

Minutes for the Western Weber Commission meeting of May 11, 2021 held via Zoom Video Conferencing

Members Present: Andrew Favero-Chair
Bren Edward-Vice Chair
Wayne Andreotti
Sarah Wichern
Jed McCormick
Greg Bell

Members Excused: Bruce Nilson

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton Principal Planner; Matt Wilson, Legal Counsel; Angela Martin, Lead Office Specialist II

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

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

1. Petitions, Applications, and Public Hearings: none

2. LVS021320: Request for a recommendation of final approval of Stagecoach Estates Cluster Subdivision consisting of 55 lots located at approximately 1800 South 3800 W, Ogden: Staff Presenter Tammy Aydelotte
This item was pulled from the agenda.

3. DR# 2021-04: A request for design review approval to construct new greenhouses that will be added to a large scale growing operation named Pineae Greenhouses: Staff Presenter Tammy Aydelotte

Tammy Aydelotte states that the applicant is requesting design review approval to amend the approved site plan by constructing three 48,600 sq. ft. greenhouses and one 233,280 s.q ft. greenhouse that will be constructed over the next two years and will be used to grow potted plants. This business has been in operation in the unincorporated Weber County since 2005. This proposal is before the Planning Commission as a Design Review because of the scale of the addition and that the agricultural greenhouse is Staff Report to the Weber County Planning Commission Weber County Planning Division Page 2 of 7 considered a wholesale commercial operation. The staff has determined that a greenhouse and nursery limited to the sale of materials produced on-premises and with no retail shop operation is a permitted use in the A-2 Zone.

MOTION: Commissioner Edwards moves to approve DR# 2021-04: A request for design review approval to construct new greenhouses that will be added to a large scale growing operation named Pineae Greenhouses this recommendation is based on the following conditions: 1. The Pineae Greenhouse operation will comply with all requirements from Weber County Engineering as a means to manage all stormwater and effluent from business operations. 2. Land use permits must be issued for the new greenhouses. 3. A building permit must be issued for gas and electrical lines. The recommendation is based on the following findings: 1. The proposed project complies with applicable County codes. 2. The proposed project conforms to the West Central Weber General Plan. 3. The proposed project will not negatively affect public health, safety, or welfare. 4. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner McCormick seconds. Motion carries (5-0). Commissioner Bell was not present for this item.

4. Request for a recommendation of final approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 40.259 acres: Staff Presenter Tammy Aydelotte

This item was pulled from the agenda.

5. A public hearing to consider an application to rezone approximately 39.59 acres on parcel 19-001-0005, located at approximately 4000 N. Highway 89, from the A-1 (agriculture) zone to the G (gravel) zone. Staff presenter: Charlie Ewert Applicant: Westside Investments Applicant agent: Craig Jackson

This item was pulled from the agenda.

6. ZMA 2021-03: A public hearing to consider an application to add "gun range" to the list of allowed uses in the M-3 zone. Staff presenter: Charlie Ewert. Applicant: Justin Barrow

Charlie Ewert states that the applicant would like to amend the M-3 zone to allow a shooting range. The M-3 zones are the heaviest intensity manufacturing zone in the Weber County land-use code. It allows uses as intense as the manufacturing of missiles, aircraft engines, and spacecraft. It does not appear that there are currently any zones in the Weber County land-use code that allow a private shooting range. Given other allowed uses in the zone, the M-3 zone appears most appropriate for use. Concerns about most of the effects, such as sounds, odors, and vibrations, are concerns that could occur with most uses in the zone. The biggest concern is the safety of those who use it, as well as those unknowing members of the public who might happen to be in proximity of it. The best protection for those outside the shooting facility is the construction of an errant-bullet containment system. This system can be created in several ways such as by providing large berms, overhead baffles, ricochet-resistant material, fixed shooting positions, etc. Two other concern is that the lead and other heavy-metal materials from a high concentration of spent bullets could have lasting environmental effects, and that improper upkeep of dry vegetation at an outdoor facility can create a wildfire hazard. Given the number of detrimental effects possible, if not operated to a specific standard, the staff is recommending that if the use is allowed, that it be allowed by conditional use permit. Requiring a conditional use permit will enable the planning commission to apply the additional safety and environmental standards that are listed in the chapter of the conditional use.¹ The attached proposed ordinance creates the allowance of a shooting and training facility as a conditional use permit and applies specific construction standards to protect the public from errant bullets. Staff is recommending approval based on the conditions and findings listed in the staff report.

Justin Barrow states that he grew up in West Warren where the proposed site is. There is nowhere close by to shoot. He adds that there is a need for this. They have not gone any further with Engineering. He asks that they give him a brief overview of what they would like to see there. This is a good site for this because there are no neighbors to the west. He notes that they are proposing the highest safety measure with the berm around each area. There will be a fire suppression system. They want to make it safe for the users and the general public. Hearing protection, sound absorption materials will be used in the construction of the shooting house. The area will be patrolled. Members have a priority reservation system online and will be able to reserve up to a year in advance. The public will have access to a secondary system to reserve lanes and shooting times.

MOTION: Commissioner Edwards moves to open the public hearing. Commissioner Andreotti seconds. Motion carries (6-0)

Jason Green 2900 W 1400 S states that this would be good for family

MOTION: Commission Edward moves to close the public hearing. Commissioner Andreotti seconds. Motion carries (6-0)

MOTION: Commissioner Edwards moves to recommend approval of ZMA 2021-03 A public hearing to consider an application to add "gun range" to the list of allowed uses in the M-3 zone Based on the analysis provided and the ordinance attached as Exhibit A, staff recommends that a "shooting range or training course" be added as a conditional use in the M-3 zone. Should the planning commission concur, a positive recommendation could be forwarded to the County Commission for file ZTA 2021-03, based on the following findings: 1. The proposed use will enhance economic opportunities in the M-3 zone with a use that is most appropriate to be located in the zone. 2. The proposed use is not detrimental to the effect of the general plan. 3. The use could provide a local training facility for law enforcement. 4. The proposed text will help keep the use from becoming burdensome to the health, safety, and welfare of the general public. And that there will be an operator on-site at all times. Commissioner Wichern seconds.

Commissioner Wichern votes aye, Commissioner Andreotti votes aye, Commissioner Edwards votes aye, Commissioner McCormick votes aye, Chair Favero votes aye. Motion carries (5-0). Commissioner Bell was not present for this item.

7. ZTA 2019-04: A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to ensure adequate culinary and secondary water for each new subdivision. Presenter: Charlie Ewert

Mr. Ewert states that there have only been a few minor changes. He notes that the biggest changes were that there was a culinary section and a secondary section. The language was so redundant that it was merged into one section. There is a water section that addresses both culinary and secondary water. There are three different definitions Water irrigation, secondary water, and water service provider. He adds that a lot of this was taken from the state code. The difference between secondary and irrigation is that secondary is pressurized. When it says that everyone has to have secondary water they are talking about pressurized secondary water.

Mr. Ewert states that if there is a section that Ogden Valley added. It states that if there are irrigation rights that have always been used on the property and they send those rights with the new owners they can continue to use that in lieu of a pressurized system. Commissioner Edwards states that he has concerns water districts have requirements that if there is a pressurized source they need to connect to it. He states that it muddies that the water too much. It opens the door for owners to avoid tying into the water districts. Mr. Ewert states that this was a condition that the Ogden Valley wanted to add. Commissioner Edwards states that the problem out West are the problems out West and the problems in the Ogden Valley are the problems in the Ogden Valley. They have separate concerns. He states that he can make it so that it is only applicable in the Ogden Valley. Chair Favero states that this will not work in Western Weber.

Commissioner Edwards states that when the HOA systems come in, he wants to make sure that the water gets tied to the system. There is no way to tie it to the ground. He adds that the water is getting valuable. The system is expensive to maintain and operate. Mr. Ewert states that if they look at the way the paragraph is written, it talks about having to give the rights back to the water company or entity otherwise the rights or shares required shall be recorded to the lot for an individual well. Commissioner Edwards states that they can sign the shares over. The water district requires that half a share is given and it is held until the secondary water comes in. the shares are signed over to the water district. It still stays in the ditch system to supply the secondary water. They pay the assessment and maintenance to the ditch company. The water will not go anywhere else. If the HOA dissolves the water district gives the shares over to the irrigation company. The secondary water will be held by the culinary entity until the secondary get out there. Chair Favero states that something needs to place, there is too much room for those rights to disappear and they will disappear because they are valuable. This should not happen to an unknowing property owner that has expectations and they have paid for the water shares. The only thing that ties some of these homes together is the secondary water. There are no other amenities.

Commissioner Edwards states that concerning the verification portion on page 19, he does not like the part where it says that the water provider will bear full responsibility for verifying the secondary water system. If there is a pressurized irrigation company they are not going to run into this problem they will verify their system. It is going to become an issue with HOA's. He adds that he would rather see it as a joint effort. Mr. Ewert suggests that the change bears full responsibility to shall verify. He adds that the culinary water provider is in partnership. Commissioner Edwards states that he likes this better because in the section up further it talks about if they build the system they need to meet the requirements of the secondary providers that are in the area. Chair Favero states that there needs to be harmony with all the providers and not just be the sole responsibility of the culinary providers. For the secondary providers, their primary goal is to provide water for agriculture because this is what all the systems were established for. Most of the people that were involved with them are still in the agriculture business. The future is waning on agriculture and growing on the pressurized hookups.

MOTION: Commissioner Edwards moves to open the public hearing. Commissioner Bell seconds. Motion Carries (6-0)

Pat Burns 1407 N Mtn. rd, states that as many times Mr. Ewert has spent on this, sometimes he spends a lot of time with Mr. Ewert to make sure that his project meets the ordinance. As long as Staff and the engineers and the Planning Commission agreed that it can be adjusted.

Jason Crane states that he is an excavator and he has been involved in these projects from start to finish. He is concerned about the right. The Planning Commission is asking the developer to fork out all that money for the water shares and then they have to go before the Planning Commission and they get denied.

MOTION: Commissioner Bell moves to close the public hearing Commissioner Edwards seconds. Motion Carries (6-0)

Commissioner Bell states that if the developer goes through to procure the water and they meet the conditions, the Planning Commission has no grounds to deny the application. As long as it meets the conditions. He adds that he does not feel that it is an excessive burden, because at some point they will be able to use the rights. Commissioner Edwards states that they are just upholding the recommendations made by the water providers. He adds that their jobs as Planning Commissioners is to look at the land use and make sure it is following applicable zoning ordinances. As long as it meets all three it will get approved.

MOTION: Commissioner Edwards moves forwards with a positive recommendation of ZTA 2019-04 of A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to ensure adequate culinary and secondary water for each new subdivision with the following findings: 1. That the proposal will help protect culinary water resources for the general public. 2. That the proposal will promote and encourage the merger of multiple different water systems. 3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process. 4. That the proposal will discourage the proliferation of private wells. 5. That the proposal will encourage water-wise landscaping. 6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public. And all the changes and comments made in the staff report. Commissioner Bell seconds. Motion carries (6-0)

8. ZTA 2021-02: A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private streets in certain subdivisions and provide for future public street conversion and connectivity if needed.

Mr. Ewert states that this is concerning private streets and private lanes. He states that if private streets are allowed to occur, the biggest concern is that they could potentially take the place of a public street. He adds that public streets mean something, public street connectivity is important. In some circumstances, a private street is not a big deal. In the Ogden Valley, there are a few people who are doing private streets. He adds that at this point as a Planner he does not have any concerns about private streets in the Ogden Valley. The Ogden Valley has 3 acre lots. He adds that they are also talking about a transferable development rights program where will be moving density from the hillsides to places where the private streets could occur. In the Ogden Valley, there is a lot of asphalt and single-family does not pay for asphalt looking at a 30 percent tax reduction on a primary home. They are better of going high density than trying to pay for all the asphalt or getting a lot of commercial in. The more road miles that are out there on the 3-acre developments the higher the tax burden is going to be. Property taxes don't pay for the streets the property taxes go to the general fund and the municipal services pay for the streets. There has been a deficiency in the municipal services fund and it has been there for a long time. Instead of the property taxes going up the municipal services will go up. Some of the linear roads have been allowed to be private and privately owned and operated. He states they do not want to miss the opportunity. He asks how they plan for that without doing it. There are a lot of suburban communities that they can learn a lot from. Mr. Ewert goes through some of the changes as listed in the staff report.

Commissioner Wichern asks concerning #3 the waiver requires joint ownership she states that HOAs are required to do long-term analysis studies to make sure they have the funds to take care of the property. She states that she has concerns about not have an HOA because the road ends up in disrepair without ensuring that the proper funding is collected. The cost per road improvement is hundreds of thousands of dollars. If they have not planned it can destroy the community. She asks if they have considered an HOA. Mr. Ewert states that the HOA's tend to scare Planning Commissions and Planners. Commissioner Wichern states that she is afraid that it could be the fear without a warning sign. She adds that the HOA should be a warning of what they are getting into. She wants that warning sign. Mr. Ewert states that this does make a lot of sense. He notes that they have had a lot of HOA's that have gone defuncted. A way to have an HOA go defuncted is not giving them enough to do. He adds that if they are going to allow a private street they could require a pool or a clubhouse.

Commissioner Bell states that he does not see why they would allow a private street without an HOA. He adds that he is not sure who they would expect to maintain those roads.

Commissioner Edwards states that his concern even without an HOA is when the HOA goes defunct. The street is the most expensive burden. He feels that they can take section B out.

Commissioner Bell asks if there is an option to not allow private streets.

Commissioner Wichern states that it could be advantageous to have public streets. If there is a street that is not servicing the County just a small portion of the public. It is best to have it as private so that the County is not paying an excessive amount of money for a street that is not serving the Counties needs. Commissioner Bell states that they could use hammerheads. Commissioner Wichern states that concerning connectivity the Uintah Highlands is a mess. She asks if a lot of this can be alleviated by a Master Plan. If there is a Master Plan so that they know where the Roads are going and HOA's can be planned. Public Blocks can be created. Mr. Ewert states that between the problem that they are trying to address with the substandard dead-end roads and the need for street connectivity there are some things that they need to do in advance of the General Plan. He adds that they need to make sure that they have space for the public streets to be laid out. There is a section of the code that talks about street blocks and it cannot be less than 500 ft. it cannot be more than 1320 ft. He adds that they are this way for a reason the average human does not want to walk more than a quarter of a mile to get to make a connection it is the car-centric mentality. As long as there are blocks are laid out where it allows for connectivity to occur. He states that the zoning will dictate private roads especially if there is a retirement community where the lots are house to house there won't be a lot of traffic on that road. A cul da sac may be appropriate in this area. He adds there is potential for it.

Commissioner Bell asks in what case would they need a private street. He adds that there are only two exceptions. Commissioner Edwards states that possibly in Uintah Highlands on a hill with slopes. Commissioner Bell states that in Western Weber he does not see the need for private roads. He add that he agrees that eventually, every private street would fall to the County. Chair Favero states that a lot of the time it depends on the zoning.

Commissioner Edwards asks if it is allowed in the Masterplan development. He adds that he would Mr. Ewert to remove everything below B concerning this section. Except for the dedication language.

MOTION: Commissioner Bell moves to open the public hearing Commissioner Edwards seconds. Motion carries (6-0)

There was no public comment.

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

MOTION: Commissioner Edwards moves to forward a positive recommendation concerning item ZTA 2021-02 A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private streets in certain subdivisions and provide for future public street conversion and connectivity if needed. The recommendation is for everything except anything from part B down leaving the part concerning dedication. This is based on the following findings. The proposal is in the best interest of the public both in the short term and in the long term. The proposal is not detrimental to the general plan. Commissioner Wichern seconds. Motion carries (6-0).

9. A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to require public street connectivity in certain intervals. Staff presenter: Charlie Ewert

This item was pulled from the agenda.

10. Public Comment for Items not on the Agenda:

Wade Rumsey 7550 S 35 W Idaho Falls, states that he would like to clarify Winston Park. Leading up to the March 9th meeting he had several discussions with Engineering about the Army Corp of Engineers letter. It was his feeling that they were satisfied with the direction of the Frontier Corporation and that it was accepted. When the motion was made he feels that there was an error made on

the motion. He did not say anything because he wanted to keep the decorum of the meeting. He wanted to be proper and no interrupt the meeting. There was no opportunity for discussion. He adds that he immediately contacted Ms. Aydelotte and Mr. Myerhoffer for clarification. He states he believes that there was an error in the staff report and the motion. He asks if there is a way to amend the motion that was made to correct. He adds that he can provide a conference call and a letter that would satisfy that requirement. He states that there was some missing piece of information. Commissioner McCormick states that they should refer this question to legal and see if the County Engineers are satisfied. Commissioner Edwards states the reason the motion was made the way that it was, was because staff recommendations were spelled out that way. Chair Favero asks if there are any remedies to this. Commissioner Favero states that as a way to remedies this they are willing to have a special meeting and have staff correct the report so that this concern can be addressed. Commissioner McCormick asks if the County Engineers have that right. Commissioner Edwards states that there is an environmental consultant statement in the letter. There is documentation and it is not just on the County Engineers. They can redo the preliminary approval and as another item, they can look at the item for final approval. Commissioner Edwards states that legal can work with Engineering and satisfy that they can sign off on the wetland issue and if staff can set the meeting up he feels that they can address these concerns. He adds that the Hooper Irrigation issue must be satisfied.

Pat Burns 1407 Mtn Road, states that he is confused about why his item got pulled. He is not sure if he is missing something. Commission Edwards states that before the meeting they did not have any of the information Hooper Irrigation and annexation Chair Favero asks if they have secured the water shares. Commissioner Edwards state some of those letters have been present and satisfy the condition. The biggest thing is the annexation which is a condition of approval. Mr. Burns states that does not understand what he is missing. Commissioner Favero states that he can contact Ms. Aydelotte to get a more clear idea.

11. Remarks from Planning Commissioners: Commissioner Edwards states that would like to see the agendas and packets prepared and sent out sooner. He adds that they would like a physical copy sent out before the meeting. Commissioner Edwards asks if they are open to having two meetings a month. Commissioner Bell states that he liked it when the meetings were on zoom. If the meetings are going to be in person it will make it difficult. Chair Favero asks if what if they did one of each.

12. Planning Director Report: none

13. Remarks from Legal Counsel: none

Meeting Adjourned at 7:20 pm
Respectfully Submitted,
Angela Martin, Lead Office Specialist
Marta Borchert, Planner Technician
Weber County Planning Commission