

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

**Members Present:**        **Andrew Favero – Acting Chair**  
                                  **Jannette Borklund**  
                                  **Gene Atkinson**  
                                  **Greg Bell**

**Members Excused:**     **Bren Edwards**  
                                  **Wayne Andreotti**  
                                  **John Parke**

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

- **Pledge of Alliance**
- **Roll Call**

**1.1 DR 2019-14: Consideration and action on a design review for a 59,152 square foot warehouse building located at 1300 W 2150 N, Ogden.**

Steve Burton states that the approximate address 1300 W 2150 N, it is located in the Weber Industrial Park. It is on three parcels that have been combined for building purposes. It is a 59,000 sq. ft. warehouse building. The company is Challenger Pallets The use will be to manufacture and store wood pallets. They have sufficient parking and meet the setback requirements for the zone. Staff recommends approval based on the conditions and findings outlined in the staff report.

Commissioner Borklund asks if there is any outdoor storage or if it is all indoor. There is no outdoor storage but there are a couple of ramp areas. From the site plan, there is no specific spot dedicated to outdoor storage.

Chair Favero states that fire on this building would be a concern. The Fire Marshall will want to go through the plan well to make sure all of the design is satisfactory for that. Mr. Burton states that the Fire Marshall is one of the reviewers on this. They will not be able to get a building permit until the Fire Marshall has approved it.

Commissioner Bell asks regarding the parking plan. He notes that the proposal states there is enough parking for 26 employees and if there are more than 26 employees they need a new parking plan. Mr. Burton states that he had reached out to them with no response, they have since let him know there are 15 employees. Mr. Bell asks how do you know if they bring in more employees and it becomes a problem. Mr. Burton states that they would get involved when it becomes a concern for neighbors. He adds that given the size 26 should be enough, but they will confirm that before they move forward. If it becomes a problem it will be addressed.

Commissioner Atkinson asks regarding the reputation of the company and if they are credible. Mr. Burton states that as they reviewed the land-use code if it isn't specific to the approval of the design review, there isn't anything that says anything specific about the reputation of the company needs to be verified. Director Grover states that he has been in contact with Holin Wilbanks from Weber County's Economic Development department. Holin has been working with them and she has said good things about them.

Commissioner Borklund asks what they are supposed to be looking at regarding landscaping. Are they supposed to look at the building materials? Mr. Burton states that as far as building materials, the Planning Commission needs to look at how it fits into the

general area. What can be seen in the area, is metal, and aluminum? The buildings that are right in the center of the property that is surrounded by parking and landscaping.

Chair Favero asks if there is going to be a lot of outdoor storage of raw material before it goes through their process and building. Mr. Burton states that based on what he has reviewed there is nothing regarding outdoor storage. It seems to be a big enough building that they would not need to store items outside, given the material they would want to keep it all inside.

Chair Favero asks regarding the zoning, if there is outdoor storage, does it need to be secure from the general public. Isn't that part of the zoning code. Mr. Burton states that currently in the M-zones out west there is no requirement to screen outdoor storage. He adds that the planning staff is currently working on updates, looking at outdoor storage as a listed use in the zone. There is not currently anything requiring the security of outdoor storage in the area.

Commissioner Bell states that he would like a reminder on landscaping requirements. Is it a lot of asphalt? Mr. Burton states that it is 10% of the project area and it would cover the retention pond. It has to be drought-tolerant material. The applicant will provide a more detailed plan, so that staff can verify that they will be using drought-resistant materials.

Chair Favero states that there is no public present. There is no public comment.

**MOTION:** Commissioner Bell moves to recommend approval for file# DR2019-14, design review for a 59,152 square foot warehouse building located at 1300 W 2150 N, Ogden. The recommendation is subject to all the review agency requirements and the following conditions: 1. if the applicant wishes to have outdoor advertising a signage plan that conforms to the Western Weber Signage Ordinance, LUC 110-0, must be approved by the Planning Division prior to issuance of a land-use permit. 2. The applicant will be required to provide a landscaping plan that shows specific materials to ensure that drought-resistant materials are used prior to the issuance of a land-use permit. This recommendation is based on the following findings: 1 The proposed use conforms to the Western Weber General Plan. 2. The proposal, if conditions are imposed will not be detrimental to the public health, safety, or welfare. 3. The proposal, if conditions are imposed, will comply with all applicable County ordinances. 4. The proposed design implements quality development standards and will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Borklund seconds. Motion carries (4-0)

**2. Public comment for items not on the agenda.** There was none.

**3. Remarks from the Planning Commissioners:** Commissioner Bell states that he was not able to go to the conference last week. He asks how the conference was. Director Grover states that it was a good conference. There was some discussion on affordable housing and some discussion on the benefits of clustering and housing. There were also discussions on public infrastructure and how to handle that with stormwater. Often a problem that they run into onsite is that eventually, they would run into the riparian areas or in the main water sources. There have been instances where there are algae blooms. There was a discussion on ways to get rid of that onsite so that it does not run into the stormwater system. He states that these are a few things that are pertinent to the area. He adds that there was some discussion regarding detention ponds and taking advantage of them in other ways in subdivision looking at the park strip areas between the curb and water and the sidewalk managing stormwater in those areas. It is important to manage those aspects from the planning side before it gets to that point, but everyone needs to participate. Commissioner Bell asks if there is any way to implement that into the current ordinances. Director Grover states that they started looking at the General Plan and the engineering requirements and the landscaping section and the General Plan is not tough enough. Chair Favero states that in commercial and industrial areas there is a mitigation that can take place without even changing things. It is a bit costly. There is a company in that area that installed a water-oil separator.

Commissioner Atkinson asks if there have been any updates on the incorporation out west. Director Grover states that they have received varied comments. At first, there was a lot of positive feedback for incorporation. Now there are about 40% of people wanting incorporation and 40 percent against incorporation. Commissioner Atkinson asks what type of feedback they are receiving.

Director Grover states that they have received mostly phone calls. Primarily through the Planning Office. He adds that he cannot speak for the County Commission office. Until this issue is resolved they cannot move forward with the new General Plan.

**4. Planning Directors Report:** Director Grover states that the Planning Commission dinner is in January. He asks if this will work for everyone. No one is opposed to Planning Commission Dinner in January. He states that if they have any interest in attending the Utah Land Institute Conference it is a half a day conference on October 29<sup>th</sup> and the 30<sup>th</sup> it is in Sandy. It deals more with land policies and law cases.

**5. Remarks from Legal Counsel:** there is none.

**6. Adjourn to Work Session:** 5:26 pm

**WS1: Discussion regarding the state-mandated moderate-income housing plan updates. Staff Presenter: Charlie Ewert**

Charlie Ewert states that moderate-income housing went to the Supreme Court there was a jurisdiction that zoned their community, for high-class citizens to live there exclusively. It was taken to the Supreme Court and it was branded as unlawful discrimination against lower classes. This occurred in the civil rights era. Right now we are in an affordable housing crisis. Some serious issues are getting not just lower-income people but normal income people into homes. Ever since then there has been a mandatory requirement for every community throughout the nation to have a moderate income plan. Looking at the moderate-income plan as it stands, there are some really big issues. Out west there was a subdivision approved and installed, where bonus density was given for moderate-income and they ran into problems getting materials for 100,000 to 200,000 dollar homes. Because of this, there have been some changes to based on the median income for the specific neighborhood to allow them to put a larger home there. One of the challenges is building material and the cost of the building. One of the reasons building is going up so high is that there is more regulation. It cost a lot of money to supplement development. Those costs need to fall on the developer, not the neighbors. Why should they have to pay for all the new traffic? The State has said, "We need to do something about this, and take it seriously." He adds that the new state law doesn't have a lot more than what the County normally adheres to regarding the housing plan. Staff is currently looking at the housing plans, and are fairly confident that the existing plans are close to complying. He adds that they are working to make it a standalone document. The Department of Workforce Services come every year to verify. Commissioner Favero asks with the zoning how do you comply with the 1-acre lot, when looking at lots being 150,000. It makes it difficult to accommodate low-cost affordable housing. Mr. Ewert states that it is very subjective. Sprawl is expensive to maintain for a government. Commissioner Favero asks how the County will adjust for this. Mr. Ewert states that the legislature gave the County a list it is subjective, the County needs to do at least three of the items on the list. He states that they are creating a moderate-income plan. Moderate income housing is meant to increase affordability. Mr. Ewert gives a rundown of the moderate-income numbers in the area. He notes that Weber County is number 1 in the nation for the difference between wage increase and housing cost. Housing cost is multiple times what the wage increase is. Commissioner Atkinson asks if Terakee Village qualifies as a moderate-income housing. Mr. Ewert states that it would more than the standard zoning would because they are buying a fraction of an acre. The smaller lots make for smaller homes. He notes that he is not sure if they will reach the 68,000 dollar threshold. The States have asked that the County put some plans in place and start implementing it and then track it, even if the success doesn't get the County to the 68,000. Director Grover states that Terakee Farms might pick up more affordable homes that Terakee Village. He notes that they are both PRUDS the Terakee Farms is the larger one it had more clustering and smaller lots. It also had some ADU's associated with the single-family units.

Mr. Ewert states that on the PRUD code that is in the process there is a section that states that they can get a free 10 percent above and beyond the 50 percent if that 10 percent goes toward moderate-income housing. Moderate income housing. Commissioner Bell asks if there will be any bonus density in the cluster code or moderate-income. Mr. Ewert states that it is not but this was going to be his next suggestion to copy and paste that into everything. He adds that he would rather see it the cluster code than in the PRUD to incentivize that. If someone wants to do a one-acre development and the center of the development of those one acres lots or a lot averaged one in the epicenter the want to add some duplexes the would be okay. Commissioner Bell states that he was not for the lot averaging, and he does not see how this would benefit a lot averaging to have a tiny lot next to massive estate lots. He notes

maybe it would be a benefit for green space. He is having a hard time is that it is an estates lot is grass and it might be turned into agriculture to preserve like a cluster code. There are things that they could do to promote it. Commissioner Borklund states that the issue over time is that they are not well taken care of and there is a stigma there. Mr. Ewert starts that it happens and over time as they deteriorate so do the surrounding homes. Renters are treated differently because they are considered temporary. Commissioner Bell states that another issue is the ADU's and would be easy to slip into the subdivision code he states that they are already doing, why not incentive them to come out and register as an ADU. This could help meet the moderate-income housing requirement without building high rise apartments. Mr. Ewert states that there was a big concern with ADU's that were

Commissioner Favero states that HOA's need to start playing a role with long term care. The legislature needs to put more teeth in the HOA have to do. A lot of the time some of these PRUD's one person ends up running it and they get tired of it or sell out and leave. Director Grover states that concerning HOA sometimes the owners won't pay their dues and it is important to be cautious when putting them into the PRUD's and the Cluster subdivisions. Based on what has occurred in the past and what has occurred in Ogden city when they had lower income PRUD's in 7 to 10 years the HOA's were going defunct. The residents were not paying their dues. Commissioner Bell states that he has never had a good experience with an HOA and he has never met someone who had a good experience. Commissioner Favero states that he had one good experience with his mother in law place at Ironwood. He notes that it was all within the did not hire it out, that HOA ran well. He adds that he has also had terrible experiences with it as well, where the HOA fell apart. Commissioner Bell states that personal responsibility has gone out the window, it won't be effective for renters. Commissioner Favero states that the landowner should be responsible for that. If they want to collect fees from the renting party that is up to him. Commissioner Bell states this is one issue that bothers him, that if the HOA doesn't work then they are required to put liens on each other's properties. Commissioner Favero states that it is an ugly deal but if there is no HOA it is then turned over to an entity. He notes that some of the subdivisions sound great in theory, and they claim that they are going to be opening up some green space, but it creates other socio-economic problems. Commissioner Borklund states that the create private roads at a lesser width than the County will accept and they maintain it. Commissioner Atkinson asks if the trend is to build the subdivision under the new code. Mr. Ewert states that this was the intent.

Commissioner Bell asks what are the options to remove the HOA's and not allowing them at all. Mr. Ewert states that the cluster code allows for the common area to not exist. Director Grover states that without HOA's there will be a public street there will not be the big open park areas. If there are big park areas they will be dedicated to the municipalities. There is a park district that will maintain that. That area is then dedicated to public open space. Commissioner Bell asks if because Western Weber has park districts is there is a way to eliminate the creations of HOA's and just dedicate the open space to the park district. Director Grover states that the park district would have to want it. He states that they could also look at some type of banking issue. If they are willing to participate and put they are going to out a certain amount of money toward it.

Commissioner Favero states that there are going to be big open spaces and if small lots are facilitated and high density and then there are big open spaces. He adds that what they should be planning is for is the 30 to 40 years from now if the population keeps growing like it is the bigger chunks of land that are permanently preserved are not going to be permanently preserved. He states that he wants to be able to say that the Planning Commission worked on that area, and being what it should be for the future because it is going to have to constitute growth. He states that they need to be looking at that now, and they need to keep in mind that the big open spaces that are going to be permanently preserved are not likely to stay that way. He asks where everyone will go. This is the big picture, Weber County is vast right now and looks at fast that is declining. The one-acre lots are eating it up faster, because of the size. He states that he agrees that the open space could be dedicated and it could be parks and there has to be some open space, but it is important to look at what will happen in the future. Commissioner Bell states that this is where his mentality has changed over the last several years to where they should consider creating as residential zone out in Western Weber County to allow for homes to go in there and in further out west preserve some of the agricultural zones for the long run. Commissioner Favero states that he is glad to hear Commissioner Bell's comment about the residential zone because he had mentioned it a few years back when he was on the Planning Commission previously and it was not a popular idea, there are areas in Western Weber should be zoned residential. Commissioner Borklund states that estate lot in the County is bigger than most lots in other cities. Commissioner Favero states that as far as those areas being agricultural they will be good for neighborhood agricultural, but big agricultural going away. He states that the hope is for is that it won't be an eyesore in the end. Commissioner Bell states that this is the dilemma that he is experiencing, there are still a lot of people in the area with horses and livestock and they need to feed those

horses and livestock. He adds that if homes keep getting built in the lots that need to produce the food for the animals, they are going to have to go long distances to buy hay and this brings the cost up. It would be good to have some kind of agricultural available, that people with horses or cows can get hay locally. Commissioner Favero states that he agrees with this but they will not be able to produce enough, the agricultural area in Western Weber County is not big enough to support what is out there now. Looking at the big farms. He notes that two big dairy's in the area lease land near the Idaho border and go as far they can go into Davis County. This was a poor location to put that kind of a facility to have to support 1500 to 2000 dairy cows. There is not enough agriculture around it to support it. He adds he wants to make it clear he doesn't want to push the agriculture out, it is important to look at the effort they have to go through. He adds that he is a third-generation farmer. It is the reality that they need to address. It is a long way to truck feed. Director Grover states that some other challenges that they will face as they cluster, the question will be with all the density how to get the farm equipment up and down the roads, with the roads and the traffic. Commissioner Favero states that some of the farm equipment that they have to drive takes up most of the road and it can be dangerous. He states that they drive that equipment from Taylor to Plain City 4 or 5 times a year. The expense of hauling the feed is nothing compared to the liability if anybody gets hurt. Mr. Ewert states that there are some areas for agriculture but it's not going to be big agriculture, it is going to be community agriculture. When there is enough pressure to undo the permanent side for those preserved areas it's going to happen and the areas will be opened up to areas for parks, schools, and community areas. It would not just be a sea of homes. He adds that this allows for taking it in increment of time at a time.

Mr. Ewert states concerning the Transportation Commission and the new legislature and moderate-income housing when it comes to the funding they want to know that the County is in compliance and when it comes to giving the funding to Weber County versus other Counties they are going to give the funding to the jurisdiction that has the best moderate-income plan. He states that the County has to show that they are trying.

Concerning the Transportation Finance Act, no funding will be given if there is no plan or reporting to the Department of the Workforce on an annual base, and then it is still up to the Department of Workforce services to determine if it was not implemented. Mr. Ewert states that not all money that the County spends is State money but a lot of what goes through WACOG is. The transportation alternative that was UDOT funded is 70,000 worth pathways in the Ogden Valley. He adds that he would like to see this happen in Western Weber. The County needs to show that they are trying and it doesn't necessarily mean that they have to hit the 68,000. Part 3 states the General Plan should allow for moderate-income housing on or before December 1<sup>st</sup>, 2019. A County that does not comply shall amend the General Plan to comply with subsection 3A1. He states that if it is not done the County may not receive the funding. He adds that funding cycles are coming up, letters of intent were due on the last week and the funding awards could go out in January. Commissioner Favero states that it needs to be done because the County needs the money. He states that if you take a drive in Western Weber County between 6 and 8:30 AM and 5:30 and 6 PM it is all inadequate whether it is a State road or a County road. Mr. Ewert states that the new transportation impact fund and the way that money is being allocated it is more than just moderate-income, they are being allocated based on land use and density, trends that oriented development. Part of the reason Planning staff was asked to do studies in Western Weber was because of Legacy Parkway and where it is headed. Commissioner Favero states that this will not just be on the County it will be on the potential city as well. Mr. Ewert states that this language has been adopted in the municipal code. The legislature knows that it needs to be adopted, because the municipalities will not voluntarily do that.

Mr. Ewert goes over some options to accommodate for the moderate-income housing requirement.

Rezoning for density to accommodate moderate-income housing. Commissioner Bell states that he doesn't want to do rezones unless it is in the General Plan. All Planning Commissioners agree that the General Plan needs to be updated to include residential rezoning.

Facilitating the rehabilitation and expansion of infrastructures and encouraging the construction of moderate-income housing. Planning Commissioners do not have an issue with this.

Facilitate the rehabilitation of existing uninhabitable housing stock into moderate-income housing. He states that the ones that are uninhabitable out in Western Weber, he is unsure if they can become habitable.

Consider General Plan subsidies for other sources of revenue to waive the structure related fees generally imposed by the County. He notes that the development fees are increasing the cost of housing to a degree. Commissioner Bell states that mostly the market is driving it. Mr. Ewert states that it does not necessarily have to speak to the 80 percent median income, but it needs to speak to strategies that that will create a culture or environment that enhances the 80 percent.

Reduce regulations related to accessory dwelling units, allow for higher density or moderate-income residential development in commercial and mixed-use zones.

Encourage higher density moderate-income residential development near transit investment corridors. Director Grover notes that at this point there isn't any. Commissioner Favero asks what the timeline is on the extended Legacy project to hit the Weber Corridor. Mr. Ewert states that it is still not funded. Commissioner Favero asks if Davis is funded. Mr. Ewert states that it is and the gearing up for construction, the environmental got done. The plan is to build it and merge it into Weber at 5500. Commissioner Bell asks if there is a timeline to get it to 12<sup>th</sup> street. Commissioner Favero states it will be likely 10 to 15 years. He notes that they are talking about expanding 5900 W to 12<sup>th</sup> Street at some point. He notes that they will have to look into this. Commissioner Bell states that he agrees that this is something they can add, but not at this point it wouldn't mean a lot. Mr. Ewert states that he is taking notes so that when the General Plan update is done these items can be addressed. Looking at that freeway it will be transit. The buses can get up and down there is some high-density concentration along the freeway off-ramps. Commissioner Favero states that 2550 will be expanded down to meet the new corridor, it already goes to 5100. Depending on what the timing is on that, it might be much sooner than the timing of the divided highway. Mr. Ewert states that the County is already trying to acquire the right of way on 2550.

Eliminate and reduce parking requirements for residential development where the resident is less likely to rely on the resident's vehicle, such as residential development near major transit investment corridor or senior living facilities.

Allow for single room occupancy developments. Director Grover states that this does not apply to Weber County the closes thing that the County has to an SRO is the Marriot Hotel on 25<sup>th</sup>. This is referring to rooms that have a shared bathroom. Commissioner Bell states that he does not think this should be allowed in any of the developments. Mr. Ewert states that they would only need to choose three on the list.

Implement zoning incentives for low to moderate-income units in new developments. Mr. Ewert states that this would be cluster and PRUD. He states that they could incentivize it a bit more.

Utilize strategies that preserve subsidies low to moderate-income units on a long term basis. Mr. Ewert states that this could be done through deed restrictions. Commissioner Bell states that when talking about the discrepancies of property values versus household income this could get offset. If the median income drops and the property values rose quicker than the median income how can it be called affordable housing? Director Grover states that it would be based on the time of development. Commissioner Bell asks what they do for the long term. Mr. Ewert states that in the deed restriction it will state that it has to be sold to a family who is 80 percent of the median income. Commissioner Bell asks if they would be able to sell the house for the valued. Mr. Ewert states that they would not if the buyer is getting a loan. If It was paid for in cash they could go around the restriction. Commissioner Borklund asks how long the term is. She asks if there is a definition for the long term. Director Grover states that it runs with the land. Mr. Ewert states that the deed restriction will stay on there, it runs with the land, just like the taxes run with the land. He suggests that if they are trying to capture the 80 percent and none of the other tools work, he has seen it done as 5 percent of all development needs to contribute to moderate-income housing. This would be charging the developer 5 percent of the development market value profit of every lot that is sold put that money into an account and use it to build homes for low-income people. Commissioner Favero states that they would be building government-owned homes for low-income people. Private entities would not be able to take money out of that fund. He states that he likes that idea but he wants to know how it works. Mr. Ewert states that that jurisdiction bought lots and built homes and sold them with the deed restriction to the people that meet the criteria.

Preserve existing moderate-income housing.

Reduce impact fees related to low and moderate-income housing. Mr. Ewert notes that they could do this as long as it is related to low income and moderate-income housing.

Participate in a community land trust program for low or moderate-income housing.

Implement mortgage assistance programs for employees of the County and anybody that provided contracted services for the County. Mr. Ewert notes that Ogden City is doing this with its community development program. He notes that they would need more administration for that.

Apply for or partner with an entity that applies for states or federal funds or tax incentives to promote the construction of moderate-income housing.

Apply or partner with an entity that applies for programs offered by the Utah Housing Corporation within the agencies' funding capacity.

Apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services. Mr. Ewert notes that all of these are with the prevue of the Housing Authority.

Apply or partner with an entity that applies for services provided by a public housing authority to preserve moderate-income housing.

Apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance.

Apply for or partner with a moderate-income housing set aside from a community reinvestment agency review development agency or community development and renewal agency. Mr. Ewert notes that they would be able to generate revenue with the RDA's or CDA's and use some of that money toward supplementation.

Consider another program or strategy to address this.

Mr. Ewert goes over reporting requirements.

Mr. Ewert states that the County has a housing plan this was done with some other jurisdiction and it makes challenging because there is less focus on our area. He goes over the excerpts from the Weber County area.