

September 13-2022 Minutes

Minutes for Western Weber Planning Commission meeting of September 13, 2022, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm.

Members Present: Andrew Favero—Chair
Wayne Andreotti
Cami Clontz
Casey Neville
Bren Edwards
Jed McCormick
Sarah Wichern

Pledge of Allegiance

Staff Present: Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; June Nelson, Secretary

1. **Minutes: August 9, 2022 APPROVED**
2. **Presentation by Greg Seegmiller –Hooper Irrigation**

Petitions, Applications, and Public Hearings:

3. Consent Items:

3.1 LVB110921 Consideration and action on a request for approval of the Buffalo Run Subdivision phasing plan. The subdivision is located at 2400 S 4700 W. **Planner: Felix Lleverino**

Bren Edwards motioned to move this item to an Administrative item. Sarah Wichern seconded the motion. Motion passed 7-0.

Due to the economic conditions existing within the housing market, and the inflated development costs, the applicant is requesting approval for the Buffalo Run Subdivision phasing plan that would create two separate phases. Phase 1 will contain 9 lots, and phase 2 will contain 9 lots.

Bren Edwards motioned to pass this item with the following conditions and findings. Wayne Andreotti seconded the motion.

Staff recommends approval of the Buffalo Run Subdivision phasing plan that would create a two-phase development, a proposal to create 18 residential lots in total. This recommendation is based on the following conditions:

1. **Each phase's improvements are complete or guaranteed financially before each phase is recorded.**
2. **The developer enters into a Monument Improvement Agreement with the County Surveyor's Office for each phase.**
3. **A signature block for Taylor West Weber Water District is added to the dedication plat.**
4. **All Hooper Irrigation conditions of approval are satisfied.**
5. **The developer shall install curb, gutter, and sidewalk for improvements on 4700 West to match the rest of the improvements in the subdivision.**

This recommendation is based on the following findings:

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

Motion passed 7-0.

September 13-2022 Minutes

Petitions, Applications, and Public Hearings:**4. Administrative items:**

4.1 CUP2022-10 A request for approval of a Conditional Use Permit to re-construct a culinary water tank that serves Uintah City. **Planner: Felix Lleverino**

The City of Uintah has submitted a proposal that includes plans to rebuild a water storage facility located at approximately 6400 S Bybee Drive. The plans for the new water storage facility will take place in two phases. Phase 1 entails the construction of a small tank and placing it into operation. Following the placement of a new smaller tank and placing it into operation, the existing 250,000-gallon tank from the 1970s will be removed. Following the removal of the old tank, a second new smaller tank will be added. The addition of two new 375,000 tanks is necessary to meet the Uintah City capacity needs. This property is owned by Uintah City which fronts Bybee Drive. The private access road to the water tanks accesses from Bybee Drive. The total land acreage amounts to 1.05-acres. The project area, including site grading, occupies approximately 21,602-sq. ft. of the parcel.

The RE-20 zone lists "Public Utility Substation" under conditional uses. The Planning Division considers the proposal to be a public utility substation.

The Uniform Land Use Code of Weber County, Utah (LUC) specifies standards necessary for mitigation of harmful impacts, to which the proposal must adhere. This proposal meets these standards. The following section is the staff's evaluation of the request.

Engineer Matt Harvigston, Jones and Associates Consulting Engineers, spoke to the Commission. Mr Harvigston explained that Bybee Drive would not have any long term closures. There might be very short closures for truck turn around. Commissioner Wichern is concerned that if Bybee Drive is closed that the area residents will not have a way out of their neighborhood. She recommends that Combe be made a two way street. There was discussion among the Commission as to the feasibility of changing Combe to a two way road even on a temporary basis. Most feel that it would be up to the City of Uintah to do that.

Chair Favero calls for a motion. Sarah Wichern motions the following, Carey Neville seconds the motion.

The Planning Division recommends approval of file# CUP 2022-10, a request for approval of a Conditional Use Permit to remove an old water tank and build two new 375,000-gallon water tanks. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. **The applicant is responsible to maintain the site with a good visual appearance and erosion control.**
2. **The project shall adhere to all State, and County ordinances.**
3. **The development of the site must comply with all recommendations outlined in the geologic and geotechnical studies.**
4. **The applicant is required to document their impact on Bybee drive and the private access easement that is shared with nearby residential lot owners. The owner will be required to repair any damages to Bybee drive and the private access easement that are caused by the construction of the new tanks. Before receiving a final building permit inspection, the owner will need to verify with the Planning Office that all damages to Bybee drive and the private access have been repaired.**
5. **If Bybee Road is closed for longer than 12 hours, with proper noticing, an alternate route on Combe Road would be provided.**

This recommendation is based on the following findings:

1. **The proposed use conforms to the Weber County Code.**
2. **The proposed use is not anticipated to cause harm to the natural surroundings.**
3. **The proposal is not anticipated to be detrimental to public health, safety, or welfare by adhering to State and County regulations.**

Motion passed 7-0.

4.2 CUP2022-12 Consideration and action on a Conditional Use Permit for the Hunt Family Farms Agri-tourism operation. **Planner: Felix Lleverino**

September 13-2022 Minutes

The applicant is requesting approval of a conditional use permit for an agri-tourism operation known as the Hunt Family Farms. The agri-tourism operations will take place within a 21-acre agricultural area located near the corner of 3600 N and 3900 W. Matthew and London Hunt own the property. An agri-tourism operation of this nature is listed as a conditional use within the Agricultural zone.

The narrative in Exhibit A includes an overall multi-step plan that will begin with a pumpkin patch and a 7-acre corn maze in the 2022 fall season, and then alter operations for the Christmas season by offering a Santa Clause, sleigh rides, and a small skating rink. For the 2023 spring season, the venue will offer a baby animal day, a community garden, and a flower festival. The venue will also offer a courtyard with playground activities.

The Hunt Farm land is currently under greenbelt and producing grass hay, and corn crop. The property consists of four parcels in total that amount to 21 acres. The proposed agri-tourism use will complement the farming activity currently taking place on the Hunt Family Farm.

Conditional use permits should be approved as long as any harmful impact is mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards.

Casey Neville motions to approve this item. It is seconded by Bren Edwards. This includes the following conditions and findings.

The Planning Division recommends approval of file# CUP 2022-12, a conditional use permit for the Hunt Family Farms Agri-tourism operation. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. **All requirements from the Weber-Morgan Health Department are satisfied.**
2. **All the Fire District requirements are satisfied for the 2023 season. After the 2023 season, the owner will be required to have a permanent fire safety solution or the conditional use permit will be revoked.**
3. **The Farm Stay and Development Agreement are entered into before commercial operations begin.**

This recommendation is based on the following findings:

1. **The proposed use conforms to the Western Weber General Plan.**
2. **The proposed use will protect and preserve agricultural property in Weber County.**
3. **The proposed use will not be detrimental to public health, safety, or welfare.**
4. **The proposed use will comply with applicable County ordinances.**
5. **The proposed use will not deteriorate the environment or the general area to negatively impact surrounding properties and uses.**

Motion Passed 7-0

4.3 LVS042621 - Consideration and action on a request for final approval of Phase 2 of Smart Fields Subdivision (24 lots) located at 1740 S 4300 W. **Planner: Felix Lleverino**

The applicant is requesting final approval of Smart Fields Subdivision Phase 2 (24 lots) at approximately 1740 S 4300 West. The general requirements of the A-1 Zone establishes the maximum density, which amounts to one house per acre. The total density of Phases one and two of the Smart Fields development does not exceed the maximum density of 37.7 lots. The total acreage of phases one and two amounts to 34.66 (1,509,789.6 square feet). With the implementation of Connectivity Incentivization across both phases, the lot sizes may be reduced down to a minimum of 20,000 sq. ft. and 75 feet wide, and the development as a whole may retain up to 10% (3.466 acres) of the gross acreage that would have been otherwise deducted for public ROW's.

This development plan complies with Land Use Code 106-2-4.30 Connectivity-Incentivized Subdivision. The following section is the staff's analysis of the proposal.

Chair Favero asks if the trail connects to the school. Charlie Ewert says that it does not right now, but might in the future. There was some discussion about what kind of curb and gutter would be in the area. Commissioner Favero said that he thought Engineering

September 13-2022 Minutes

would be concerned about a downpour of rain that could flood homes. How big, deep and wide should curb and gutter be? Commissioner Edwards would like to make sure that water from the from the detention pond go to Walker Slough. We really need a regional detention pond instead of lots of smaller ones.

Chair Favero calls for a motion. Commissioner Edwards makes the motion. Jed McCormick seconds the motion.

Staff recommends final approval of Smart Fields Subdivision Phase 2, a proposal to create 24 residential lots. This recommendation is based on the following conditions:

1. **A Subdivision Improvement Agreement shall accompany the final recorded plat.**
2. **A Monument Improvement Agreement will be completed under the direction of the County Surveyor's office.**
3. **The developer shall enter into a Storm Water Maintenance Agreement.**
4. **All areas within the phase 2 are annexed into the Central Weber Sewer District before the subdivision plat records.**
5. **A drain line is installed from the proposed subdivision to the slough to the west and that County staff and the developer reconsider some of the street scape at least along 1600 South and 4300 West to look to more what the General Plan looks like for those type of roadways.**

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.**

Motion passed 7-0**Petitions, Applications, and Public Hearings:****5. Legislative Items:**

5.1 ZMA 2021-07: Consideration and action on a requested rezone from A-2 to C-3 located at approximately 1941 S 5100 W. **Planner: Steven Burton**

This item is an applicant-driven request to amend the zoning map from A-2 to C-3 on 5.08 acres. During a public hearing with the Western Weber Planning Commission held on March 1, 2022, the planning commission tabled a decision on the item until the Western Weber General Plan update was complete. On August 12, 2022, the Western Weber General Plan update was adopted by the County Commission. The applicant is requesting a positive recommendation to the County Commission for the rezone to C-3.

Commissioner Edwards said that we adopted the General Plan just 1 month ago. If we follow the outline in allowed uses, there are items that are still in the works. Commissioner Wichern would like to see a plan for the rezone. There is no plan in place right now. Commissioner Neville says that he does not want to punish the applicant until more code is adapted. Commissioner Edwards would like to wait for the County Commissioners to better define zones. Commissioner McCormick says that we should not table this item. We should give him an answer. Commissioner Andreotti asks how we are going to deal with the road. Sarah Wichern states that the property will become more valuable with the zone change.

Commissioner Edwards motions to table this item. Sarah Wichern seconds the motion. Commissioners Favero, McCormick, Andreotti and Neville vote NAY. Commissioners Edwards, Wichern, and Clontz vote for the motion. Motion fails 4-3.

Mr Ropelato (owner) says that he does not want to table this item. He says "let's just pass something". No one will put out any money on this parcel until the zone is changed.

Wayne Andreotti motions to pass this item with Options 1 stated below. Jed McCormick seconds the motion. Commissioner Edwards votes no and states that we are not sure what is going to fit in this zone. All other Commissioners voted in favor of the motion.

September 13-2022 Minutes

Option 1:

Staff recommends that the Planning Commission forward a recommendation to the County Commission to approve the rezone of approximately 5.08 acres from A-2 to C-3 with a subsequent action that a development agreement be prepared that addresses the uses for this particular property and it also need to take into consideration the road of right-a-way for 5100 and hopefully in that development plan. The development plan would have to be developed by the owner or who would have an interest in that, where it would be approved by the County Commissioners.

These recommendations may come with the following findings:

1. The proposed rezone and development agreement comply with the 2022 Western Weber General plan and including the Future Land Use Map.
2. The proposal complies with the Weber County rezoning procedures.

Motion passed 6-1

5.2 ZDA 2022-04: Public hearing for consideration of a request for a recommendation to the County Commission regarding a zoning development agreement associated with the rezoning of approximately 242 acres, located at approximately 2875 West 2600 N, from the A-1 zone to the C-1, R-2, R-3, R-1-10, RE-15, and Master Planned Development (MPD) overlay zones.

Planner: Steven Burton

After holding a public hearing on October 12, 2021, the Western Weber Planning Commission made a motion to approve the JDC Ranch Rezone (ZMA 2020-01). The following is the motion made by the Planning Commission, as taken from the approved minutes:

Motion made by Commissioner Edwards to vote for a positive recommendation for the rezone with the staff recommendation and conditions and findings. Commissioner McCormick seconded the motion.

If the Planning Commission supports the proposed general plan amendment, then staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the general plan amendment, File #GPA2020-01, and the rezone, File #ZMA 2020-01 with the following requirements to be executed by means of a development agreement:

1. *The development agreement should contain a requirement for the applicant to not protest an annexation from an adjacent city.*
2. *The development agreement should limit the number of attached patio homes and fourplex townhomes to no more than 100 total units.*
3. *The development agreement should limit the total number of housing units to no more than 725 units.*
4. *The project layout should be changed to reflect the street connectivity of Figure 4 herein.*
5. *The development agreement should omit the street design standards of Page 8 of the applicant's proposal and defer to Plain City's adopted street design standards.*
6. *In the development agreement, the project zoning (Page 7 of the proposal) is changed as provided by Figure 3B.*
7. *Trails should be constructed in accordance with the standards in the Plain City General Plan, or as otherwise adopted by Plain City standards. More specifically:*

a. The trail along 2700/2600 North Street should be constructed as a Class 2 or Class 3 Trail, as listed on page 19 of the Plain City General Plan. The trail should be at least 10 feet wide and paved, with at least a 10 foot landscape buffer between the trail and the street. The trail shall be constructed from the existing sidewalk in Farr West City and extend westward to the existing Plain City

September 13-2022 Minutes

boundary, including a bridge or other mutually agreeable crossing of the canal that runs along the existing Plain City Boundary.

b. The trail that runs north/south along the power line corridor, and the trail that runs east/west through the middle of the project (through the park area) should be constructed as a Class 1 Trail, as listed on page 19 of the Plain City General Plan. Both should be at least 10 feet wide and paved with at least five feet landscaped area between the trail and a paralleling street.

c. All other trails should be at least a Class 3 paved trail, as listed on page 19 of the Plain City General Plan

d. Any trail that connects between lots or parcels, including those stubbing to the exterior boundary of the subject property, should have a landscaped trail corridor that is at least 20 feet wide.

8. The parks and open space areas should be as provided in the proposal, and phased in a proportionate amount as the project is phased.

9. All park strips and trail corridors should be planted with and irrigated for drought tolerant (water wise) vegetation. No turf grass. Parks have limited turf grass on areas for sports/play fields.

10. Trees, no less than 2" caliper, should be planted along trails and in park strips at a distance no greater than the tree species typical canopy width. The species should follow Plain City's adopted tree species list.

11. The HOA should be professionally managed. Until the area is annexed into a city, the HOA management company should be responsible for managing all open space areas, park strips, landscaping, and common area, and provide street snow removal.

12. The project should follow the architecture design contained in the applicant's proposal.

13. That all other agency concerns should be accounted for as may be necessary in the development agreement.

14. That the West Central Weber County General Plan should be amended to include the entire unincorporated island, and should be designed and/or annotated to encourage development that will stimulate incorporated into an adjoining city, and provide general support for the adjoining city's general plan.

This recommendation may come with the following findings:

1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan. The proposed amendment corresponds with the objectives of the Plain City General Plan

2. With the exception to zoning, the proposal complies with the Plain City General Plan.

3. The proposal offers public recreation, shopping, jobs, and has the potential to offer a mixture of housing options, all cornerstones of sustainable community planning principles.

4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by buffering similar land uses, and screening higher density housing from view by locating it in the middle of the project.

5. The development is not detrimental to the overall health, safety, and welfare of the community. Motion

passed 5-1 with Commission Bell voting against the rezone.

Since the time the Planning Commission made their motion, the developer has revised their plan with some direction from County Staff and the County Commission. The changes have resulted in a proposal for different zoning throughout the master planned area and keeping the maximum number of units at 725. The developer is requesting that the Planning Commission make a recommendation to the County Commission regarding the proposed development agreement.

Commissioner Edwards states that we are looking at a development agreement, not a rezone.

Bryan Bayles from Nielson Homes. Zone changes have already been made. They came along with the General plan. We are in alignment with the General Plan. We are asking for a change from C1 to C2. There are more regional amenities that can be

September 13-2022 Minutes

provided in the C2 zone. This is our face. We want to give a good impression. We care about the community. There was discussion about a buffer and placement of homes. Casey Neville asks when the parks will be put in. Commissioner Edwards wants to secure that the parks are built. Charlie Ewert states that those guidelines are in the new Cluster Code, to ensure that parks and amenities are installed when the homes are built. Commissioner Neville asks if the parks are going to be open to the public or only the HOA. Mr Bayles says the some will be open to the public and a few others will be only for the HOA.

Commissioner Favero asks for a motion. Sarah Wichern motions to open the public hearing. Casey Neville seconds the motion. Motion passes.

Braeden Stander- Farr West. I feel like this is a bait and switch from what we originally saw. The public and community in this area are not aware of what is going on. There is also an elevation difference between some of the homes. What about privacy?

Miles Robinson, Plain City. I am worried about a corner. Plain City is trying to put in senior housing. It is not safe to cross the street.

Michelle Roylance, Farr West. Will this remain in the County or will it be forced to annex into a city. The majority of the residents are against this development.

No more public comments.

Bren Edwards makes a motion to close public hearing. Sarah Wichern seconds the motion. Motion passes 7-0.

Bryan Bales from Nielson homes addresses some of the mentioned concerns. As for the elevation, this is an issue. There is a canal, fencing and some open space between the properties. We believe that the property owners will also install a vinyl fence. There is a significant distance between the elevations of the homes and the canal and other homes. 2850 will also extend through the subdivision.

Bren Edwards states that this section of land is on both Plain City and Farr West for annexation plans.

Steve Burton states that everything was noticed according to the law. Post cards were sent out.

Wayne Andreotti says that this is a beautiful development. Great layout. Congratulations to Nielson Homes. It is a place that I would like to live. Andre Favero says that you to the public for coming out. Commissioner Edwards states that we are NOT forcing annexation.

Cities have the opportunity to annex. Right now, they choose not to. Commissioner Wichern says that she has received a few online comments. Some people are concerned that we will have ruffraff coming into this area in the smaller homes. She says that these are new homes and will not be cheap homes. There are areas where she lives that has had some smaller homes built. These areas remain nice. Bad things did not happen. They will just be more affordable. The developer made concessions and has the residents in mind.

Sarah Wichern motions to pass this item using all the findings and recommendations listed below. Jed McCormick seconded the motion.

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZDA 2022-04, based on the following conditions:

1. Provisions will be added to the agreement that require the HOA to be professionally managed.
2. Definitions will be added or modified in the agreement, as requested by planning staff and the county attorney.
3. Edits that implement the planning commission's intent regarding this rezone may be made to the draft agreement, as directed by the planning staff and the county attorney, before the agreement is considered by the County Commission.

This recommendation is based on the following findings:

1. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

September 13-2022 Minutes

2. The agreement was considered by the Legislative Body, in conformance with Chapter 102-6 of the County Land Use Code.

Motion passes 7-0.

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

7. Remarks from Planning Commissioners: Commissioner Edwards like Charlies beard trim. Commissioner Andreotti states that a group in Ogden Valley want to consideration incorporating as a city.

8. Planning Director Report: None

9. Remarks from Legal Counsel: None

Motion to adjourn by Commissioner Neville. Motion passed 7-0.

Adjourn

Respectfully Submitted,
June Nelson
Lead Office Specialist