

January 10 -2023 Minutes

Minutes for Western Weber Planning Commission meeting of January 10, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

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

Pledge of Allegiance

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

Pre-Meeting: During the pre-meeting the Rules of Order were discussed. Attorney Liam Keogh stated that the attorneys were concerned about the language in the Conflict of Interest section. They would like to evaluate the language and make changes. Mr Keogh would like to bring the Rules of Order back to the next regular meeting for approval. Rules of Order was pulled from the agenda.

1. Vote on new Chair and Vice Chair:

Commissioner Neville asks if Chair Favero could remain as Chair for another term.-or extended term. Director Grover said that we would have to change the Rules of Order before we do that. We currently have the same Rules of Order as Ogden Valley Planning Commission. Do we want to change the Rules of Order for both Commissions or just one? Commissioner Andreotti agrees that we should keep Chair Favero and Vice Chair Edwards in leadership positions for continuity. Commissioner Wichern suggested that we flip the two and ask Bren Edwards to serve as Chair and Andrew Favero to serve as Vice Chair. Then we would not have to make a permanent change to the Rules of order.

Commissioner Wichern nominated Bren Edwards to serve as Chair. Jed McCormick seconded the nomination. Motion passed 6-0. Commissioner Wichern nominated Andrew Favero to serve as Vice Chair. Jed McCormick seconded that motion. Motion passed 6-0. New Chair: Bren Edwards. Vice Chair: Andrew Favero.

Chair Edwards was on Zoom so Vice Chair Favero conducted the meeting.

2. Approve Rules of Order—Pulled until next regular meeting

3. Minutes: December 13, 2022 Approved

Petitions, Applications, and Public Hearings:

4. Consent items:

4.1 CUP2022-16 - Consideration and action on a Conditional Use Permit for Weber Basin Water Conservancy District to re-build a water storage tank in the Little Mountain Western Weber Area. Located at 10,000 West 900 South. **Planner Felix Lleverino**

The Weber Basin Water Conservancy District is proposing to rebuild an old water tank that has come to the end of its usable life. The new water storage tank can store 3 million gallons of water and it will occupy a site of roughly 1.1 acres. Water for this tank is piped from the Weber Basin Water Conservancy District treatment plant located in Ogden on Old Post Road.

The property is protected from trespassers by a locked gate placed at the beginning of the access road.

The proposed application has been reviewed with standards outlined in the Uniform Land Use Code of Weber County, Utah (LUC). The following section is the staff’s evaluation of the request.

Commissioner Andreotti motioned to pass this item. It was seconded by Jed McCormick

The Planning Division recommends approval of file# CUP2022-16, a conditional use permit for Weber Basin Water Conservancy District to re-build a water storage tank in the Little Mountain Western Weber Area, located at 10,000 West 900 South. This recommendation is subject to all review agency requirements and the following conditions:

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The following findings are the basis for the staff's recommendation:

1. **The proposed use conforms to the Western Weber General Plan.**
2. **The proposal will not be detrimental to public health, safety, or welfare.**
3. **The proposal will comply with applicable County ordinances.**
4. **The proposed design implements quality development standards and will not deteriorate the environment of the general area to negatively impact surrounding properties and uses.**

Motion passed 6-0.

Petitions, Applications, and Public Hearings:

5. Legislative items:

- 5.1 ZMA 2022-01:** Decision on a request for approval of a zoning map amendment to rezone approximately 10 acres located at approximately 4530 W 2200 S from the A-1 zone to the RE-15 zone. Project link: [Project link: https://frontier.co.weber.ut.us/p/Project/Index/14714](https://frontier.co.weber.ut.us/p/Project/Index/14714). **Planner: Tammy Aydelotte**

This item is an applicant-driven request to amend the zoning map from A-1 to RE-15 on 10.00 acres. The owner seeks this zoning to allow for "...greater housing densities near existing or planned school sites..." (see newly adopted General Plan, Land Use Goal 7.1.2, per applicant's narrative).

Planner Aydelotte states that this was before the Commission in December. One of the things that citizens were concerned about was if current residents would be forced to tie into the sewer line that will go by their property. Ms Aydelotte assured then that after talks with the Health Department, that no one would be forced to tie into the sewer unless the septic fails.

There was a member of the public that wanted to speak. He was reminded that this was not a public hearing, as that has already been done. The Commissioners then decided to let the resident speak.

Mr White. 2200 S. The road cannot accommodate more traffic. They also need a berm on the west of the development. The State law says that we will be forced to tie into the sewer. I am also concerned about the fire turn around.

Kylie White: We want people to have more room for animals. We want the concerns of the current residents to be over the developers. The developers don't know what they are doing. 25 homes is a lot on 10 acres.

Chad Buck-Developer. The land is laser leveled and will drain properly. No berm is necessary. There is also a detention basin in the development. Commissioner Wichern asked if there was a concern about animals in the area. Mr Buck states that when potential buyers come out to the property it will be obvious that there are farms and animals in the area. He also states that there is a fire turn around and that they will likely dedicate 30 more feet in one area for a turn around.

Sarah Wichern motions to pass item ZMA 2022-01 with the following conditions and findings. Commissioner Clontz seconded the motion

2. **Forward a positive recommendation to the County Commission. Prior to consideration by the County Commission, the owner will voluntarily enter into a development agreement with the County; that development agreement will include provisions listed below:**
 - a. **That the appropriate amount of right-of-way (40 feet of half-width) along 2200 South St. will be dedicated to the county , along with installation of pathway along 2200 South St., per the newly adopted Western Weber General Plan (2022).**
 - b. **The number of lots shall not exceed the gross area divided by a 1/3 acre (minimum lot size for a 'Medium-size' lot).**
 - c. **Prior to submittal of the first plat, the developer shall submit to the County a park plan acceptable to the park district and a \$2000 per lot donation for the parks.**
 - d. **The concept plan be updated to show dedication of right-of-way along the northern boundary of the project area.**
 - e. **The final layout of streets and infrastructure shall conform to the updated concept plan.**

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- f. **The streets shall be lined with trees, spaced at a distance so that, at maturity, their canopies touch. The trees shall be of a species that are deep-rooting and have a high likelihood of survival, given the unique characteristics of the soils.**
- g. **The park strips shall have six-inch angular rock.**

This recommendation comes with the following findings:

- 1. **The proposal implements certain goals and policies of the West Central Weber General Plan.**
- 2. **The development is not detrimental to the overall health, safety, and welfare of the community.**

Motion passed 6-0.

5.2 ZMA 2022-02 Decision on a request for approval of a zoning map amendment to rezone approximately 29 acres located at approximately 900 S and 4700 W from the A-1 zone to the C-1 and O-1 zones Planner: Charlie Ewert

This proposal is for the rezone of four acres of property to the Commercial C-1 zone, and 19 acres of property to the Open Space O-1 zone. The C-1 zoned area is intended to provide the beginning of a mixed use village center, and the open space area is intended to provide park space and agritourism.

The proposal appears to generally comply with the provisions of the general plan. Staff are recommending approval with a development agreement that applies architectural and street design standards.

Planner Ewert states that this is the item that has come before you before. The applicant is now asking for 5 acres in the C-1 zone. Form based requires a street regulating plan. It encouraged activity on the street level. The intersections will have build outs to protect pedestrians. Commissioner Favero asks if the applicant is still interested in dedicating some land to the park. Mr Ewert says that not right now. He is only asking for 4-5 acres for C-1. He would like to keep the open space for Terakee Village. Commissioner McCormick asks who decides how much area goes to the park. Mr Ewert states that it is very subjective. Commissioner Wichern asks if it will be open to the public. Mr Ewert states that the applicant would like to keep it open to the public. We would need a written agreement to clarify. My recommendation is to approve 4-5 acres for commercial space. Liam Keogh says the code 102-54 states the following

An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:

A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.

If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.

Commissioner Neville states that we should send something that is solid to the County Commissioners. Other Commissioners agreed. Director Grover stated that if we approve this, it will go the County Commissioners as it is. If it is tabled, we need to ask if we are handling this in a timely manner. Commissioner Andreotti says that he hates to table this. Form based is not ready yet. Director Grover also stated that he feels that this is compliant with the General Plan. Commissioner Favero says that he would really like to see what happens when this comes before the County Commissioners. He asks if Director Grover can let the Planning Commission know what happen to items that they have voted on goes before the County Commissioners. Director Grover agreed to this as part of the Planning Director items.

WESTERN WEBER PLANNING COMMISSION

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Sarah Wichern motions: Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2022-02, based on the following conditions and findings:

Conditions:

- 1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property.
2. That at least one acre of land located close to the commercial area and with access to a public street is donated to the park district or other mutually agreeable entity.
3. That at least four acres, contiguous to the park and mirroring the five acre commercial zone and configured in a manner to provide optimal future park area, is reserved for donation to the park district or other mutually agreeable entity at a time the rest of the acreage is converted to a different use. This time shall be identified in the development agreement.
4. That up to 10 residential units are permitted either directly above or behind the street-level commercial space, and within the same building; greater if the additional density is transferred to the property from other property in the General Plan's TDR Open Space Preservation designated area. Transfers should be incentivized at a rate of three units per one-unit transferred.
5. That the "Street Regulating Plan," as provided in Exhibit E of the December 13, 2022 planning commission staff report, is implemented through the development agreement, and modified to only apply to the five-acre commercial rezone and the five-acre O-1 rezone area.
6. That buildings are constructed to a Zone 4 or better building efficiency standard.
7. That the proposal is in compliance with standards applicable to the Mixed-Use Commercial streets in the New Town Eden area of the Form-Based Zone (Section 104-22 of the Weber County Code). The street- front's along 900 South, 4700 West, and 4600 West should all be designed and constructed to the same standard as found in that section; Except, however, 4700 West shall be provided with sufficient width to allow a center turn lane and right-turn pockets.
8. That a water and sewer acknowledgement letter is provided for the area by local water providers.
9. The four acre reservation and the one acre park should be rezoned to the O-1 zone.

Findings:

- 1. The proposal is in compliance with the Western Weber General Plan.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by implementing certain parts of the Western Weber General Plan.
3. The proposal has a high likelihood of providing better housing affordability.
4. The proposal will initiate the creation of a village node, as provided in the general plan.

Commissioner Andreotti seconded the motion. Motion passed 5-1 with Commissioner Favero voting no.

6. Public Comment for Items not on the Agenda

7. Remarks from Planning Commissioners:

8. Planning Director Report:

9. Remarks from Legal

Counsel Adjourn to Work

Session

WS1 A discussion on a mixed use office/residential development located on the corner of 3500 West 3300 South (08-029-0075). Mr. Rick Scadden and Ms. Leslie Clifton are the presenters.

WS2 West Weber 4700 Form Base Zoning Ordinance Planner: Charlie Ewert

WS3 General Plan implementation code amendments Planner: Charlie Ewert

Adjourn

Respectfully Submitted,

June Nelson

Lead Office Specialist

Approved _____