



WESTERN WEBER PLANNING COMMISSION MEETING

MEETING AGENDA

October 18, 2022

Pre-meeting 4:30/Regular meeting 5:00 p.m.

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

1. Minutes: September 13, 2022

Petitions, Applications, and Public Hearings:

2. Administrative Items:

- 2.1** Proposal to amend an open space preservation plan in Sunset Equestrian Cluster Subdivision Phase 1. **Planner: Steven Burton**

Petitions, Applications, and Public Hearings:

3. Legislative Items:

- 3.1 ZTA 2022-02:** A public hearing for consideration of a county initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review. **Planner: Steven Burton**

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel

Adjourn to Work Session

WS1: Brad Brown Rezone Discussion

WS2: Chad Buck Rezone Discussion

WS3: Stagecoach Estates Rezone Discussion

WS4: Smart Fields Rezone Discussion

WS5: General Plan Priorities Discussion

Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8374 before the meeting if you have questions or comments regarding an item.

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8374

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

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

MEMORANDUM

To: Western Weber Planning Commission
From: Steve Burton, Planner
Date: October 11, 2022
Subject: Proposal to amend an open space preservation plan in Sunset Equestrian Cluster Subdivision Phase 1.

Planning Commissioners,

The Planning Division has recently received a request to amend an open space preservation plan within Sunset Equestrian Cluster Subdivision. The owner of lot 16 has applied for a building permit to construct an accessory building and would like to place it on the agricultural parcel behind the dwelling. The use of the building as “accessory” is not allowed because of the existing Agricultural Preservation Plan (Exhibit A) that was approved by the Planning Commission and recorded to the property.

The existing preservation plan acts as a covenant that restricts the use of the open space as a means to preserve the open space in this subdivision. The existing preservation plan states that only buildings intended for agricultural endeavors are allowed in the preservation parcels (page 2, structures). The plan also states that structures within the preservation parcels shall not be used for permanent or residential purposes. The proposed building is not intended solely for agricultural purposes, therefore it is considered to be accessory to the residence. The Planning Division feels that this residential accessory building is not permitted based on the current language of the preservation plan.

Under the current cluster subdivision ordinance (Sec 108-3-5(a)), the following is listed as a means to amend an open space preservation plan:

Open space preservation plan amendment. After submittal of a new application and application fee an open space preservation plan may be amended, from time to time in accordance with the standards of this chapter. If an amendment of an open space preservation plan affects any part of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an approved open space preservation plan, then the two shall be amended together and final approval of the amended subdivision plat shall constitute final approval of the amended open space preservation plan. Otherwise, each may be amended independently. Submission for an independently amended open space preservation plan shall be in compliance with the open space plan submittal requirements of this chapter and shall require the approval of the planning commission.

Last year, lot 17 received approval to amend the open space plan to allow an accessory building of the same size. The Planning Division recommends approving the amendment for lot 16, as proposed. Attached to this memo is Exhibit A, the original open space plan, and Exhibit B, the proposed amendment to the open space plan for lot 16.

Feel free to reach out to me if you have any questions.

Steve Burton
Planner



"W2931562"

SUNSET EQUESTRIAN CLUSTER SUBDIVISION – 180 RESIDENTIAL CLUSTER LOTS and 38 1-acres minimum Agricultural Parcels (see attached plat)

Agricultural Preservation Plan

15-667-0021-0034 BK

BT

bst
DB

The best use of the common area is open space, as it will allow for the preservation of historic context and agricultural feel of the land. This action would allow for open space to be preserved and allow for the continued productive use of livestock and crops.

Open Space in the Sunset Equestrian Cluster Subdivision is divided into two types: Common Area and Individual Owned Agriculture Preservation Parcels. Details, permitted uses, and ownership are outlined below.

1. Common Areas (15 Parcels) ~~OS-1 to OS-15~~

CA
API- API 14 of Sunset Equestrian Subdivision Phase I

Common Area Parcels within the Sunset Equestrian Cluster Subdivision are located throughout the subdivision. The 15 Common Area Parcels are accessible by road and total 7.80 acres.

Permitted Uses

Public Pathways: There are to be public pathways installed throughout the common areas that will be open to the public and maintained by the HOA. Developer will install split rail fencing adjacent to agricultural preservation parcels. Other private parcels and open space parcels are not required to install said fencing. Agricultural parcel property owners will be responsible to ensure that their animals are restrained or contained at all times for the protection of people using the pathways.

Storm Drainage Detention Basins: Common Area Parcels can be used for storm drainage detention basins serving the Sunset Equestrian Cluster Subdivision. No crops or animals are permitted in the HOA owned common areas.

Ownership: The parties agreeing that the Common Area Parcels shall be owned by the Sunset Equestrian HOA.

The Common Area Parcels are required at all times to conform to the use restrictions stated above.

DATED this 17th day of July, 2018

Sunset Equestrian HOA

INDIVIDUAL OWNED PRESERVATION PARCELS (38) AP-1 TO AP-38

2. Individual Owned Agriculture Preservation Parcels (40 parcels) AP-1 to AP-38.

Individual Owned Agriculture Preservation Parcels within the Sunset Equestrian Cluster Subdivision area located throughout the subdivision. Agriculture Preservation Parcels have letter designations A-NN and are 1-acre minimum.

Structures: Individual Owned Agriculture Preservation Parcel: no structures permitted within storm drainage retention ponds. The integrity of storm drainage retention ponds serving the Sunset Equestrian Cluster Subdivision must be preserved.

All other Individual Owned Agriculture Preservation Parcels: Structures for agricultural or associated purposes may be built on the Agriculture Preservation Parcels, but are limited to 5 percent of each parcel. This includes but is not limited to structures used for the purpose of housing crops, animals, equipment, vehicles, tools, feed, and implements to support agricultural endeavors. Structures shall not be used for permanent or residential purposes.

Crops and Animals: Individual Owned Agriculture Preservation Parcels: No crops permitted within storm drainage retention ponds. The integrity of storm drainage detention basins serving the Sunset Equestrian Cluster Subdivision must be preserved. Animals are permitted in accordance with Weber County Land Use Code currently in force.

All other Individual Owned Agriculture Preservation Parcels: Crops and animals are permitted in accordance with Weber County Land Use Code currently in force with exception that swine, mink and other nuisance animals will not be allowed.

Waste & Maintenance: All animal or agricultural waste must be regularly removed from the Individual Owned Agriculture Preservation Parcels. Waste may be used as fertilizer, provided the waster is tilled, churned, or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.

Agricultural Uses: Except for items stored in appropriate containers or buildings, the Individual Owned Agriculture Preservation Parcels shall be maintained such that trash,

refuse, rubbish, inoperable or abandoned equipment, dead animals, scrap lumber, building materials, scrap material, grass clippings, plant waste, or other unsightly waste are not visible from the streets nearest the residential lots.

Storm Drainage Detention Basins: Agriculture Preservation Parcels can be used for storm drainage detention basins serving the Sunset Equestrian Cluster Subdivision. No crops are permitted in the common areas. Easements will be established for the construction and maintenance the detention basins.

Public Pathways: There are to be public pathways installed throughout the Individual Owned Agriculture Preservation Parcels that will be open to the public and maintained by the HOA. These pathways will be installed in easements within the Agriculture Preservation Parcels.

Ownership: Ownership of Individual Owned Agriculture Preservation Parcels within the Sunset Equestrian Cluster Subdivision is restricted to individuals owning a residential lot within the Sunset Equestrian Cluster Subdivision. Land-locked Agricultural Lots without road access are restricted to being owned only by individuals also owning a residential lot which shares a property line with the landlocked Agricultural Lot.

The Individual Owned Agriculture Preservation Parcels are required at all times to conform to the use restrictions stated above.

STATE OF UTAH)

SS:

COUNTY OF WEBER)

On the 17 day of July, 2018 personally appeared before me Chris Hoertel, Manager, and _____ the signer of the within instrument and who duly acknowledged to me that they executed the same.



Notary Public

Residing at:

Angela Martin
Weber County

Proposal to Amend Preservation Plan

Sunset Equestrian Cluster Subdivision Lot 16 AP 11

We have experienced an issue in applying for a building permit on our lot due to ambiguous language between the Preservation Plan and the specific county code for buildings within a cluster subdivision. We are asking to amend the language related to buildings allowed on the Preservation Parcel so that the building setbacks can be properly defined.

The current Preservation Plan explicitly allows structures with a size restriction to be built on the Individually Owned Agriculture Preservation parcels. The building should be an accessory to the residence as the preservation parcel ownership and ability to build on it are reliant upon ownership and establishment of a dwelling on the associated building lot. The language in the Preservation Plan, however, has an ambiguous definition for usage which contradicts the actual relationship of the parcel to the building lot and creates a building classification that is not in the cluster subdivision building setback definitions.

Affected Code Sections

Sec 108-3-7 Lot Development Standards

Unless otherwise provided for in this section, residential building lots shall be developed in a manner that meets all applicable standards, including but not limited to those found in the Weber County Land Use Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The following specific site development standards apply to lots in cluster subdivisions:

- 1. Lot area. Unless otherwise regulated by the Weber-Morgan Health Department, a lot located within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless otherwise provided in section 108-3-8.*
- 2. Lot width. Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot width in a cluster subdivision is as follows:*

Zone	Lot Width
<i>F-40 and F-10 zones:</i>	<i>100 feet</i>
<i>FR-1, F-5, and AV-3 zones:</i>	<i>80 feet</i>
<i>RE-15, RE-20 zones:</i>	<i>60 feet</i>
<i>A-1, A-2, and A-3 zones:</i>	<i>60 feet</i>
<i>FR-3 zone:</i>	<i>50 feet</i>
<i>DRR-1 zone:</i>	<i>50 feet</i>

- 3. Yard setbacks. The minimum yard setbacks in a cluster subdivision are as follows:*

Yard	Setback
Front:	20 feet
Side:	
Dwelling:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet from dwelling
Accessory building over 1,000 square feet:	See section 108-7-16
Corner lot side facing street:	20 feet
Rear:	20 feet

4. *Building height. The maximum height for a building in a cluster subdivision is as follows:*

Building	Height
Dwelling	40 feet
Accessory building	30 feet

(Ord. No. 2018-6, Exh. A, 5-8-2018)

Sec 108-7-16 Large Accessory Buildings (1,000 Square Feet Or Larger)

1. *Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning requirements shall:*

1. *Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.*
2. *Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.*
3. *Have a maximum height of 25 feet.*

Exceptions. The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

2. *One accessory building which is subordinate to the dwelling in area and height may be located in front or to the side of the dwelling provided:*

1. *It is located not less than 40 feet from any property line adjacent to a street.*
2. *The large accessory building conforms to the dwelling in architectural style and materials on all sides of the building and the roof. Large accessory buildings on agricultural parcels containing at least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that the accessory building is located at least 100 feet from a property line adjacent to a street.*
3. *It meets the side yard requirement for a main building in the zone in which the building is located, and it is located at least 40 feet from a dwelling on an adjacent parcel.*

4. *In no case shall the front yard setback be less than the required front yard setback for a main building in the zone in which the building is located.*
3. *Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review.*
4. *Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of section 108-7-8. Accessory buildings shall also meet the requirements of section 108-7-4.*

Specific Language from Preservation Plan

Section 2. Individual Owned Agriculture Preservation Parcels

All other Individual Owned Agriculture Preservation Parcels: Structures for agriculture or associated purposes may be built on the Agriculture Preservation Parcels, but are limited to 5 percent of each parcel. This includes but is not limited to structures used for the purpose of housing crops, animals, equipment, vehicles, tools, feed, and implements to support agriculture endeavors. Structures shall not be used for permanent or residential purposes.

The building we are proposing would be over 1000 sq ft and would meet all of the above code definitions to use a 3' side yard setback.

In the process of applying for a permit for the proposed building the permitting department believes that the specific language in the Preservation Plan would not allow them to classify the building as an accessory building to the residence. This would force the building to be classified as a 'main building' which has no setback definitions in the cluster subdivision code. This creates a scenario forcing the use of a 20' side yard setback for a 'main building'.

The 20' side yard setback is really meant for much large acreage and not a cluster subdivision where individually owned preservation parcels were allowed at just over an acre in size. 20' represents 25% or more of the total lot width in the scenario we are describing. Additionally, locating the building in this way would unnecessarily hinder the ability to make best use of the open space and agriculture use as space would be wasted for building access. The most efficient access from the road would be a straight path along the side of the residence to the building. A 20' side yard setback would place the building directly behind the house and make it necessary to use important agriculture space as access to the building.

We are requesting to amend the language of the Preservation Plan so that the building can appropriately be considered accessory to the residence. This would allow the agriculture space to be most efficiently utilized for the stated purpose of agriculture, while not hindering the allowance to have a structure. As to maintaining the agricultural preservation of the land area, the building footprint is already allowed within the preservation plan it is just a matter of setback definition for a location that makes best use of the agriculture space. The remaining preservation parcel area would still be over an acre in area.

Proposed Amended Language

All other Individual Owned Agriculture Preservation Parcels: Structures may be built on the Agriculture Preservation Parcels, but are limited to 5 percent of each parcel. This includes but is not limited to structures used for the purpose of housing crops, animals, equipment, vehicles, tools, feed, and equipment that is accessory to the residential parcel and dwelling.

Open space preservation plan procedure.

Initial open space preservation plan approval. An open space preservation plan shall accompany an application for preliminary subdivision approval or an application for an open space preservation plan amendment. Preliminary subdivision approval constitutes approval of the open space plan. A final plat shall comply with the approved open space plan.

Open space preservation plan amendment. After submittal of a new application and application fee an open space preservation plan may be amended, from time to time in accordance with the standards of this chapter. If an amendment of an open space preservation plan affects any part of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an approved open space preservation plan, then the two shall be amended together and final approval of the amended subdivision plat shall constitute final approval of the amended open space preservation plan. Otherwise, each may be amended independently. Submission for an independently amended open space preservation plan shall be in compliance with the open space plan submittal requirements of this chapter and shall require the approval of the planning commission.

Open space preservation plan submittal requirements. The open space preservation plan submittal shall include the following:

An overall cluster subdivision map identifying all open space areas and open space area amenities.

An open space site plan that:

Identifies the open space parcel ownership types specified in subsection (c)(9) of this section;

Identifies each proposed ownership type with a unique color;

Shows the locations of existing and proposed future structures and other open space amenities; structures housing a subdivision utility or serving as a subdivision amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code; and

Includes all park improvements and is accompanied by a letter of approval from the local park district for open space that will be gifted as a park parcel to a local park district.

A narrative describing all proposed open space parcels, their proposed method of ownership, their proposed method of maintenance, their proposed uses, and any proposed building envelopes.

The phasing of open space parcels and their relationship to the overall subdivision phasing plan, if any.



Staff Report to the Western Weber Planning Commission and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

APPLICATION INFORMATION

Application Request: A public hearing for consideration of a county initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review.

Agenda Date: Tuesday, October 18, 2022 and October 25, 2022

Applicant: Weber County

File Number: ZTA 2022-02

STAFF INFORMATION

Report Presenter: Steve Burton
sburton@webercountyutah.gov
801-399-8766

Report Reviewer: CE

Applicable Ordinances

Weber County Code, Part II, Title 106

Legislative Decisions

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.

Summary

The Weber County subdivision code currently requires all subdivision amendments to receive an administrative subdivision approval at a formal meeting. This process can add several weeks to the approval timeline once an application is submitted to the county. There is currently no expedited process for individuals who are proposing to amend lot boundaries with adjacent lots, or who propose to remove plat restrictions that are no longer applicable.

This proposal will exempt lot line adjustments and plat restriction removals that are no longer applicable from the formal preliminary and final plat approval meeting. Under the proposed subdivision code change, a lot owner can submit a lot adjustment to the county for review and receive formal review comments, print a mylar plat, get county signatures, and record the plat without a formal approval meeting.

Policy Analysis

This proposal is not anticipated to impact the Western Weber General Plan. The proposal will shorten the review period for lot adjustments, the fee of which will be less than the normal subdivision review fee. This proposal can be considered to be a benefit to lot owners who simply want to adjust boundaries or remove irrelevant plat restrictions.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment ZTA 2022-02.

This recommendation may come with the following findings:

1. The proposal is an additional subdivision option for lot owners.
2. The proposal is not contrary to the goals and principles of the general plan.

Exhibits

Exhibit A. Draft ordinance language

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Subdivision Lot Adjustment

- (a) **Exemption qualifiers.** A subdivision amendment is exempt from subdivision application submittal and typical preliminary and final plat review if in compliance with the following:
1. The purpose of the amendment is only to amend a common boundary between lots or to amend an internal lot restriction that is no longer applicable pursuant to this Land Use Code.
 2. Each affected lot shall be within the boundaries of the same platted subdivision, or within the boundaries of a phased subdivision platted with an approved preliminary plan.
 3. All lots proposed to be amended shall comply with each lot's zoning requirements, or, if applicable, comply with the provisions of Sec 108-12-12 (Reconfiguring Nonconforming Lots).
 4. All lots proposed to be amended shall comply with any additional applicable standards as may have been adopted by previous approvals, including but not limited to a Master Plan, a Development Agreement, a Planned Residential Unit Development, etc.
- (b) **Application.** An application shall be submitted in a form as approved by the Planning Division. The application shall include:
1. An electronic copy of the proposed subdivision amendment prepared by a surveyor licensed in the State of Utah.
 2. All information from the original subdivision plat referenced on the amended plat.
 3. An application fee.
- (c) **Procedure.**
1. After all applicable review agencies have recommended approval of the proposed subdivision amendment, the applicant shall submit to the Planning Division a signed and notarized printed mylar copy.
 2. After collecting signatures from applicable review agencies, the Planning Division shall submit the proposed subdivision amendment for approval and signature by the Land Use Authority.
 3. The Land Use Authority for a subdivision lot adjustment application is the Planning Division Director.
 4. Upon signature of the Land Use Authority the applicant may submit the signed mylar to the County Recorder's Office for recordation.

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