots are optimal size.

Commissioner Andreotti asks if the secondary water will be pressurized. Mr. Burrow states that they have designed a water flow system. He states they used their irrigation shares to put in a lake. The homeowners have a box on their property and they can pump as they need it. The open space on both parcels both have water and has the optimal farm ground. They are in production.

Commissioner Bell states that it is important to make sure that lot 21 remains with lot 20. If they are currently the owner there needs to be something recorded on the plat that those need to be sold and maintained together. Mr. Burrow states that he agrees, the reason that did it this way was because of the greens space requirement. There will not be any need for funds to be escrowed.

Commissioner Favero asks where the proposed equestrian area was. Mr. Burrow states that it is the 5.3 acres on the east side. He notes that he has a friend that will put a roping arena there. Commissioner Favero asks if this area will be open to all the landowners. Mr. Burrow states that the lake is built now, and it has fish in it. That area will be open to the landowners. There will be a trail right across the street from West Warren Park. they are hoping this will be like a city center.

Chair Edwards asks if there are any more questions.

Mr. Lleverino states that concerning the trails, they will be looking at block lengths. If they are not putting in roads to meet the 500 ft or 1300 ft block lengths, this is usually when they look for some type of connector. Part of fulfilling that requirement would be having some type of trail that the residents would be able to use as a thoroughfare through the development. This will be looked at with more detail when it is brought before the Planning Commission for preliminary approval.

2. Legislative items

a. New business

2.1 ZMA 2019-05: To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-10 at approximately 6224 S 2225 E, Ogden **Applicant: Randy Moore; Staff Presenter: Steve Burton**

Steve Burton states that this is an application for a rezones located at 6224 S 2225 E it is near the South Ogden the Uintah boarder. It is currently zoned RE-15 and the request is to change it R-1-10. He notes that currently, RE-15 says you have to have 15000 sq. ft. for a lot. R-1-10 that you need 10,000 sq. ft. for a lot. The proposal is for a 13 lot subdivision. He noted in the staff report that staff does not recommend tying this lot layout to any kind of approval because there will need to be a stub road all the way through. Mr. Moore submitted some of the floor plans and home designs. RE-15 and R-1-10 have some of the same uses.

Randy Moore 9691 Granite Woods Cir, states this is an infill piece. The parcel has been left for a long period. Looking at the width of the parcel straight down the middle there are 142 ft on each side of that road. He states that they need to see what the requirements are. Many municipalities are looking at affordability. He notes that they are open to that. Looking at the R-1-10 It is very conducive to the existing area. Going from 142 width lot to an 80 ft width minimum the lots are still large with the restrictions of width. If all the lots are averaged out the become 12800 sq. ft. lot average .3 acres lots. R-1-15 requires a 100 ft minimum width. The General Plan is low density 3 to units. He states that he is not sure how it is calculated with the road or without the road, with the road it is 2.9 units per acre. If you exclude the road it is close to 4 units. He states that they are looking to build very nice homes. Some of the plans are very preliminary, others will need to be configured to fit the specific site. They anticipate a number of the homes having 3 car garages.

Commissioner Borklund asks what the plan for the detention basin is. Mr. Moore states that this plan is conceptual. State law requires detention on all sides. They will need to study the area further, but the estimate at this point is that it would be incorporated in the lot that is adjacent to a lot of their yard. Once the whole site has been calculated they look at what the size would be. At this point, they do anticipate it being more than 2 to 3 feet deep. The hopes are that it be incorporated into their yard and possibly maintain it. It is preliminary at this point. He states that they will analyze all that and make determinations. Commissioner Borklund asks if they would consider bringing the access into the subdivision to the other side of the stop sign. Mr. Moore states that it is a unique piece because it comes to a point, if they went straight out they would end up in the intersection. They will look at that to see if it works better to go in the other direction. He does not believe it will change much.

Mr. Moore states that on the conceptual there is a sewer main and a storm drain pipe that goes through and that is what dash line is. In the R-1-10 zone, it would work well because the lot lines line up to that. They anticipate that they will bring that line to the easement and pick it up in the road and abandon the other and bring it down the road.

Commissioner Atkinson asks if they own the land or if the sale is contingent on approval. He states that it not contingent on approval, but it is under contract is it contingent on the analysis of it.

Commissioner Borklund states that in the analysis they said they wanted to reduce the side yard setbacks in the zone. She notes that South Ogden, Uintah, and Ogden all have 10 and 12, 24 total. She states that she would like to keep it at that because consistent with the area. He states that in some cases, the municipalities want a larger side yard and distance between the homes. The distance between the homes sometimes limits the size of the home. They could look at having some narrow deeper homes and still incorporate 3 car garages.

Mr. Burton states that when it comes to rezones they look to the General Plan as a guiding plan. The General Plan states that this area could be 6000 sq. ft. lots at 8 units per acre. Staff has determined that it does meet the intent of the General Plan. Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation comes with the following findings: 1. The Southeast Area Comprehensive Land Use Master Plan (the general plan) recommends the uses and densities of the R-1-10 zone. 2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning. 3. The surrounding land uses do not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously. 4. The proposal meets the intent of "low density" rather than "very low density" residential development as outlined in the Southeast Area Comprehensive Land Use Master Plan (the general plan).

Commissioner Borklund states that the General Plan indicated that there should be a park in the community. Mr. Burton states that it doesn't say this the parcel in question is supposed to be a park.

Chair Edwards states that it is a privately owned park now. There isn't a park district in the area, to facilitate the action of a park. He notes that there is not a lot they can do as a Planning Commission. It's private and it, not a publicly owned park to be able to say. Mr. Burton states that there are plenty of options. The Commission has wide discretion when it comes to approving legislative items such as this. He notes that they can forward a positive recommendation, based on the fact that it meets the intent of the General Plan. He states that they also have the option of recommending denial for an objective reason to the County Commission. This area has been plated as 15,000 sq. ft lots it was plated in the 70s and the 80s. The 3rd option would be to table to the request. He states that staff sent out all the noticing, even though state and code don't require it.

MOTION: Commissioner Borklund moves to open the public hearing. Commissioner Bell seconds. Motion carries (7-0)

Chair Edwards notes that Mr. Burton Received an email from Paul Kriekard 2249 E 6275 S. Mr. Kriekard is a resident near the proposed rezoning area. He is opposed to the rezoning. In the last area with any green space in this area of Weber County to cram, more houses and pavement into this area would adversely affect the residents in this neighborhood. Indeed it would be for the best if this area remained greenspace so that the people in this area could enjoy the same pleasures as those near the Weber County fairgrounds or near many parks that Ogden City had the foresight to the layout.

Michael Healy 6253 S 2275 E, He notes that his home is adjacent to the property in question. He states that he moved to the area because of the open space. With this proposal, he would have three new neighbors along the back fence. The Master Plan is being used as justification but the plan also called for a park in this area. He asks where the parks are envisioned in the Master Plan. The Master Plan also talked about the nearby golf course. The golf course is now filled in with houses. The park would soon be filled in with houses. He adds that from his kitchen the area is used throughout the day every day. When driving to get out the main entrance to the convergence of Harrison Blvd and Washington Blvd a 500 unit development and the businesses on Fashion Point Dr. This area is highly congested. He asks, does there need more homes and more density make sense at this point? Open space and parks are what is lacking in that area. There was a mention of the Master Plan which was written in 1971 and it has an expiration date of 1990. He states that he read the Master Plan it 250 pages it shows that he is in neighborhood 9. The population at that time was 47 and the family income was 6300 dollars. Master Plans and General Plans include a public comment period. He asks how old

he would have to have been to speak at the public comment portion of that meeting. He feels that because the plan is so old he has had no input. General Plans are guides that can extend to 20 years. He called Evan Curtis he is the State Planning Coordinator, They discussed General Plans and it is his opinion that General Plans should be updated as often as possible, and the Uintah Highlands Master Plan is approaching 50 years. Mr. Healy states that he has read the plan for the surrounding areas in the Ogden Valley plan written in 2016 there is no mention of the term low density. In the Western Weber Plan written in 2003 and amended in 2019 there mention of low density twice but not as a definition, it says predominantly low-density agricultural area. He proposes that if a new Master Plan is written that would not be included. The Master Plan calls for a Junior High in the area. He notes there should be 2.5 acres of parkland for every 1000 people. Parks should be within a half-mile of the homes they serve. Parks should be between 40 and 100 acres. The purposed park was never realized. The neighborhood is made of 66 Percent residential now. This proposal gives the community more of what they have most which are housing and less of what they have least which is parks. Parks make up half of one percent of the area that he lives in and it is about to get smaller.

James Beck 6193 S 2175 E, states that he is confused as to why Staff is recommending this property rezoning to be approved. He asks how Staff knows that it will promote the general welfare of the community before the public meeting. They can ask anyone in the people in the audience, they will say that it does not promote the General Welfare of the community. Staff's recommendation states that the surrounding land use does not cause a conflict with the proposed zone. Mr. Beck states that it does. The proposed zone creates a spot zone this is one zone surrounded by another. This is a conflict to the owners of the surrounding land and there is no public interest. Spot zoning is only acceptable if it serves a purpose to the public interest. This only serves the interest of the developer. The new uses of the proposed zone are anticipated to fit into the area harmoniously. Mr. Beck asks how staff can know this. He states that he does not understand this if they are just now allowing public hearing with limited time. Regarding the spot zoning, the staff report states that the RE-15 zone and R-1-10 zone are similar enough to not create significant concern regarding adjacent conflicting uses. The public believes there is a significant concern to people who live adjacent to the vacant land. Concerning the staff's recommendation that this request is anticipated and recommended for not just the subject property but also adjacent properties. He asks what that means. He notes that there are no adjacent properties available of any kind for construction or rezoning. This property is an island of one zone surrounded by another. Nothing said in the paragraphs regarding spot zones. If the Planning Commission is concerned with a proposed R-1-10 island more consideration could be given to rezoning other surrounding lands. There is no other surrounding land. He notes that this is why there are so many people at the meeting because this is the only piece of an open piece of land. In the premeeting, there was some discussion regarding having a park district to take advantage of open space. He notes that there is no open space to take advantage of. For the decade's Weber County has done rezones and there is nothing left.

Sarah Wichern 6261 S 2125 E, states that she is the Community Council President at Uintah Elementary. Last year they started getting students from the 300+ high-density housing, overcrowding is a big issue. The teachers and principle are concerned. She states that it is a difficult burden. She states that she is a licensed civil engineer, and she has looked at the comments and the plans from the developer. Currently, it is RE-15 which allows a certain quality of homes to be built. The developer admitted that to build quality homes he needs to reduce the side yards and needs to change the zoning to build consistent with the quality of the neighborhood. It is valuable that many lots can be placed on the property. Changing the zoning benefits the developer and the seller does not benefit the community, and it is not fair to make those changes without considering the impacts.

Brad Chapell 1931 E 6200 S, states that is speaking on behalf of his mother in law and brother in law that lives across the street and his wife's uncle. He states that he has 3 main contentions why they are opposed to the rezoning and urge the Commission to keep it a RE-15.

The first is the continuity of homes and land size in the area. In the staff report, they mentioned the continuity of homes and land size in the area and harmonious with what is existing. He argues that existing would be to keep it where it currently is. Secondly, he notes that the traffic and currently struggling infrastructure exiting Skyline to highway 89 is already an issue. It's unsafe, the traffic and where people are parking in that area. There were some high-density condos added in that area and you can see the negative effects in the area. Third, he states that his wife's family has live there since 1946. They were one of the first farms in the area. In the 75 years that they have lived there, they watch the neighborhood grow into a great place to raise a family. In the early 90s, they met with a committee to halt a high-density proposal. In the last year, townhomes have completely changed the traffic and the nature of the neighborhood. He states that they would like to speak out against this proposal. He would rather keep it the way so that it remains harmonious to where the neighborhood is.

Barbara Lindley 6254 S 2225 E, states that many homes being placed on that small piece of land. The other R-1-10 lot that was recently built on, built 9 homes. People who built homes in the area built homes according to the covenant. There are problems in

the area with snow removal. There is a water system and less noise than a lot of neighborhoods. There is congestion due to traffic. There are less crime and fewer fires in the homes. The people in the area currently maintain the continuity of their buildings and their homes and the neighborhood. Some children play up and down the sidewalk, they walk to the school. They want to protect the special view that they have of the mountains which would be lost entirely with the height of the new homes. She states that the view was one of the reasons they chose that area. She thanks the Commissions for listening.

Colten McSwain 6198 S 2375 E, he also owns 6197 S 2375 E. He states that he is concerned regarding the congestion. He notes that he understands that this is in its conceptual stage, but to close a door that was somewhat open with the agenda there was a code that was mentioned 106-2-3 it says "might require this to be a through a street that connects to adjacent properties to the East. If the property is rezoned and a subdivision has developed a connection to an undeveloped property may be required by the land-use code" He states that he is not willing to give access through his property. It is developed, there is sewer, water, and gas. There is landscaping, fencing, and outbuildings for farm animals. He does have animals on the property, there are four parcels there, and it is slightly over eight acres. He states that he believes that it would have a negative impact. He feels that this proposal might set a precedent and his land would be rezoned in the future. He wants to let it be known that he would not allow a through road placed there, should the Commission say that it will be needed. The exits in and out of the area are difficult due to the high-density condos that were placed in the area. He states that he appreciates the Planning Commissions time.

Bruce Nelson 6175 S 2175, states that he owns a company named Nelson Homes. He is very familiar with land development. There are two issues that they have been dealing with, the rezoning which would allow a smaller lot and requires more housing. in the surrounding area home values are ranging from 400,000 to 800,000. They are very nice. As a community, they would be more willing to consider zoning like this if it were isolated. Based on the maps presented the parcel is right in the middle of all the RE-15. If it had butted some of the commercial property or was difficult to develop it would make sense. Regarding the parcel to the North called Uintah View subdivision, the property owners and developers have butted their properties to the land. There was a concern for the residents about what was going to be built. They required some CC&R's to be recorded that would make sure that the housing in the area fit in with the surrounding housing. The developers of Uintah View wanted at least 1800 sq. ft lots. The sizes range from 1800 sq. ft to 2200 sq. ft. and the sales prices are in the range of 600,000 this is compatible with the area. The type of housing compensated for the smaller lots. He notes that if the zoned is changed they will be able to do what they want with it. They can build whatever they like. He states that the plans presented are not bad but they don't belong in the area. The two-story houses are small and simple. The rambler style is very simple plans. This is not an entry-level home area, the community wants homes that are already existing not detract or downgrade the community. By reducing the size of the lots you get more lots. The difference in the size of the lots is 45,000-50,000 dollars between the improvements and the cost of the land. Doing this will lower the price of the land and allow him to build something smaller. He notes that he hopes the Planning Commission will recognize that this does not belong in this community.

Anna Richardson 6265 S 2225 E, states that they are not opposed to the area being developed but the proposal is not consistent with the surrounding area.

Mika Ronmiller 6277 S 2225 E, states that they are a tight-knit community and they all love living there. One of the deficits is that they don't have a city organization looking out for them in terms of parks and open green space. The LDS property has kept this area open and available for public use for many years. It is his understanding that Weber County had an interest in buying the property and keeping it as green space. He states that the residents in that area feel like they are under assault, South Ogden added some 300+ units of high-density housing along Wasatch Blvd between Skyline and 5700. It is in South Ogden City but it impacts the Uintah area, they all go to their schools and use their facilities. Each of those 300+ units has 2 or 3 cars coming out of them. The traffic in the area is already incredibly congested. Other units have gone in that are different than the standard lot size is in the area. All of that congestion starts to cause concern for the people who have lived there for many years. If that area needs to be developed the lot sizes need to stay consistent. He states that if that is not financially feasible, he is hoping that Weber County would be willing to provide an offer that would allow it to remain a green space.

Patrick Murphy 6122 S 2375 E, states that he moved in the area 1979 and as a kid, there were miles and miles of acres of space to play in. He notes that its been slowly eaten up over several years and that is understandable there is progress but there is also greed and how these lots are chopped up not for the benefit of the community, but the benefit of someone else. He states that he purchased a home in the area because he wanted his children to experience the same kind of neighborhood that he grew up in. He is a school teacher and worked extremely hard to get into the neighborhood. He adds that there is an economic status associated with the area. His children have no green space to play in, the nearest park is over a mile away. It would be ideal for this park to be opened up as a public space.

Reed Connor 1952 E 6075 S, states that when he moved into the house over 40 years ago. He has witnessed the changes that have occurred and at certain times of the day he cannot drive out of his driveway, it is blocked because of the traffic jam that has been created. He has counted 25 cars lined up along Wasatch drive up 6075 S blocking his access to drive out of his home. The last thing he wants is more development to make the problem worse.

Elizabeth Call 2285 E 6175 S, states that she lives in a property surrounding this proposal. They would love to have this area as a park. She would like to oppose the rezoning. Lowering the lot size is not consistent with the area.

Wayne Hayes 2226 E 6150 S, he lives to the Southside of the Uintah Elementary. He moved in there 1973. At that time there were several changes made. When he first moved there was a regulation of 19,000 sq. ft. Now it is down to 15,000 and they are promoting going down to 10,000. This is encroaching on what they were promised in that area when they moved in. They are going downhill instead of staying with the status quo. This is a detriment to the area.

Kristy Polky 2058 E 6025 S, states if this property is sold and is zoned, the green space for the area is gone. Children in the area will not have a place to go. Uintah Elementary is the only other place for children to play, but it is usually occupied with sporting events. The area in question is the only green space left for the children to play in.

Landon Manning 6178 E 2300 E, states that this property has been there his whole childhood. They have been able to go out there with beautiful mountains and open fields. They have been able to use it for parties and make friends with the people. This the last little piece of land left, and he is not sure where he would have gone with his friends if the area was not there.

Jeff Longman 6260 S 2275 E, states that he is opposed to the rezoning. He wants to protect the investment that he made. It has been a huge sacrifice to buy into the area. All of the surrounding owners have invested in nicer properties with bigger lots and homes. They all want to protect their investments.

Tina Manning 6178 S 2300 E, asks the Planning Commission to not allow this proposal to go through. She states that looking into the bowery and the mountains every morning her heart sinks when she thinks about homes being put in there. The area means a lot to the community.

Chair Edwards closes the public hearing.

Randy Moore states that understands the emotion of those who spoke. He notes that in talking to the contacts of the LDS church, their concern has been in finding meeting house sites for new locations and they have decided to sell some of their parcels to offset the cost. He notes that regarding the concern of traffic, high-density homes, and apartment, his proposal is to bring only 13 homes. To the comment that it is not conducive to the area, the surrounding homes are 15,000 sq. ft. the proposed lots are 13,000 sq. ft. The difference between 15,000 sq. ft. and 10,000 sq. ft. is the number of lots. In this piece, it makes a difference of about 3 lots. On the day of submittal, Staff requested some renderings. Some of the homes shown are close to what they anticipate placing on the area. He states they will be designing homes that will be very nice for the area. They will be very conducive. They need to look at the size of the lots with the way it lays out. He hopes this is an area where people will want to welcome new neighbors. He notes that he understands that it is a change, he cannot control that. Change is not something that can be controlled. There was a question regarding the status of the property, he notes that they anticipate moving ahead with the property. Looking at the property and the size of the lot, and the majority of the buyers these are about the size of the lots they are looking for. In a lot of areas, these are still huge lots.

Commissioner Atkinson asks if they anticipate a need for another egress or access road into the subdivision. Director Grover states that typically they like to look at connectivity for future development. Regarding Colten McSwain's comment, he indicated that he will not give access through his lot. If he sells his lot that might change. It depends on the property owner whether they are willing to do that. Typically in most municipalities like connectivity. It makes it easier for emergency services and snowplows to get around. Cul de sac are areas where a lot of the time snow gets dumped. The Weber County Roads department has received hundreds of phone calls concerning this issue. Looking at connectivity it is looking at emergency response and things of that nature.

Commissioner Borklund states that this lot is plated as lot 1 of Highland Bluff Estates, to create a new subdivision does the initial lot need to be amended. Mr. Burton states that he is under the impression it is just section land and was not plated. He notes that if it is part of Highland Bluff Estates it would need to go through a subdivision amendment. Commissioner Borklund asks if the current

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landowners have any say on how this happens. Mr. Burton states unless it is open space for the subdivision, the property owners of that phase do not have a say. If it was a common area they would have a say. Mr. Moore states when it was purchased by the LDS church there was an anticipation to build a chapel. I was platted as 1 lot, it is his understanding that it is not connected with the rest of the subdivision. He notes that concerning the stub street they do not see a need for a stub street and would not recommend a stub street. That stub street would go through Colten McSwain's property.

Commissioner Bell states that his main concern is the elimination of some publicly used land, that has been used as a park for a long time. He is also aware that there are some property rights issues that they need to be sensitive to. If someone owns that property they should have the right to develop it according to the General Plan. There is also a problem with the General Plan. It was developed 50 years ago, but it should have been updated over 30 years ago and it hasn't. Whether the lots should be 15,000 sq. ft. or 10,000 sq. ft. it should come down to what is harmonious with the area. There was a similar rezone that was approved recently. He asks how would they can approve that one and not the current proposal.

Commissioner Borklund states concerning Commissioner Bell's comment, the Uintah View Subdivision was on the edge of the community. It has a main road going in front of it. Neighbor voiced support for the smaller lot next to that subdivision. There was open space around it and it is on the edge of the community. This proposal puts the subdivision right in the middle of another community.

Director Grover states that they do not need to worry about basing their approval of what was previously done. It will be looking at the compatibility of the area. He states that it is in their purview to look at the compatibility and how the area has been built out. He notes that if they are looking at denying it, compatibility can be used as one of the findings for denial. He is not trying to sway anyone's decision either way. In looking for recommendations it is important to look at the General Plan, unfortunately, it is 50 years old, and it put Staff in a difficult situation. The General Plan does not reflect the existing land use. The existing land use has been developed as more than 15,000 sq. ft. lots. Looking at this issue as a Planning Commission it is important to look at those issues like compatibility and listen to the public comment and deliberate.

Commissioner Bell states that most of the concern is based on the fact that there is a park that is going to disappear. It is painful because he has experienced it. Concerning the land rights issue, if they move forward with the rezone the applicant will be granted different rights. He states that an option is that the public buys the property so that it does not get developed. They could get together and create a Park District and put an offer in for the property. He states that he understands this is easier said than done but once you own it you can do whatever you want with it.

Commissioner Parke states that the owners have rights to the property. He feels it that it is not sensible to make changes and enter findings based on a plan that is 50 years old. He notes that the recommendation in the staff report is implausible. There is no advantage in creating a spot zone other than to the developer. The outdated General Plan calls for all sorts of things that have not been followed. It can not be relied on at all.

Commissioner Atkinson states it sounds like a great community. He feels it is not within the Planning Commissions purview to decide if a park goes in that area, though he feels that a park is a great idea. They should consider staying in harmony with the 15,000. He wants to respect the public position.

Commissioner Andreotti states that he recognizes that the owner has property rights. It is also important to recognize the area where it is located, the history, and the way it has been built out. He feels it would be wrong to change the zoning.

Chair Edwards states that he believes in property rights and the continuity of the community. He feels bads that a park is going to be disappearing. The applicant could get close to the same amount from the RE-15 than from the R-1-10 zone.

MOTION: Commissioner Borklund moves forward a recommendation of denial to the County Commission regarding File# ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation is based on the findings that changes occurred in the area since the code was adopted showing different developments than what was West of Combe Road. The development of the community is RE-15, though consistent with the wording of the General Plan, it is not consistent with the pattern of the area. Property on three sides has been developed. To place R-1-10 in the middle of RE-15 would not be based on sound planning principles. Very low-density residential is more compatible with the existing and anticipated

development in the area. The property can still be developed with larger lots than the R-1-10. Commissioner Andreotti seconds. Motion Carries (7-0)

Director Grover states that this item will go before the County Commission and notices will be sent out to people that live within 500 ft. He notes that a lot of people did not receive a notice because they were not within the 500 ft area. Noticing is done as a courtesy if not required by states and County statues. The County Commission meeting will be sometime in January.

2.2 ZTA 2019-09: A public hearing to review and make a recommendation to the County Commission on a proposal to amend Weber County Code § 104-5, § 104-6, § 104-7, § 104-8, and § 104-25 to allow the cultivation and processing of medical cannabis, as required by state code. The proposed amendment will also provide minor edits to these sections for clarification purposes.

Presenter: Charlie Ewert

Mr. Ewert states that in the last year the public voted to legalize medical cannabis. In 2019 the legislature decided to tweak what the public adopted to what they felt would be easier to administer and would provide better protection. The State code is heavily regulating this use. Cannabis can only be grown indoors. It has to be in a secure facility. There has to be a certain size of the fence. They need to have 24-hour surveillance. They need to regulate the product through the same process to ensure it is the same product and there aren't any mistakes. The State has required that it be allowed in at least two of the zones. Every County or jurisdiction that has a manufacturing zone and the agricultural zone has to allow it in one of each. They need to choose in which agriculture zone and which manufacturing zone this use is going to be allowed in. Residences are allowed in A-1, A-2, A-3, M-1, and M-2 zone. Residences are not allowed in the M-3 Zone. It is important to note that most of these zones are evolving into residential uses based on market forces. There is other State and County regulation that state that certain things cannot happen within a residential zone. Clarifying this will help protect the zones that are evolving towards residential. There should not be a gravel pit or a medical marijuana grow operation in the middle of a residential area. A-1, A-2, and the AV-3 zone in the Ogden Valley are set as residential. The AV zone is set agriculture, it is a heavy agriculture industry that is the intended use in the zone. Residential is still allowed in the zone, 1 dwelling unit every 2 acres. It still has the potential to fill in and in the Reese area it has filled in. Commissioner Parke asks if this will be a permitted use or conditional. Mr. Ewert states that in the M-1 it is being suggested that it be allowed as a permitted use. In the A-3 zone, it is being recommended that it be listed as a conditional use. In addition to the conditional use standards and standard that are not conditional to be able to ensure accountability. 20 acres per lot and 100 ft set back all around, they will need to build walls, berms if there is a residence nearby. In the future, they might need to make additional improvements. He states he feels it is important to include is that be subject to the design review and architectural standards. They also will need to have a road that isn't substandard. Under the agricultural act, getting a license from the State of Utah to cultivate is a different license than the one required to process. There is a facility that is moving into the M-3 and they have the license to cultivate and are looking into getting the license to process. To get a license they need to put down 100,000 dollars. He states that the first step is growing and harvesting the plants. They are only allowed in the facility. They need rooms that will have a relative humidity and heat concerning the hanging and drying. He notes that the way Utah adopted the law the plants cannot be used for other purposes other than medicinal. Once they package it will be vacuumed sealed they need to transfer the numbers from the batch down the line. They will list all the information related to the particular strand and intended use and send it off to the State and processing lab. He notes that he is not sure if the State will own and operate that lab or just heavily regulate it. Concerning the transportation process. The laboratory will reject and destroy products that don't pass. Different products for different uses have different standards. They will be tested for their exact uses. He notes that the State thought they were going to have the Health Department run and operate the government dispensary. The Attorney General stated that it is a state-run issue and they have public employees, and it is still not legal in the United States. The State will need to figure out a different way to dispense the product. He is not sure where they are in this process.

Chair Edward states that he just wants to make sure they are following State Code. Mr. Ewert states that it was a little bit more than that. He tried to clean some things up and call some of the agricultural zones also residential. Not all of those things are required. It is required to find a way to write in the M-3 and A-3. Agriculture is allowed in both of those zones and the M-3 zone manufacturing processes are allowed. They already have the permitting based on that. They are disallowing it except in the M-3 and A-3 zones. Commissioner Borklund states that the State Law allows it in the agricultural zone and the manufacturing zone. It needs to be in one of each not just one of them. Mr. Ewert states that this is correct. If they only had one zone they would not need to create one. Commissioner Borklund asks if there are any separation requirements between the facilities. Mr. Ewert states that we could have all eight licenses operating in the County if that is what they wanted. Right now there is only one company asking questions. These are applicants and have gone through the building permit process. Director Grover states that ventilation is a big thing that the Building Inspections Department is looking at.

Commissioner Atkinson states that he does not like the idea of this use in the agricultural zones. Mr. Ewert notes that this is one of the reasons they decided on the 20 acres. It should not be cost-prohibitive for them, because of the intent to provide a buffer to protect the surrounding uses by having enough of a buffer. It would cost more money, but it is costing them 100,000 just to file for a license.

Commissioner Bell states that it might deter them and possibly encourage them to move into the M-3 zone.

Commissioner Faveros asks if they anticipate a lot of growth concerning this issue. Mr. Ewert states that it depends. It is based on the Legislature they are trying to avoid opening the flood gates. They are trying to take it slow. Commissioner Bell asks if the Legislature controls how much can be produced. Mr. Ewert states that he believes that they do, he is not aware of the specifics, but the particular company wants to get going because of a state-mandated to produce a certain amount. Chair Edwards states that the Department of Agriculture sent up a department to regulate this. Commissioner Favero states that he does not see it as a problem in the agricultural area. Even in A-1 depending on the size of the operation, other than what may be emitted. He notes that it is an indoor farm.

Chair Edwards opens the public hearing.

MOTION: Commissioner Bell moves to open the public comment. Chair Edwards seconds. Motion carries (7-0)

There is no public comment.

Chair Edwards closes the public hearing.

MOTION: Commissioner Parke moves to forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A and B). with the following findings, or 1. The amendment will directly address where the cultivation and processing of medical cannabis can occur in Weber County, as mandated by state law. 2. The A-3 zone and the M-3 zone are most appropriate for this use at this time. 3. The amendment is not contrary to the effect of the General Plan 4. The changes are not detrimental to the general health and welfare of county residents. Also subject to design review and architectural standards in the A-3 zone and M-3 zone, and the finding that it be consistent with State Law. Commissioner Bell seconds. Motion carries (7-0)

3. **Public Comment for Items not on the Agenda:** none
4. **Remarks from Planning Commissioners:** none
5. **Planning Director Report:** Planning Commission Dinner is scheduled for January 22nd at 6:30 PM at Jeremiah's.
6. **Remarks from Legal Counsel:** none
7. **Adjourn:** 7:52 PM

Respectfully submitted

-Marta Borchert