

Minutes for Western Weber Planning Commission meeting of December 14, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm

Members Present: Andrew Favero--Chair
 Bren Edwards-- Vice Chair
 Wayne Andreotti
 Chad Call
 Jed McCormick
 Sarah Wichern

Pledge of Allegiance

Staff Present: Rick Grover, Liam Keogh, Steve Burton, Scott Perkes, Felix Lleverino, Charlie Ewert, June Nelson

- 1. Minutes were approved for November 9, 2021 and November 16, 2021. Bren Edwards motioned to approve minutes. Sarah Wichern seconded the motion. Motion passed 6-0.**

Order of items were changed. 2.3 became 2.1.

Petitions, Applications, and Public Hearings:

- 2. Administrative items:**
Commissioner Edwards and Commissioner Favero both disclosed that they were on the Water Board for Taylor West Weber, but felt that would have no impact on their vote. Commissioner McCormick stated that he was a neighbor to this property, but also felt that he could be neutral.

2.1 LVT111717: Request for final approval of Terakee Farm PRUD Subdivision Phase 1 – Presenter Steve Burton; Applicant, Brad Blanch

- The conditional use permit application for Terakee Farms PRUD was forwarded to the County Commission with a unanimous positive recommendation from the Western Weber Planning Commission after a meeting was held to review the application and receive public input on November 15, 2016.
- The conditional use permit for Terakee Farms PRUD received approval in a two to one vote by the County Commission after holding a meeting to review and take public input on December 6, 2016.
- The developer submitted preliminary subdivision application for Terakee Farms PRUD Phase 1 on November 20, 2017 (see Exhibit D for the Notice of Decision).
- Preliminary approval of this proposal was granted by the Planning Commission on February 13, 2018. The following are conditions of preliminary approval:
 1. The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures.
 2. The final subdivision plat shall include the agriculture note as required in LUC §106-1-8(5).
 3. An Agricultural Preservation Plan, Landscape Maintenance Plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act for the preservation, maintenance and ownership of the common area.
 4. A capacity assessment shall be submitted with the final subdivision plans from the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission.
 5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by County Commission.
 6. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval.
 7. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of

infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division.

8. Prior to improving 3600 West, right of way dedication to Weber County must take place for the approved width.

Commissioner McCormick said that he was concerned about the number of units. He has spoken with the Fire Marshal. The Commissioner has driven the dirt road by the parcel and doesn't think that the road will be good enough for a fire truck. Steve Burton stated that this approval is subject to all review agencies approval. This has been approved by the Fire Marshal. Fire can require that the road be brought up to agency standards as a condition of approval. Commissioner Favero asked if there were any questions for the developer.

Applicant Brad Blanch 736 N 4700 W, West Weber. We have gone over the secondary road. There is no requirement for two egresses. The road will need an 8 inch road base. We have taken large agriculture equipment on this road for many years with no problems. We have met agency requirements. Planner Steve Burton says that legal would defer to the fire agency for their approval. Commissioner McCormick asks if there will be 206 houses. Brad Blanch says that a traffic study has been done and the road is more than adequate for the expected traffic. Director Rick Grover stated that Engineering has also given their approval. Commissioner Wichern asks that beyond the 40 homes, will there be another access. Brad Blanch says that a road will be stubbed and can go through as soon as required. Commissioner Edwards asked if the homes will be sprinkled. Brad Blanch says that with the 2nd access sprinklers are not required. Director Rick Grover states that the fire person is fine with this as written. Brad Blanch states that there is plenty of water for all the lots, open space, and agriculture. Pressure sprinklers will be phased in as the development is phased in.

Commissioner Favero asks for a motion. Commissioner Bren Edwards motions:

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for final approval of Terakee Farms No. 1, a PRUD Subdivision consisting of 40 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. **The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures and the correct setbacks, as indicated in this report.**
2. **The developer shall provide final approval from the State Division of Drinking Water or the Health Department for the culinary water and secondary water systems and sources prior to consideration by the County Commission for approval. The final water approval shall indicate that the water systems and sources are sufficient to provide culinary and secondary water to the number of lots proposed. The developer will provide a final approval letter from Taylor West Weber Water.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the Western Weber General Plan.**
2. **With the recommended conditions, the proposed subdivision complies with applicable County ordinances.**
3. **The applicant during the CUP for the PRUD was granted an overall bonus density of 50 percent for the entire project for an overall density of 232 dwelling units.**

Commissioner Andreotti seconded the motion. Bren Edwards, yes, Wayne Andreotti, yes, Sarah Wichern, yes, Chad Call, yes, Jed McCormick, no, Andrew Favero, yes. Motion passes 5-1

2.2 LVS080221 - Consideration and action on final approval of TC Gailey Subdivision (6 lots) located at 1400 S 2900 W.

Presenter Felix Lleverino. Applicant Jed Schenck, Representative Chris Cave

The applicant is requesting final approval of TC Gailey Subdivision (6 lots) at approximately 1400 South 2900 West.

The applicant is requesting to divide a vacant 8.6-acre parcel and create 6 residential building lots. Each lot will front directly on a public road. Lots 1 and 2 front on 2900 West Street, lots 4 through 6 front on 1400 South Street, and lot 3 is designed as a corner lot (see Exhibit A).

Weber County Planning and Engineering discussed opportunities for ROW and pathway segments following a recommendation from the Planning Commission. It was decided that road and pathway segments are not required due to the favorable alternate option to align with 1400 South and 2900 West Streets. The option for a public future ROW is not required due to the proximity to the tracks and that the open land to the west will gain access from 2900 South Street.

Commissioner Call asks about the irrigation easement. Felix Lleverino states that this will be for retention and irrigation. All the lot

owners will participate in managing the water. Commissioner Wichern asks if there will be curb, gutter and sidewalks. Felix Lleverino says that there will be a deferral agreement for curb, gutter and sidewalk. Commissioner McCormick says that there should be a CCR to protect future owners.

Applicant Jed Schenck 1639 E S Weber Drive, South Weber. There will be a CCR.

Commissioner Wichern motions a positive recommendation to approve:

Staff recommends final approval of TC Gailey Subdivision, a proposal to create 6 residential lots. This recommendation is based on the following conditions:

1. **The final plat included a signature block for Taylor West Weber Water District.**
2. **The pressurized irrigation system is approved by the County Engineer and Wilson Irrigation.**
3. **If applicable, The design of road widening improvements on 1400 S and 2900 W will follow County Engineering recommendations and the developer will complete or escrow for those improvements before recording the final plat.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the West Central Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**
3. **The subdivision conforms to zoning and subdivision ordinances.**

Commissioner Edwards seconds the motion. Motion passes 6-0.

2.3 LVB110921 - Consideration and action of preliminary approval of Buffalo Run Subdivision (18 lots) located at 2400 S 4700 W.

Presenter, Felix Lleverino; Applicant, James Marziale

The applicant is requesting preliminary approval of Buffalo Run Subdivision (18 lots) at approximately 2400 South 4700 West. The following section is the staff's analysis of the proposal.

Felix Lleverino says that the owner lives in the area and wants to create this 18 lot subdivision. Some of the lots are more narrow because of the incentivized development. Commissioner Wichern asks if there will be curb, gutter and sidewalks. Director Rick Grover says that it should be included. Commissioner Edwards states that there are several ditches that run through the area that belong to Hooper Irrigation. Also 4500 W, will they put in a 22 foot road dedication for future road. Director Rick Grover says that it will be required with a deferral agreement.

Applicant Penny Stark, 6040 N North Fork Rd. There were no questions for applicant.

Commissioner Bren Edwards makes a motion to follow staff recommendation:

Staff recommends preliminary approval of Buffalo Run Subdivision, a proposal to create 18 residential lots. This recommendation is based on the following conditions:

1. **A final subdivision plat and civil plans are under review by all applicable County review agencies.**
2. **An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor's Office.**
3. **Before Buffalo Run may return for final approval, Taylor West Weber Water District shall provide a final will-serve letter.**
4. **The final plat and civil plans are submitted to Hooper Irrigation.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the West Central Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**
3. **The subdivision conforms to zoning and subdivision ordinances.**

Commissioner Chad Call seconds the motion. Motion passes 6-0

3. Legislative Items:

3.1 ZMA 2021-05: Public hearing for a proposal to rezone 5.08 acres from A-2 to M-2 –Presenter, Steve Burton; Applicant, Randy Ropelato

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

This item is an applicant-driven request to amend the zoning map from A-2 to M-2 on 5.08 acres. The applicant initially applied for C-1 (commercial) zoning, but has since requested M-2. The M-2 is proposed because outdoor storage is not allowed in any of the commercial zones or the M-1 zone. If rezoned to M-2, the property will be used for warehousing, outdoor storage, and outdoor storage of contractor's equipment to be rented. Under the M-2 zone, the following uses are listed as either permitted or conditionally permitted:

Outdoor Storage. (Conditional).

Contractor's equipment storage yard or rental of equipment used by contractors. (Permitted)

Warehouse. (Permitted).

Steve Burton states that the county recommends denying this change. Commissioner Call ask if this can be accomplished with a conditional use permit. . Steve Burton says that it is not allowed in the A2 zone. Commissioner Andreotti states that it is ok for farmers to have contractor type equipment on their property. Commissioner Wichern says that this would be an island in this area. Commissioner Call says that he would like to find a place to put his contractor equipment. There is no place in western weber county. Commissioner Favero says that Commissioner Call is asking to add an area to allow contractors to be in the area. . There is no place in for M-2 for contractor. Can this be in a C zone? Director Grover states that we need to look at the General Plan for uses and changes. Policy and implementation. Commissioner Andreotti says that many home owners have boats, rvs, and atvs that they park on their property. We need storage closer for owners. Steve Burton says that this is a legislative item and needs to have due process.

Applicant Randy Ropelato 3954 W 1400 S. He has wanted to do something with this property for 20 years. There is a nursery all around his property. There is nowhere in rural Weber County to put this contractor. There is an owner who has a company that would like to build on this property. The road ends at my gate.

Commissioner Edwards motions to open the public hearing. Commissioner Wichern seconds. Motion carries 6-0.

Chris Larson 12249 Leeway, Colorado. We do contracting work and have 24 employees. We work with Central Weber Water. We are professional. We have 5 locations. We have beautiful buildings. We have been looking for land to grow. We are out of room at our current location.

BJ Larson 5950 S Roy, Utah. We have a small footprint and are part of a growing industry. If we don't rezone, we will have to find a new location probably outside of Weber County.

Commissioner Edwards moves to close public hearing. Commissioner Andreotti seconds. The motion carries 6-0.

Commissioner Favero asks if we can do an overlay zone. Steve Burton says that we are not prepared to do an overlay zone. Commissioners can recommend approval or denial. Commissioner Edwards says that this will not fit into the area. Director Grover states that the applicant can get in touch with the economic development director for a better location. Commissioner Edward says that we need a commercial development in the area, not manufacturing to benefit the surrounding area. Commissioner Wichern says that we can't change a zone next to a subdivision.

The applicant Randy Ropelato said that he tried to go to a commercial zone, but was told that he needed to be in a M-2 zone. Why does this business not fit on a commercial zone. The nursery is a commercial age business. Why is this new business considered to be in the M zone. Commissioner

Edwards says that is the way the ordinance reads. Commissioner Call states that contractors don't manufacturer anything on site, but need to be in the M zone. We need to revisit to make changes to the general plan to help contractors. Commissioner McCormick says that we owe Mr Ropelato a solution. Commissioner Edwards says that we have a General Plan to go by. The plan is what it is.

Commissioner Favero asks for a motion. Commissioner Andreotti motions to follow planning's recommendation and deny the rezone.

Staff recommends that the Planning Commission forward a recommendation to the County Commission to denythe proposed rezone of approximately 5.08 acres from A-2 to M-2, File #ZMA 2021-05.

This recommendation may come with the following findings:

1. The proposed rezone does not conform to the current general plan, by proposing manufacturing zoning within an area shown to be agriculture within the Future Land Use Map of the West Central Weber County General Plan.
2. The county is in the process of amending the general plan, and it is unknown what this parcel's future land use designation will be in the general plan.

Commissioner Edwards seconds the motion. Motion carries 6-0.

Director Grover suggested that the commissioners and residents should give input for changes to the General Plan.

4. Work Session

4.1 ZTA 2021-10: Discussion regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. **Staff Presenters: Charlie Ewert & Scott Perkes**

A large concentrated animal feeding operation, as defined by UCA Section 17-27a-1102, is a use not permitted in any zone in Unincorporated Weber County. Considering all criteria of UCA Section 17-27a-1104, it has been determined that the geography and geometry of the densely populated areas of the county, both existing and planned, renders virtually no suitable locations for the siting of a large concentrated animal feeding operation except for higher elevations that are generally inhospitable for year-round animal operations.

Scott Perkes. We are required by the state of Utah to have some language in place by February 2022 for Large Concentrated Animal Feed Operation (LCAFO). Commissioner Edwards says that there are several dairies that might fit this definition. What zone is a dairy in? Dairy farmers are getting hurt more than most in this economy. We are limiting what they can do. Commissioner Wichern says that there is a separation between farm and dairy creamery. Commissioner Edwards says that there are lots of farmers with many cows. Commissioner Wichern says that we have to protect what we have, but allow for future growth. Commissioner Favero talked about what an animal feed yard is. Commissioner Andreotti says that there is a lot of waste from dairy farms. Commissioner Edwards says that he likes scenario 3, except for item 2 where it says (No expansion may be permitted). That part should be taken off. Planner Charlie Ewert says that if there is a complaint we would have to follow the code. He likes #3 as well. Commissioner Wichern says that we are not going to change any current operations. Scott Perkes says that we would need to draft an ordinance. We can possibly amend in the future. Commissioner Edwards says that we should meet with others in the community just to give them a voice.

4.2 ZTA 2021-11: Discussion regarding the county-led text amendment to the Accessory Dwelling Unit Ordinance to restrict the transfer of density rights from outside for the Ogden Valley floor for the purposes of increasing a subject property's base density and the construction of detached accessory dwelling units **Staff Presenters: Charlie Ewert & Scott Perkes**

This item is here because we are going to include Western Weber area in this amendment. When we look at the General plan, we should explore density. We should also look at TDR- transfer developments rights. There will be an open house tentatively in January for Western Weber.

5. Public Comment for Items not on the Agenda: None

6. Remarks from Planning Commissioners: None

5. Planning Director Report: None

8. Remarks from Legal Counsel: None

Respectfully Submitted,
June Nelson
Lead Office Specialist