

Minutes for Western Weber Planning Commission meeting of November 7, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: Andrew Favero—Vice Chair, Cami Clontz, Jed McCormick, Sarah Wichern, Wayne Andreotti, Casey Neville **Excused:** Bren Edwards-Chair;

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Bill Cobabe, Planner; Planner; Felix Lleverino, Planner; Liam Keogh, Attorney; June Nelson, Secretary

Pledge of Allegiance

1. **Minutes:** September 19, 2023 Approved with amendments. October 18, Approved

1. Petitions, Applications, and Public Hearings

2. Legislative items:

2.1 ZMA 2023-07: Consideration of a request to rezone 7.44 acres from A-2 (agricultural) to R-3 (residential), C-1 (commercial), and MPD (master planned development) overlay zone. Property located at 3300 S 3500 W, Ogden.

Planner: Steve Burton

On February 28, 2023, the application for a rezone was accepted for review. The proposal is for the property to be rezoned to R-3 to allow for townhomes, with C-1 along 3500 W and 3300 S. When the application was initially submitted to the County, planning staff requested that the applicant work with West Haven City to discuss incorporation. The applicant has had several conversations with West Haven City about annexation, as the property is located within the West Haven City annexation area.

The applicant has chosen to move forward with the request to the county without seeking annexation. The applicant has provided letters of acknowledgement from the secondary water provider, culinary water provider, sewer provider, and a letter of support from the local park district.

The surrounding area consists mainly of agriculture, except the area to the north is zoned C-1 (West Haven City) and R-2.5 (West Haven City) which includes a mixed-use development called Hylands Ranch Subdivision with a commercial lot and single family lots at approximately 10,000 square feet per lot.

The Western Weber General Plan anticipated a small scale mixed-use development similar to Hylands Ranch Subdivision in West Haven. The proposal to rezone to C- 1 with townhomes behind the buildings should not be too incompatible with existing development in the area.

When the application for rezoning was initially submitted, planning staff met with West Haven City who expressed that the property is in their annexation area and intended to be commercial (C-2) as shown on the City's general plan map. Planning staff recommended that the owner work with the city to have the property annexed. It is the understanding of the county staff that the developer went to work session with the city, but did not receive enough positive feedback on the project to want to annex.

Commissioner Wichern stated that the Planning Commission had received some emails from West Haven City. With that I am comfortable with approval. It fits into the General Plan. The developer has followed what is in the General Plan. The City of West Haven has already approved the same kind of development just across from the proposed development. Commissioner Neville stated the applicant has met the requirements for approval. The current approval is now different from the previous proposal. Sometimes we need development to move along the infrastructure. We also need to recognize the land owner.

Vice Chair Favero called for a motion:

Commissioner Wichern: I move that we approve File # ZMA 2023-07, an applicant driven rezone application to amend the zoning map

on 7.44 acres from A-2 to the C-1, R-3, but deny request for master plan development overlay zoning on the property located at 3300 S and 3500 W, Ogden. Based on the following conditions:

1. The applicant and the county will enter into a mutually agreeable development agreement, specifying the design of the commercial and multi-family buildings, and that the proposed donation to the parks district will be made before each subdivision plat records. The development agreement will also specify that the plats are recorded within 3 years and completion of the project within 6 years.

Findings:

1. The proposal helps implement the mixed-use commercial element of the Western Weber General Plan.
2. The proposal includes a meaningful contribution to open space and parks improvements in the area.
3. The master planned development overlay zone is not needed for the applicant to develop the property in accordance with the concept plan and project narrative.

The motion was seconded by Commissioner Andreotti. Motion passes 6-0.

2.2 ZMA 2023-13: A public hearing to consider a request to amend the zoning map on 18 acres from A-1 (agricultural) and RE-15 (residential) to the R1-15 (residential) zone, property located at 4300 W and 1600 S, Ogden. **Planner: Steve Burton**

On October 17, 2023 the proposal was heard in a Planning Commission work session. The applicant’s request for a rezone was accepted by the Planning office on October 23, 2023. The proposal is to rezone 18 acres of property to R1-15 for the ability to plat a total of 45 single family subdivision lots. The owner’s property includes the two-phase Anselmi Acres Subdivision that has received subdivision approvals under RE-15 zoning but not recorded. The owner’s property also includes three acres of property purchased from the Weber School District that is zoned A-1. If rezoned to R1-15, the three acres will be used to plat eight subdivision lots and provide an access to 4300 W.

The applicant has provided letters of acknowledgement from the secondary water provider, culinary water provider, sewer provider, and their parks plan is to include the new eight lots in the development agreement which requires a donation of \$2,000 per lot to the Taylor West Weber Parks District. The following is an analysis of the project as it relates to the Land Use Code and General Plan.

Commissioner Favero called for a motion to open the public hearing. Commissioner Neville motioned to open the public hearing. It was seconded by Commissioner McCormick Motion passed 6-0

Craig Hunt, 1700 S stated that he was concerned about the area where the ditch comes down. A developer said that they will put in a secondary pressurized system at no cost to the home owners. We just don’t want anything that we have to pay for. There is a cement ditch that hasn’t been taken care of. Commissioner Favero stated that they will look at that in the next phase.

Motion to close Public Hearing made by Casey Neville and seconded by Cami Clontz. Motion passed 6-0.

Applicant Jake Young stated that they find the future land use plans compatible with our plan. Regarding the ditch, it is on our engineering plans. There is an agreement to relocate the ditch.

Vice Chair Favero called for a motion:

Sarah Wichern motioned the following: I move that we approve File # ZMA 2023-13, an applicant driven rezone application to amend the zoning map on 18 acres from A-1 and RE-15 to R1-15, property located at 4300 W 1600 S, Ogden. Subject to all governing agencies including fire and engineering

1. The development agreement that exists on the 15 acres zoned RE-15 will be amended to reflect the R1-15 zoning.

Findings:

1. **The proposal provides public street and trail connectivity.**
2. **The proposal includes a meaningful contribution to open space and parks improvements in the area.**
3. **The proposal is consistent with general plan goals, objectives and policies.**
4. **The proposal is compatible with the overall character with existing development in the area.**

Motion was seconded by Jed McCormick. Motion passed 6-0.

2.3 ZDA 2023-01: A public hearing to consider a request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden. The proposed amendment will allow the zoning to be changed from RE-15 (residential) to R1-15 (residential). **Planner: Steve Burton**

The owner of the subject property recently submitted a rezone application, ZMA 2023-13. Staff recommended to the owner that, if the rezone from A-1 and RE-15 to R1-15 were to be approved, that the development agreement that applies to the 15 acres would also need to be amended. With this application, the developer is officially requesting that the development agreement be amended to reflect the R1-15 zoning, and to include the additional 3 acres of R1-15 property in the agreement.

Applicant: Jake Young stated that a \$2000.00 per lot fee for the parks was agreed, we are planning on working on the trails. He asked, when is a normal time to pay for park fees. Steve Burton said that it is easier to require a fee for parks before the plat records.

Motion was called for to open the Public Hearing. Cami Clontz motioned to open the Public Hearing. It was seconded by Casey Neville. There was no public comment. Motion to close Public Hearing was made by Cami Clontz and seconded by Jed McCormick.

I move that we approve File # ZDA 2023-01, an applicant driven request to amend the development agreement on 15 acres of property zoned R1-15, located at 4300 W and 1600 S, Ogden. We would like to amend the development agreement that is included in our packet with the following condition:

1. **Contributions to the parks district be submitted before each plat records.**
We do this with the following findings:
 1. **The development agreement amendment meets the requirements outlined in the land use code.**
 2. **The development agreement amendment outlines the mutually agreeable terms of the rezoning of 18 acres from RE-15 and A-1 to R1-15.**

Motion was seconded by Commissioner Neville. Motion passed 6-0.

2.4 ZTA 2023-02: A public hearing and possible Planning Commission recommendation on a proposal to amend the Weber County Code. The amendments pertain to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones. **Planner: Charlie Ewert**

The county has received an application to amend the Shoreline Zone (S-1) to allow agritourism as a conditional use in the zone. In reviewing the request, the Ogden Valley Planning Commission became concerned with the significant flexibility of the currently codified Agritourism Ordinance, citing concerns about potential loopholes that could

introduce undesirable land uses. The Ogden Valley Planning Commission seemed desirous to expand the allowance of the agritourism use into the S-1 zone, but only after tightening the language of the ordinance.

From the inception of the Agritourism Ordinance in 2012, an agritourism operation has been required to obtain a conditional use permit. The Agritourism Ordinance was initially adopted during a relatively transitional time as it relates to the county's understanding of conditional use permits. At the time, conditional use permits were understood as being fairly discretionary in nature. With this discretion, it seemed as if the county had wider flexibility when

approving or denying a conditional use permit. This perception was based on longstanding practices prior to the mid-2000's.

Since then, however, the county has become more aware of court rulings which strip most of the discretionary decision-making out of the issuance of conditional use permits. Simply stated, a conditional use permit is a permitted use with conditions. As a result, in 2015 the county updated its Conditional Use Permit Ordinance to omit the discretionary language and focus decisions on objective facts and written standards. Changes to the Agritourism Ordinance were not proposed at the time, and thus the more flexible-appearing ordinance language is still present in codified code.

According to state code, if more than one reasonable interpretation of the code can be made, the county must read the code in a manner that favors the landowner. This means that flexible code language will always be required to be read in favor of the landowner, giving credence to the Ogden Valley Planning Commission's concern about potential unintended loopholes.

After review of the ordinance amendments suggested by the Ogden Valley Planning Commission, the Western Weber Planning Commission seemed tentatively in support of tightening the ordinance language. However, there was discussion about concerns over making the ordinance too restrictive to those farmers who want a simple alternative to earning supplemental farm income. To provide for this concern, staff is suggesting the addition of a couple of by-right permitted uses into the agricultural zones that allow certain types of sales to occur on farm-property without the need to obtain a conditional use permit for an agritourism operation. This should simplify access to those uses.

Commissioner Andreotti stated that he felt that on this code that we should split with Ogden Valley. We need to make things simpler, more user friendly.

Motion was called for to open the Public Hearing. Commissioner Neville motioned to open the Public Hearing. The motion was seconded by Commissioner Andreotti. There was no public comment. Commissioner Neville motioned to close the Public Hearing. It was seconded by Commissioner McCormick.

There was no further discussion by the Planning Commission. Vice-Chair Favero called for a motion. Commissioner Neville motioned to pass this item based on the Staff Report and things mentioned in this meeting. Staff is recommending approval of the attached ordinance amendments. In addition to amending the Agritourism Ordinance and inserting it into the S-1 zone, staff is recommending inserting agritourism into the Forest Zones (F-10 and F-40 zones). Staff is also recommending taking this opportunity to standardize the formatting of the S-1, F-5, F-10, F-40, FR-1, and FR-3 zones to add clarity and better match the formatting, administration, and efficiencies of other zones in the Land Use Code.

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A.

I do so with the following findings:

Findings:

- 1. The changes are supported by the Western Weber General Plan.***
- 2. The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan***
- 3. The changes will enhance the general health and welfare of Western Weber residents***

Motion passed 6-0.

2.5 ZMA2023-04 A public hearing to consider a request to rezone 93 acres from A-1 and A-2 to RE-15 at approximately

640 South 7500 West. The developments are named the Longhorn Estates and the Vaquero Village Cluster Subdivision Phase 1 Amended. **Planner: Felix Lleverino**

On October 17th, 2023 the Western Weber Planning Commission held a work session to discuss development agreement standards that will be included with the zoning map amendment of 76 acres of undeveloped land that will be known as Longhorn Estates.

As a means to remedy the issues that exist within the Vaquero Village Cluster Subdivision, the planning staff made a recommendation that the zoning map amendment include both developments. This would allow for the Vaquero Village residents to amend their subdivision plat and re-configure their lots in a fashion that would absorb the common area known as Parcel B, and remove the subdivision perimeter and midblock pathway easements from the Vaquero Village plat. A rezone to R1-15 of the Vaquero Village Subdivision is appropriate because the lot sizes are not less than 15,000 square feet.

Commissioner Andreotti stated that he wanted to know who is doing the secondary water. Mr Lleverino said that there was an irrigation pond on the property. He also said that he thought that they needed a water manager. Commissioner Favero asked about what happened to 7500 W? We will need two good egresses. This is an engineering issue. Mr Ewert stated that the applicant is only developing the east side of the development. Mr Favero stated that most of the issues are engineering and will be handled later. Many of the Commissioners stated that they felt that this project was not ready. We need more information, especially since there were some changes. Director Grover said that we need more time for residents and staff to review the information. He would recommend tabling this item until we have more clarity. He felt like this would be fair to the public. It would be good to know what is actually being proposed. Director Grover also offered his apology to the public for coming out and not being able to have the item properly addressed. We will put this item on the agenda at the beginning when it is ready. Commissioner Wichern said that they appreciate and comments or letters from the public. They are all read and considered.

Commissioner Favero called for a motion. Sarah Wichern motioned the following I move we table action on File #ZMA2023-04, a developer-initiated application to amend the Weber County Zoning Map to rezone total of 93-acres located at 640 South 7500 West and all of the Vaquero Village Cluster Subdivision Phase 1 from the A-1 and A-2 Zones to the R1-15 Zone so that:

1. **We have more time to review the proposal. Also until the developer can provide more information on the sewer system, more information on the secondary water system.**
2. **A letter from Little Mountain Sewer stating that they are able to serve the development area.**
3. **A complete application with current proposal**
4. **Egress options that meet code.**

Motion was seconded by Commissioner McCormick. Motion passed 6-0 to table this item.

3. Public Comment for Items not on the Agenda:

Levi Giles, 7100 asked how far out is the development? Half of the proposed subdivision is now out. Also Vaccaro has flooding issues.

Neal Davis stated that drainage for water was dug under his fence.

Director Grover said that he would look into these things.

- 4 **Remarks from Planning Commissioners:** Commissioner Andreotti stated as for TDRs, we need definition as to how they will work. I am also concerned about the letter from the Governor that was sent to the Planning Commissions. We have some very smart people in this room. We should be able to figure it out. We don't want to lose the zoning rights.
5. **Planning Director Report:** Director Grover stated that even though we are doing a great job, we can do better. It is hard to get into a home. There will need to be more collaboration with developers, land owners and builders. We all have to come together.
6. **Remarks from Legal Counsel: None**

Adjourn to Work Session

WS 1: Discussion on amending the Subdivision Ordinance to reflect State Code requirements on Land Use Authority, Financial Guarantees and Releases, and Required Subdivision Improvements. **Planner: Bill Cobabe**

WS 2: WS: Preserving Family Land: A Proposal for a Private Residential Enclave. **Presenter:** Shanna Simmons **Applicant was not there.**

WS 3: Discussion on ZMA2023-11 Halcyon Open Space Zoning Map Amendment. **Presenter:** Tylor Brenchley.

Adjourn 9:22

Respectfully Submitted

June Nelson

Lead Office Specialist

