

## WESTERN WEBER PLANNING COMMISSION

August 13, 2024 Minutes

Minutes for Western Weber Planning Commission meeting and work session of August 13, 2024, 2380 Washington Blvd. 1<sup>st</sup> Floor Breakout Room

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

**Staff Present:** Rick Grover- Planning Director; Charlie Ewert – Principal Planner; Tammy Aydelotte – Planner III; Felix Lleverino – Planner II, Liam Keogh – Attorney; Tiffany Snider – Secretary

- **Pledge of Allegiance**
- **Roll Call:**
- **Minutes: No minutes to approve.**

### **Petitions, Applications, and Public Hearings:**

#### **1. Legislative items**

**1.1 ZMA2024-09:** A public hearing and consideration of a proposed rezone of approximately 26 acres from the A-1 (Agricultural) zone to the RE-15 (Single Family Residential) zone at approximately 550 South 4700 West. Applicant – Holland Group. Staff Presenter – Tammy Aydelotte.

Director Grover indicated the Planning Commission will forward onto the County Commissioners (Legislative Body) a recommendation for the proposal. The Planning Commission will need to be sure the proposal complies with the General Plan, open and close a public hearing with a motion, Tammy Aydelotte will be presenting.

Tammy Aydelotte presented to the Planning Commission a proposed rezone of approximately 26 acres from the A-1 (Agricultural) zone to the RE-15 (Single Family Residential) zone at approximately 550 South 4700 West. This was previously presented in July of 2023 to the Planning Commission under a different developer name. The reason it is being presented again is the developer is proposing a slightly different street alignment. Ordinance requires it to be presented again to the WWPC as a recommendation to the County Commission.

It is a 25.5-acre piece in the A-1 zone, located about 600 South 4700 West. The applicant is looking to rezone to R1-15. The application says RE-15, for the purposes of this application planning staff calls it an R1-15. General Plan applicability is presented as the following: “Rezoning property to a zone more reflective of the medium-sized residential designation is not intended to be freely available to any landowner within the designation. Rather, it should only be offered to land that provide commensurate public investment. When granting a rezone to a zone that provides greater land-use rights, the outcome, whether intentional or not, is a greater or more marketable land value.”

“One criticism of development is that it creates profits for the landowner or developer while adding costs to the community. To address this concern, a landowner or developer looking to rezone into this zone should be required to provide a public benefit that is commensurate with the benefits of the landowner or developer will enjoy by developing.” Page 37, 2022 Western Weber County General Plan.

“In areas planned for medium-sized lots, the County should consider rezoning property to allow 15,000 square-foot lots. Generally, this coincides with the RE-15 zone. A rezone of this nature should only be allowed if smart-growth implementation strategies are volunteered by the developer, as provided in Land Use Principle 1.4.”

The Smart Growth offerings are public street and trail connectivity. They are proposing 2 connections from the north, west, east and one to the south along with pathways throughout the development. Planning reviews connectivity according to block length standards. Additionally, the applicant is proposing a contribution of \$7,500 per lot of open space (\$555,000) to the Taylor-West Weber park district. The applicant has received a letter in support of the proposed contribution.

The applicant is proposing 74 dwelling units. Density for the R1-15 is calculated by taking the gross area and dividing it by 15,000 square feet. If lots average 15,000 square feet, it offers the developer some variety of lot sizes and achieve house affordability goals per the general plan.

Staff recommends approval of this proposal based on connectivity and open space contributions.

Questions for staff or developer.

Casey Neville – Clarify why staff is suggesting the R1-15 zone instead of RE-15.

Tammy Aydelotte – The ordinance was adjusted for the West Weber area. The RE-15 is typical for the Uinta area. Development standards are similar but the R1-15 was specifically created for the West Weber area.

Sarah Wichern – RE-15 zone does not allow for lot averaging but the R1-15 zone does.

This was confirmed by staff.

The chair calls for a motion to open the meeting to public comment. Casey Neville moved to open the meeting for public comment. Motion draws a second. The chair called for a vote. All present voted “aye”; motion passed. The meeting was opened as a public hearing.

### **Public Comments**

Kevin Blanch 573 South 4700 West

- Concerns – Hooper irrigation canal runs through the middle of the property. His brother is in litigation over the canal easement. What is the development planning to use for sewer? The only way to connect is with a pump station. It is against county and state law to use septic tanks. Mr. Blanch wants to see escrowed funds for the pump station before a rezone is granted. Mr. Blanch stated he would not allow the developer to connect to his property. Mr. Blanch wants a plan for infrastructure in place prior to the rezone being approved.

No more public comments. Chair asked for a motion to close the meeting to public comment. Casey Neville moved to close meeting for public comment. Motion drew a second. Vote was taken and passed. Meeting was closed to public comment. Public hearing is over.

Bren Edwards

- 1<sup>st</sup> concern to address is sewer. There was an extensive sewer study done with a previous rezone approved on the west side of 4700. A regional lift station is being built to accommodate development. An infrastructure plan is in place. The PC has seen letters from water (both culinary and secondary) and sewer. Chair explained that infrastructure has been addressed. Regarding the litigation, the development in question is on the other side of the easement and feeling it wouldn't come into play.

Sarah Wichern

- Addressed connection concerns. The PC plans for the future but realizes that current landowners may not be the same as future landowners. The PC objective is not taking land from people to build roads. However, people move or pass away and the PC wants to make sure that current development is set up in such a way to serve the future community.

Trek Loveridge (representing the developer)

- Working with UDOT and traffic engineers.
- Pathways (north and east): Feels the pathways will not get a lot of use as they do not lead anywhere but are willing to oblige if that is the desire of the PC.

Andrew Favero

- Feels the pathway to the south will get used due to a future school. Can take or leave the one to the north and east.

Sarah Wichern

- Discussed relocating the pathway along the canal, on the south side of the property. Currently, there is a home in the way. The PC is asking the developer to work out an easement with the property owner or divert the pathway around the house.

Bren Edwards

- Has concerns with path being along the back of the property due to flooding.

Charlie Ewert

- Suggested the developer secure an easement along the south side of the property along the canal and not build a pathway now. The developer will be required to build curb and gutter, not the pathway. It would be for the future. This would allow the County to work with the canal company to address flooding issues now or in the future.

Casey Neville

- Clarifying the pathway would be 4' instead of 10' along the canal.

Charlie Ewert

- If it is sidewalk and pathway the sidewalk would be 4', the pathway 5'. Also, there needs to be a pathway on 4700 West as well.

Andrew Favero

- Concerned that if a current or future landowner wants to vacate the easement in the future that it does not get approved.

Sarah Wichern

- Where is the staff recommendation for the pathway along 4700 West. It is missing from the developer's map. Developer will add it. Wants clarification about the width of the easement on the south side along the canal.

Charlie Ewert

- Using street connectivity standards with a solid fence 30'. It would be 15' if they had a slated fence.

Trek Loveridge

- Windmill West project is utilizing the open canal and plan to have it open along the regional pathway. Possibly have something like that for this development. Clarification is the PC is asking for a 12' ROW along the entire southern boundary of the development. Yes.

Bren Edwards

- Calls for a motion

Sarah Wichern

- Makes a motion for a positive recommendation to the County Commission for file ZMA2024-09, an application to rezone approximately 25.69 acres of land located at approximately 600 South 4700 West, from the A-1 zone to the R1-15 zone. Making the motion with some recommendations.
  1. Concept plan update:
    - a. Provide concept plan amendments for compliance with connectivity standards.

- b. Provide or contribute towards a non-street adjacent pathway to the south of project, as generally depicted on the general plan's future land use map.
  - c. To give the property owner the entire benefit of the rezone, instead of listing the proposed number of lots in the development, the concept plan and development agreement should rely on the county's adopted maximum density calculations to govern density. If the developer may choose to plat less than the maximum at its option.
2. Parks, open space, and trails:
    - a. Obligate applicant to install all pathways outlined in the development agreement. If phased, ensure a proportionate amount of pathway and appurtenances is installed both within the phase and, if different, along the canal to the south. Follow the adopted 10-foot paved or concrete pathway standards in the Land Use Code. \*\*\*\*\*The following adjustments were made. A pathway along the south boundary of the development from properties 60-55 mark a 12.5' easement and an additional easement on the west of lot 60 a 12.5' easement.\*\*\*\*\*
    - b. Each pathway and sidewalk within the development should be lined with shade trees in intervals and of species such that the crown of one tree, on average at maturity, will touch the crown of the next tree. Use at least three different tree varieties dispersed in a manner to avoid transmission of pests/disease.
  3. Air quality: Require each residence greater than 1800 square feet or not otherwise deed restricted for moderate income housing to:
    - a. Be constructed to an energy efficiency rating that is one climate zone colder than the area.
  4. Weber County's outdoor lighting code should be applied to all lighting in the project.

Planning Commission recommendation is offered with the following findings:

1. After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Western Weber General Plan.
2. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Western Weber General Plan.
3. A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.

Motion for a 2<sup>nd</sup> is given. Vote taken, all voted aye. Motion passes.

**1.2 ZTA2024-03 and GPA2024-03:** A public hearing for a general plan amendment for, and discussion and possible decision regarding, the Taylor Landing Subdivision rezone, a rezone of approximately 78 acres from the A-1 zone to the R1-15 zone and approximately 32 acres from the A-1 zone to the O-1 zone, at approximately 3900 West, 1800 South. Applicant - Heritage Land Development LLC. Staff Presenter - Charlie Ewert

Director Grover indicated the Planning Commission will forward onto the County Commissioners (Legislative Body) a recommendation for the proposal. The Planning Commission will need to open and close a public hearing with a motion, Charlie Ewert will be presenting.

Director Grover will need to be excused for the remainder of the meeting. Charlie Ewert stepping in for Director Grover.

#### Charlie Ewert

- This was previously presented and tabled by WWPC because a General Plan amendment was needed. In addition, better discussion was needed regarding open space donation to the park district. This application includes both the rezone and general plan amendment requests.
- In order to develop Phase 6 the landowner is willing to donate 22 acres to the park district. The landowner is also willing to donate water to the park district.
- With regard to development rights, if all property were developed, including parts that have already been developed, were to be rezoned to the R1-15, there are 89 additional lots that could have come out that property. This wasn't allowed to happen due to lack of street and pathway connectivity. There may be a way to earn back some of those lots as long as they aren't in this subdivision and moved to a different location (TDR). TDR's would be used as an incentive to gain more connectivity. Compensation for phases 1-3 is less than 4-5 due to existing development. Phases 4-5 have just been approved, thus more flexibility. Looking at this in two different ways:
  - Is there enough open space contribution for phase 6 to occur? Phase 6 is proposed to occur right on Phase 4-5 open space. Essentially the open space for phases 4-5 would be traded for an additional 22 acres of park donation (for a total of 32 acres) plus water for irrigating the park. Is this an equitable enough exchange for approval?
  - The numbers: If the landowner offers a \$7,500 per lot donation, this equates to around \$1,000,000 to the park district. The developer is offering land (valued around \$700,000) and water (valued from \$180,000-\$300,000 depending on if they are junior or senior water rights) instead. Sarah Wichern clarified where the values for the land are coming from. These values are taken from the assessor's office and values of other open space parcels in cluster subdivisions.
  - Staff is recommending the entire Taylor Landing development be rezoned to the R1-15 zone and abandon the Cluster Subdivision for this area. All of the existing lots conform to the R1-15 zone.
  - If the PC doesn't want to rezone the area you can look at rezoning just phases 4-5 open space, excluding phases 1-3. The 32 acre park would be zoned open space per the current future land use map.
  - This fits with the General Plan by offering medium to large residential lots and using density averaging. If the landowner/developer uses suggested street connectivity it feeds directly into medium to large residential lot and density averaging general plan stipulations.
  - Staff is also requesting bulbouts or rapid flashing beacons.

Staff is recommending approval based on the following from the packet:

- The concept plan should be updated to reflect the street and pathway connections displayed in **Exhibit C** attached to the staff memo for this meeting.
- Parks and open space:
  - Donation or dedication of the proposed park acreage to the park district shall occur when the first plat is recorded for the property.
  - Water rights and water access/flow shall be provided to the Parks District sufficient to maintain the park's planned vegetation in a healthy manner.
- Trails/pathways:
  - All trails, pathways, and sidewalk that will be dedicated to and maintained by the County or local park district shall be constructed of six-inch thick concrete. Trails, not sidewalks, may be asphalt if maintained by an HOA.
  - An east/west pathway connection through Phase 6 shall be provided from the park on the west through the development and to the western edge of the Winston Park Subdivision, and general displayed in **Exhibit C** of this memo. This provision may be waived if a pathway stub is not and will not be provided to the property from the Winston Park Subdivision.
  - The 3900 West side pathway may deviate from the street right-of-way and run along the park's eastern border before joining back to the 3900 West street right-of-way. If it does not and it runs along 3900 instead, at least three points of access of similar width shall be provided from it to the park property.
  - Where a pathway crosses 3900 West, a curb bulbout shall be provided on both sides. A user activated flashing beacon shall be installed on both sides at each pathway crossing, and a crosswalk and appropriate crosswalk signage shall be installed for each crossing.
  - South of the park, the 3900 West pathway shall be installed on the west side of the right-of-way.
  - At the intersection of 3900 West and 2200 South, a crossing shall be provided for the 3900 West pathway, to connect it to the sidewalk on the south side of the intersection. A curb bulbout shall be provided on both sides of 2200 south. A user activated flashing beacon shall be installed at the pathway crossing for both sides, and a crosswalk and appropriate crosswalk signage shall be installed.
  - Each pathway and sidewalk within the development should be lined with shade trees in intervals and of species such that the crown of one tree, on average at maturity, will touch the crown of the next tree. Use more than one tree variety dispersed in a manner to avoid transmission of pests and disease.
- Streets:
  - The applicant's portion of 3900 West shall be installed to 2200 South as part of this development and development agreement. The applicant shall be responsible for the width of the entire 3900 West, except utilities or sidewalk east of the eastern curb and gutter shall not be required.
  - Any lot that rears or sides on 1800 South Street should be screened with an attractive fence or wall that is visually consistent with other proposals in the area.
  - 1800 South Street should be dedicated and designed as an 80-foot right-of-way.

- Streets should be stubbed to adjacent property as shown on the concept plan, and connected to any streets stubbed to the property, if any.
- The applicant should work with staff to create a street cross section for the streets in the project. The street cross sections should generally reflect those adopted in recent development agreements.
- All overhead power both within the project and within any street right-of-way or utility easement should be undergrounded.
- Lots:
  - Lot widths may be allowed to be decreased to no less than 50 feet, rather than 60 feet.
  - Air quality: Require gas appliances have a minimum 95 percent efficiency rating.
- Apply the Weber County Outdoor Lighting Code to all outdoor lighting in the project.
- Transferable development rights (TDRs): The applicant is entitled to perform to earn no more than 89 TDRs by retrofitting Phases 1-5 for better connectivity. Up to 10 of these TDRs may be platted within Phases 4-6 of Taylor Landing. In the event Developer is unable to earn all 89 TDRs, the unearned difference shall be awarded if the resulting transferred units are deed restricted in favor of the Weber Housing Authority for Moderate Income Housing.

**End of Presentation, questions for staff:**

Bren Edwards

- Would rather have an ordinance in place for TDR's in West Weber prior to using them as a negotiating tool for legislative items. Feels that because 1-3 is already built it will be difficult to get trails built through there after the fact.
- See benefit from the park. Wants more water. Connection needs to be made with phases 4-5 and connection with 3900. Pathways are platted between lots 90-91 & 79-80. Also, 9-10. Staff had recommended a TDR exchange for these pathways. PC can just stipulate they are required for the rezone, no exchange for TDR's. Doesn't like pathways through 17-18 & 29-30 or 99-100 & 101-102.

Casey Neville

- Clarification of 72 addition lots when the developer could be asking for 89.

Charlie Ewert

- If the developer asked for 89, the entire development would need to be re-platted due to the current road configuration.

Bren Edwards calling for a motion to open a public meeting. Motion draws a 2<sup>nd</sup>. Vote is taken, all voted aye to open the public meeting.

**Public meeting now in session.**



Brady Wilcox 2028 South 4300 West

- Would like to see the pathway between lots 70-71 extended as it ends at the property line and is unkempt. Happy with the limit of 72 instead of 89.

David Whitaker 3695 W Glenna Way

- Developer requested participation in the cost of the laterals. Still waiting on cost estimates. Not excited about expanding 3900 West. Not telling others what to do with their property. Would like utilities at a discounted rate. Doesn't want the county to put in something he is responsible for maintaining.

Bren Edwards calls for motion to close public hearing. Motion is made to close public hearing. Motion draws a second. All commissioners vote aye. Motion to close public hearing passes. Public hearing is closed.

### **Commissioner discussion**

Bren Edwards

- Agrees the pathway between lots 70-71 needs to be extended and finished. Connect it to the pathway between lots 99-100.

Casey Neville

- If the developer hasn't come to an agreement with the landowner about 3900 how does that work with the WWPC process for approval? If we approve it and they don't come to an agreement does our approval mean anything?

Charlie Ewert

- The Whitakers own a little more than to the center of 3900 West. If 3900 is part of the development then there needs to be an exchange of property. The applicant could push it over to his side.

Bren Edwards

- Would like to see utility stubs in now so it avoids the cutting of a new road in the future.

Sarah Wichern

- What utilities do they have running along that road right now? None. The utilities will need to be in place if the Whitakers develop. Clarifies that the County does not have control over pricing of development for utilities. It is through the contractor. No TDR. Supports rezone. Road and park dedication.

### **Questions for the developer**

Aaron Robertson 2650 Washington Blvd

- If the numbers as suggested by staff work, the developer will cooperate. If they don't, they will move forward as currently approved. The expansion of 3900 is very expensive because of the canal that is there. TDR's are important to us due to previous approvals expiring. Would rather supply bulbouts instead of rapid flashing signs.

Sarah Wichern

- Makes a motion to forward a positive recommendation to the County Commission for file ZMA2024-03 an application to rezone approximately 104.54 of land located at approximately 3900 West 1800 South from the A-1 zone to the R1-15 zone and 31.81 acres of land to the O-1 zone, as illustrated in Exhibit C of the packet. And in the same zone amend the general plan from parks and rec to medium-large lot residential. I do this with the following additions, edits, or corrections. WWPC will include all of the recommendations from today's memo excluding the TDR components. On #3 (trails and pathways) we will include all connections in phases 4-6 and all possible developments in phases 1-3. In phases 4-6 WWPC is looking for one option to get connection from the gravel pathway near lot 101, not two options. I do this with the findings from today's packet.

Motion draws a second. A vote is taken, all commissioners vote aye. Motion passes.

**1.3 ZTA2024-06:** A public hearing and consideration of a proposed rezone of approximately 2.62 acres located at approximately 2000 South 4300 West from the A-1 (Agricultural) zone to the R1-15 (Single Family Residential) zone. Applicant – John Gonzales. Staff Presenter – Charlie Ewert

Charlie Ewert

- 2.62 acres, two subdivision lots from Sunset Equestrian Development. 2-3 different applicants are working together to rezone 2-3 parcels. Originally only 2 applicants, Daniel Davis may want to join the application as his parcel sits adjacent to one of the applicants.
- The general plan currently shows future plans for these lots are medium-large residential lots. Density averaging play a part in this as well. If approved, the applicants are willing to preserve a street ROW through their open space parcels that will stub to the northern property line and could extend into and connect the streets previously approved (but not yet constructed) in the Taylor Landing Subdivision. The applicants are looking to subdivide in the future with the rezone approval. This would be based on street connectivity incentivized rules. Because of this driving force there will need to be a Development Agreement in place.

#### **Questions for Staff**

None

Chair calls for a motion to open a public hearing. Motion to open a public hearing. Motion draws a second. All commissioners vote aye. Meeting is open to a public hearing.

**Public Hearing is open**

Daniel Davis 1968 South 4300 West

- Owns 3<sup>rd</sup> property. Just moved in. Trying to understand what this request really is. Moved into property without knowledge of the development behind his property. He purchased it for the open space. Has since found out he cannot do with this property what he wants.

Brady Wilcox 2028 South 4300 West

- Has a concern with water. Rain does not absorb into soil quickly. Drainage area doesn't support more homes. Concerns with flooding.

Chuck Spurrier 1984 South 4300 West

- Purchased land hoping to have animals (small farm). Wasn't aware of a school or development going in near his property. Trying to conform to the general plan.

Chair is looking for a motion to close the public hearing. Motion made to close public hearing. Motion draws a second. All commissioners vote aye. Meeting is out of public hearing.

Bren Edwards

- Only concern is making sure the easement for the detention basin remains and the lots that are already there are taken care of. This cleans up the area and falls more in line with the general plan.

Sarah Wichern

- Only option for structures on the Davis land is agricultural. The connectivity incentivized changes would stub a road through Mr. Gonzales and Mr. Spurries land to the Davis parcel.

Charlie Ewert

- Mr. Davis can be part of the approval to rezone and not put the road through on his property until he is ready to develop. There is a section in code that says if you have two stubs to your property, if you want to develop, you have to tie into those two stubs. In addition, the County will make him sign a DA. All applicants will have to address drainage whenever they develop.

Jed McCormick

- Wants to give Davis time to research options and opt out by the time it gets to the County Commission.

Liam Keogh

- PC can recommend a rezone without Davis permission. It won't rezone his property but gives him time to opt out prior to the presentation to the County Commission.

Bren Edwards

- Calls Mr. Davis to see if he is comfortable with the PC recommending rezone with an option to pull his request prior to presentation to the County Commission. Mr. Davis said it was fair to him.

Chair calls for a motion.

Andrew Favero makes a motion, using today's packet, to forward a positive recommendation to the County Commission, adding into that recommendation the addition of Mr. Davis's property that is directly to the north of the proposed application. All other findings and recommendations stand contained in today's staff report.

Motion draws a second. All commissioners vote aye. Motion passes.

#### **Public comment on items not on the agenda**

- None

#### **Remarks from Planning Commissioners**

Sarah Wichern

- Concerned with general plan amendments have too many people involved and driving up costs. Concerned with flipping the zoning and increasing cost before they get to the homeowner.

Jed McCormick

- Concerned with the infrastructure not being there and waiting too long for it to be developed. These costs could be driven by waiting.

Bren Edwards/Wayne Andreotti

- Both feel it is landowners right

Charlie Ewert

- The WWPC can tie stipulations to General Plan amendments and development agreements.
- Development agreements typically expire within 10 years. If there is a rezone tied to the development agreement, the rezone expires with the DA.

#### **Acting Director Charlie Ewert**

- Change of date for next meeting

#### **Remarks from Legal Counsel**

- None

Chair calls for a motion to adjourn to a work session. Motion made and draws a second. All in favor, all ayes, motion passes. Meeting was adjourned to a work session.

**Work Session Items**

WS1: Westbridge Meadows Rezone and Zoning Text Amendment Resubmittal Discussion

- Trying to match general plan. Using plans successful by others without submitting for an overlay zone.

WS2: A discussion on a rezoning of land from A-1 to R1-15 for 65 acres owned by the Meibos Family LLC, located at 639 South 6700 West.



