



## WESTERN WEBER PLANNING COMMISSION

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### MEETING AGENDA

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September 10 , 2019

5:00 p.m

- *Pledge of Allegiance*
  - *Roll Call:*
1. Approval of May 14, 2019, and July 9, 2019, Meeting Minutes
  2. Public Comment for Items not on the Agenda
  3. Remarks from Planning Commissioners
  4. Planning Director Report
  5. Remarks from Legal Counsel
  6. Adjourn to Work Session

WS1: Discussion regarding proposed rezone procedures text amendment.

WS2: Discussion regarding proposed amendments to the second kitchen regulations.

WS3: Discussion and update regarding water provisions in the subdivision code.

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

***Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.***

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. 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 801-399-8791***

## 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

### 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.
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of the Western Weber Planning meeting of May 14, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

**Members Present:** Greg Bell-Acting Chair  
Jannette Borklund  
Jennifer Willener  
Blake Hancock

**Members Excused:** John Parke  
Andrew Favero  
Bren Edwards

**Staff Present:** Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Ronda Kippen, Principle Planner; Steve Burton, Planner III, Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

**1. Approval of minutes for February 12, 2019, and April 9, 2019.** Minutes approved as presented.

Acting Chair Bell asks if there are any ex parte or conflicts of interest to declare. There was none

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

#### **2. Administrative items**

##### **a. New Business**

#### **2.1 Consideration and action for final approval of Terakee Villiage Phase 1, a PRUD Subdivision, consisting of 36 residential lot for an assisted living center. Applicant: Brad Blanch; Presenter Ronda Kippen**

Ronda Kippen gives a brief overview of the project.

Applicant Brad Blanch 736 S 4700 W states that it has been a long process for him. There has been a huge delay. He intends to leave over 30 acres as open space and is not asking for full bonus density. They do have an open space preservation plan. He notes that he is working with Hooper Irrigation to put together a Secondary Water plan they are working through a few options. He is happy to answer any questions.

Chair Bell asks if there are any questions from the Planning Commission regarding this item.

Commissioner Willener asks if Mr. Blanch can speak to the plan for the assisted living for phase 1. Mr. Blanch states that the idea with this project, for it to be a get to know your neighbor sort of community. Regarding the senior center that will be located in a part of the open space area. It will not be built in phase 1. It is planned to be a 24-bed facility. The plans will be brought before the Planning Commission. The reflection park will be placed in that area for the senior center. The park will be  $\frac{3}{4}$  of an acre. There will be walking trails that go around the project and throughout the open space that is along 4700 W for 25 acres.

Commissioner Hancock asks if there is any detail for the wetland preservation. Mr. Blanch states that through some extensive work they have found that most of the wetlands identified on the site have been attributed to

leakage from an above grade dirt ditch. The wetlands have been determined to be jurisdictional. All the ditches throughout Weber County along the streets are jurisdictional wetlands. He notes that the Army Corp of Engineer is working with him to get approvals for release. At that point he will pay into a wetland mitigations bank for the less than a quarter acre. They will be able to get approval on that soon.

Chair Bell asks Mr. Blanch to explain the open space plan. All of the streets are landscaped. The open spaces at the entrance will have signage, will also be landscaped. Open space D has a large wetland that covers part of it. Where the senior center will be located the landscaping will remain native. Open space C is a park and plan for this have been submitted. The larger open space parcel is a part of phase 2 and phase 3 will remain agricultural.

Chair Bell opens for public comment. There is none.

Chair Bell asks if there was any further comment. There is none.

**MOTION:** Chair Hancock moves to grant final approval for Terakee Village Phase 1, a PRUD Subdivision located at approximately 4700 West 900 South in West Weber. This recommendation for approval is subject to all review agency requirements and based on the following conditions: 1. All redlines and outstanding conditions of approval from all county and outside review agencies shall be addressed and finalized prior to the subdivision being forwarded to the County Commission for final approval. 2. Separate landscape maintenance and preservation plan separate from the CC&R's shall be provided as approved by the Western Weber Planning Commission to the Weber County Planning Department prior to moving the subdivision forward to the County Commission for final approval. 3. Wetland mitigation measures will be finalized with the Engineering Division and the State of Utah to ensure that these areas are conserved in their natural state as much as possible prior to the subdivision being forwarded to the County Commission for final approval. 4. If the secondary water system is going to be an "onsite secondary water system" and it is determined to be a substantial change to the development by the Planning Director, a conditional use permit amendment will be required to be approved prior to the subdivision being forwarded to the County Commission for final approval. 5. A Subdivision Improvement Agreement and Financial Guarantee must be in place prior to the subdivision being forwarded to the County Commission for final approval. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Western Weber General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances. 3. The applicant during the CUP for the PRUD was granted an overall bonus density of 32 percent for the entire project for an overall density of 84 dwelling units. Commissioner Willener seconds. Motion carries (4-0)

**2.2 LVS032119: Consideration and action on preliminary approval of Summerset Farms, a 3 phase, subdivision consisting of approximately 50 lots.**

Tammy Aydelotte gives a brief overview. She notes that there are some things that need to be done prior to final approval. One of them is that it is a lot of average subdivision. The purpose lot averaging is to allow for some diversity in lot sizes. It allows for lots that are smaller than the minimum and lots that are larger. All of the lots must meet the minimum requirement for the zone. This is an A-1 zone. The average for this area should be 40,000 sq. ft. She notes that what has been presented so far does not quite meet the requirements, they currently working with the engineer and there will be fewer lots than the submitted lots. The applicant is looking for preliminary approval. Commissioner Borklund asks if when they reconfigure it would change the lot size. She notes that if they are asking for preliminary approval but what they are presenting today isn't going to be the final plan why would they want to approve it. She asks how they can say that part of the findings is that they meet zoning requirements when it does not. Tammy asks the developer Ed Green. Tammy states that the general concept should be in line with what will be presented for final approval. It does actually meet the standards because those don't need to be shown until the final. The final plat will be submitted and it will show exactly how many and the size of the lots.

Commissioner Hancock asks why this item is being brought before the Planning Commission. Director Grover states that for lot averaging subdivisions the requirement for the width and the area are not required to be fully shown until final approval and that's per the ordinance. It is based on how things relate. The specific requirements are put in place at final approval. The whole point of lot averaging is to allow for flexibility. Tammy states that the general concept should be in line with what will be presented for final approval.

Ed Green 2150 N Valley View Layton Ut, States that he is currently working with the Favero Farr family to buy the property and develop it. He notes that regarding the number of lots, he is not sure if the engineer Any Hubbard understood what the ordinance for zoning was. The plan that is being looked shows 52 lots, but it will likely be 47 lots. The way it is set up they are allowed 3500 sq ft. there won't be more than 0.9 lot per acre. He notes that it will be designed around a sewer line that comes in through in a diagonal. Some of the lots will be close to half an acre and some of the lots will be 3 acres. The smaller lots will not have animals on them. Mr. Green states that Andy Hubbard is already working on this. Chair Bell asks if they planning on piping the canal or fencing it. Mr. Green states they are planning on fencing the canal. There is no way to maintain it if it is piped. Some of the lots will have ownership across there will not be gates in those areas. The canal company or an entity to be determined later will maintain it. People will not be allowed near the canal for liability reasons.

Chair Bell noted that based on what he has heard a lot of the proposal is very preliminary and is likely to change. Mr. Green states that it will not change much. Chair Bell asks how curb and gutter will be done. Tammy states that engineering will determine this.

Chair Bell asks if there are any further questions for the applicant. There is none.

Chair Bell opens public comment. There is none.

Tammy notes that on the Westside there is a connection going to the subdivision. There are 2 connections coming in through the northside there is one on the west side. Both of these subdivisions need to be recorded prior to this one recording so that there will be a dedicated access from both of those points. The applicant is aware that those roads need to be dedicated and on the Westside the half road needs to be installed prior to recording. She notes that Cameron Cove is currently being put in their half. For Favero, it was not put in, so a condition is being added because of this. She notes that it is a condition for final not for preliminary approval. Director Grover states that Tammy is referencing 106-2-1 it has information on adjoin streets systems. It allows the Planning Commission to look at connectivity if they deem it necessary.

Tammy notes that staff recommends preliminary approval for Summerset Farms Subdivision, a three-phase subdivision, consisting of approximately 50 lots, located at approximately 2267 South 3500 West, West Haven. This recommendation is subject to all review agency requirements, and the conditions listed in the staff report.

Chair Bell asks if there is any further discussion. There is none.

**MOTION:** Commissioner Hancock moves to grant preliminary approval of Summerset Farms Subdivision, a three-phase subdivision, consisting of approximately 50 lots, located at approximately 2267 South 3500 West, West Haven. This recommendation is subject to all review agency requirements, and the following conditions: 1. Annexation into the Central Weber Sewer District 2. A feasibility letter be provided from Hooper Irrigation. 3. Proof of secured culinary and secondary water prior to the scheduling of final approval. 4. An escrow established for the improvements, prior to scheduling for final approval. 5. A fence must be installed along the Wilson Canal if there is no fencing presently. 6. A plat must be provided, prior to final approval, showing the average of all lots within this subdivision meeting the minimum area and width requirements for the A-1 zone. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Western Weber General Plan 2. The

proposed subdivision complies with applicable county ordinances. Commissioner Borklund seconds. Motion carries (4-0)

**2.3 LVH040419: Consideration and action on a request for preliminary approval of Halcyon Lake Estates Subdivision.**

Director Grover states that this is an administrative item. He notes that they can choose to take public comment. Steve Burton will give an overview of the proposal and the area. The applicant will address any questions. Steve Burton gives an overview of the proposal. He notes that this is a lot averaging subdivision. The developer has provided a chart and it does meet the lot averaging requirements. He adds that this will be a different type of subdivision because it will include a lake. A public notice has been sent out. He states that a member of the public has contacted him to inform the Planning Commission that they are opposed.

Tyler Brenchley 1064 Spyglass Hill, states that subdivision will be approximately under 50 acres. It will be a ski community. There are 12 acres on one road and there will be a ski community that has a lake that will be approximately 13 acres. There will be 14 acres that will have private access to the lake. It is HOA ownership. It will be a ski community. Chair states that it is his understanding that phase 1 will not have any construction on the lake. Mr. Brenchley states that this is correct, phase 1 will only include the 14 lots on the east side. Chair Bell asks if the roads already exist. Mr. Brenchley states that states one road will need to be extended, but no other road will be put in. Commissioner Bell notes that based on his understanding phase 1 will not be private phase 2 will be private. Mr. Brenchley states that this correct.

Commissioner Hancock asks where this concept came from. Mr. Brenchley states that there are a number of waterski communities in Utah. He states that this has been a dream since was a child. He has traveled and waterskied on man-made engineered lakes all over. Commissioner Willener asks if it is ski only. Mr. Green states that they can swim, but of the lake is private to the homeowner that is associated with the HOA, they can guests but there need to be liability waivers signed. Commissioner Willener asks regarding water inlet and the water outlet is it a contained lake. Is it a receiving lake? Does it work as a retention pond? Mr. Brenchley states that he can defer that question to his engineer.

Bruce Ward 521 W 1050 S states that it will be both. He notes that there will be some geotechnical investigation to determine the lining; they will be purchasing 48 shares of water from Hooper Irrigation. With the amount of evaporation each year the lake will benefit from the groundwater and use the irrigation shares to keep it fresh and rotate the water through it. It is not going to be a containment pond. On the south side, there will be an overflow structure, so that they can adjust the level of the lake and for different seasons and do maintenance.

Commissioner Willener asks what provision are in place for the environmental impact such as oil spills. Mr. Ward states that a lot of the lakes that Mr. Brenchley discussed don't have those facilities in a place other than the lake has the ability to contain water with an adjustable outlet. If a spill occurs the water levels can be raised and the levels can be contained. The water won't be passing through the lake on a constant base. The water shares come through every seven days. He notes that they are going through Hooper Irrigation to make sure there is a plan in place that works for everyone.

Commissioner Borklund states that she is concerned about mosquitos. Mr. Ward states that mosquitos don't like to hide in open water. He adds that they do have a plan for mosquito abatement. He notes that the plan is to fog the private area on a regular bases if it becomes a concern.

Commissioner Hancock asks what kind of security will be put in place regarding children. Mr. Ward states the entire community will be gated. He notes that the gating will take place in phase 2, it will be a part of the housing that is on the lake. Phase1 will not be considered a gated community but phase 2 will be a gated community. Chair Bell states that he feels that there should be a gate between phase 1 and phase 2. Director Grover states that phase 1 the roads will be public and in phase 2 the roads will be private and will be maintained by the HOA.

Commissioner Willener asks regarding the calculation for density and land usage how are the acres for the lake affecting the usage. Mr. Burton states that there are 50 acres and they are only proposing 28 lots. He adds that they are not using that in their density calculations. At this point, they are just proposing the lake open space. Commissioner Willener asks if in the future there is no desire for a ski lake is a reclamation plan required. Mr. Burton states that this, not something that Weber County ordinances require. He notes that because it is a lot averaging subdivision there is a requirement that a note be added stating that it is a lot averaging subdivision and any additional lots would need to meet the requirements for the subdivision as a whole.

Commissioner Bell asks how deep they expect the lake to be. Mr. Brenchley states that it likely won't be more than 12, but that is more of a question for the engineers based on Geotech. Mr. Ward states that it depends if it is a water ski lake or pure waterskiing the depth can be shallower. To surf behind boats, the requirement is 10 to 12 feet.

Mr. Burton states there has been a discussion about having a private drive it will be allowed if pending legislation goes through. He adds that there will be a deferral for curb and gutter on the lots to the east. There will curb and gutter for the lots to the west of the lake. He adds that Staff recommends approval based on the conditions and findings listed in the staff report.

Commissioner Hancock asks if there is anything in the ordinances that prohibit anything like this item. Mr. Burton states that there is nothing in the ordinances that says you can't have a lake.

Chair Bell opens public comment.

Rosalie Howard 4024 W 1800 S: states that when they moved out to the 1 acre lots minimum. One that one of the lots is smaller than an acre. She adds that there are issues with mosquitoes in the area. If they fog the area for mosquitoes, the people in the area will be breathing that fog. She states that she is opposed to the noise of the boats. The groundwater is already high. Her sump pump runs all the time in the spring. She is concerned that if the lake leaks it would cause the sump pump to be going off all the time. She states that she is totally against it.

Dennis Martini 1326 S 4700 W: states if there is going to be a lake there, it is going to seep into the farm ground. He is concerned that the seepage might ruin his farm ground. He asks if they are going to get the water from irrigation. He asks how they will get the water to the lake. He notes that the ditches that Hooper Irrigation uses are made of cement. They are not failing but they are not the best. He notes that depending on when they decide to fill the lake many people along the ditch will not be able to work their ground and get things planted. Chair Bell asks if Mr. Martini farms all the land on the east side of the development. Mr. Martini states that he farms about 40 acres.

Craig Hunt 4054 W 1700 S: states that he is not opposed to the lake, but he has some concerns. He states that one of his concerns is the depth of the lake. What is going to be done for erosion? He states that he is concerned for the children. If children sneak on to the lake, how tall is the fence going to be? What will be done for seepage? He states that it needs to be explained to the people of the community.

Dean Martini 4397 W 1400 S: states that he farms around 14 acres. He is concerned about seepage, the upkeep, where are they going to get that much water. From the Hooper Canal to where they want to water their lake there is a lot of upkeep on that ditch. Some of the water transfer areas need to be redone. He states that he is totally against the lake. He feels it won't really be that big of an area to ski. He adds that because of the wet winter he has land is becoming ruined, he can't drain it properly. It's ruining his farm ground. He feels that the lake portion of the plan is absurd.

Kay Isakson 1707 S Degiorgio St. : asks what will happen when water shares get decreased in the summer when it's dry. How are they going to fill the lake? Who will regulate the water they are going to fill the lake with. She notes

that if it's ditch water there is going to be mosquitos. How is going to regulate the noise from the boats? Are the homes going to be built up from the ground? If they run their sprinklers the water is going to go down into her property and she is going to have to run the sump pump. She states that regarding Mr. Hunts comment about the children, they are likely going to come from another place to sneak in at night.

Tom Favero 1295 N 4700 W: States that he farms a lot of the ground on 1400. He is there representing some owners in that area. He states that the ditch is in poor shapes. All the headgates leak. It is adequate for farming but it is not adequate to run the water to the lake. He adds that the ditch was put in the 60s. There are cracks and it has collapsed, this is where the seepage is coming from. He states as a farming community they work with their neighbors. They usually coordinate their water times to help mitigate seepage. He suggests that the developers help pipe the ditch from 12 street to the Hooper canal. He adds that they do not want to have to go to all the lot owners or HOA for money to redo the ditch. He states that they want to do it upfront before they start to build the subdivision. He adds that they can do a pooling agreement, and everyone can decide if they are able to the shares to get that done. It will need to be dealt with at an expense type bases. He notes that against the Union Pacific Railroad track the water has retained and is full of water. It is ruining one of the properties that grow the hay. It is killing the hay. Retaining water poisons the ground in Western Weber. The sub water should be gone early in the spring otherwise the salt rises and kills the crops.

Randy Ropelato 3954 W 1400 S: States that the pipe needs to be redone. He agrees that they can't deal with 14 homeowners maintaining the water. He asks how many of the 49 water share the applicant have to be turned over to the culinary water system for the homes. How many does that leave for the lake? What are they going to do when there are only half shares and there is no snowpack.

Kay Isakson 1707 S Degiorgio St: asks how the 14 homes planning on watering their lawns. Are they using their irrigation share or secondary water?

Dean Martini 4397 W 1400 S: States as farmers they try to get rid of the water not contain it. To maintain good farm ground the farm ground needs to be drained. He adds that he has farmed the ground in question for 30 years. He adds that he knows the damage will occur far west. There is no way that sewage isn't going to hurt the farm ground.

Keri Ropelato 4224 W 1400 S: Asks what is in place. He states that they aren't going to be cheap homes. When manure is spread. Who is going to protect the farming community when the new homeowners complain about the smells?

Chair Bell closes the public comment.

Chair Bell asks if Mr. Burton can clarify the maintenance of the ditch.

Mr. Burton states that this is something will be addressed at final approval when improvement plans are submitted. This is something that the engineers will look at. He notes that if it is not a canal company usually requires a letter from adjacent property owners that approve the plans to line or pipe the ditch.

Commissioner Borklund asks if it meets the County ordinances. Mr. Burton states that it does meet the ordinance.

Chair Bell asks what are the noise ordinances in place for noise. Mr. Wilson states that currently there are no other ordinances other than those surrounding Pineview Reservoir and other parks. If you look at the intent it is to allow property owners and surrounding quiet enjoyment of their property. Currently, there aren't any. It would be



difficult to amend and there is pending legislation. Director Grover adds that the parks that Mr. Wilson was referencing are in the Ogden Valley area, the noise is limited from 6 am to 10 pm.

Mr. Burton states that it would be good to hear about the developer.

Commissioner Borklund asks if to mitigate the noise if the entire lake is going to be fenced can additional buffering be required. Director Grover states that depends on is it is a life safety issue, it could be looking at the subdivision they can add conditions if it is regarding a life safety issue. He notes that they have to be within reason and it has to be proportionate to what is being requested.

Tom Favero 1295 N 4700 W: states that regarding the irrigation ditch 240 shares of allowed in each ditch and the canal company has no jurisdiction to each private ditch. It becomes the responsibility of the shareholders associated with the private ditch. Any time the maintenance is done, it is divided between the shareholders. The canal companies jurisdiction ends at the headgate. He adds that the only reason they have been able to do what they do out there is because they are a farming community. The farming community struggles at times but they understand if they have to miss a turn or two their yard is going to be dry. He states that the ditch is in very bad shape.

Chair Bell states that regarding Rosalie's question about the 1- acre lots. He notes that this is a common misconception. There is an option for developers to creates lots that are smaller. The applicant, in this case, is using the lot average option, and the code allows this.

Chair Bell asks if there are any questions.

Commissioner Hancock states that the applicant needs to address the seepage.

Commissioner Willener states there is some concerns of seepage along the ditch and seepage from the lake.

Keith Ward 1978 S Cameron Dr. states that what Mr. Tom Favero described is very typical of all of the irrigation companies and the canal company. He states that regarding the seepage of the ditch if the ditch is in need of maintenance the percentage of liability is dependent on the shares. He notes that there will be an HOA so they won't be dealing with the landowners. They would be dealing with a president or vice president. He adds that someone mentioned that the homes aren't going to be small. He states that this is true and they are going to be nice big homes. He states that getting the water to the lake and maintaining the lake is going to be a high priority. He states that regarding the timing shares, it might benefit from the irrigators. If becomes and they need someone to skip a turn, they would be more than happy to accommodate that, it's not going to be a problem. The lake will lose a few inches of water through evaporation. He states the water rights will be the same as everybody else. Regarding seepage from the lake. This spring has been really wet. He states that when you build a lake in the state of Utah you have to work with states engineer and the department of dam safety. The department manages impoundments of water. In this case, the lake is going to be kept in the low-grade impoundment. There will be not embankments. Water will migrate to the lower area. If the home is at grade level and the lake is at natural groundwater level four feet down. It is impossible to for the water to seep back up to that level. He states that as he works with the engineer and geo-tech he is happy to provide, to the Commission during the final design will include a statement that includes that directly. The seepage will be minimal. He states that they will be able to control the level of the lake. He states that issue regarding the children and liability is definitely a critical issue. Liability is a difficult thing. He notes that the lake is designed with a shallow slope for the first several feet of the lake. He states that it is not a liability issue but it is a wave dissipation issue. There is a mild slope into the water. He states that he does not have a good answer for this right now. There is liability everywhere. Commissioner Hancock asks if there is going to be a solid fence. Mr. Ward states that there are a lot of options on fencing. Looking at subdivisions like this, the fencing varies. He states that there are lots of option.

Mr. Ward states that regarding the shares out of the 49 shares 15 of them have to be turned over to Hooper irrigation. There aren't any being turned over to culinary. There will be 35 shares that will go to the lake. 34 shares will be staying in the ditch. Regarding the watering of the lawns, homes in phase 1 will not be a part of the lake. They will have pressurized irrigation from Hooper irrigation. He notes that none of the share coming through the ditch. He states that the sellers are providing a certain amount of shares, not all of the water shares will be made available.

Mr. Ward states that regarding the noise, CCNR's will be in place to mitigate the noise.

Mr. Wards states that he shares the same concerns about the ditch. He states that he feels that they are in a better position to manage the turns. He states that they are working so that the elevation adjustment won't impact other landowners. He states that he wants to make sure that the farmer in the area are supported.

Mr. Wards states that along Digorio way a pressurized irrigation line will be put in, any neighbors with flood irrigation or pumps could have the option of having a lateral being put into their lot and connection with Hooper Irrigation.

Mr. Ward notes that regarding safety and security, there will be a gated entrance to the road. There will be a fence on the perimeter.

Commissioner Hancock asks if Mr. Ward can elaborate on the mitigation plan for the mosquitos. Mr. Wards states that he would like to work with County and utilize the for the County uses now for mosquito abatement services. He notes that he is not sure what else can be done.

Chair Bell asks what the process would be for them if Hooper irrigation asked them to do half time on their shares. Mr. Ward states that he does not anticipate for the lake lose a lot of water due to evaporation and seepage. He states that because they don't anticipate much water loss and based on the depth of the lake, he is not sure they will need all that water. He states that the hope is that even with half share the water coming in will be to freshen the lake and provide circulation. He states they are currently doing the water feasibility study.

Commissioner Borklund asking regarding the slope getting into the lake. Is there a sudden drop off? Mr. Ward states that is a traditional 12:1 slope and converts to a 3:1, and that is as steep as it would get.

Commissioner Willener asks what provisions would be put in to allow farmers to do their jobs. Director Grover states that regarding the agriculture use there are preservation methods in place for this. Regarding some of the concerns mentioned, there are conditions that can be added. He states that it would be good to have the applicant address these issues prior to final approval.

Chair Bell states that from his understanding all the current codes in the agriculture zone have the verbiage that says all the subdivision and developments can't impede agriculture uses. Director Grover states that if they are there they are legal and not to be impeded. He also notes that the General Plan speaks to agriculture preservation as well.

Chair Bell asks what are their options because they have a lot of concerns

Director Gover states that they can approve it, They can add conditions based on public comments.

Chair Bell states that some critical issues have been brought up and they need to be addressed. He adds that the farmers in the area make their living off of the ground and they need to make sure that the ground stays in a condition that they can continue to do so. He states that they need more detail on mitigation to be able to move forward.

Commissioner Hancock states that he agrees, and this new to the Planning Commission and there is some hesitation on his part. He adds that conditions do need to be added to ensure the concerns are addressed.

Commissioner Willener asks if with subdivisions that are in the area. Are there any option to be able to go out and experience it? Director Grover states that there is one in Syracuse and there is few more it can be done if the Planning Commissioners Chose.

Director Grover states that he recommends the same notices go out, to ensure there is no favoritism or discrimination.

Chair Bell asks if there any comments or question from the Planning Commission or from staff. There are none.

**MOTION:** Commissioner Willener moves to table the item, pending more information and the ability to visit a site that is similar in nature, to be able to make an informed decision and have the ability to add appropriate condition and recommendations that would have positive impact prior to going to final approval. Borklund seconds. Motion carries (3-1). Commissioner Hancock voted nay.

Commissioner Hancock states that the reason for his vote is that he feels comfortable moving forward. He doesn't feel it is fair to the applicant to hold up the application.

**3.1 GPA 2019-01: To consider and take action on GPA 2019-01, a request to amend the General Plan Future Land Use Map from Industrial Park to Residential/Agricultural use at the intersection of 900 South and 7900 West.**

**Presenter Steve Burton**

Mr. Burton states that this a County driven General Plan amendment. Late last year there was a request to make an amendment to the General Plan in the area. After the rezone one of the residents in the area expressed some concern that the rezone. They stated that they were not aware the rezone was going to occur and they do not agree with the way it was rezoned.

Mr. Burton gives an explanation of the proposed rezoning. He states that staff and feels comfortable with this change and they feel that it get rid of conflicting uses.

Chair Bell asks what the impact would be for the current owner and the impact on their uses. Mr. Burton states that there would be no impact. They just would not be able to expand. Director Grover adds that with this change would manufacturing.

Chair Bell asks if there are any questions from the Planning Commission. There are none.

Mr. Burton states that staff recommends approval based on the finding listed in the staff report.

**MOTION:** Commissioner Hancock moves to open the public comment. Commissioner Borklund seconds. Motion carries (4-0)

Annamarie Giordano 7852 W 900 S: states that this proposal is regarding her property. They signed a paper saying they wanted to be A-2. They were out of town when the decision was made. She states that they don't want to change the water district, they don't want the Hayes Bothered. They just want their property in A-2, or they can put it back like it was before the rezoning.

**MOTION:** Commissioner Hancock moves to close the public comment. Commissioner Borklund seconds.

Chair Bell states that he appreciates this land use map better.

MOTION: Commissioner Borklund moves to recommend approval of the proposed amendment to the General Plan as shown on the map based on the findings that it complies with the intent of the General Plan. Commissioner Willener seconds. Motion carries (4-0).

**3.2 ZMA 2019-02: To consider and take action on ZMA 2019-02, a request to amend the Zoning Map from Manufacturing (M-1) to Agricultural (A-2) on 32 acres at the intersection of 900 South and 7900 West. Presenter Steve Burton**

Mr. Burton explains that this rezone would comply with future land use map. The rezone would affect 32 acres and a few areas. Staff recommends approval of this request based on the findings and conditions listed in the staff report.

Commissioner Borklund moves to open the public comment. Commissioner Hancock seconds. Motion carries (5-0)

Randy Giordano 7850 W 900 S: states that when the changes were made, they were out of town and the changes were imposed on his property. He gives an explanation of the changes that were made. He is requesting that their property be changed to A-2. Otherwise, he would like to be changed back.

Chair Bell states that a General Plan update would be very helpful, in the area. There needs to be better boundaries between the agriculture zones and the manufacturing zones.

Annamarie Giordano 7850 W 900 S: states that based on the residential homes being built around her not making the change would be a detriment. She states that it is not feasible to be in manufacturing in that area at this point.

Commissioner Borklund moves to close the public comment. Commissioner Hancock seconds. Motion carries (5-0).

Chair Bell asks if there is any discussion. There is none.

**MOTION:** Commissioner Hancock moves to recommend approval of Staff ZMA 2019-02, a request to amend the Zoning Map from Manufacturing (M-1) to Agricultural (A-2) on 32 acres at the intersection of 900 South and 7900 West. This recommendation comes with the following findings: 1. The proposal complies with the general plan. 2. The proposal meets the approval criteria as outlined in Sec. 102-5-3. Commissioner Borklund seconds. Motion carries (4-0).

**4. Public Comment for Items not on the Agenda-** Jill Hipwell 585 S 3600 W: states that she agrees the General Plan needs to be redone.

Keith Ward 1978 S Cameron Dr.: States that he would like more clarification on the tabling. He asks for a written statement on why it was tabled, and what specifically needs to be addressed. Director Grover states the commissioners wanted more clarification on how the subdivision would integrate into the area and mitigation plans for the concerns brought forth by the residents in the area. Commissioner Willener states that they have not had something like this proposal brought to them and they want to be more informed, to be able to add the appropriate conditions. She adds that it would be helpful to her to visit a similar facility. Chair Bell states that he wants to understand what engineer controls are in place to prevent the farmer from soil disruption. Commissioner Hancock states that for him looking at a similar subdivision might not answer that question either. He adds that he also has a lot of question, but they should not prevent the applicant from moving forward. These concern can be

brought back at final. Commissioner Willener states that if they are going to add conditions at final, it might be too late. She motions for a table to get a thorough understanding. Mr. Ward states that he understands this. He notes that they are compliant with the ordinances, and these concerns that were brought up can be addressed. He adds that their intent is to be good neighbors and helps with the ditches. He asks for written specifics regarding the tabling. Mr. Wilson states that they are in compliance with the ordinances however the Planning Commission is allowed to request more information. Mr. Ward states that he just wants to avoid an infinite loop because there is a lot of money at stake.

**5. Remarks from Planning Commissioners-** Commissioner Willener states that the General plan needs to be updated.

**6. Planning Director Report** – Director Grover asks what their schedule looks like in order to look at the site. He notes that it should be done before the next meeting. Chair Bell states that he does not feel the need to go visit a site, all he needs is more information on their mitigation plan. Director Grover asks if it would be appropriate if they give them the location and they can visit on their own time. Commissioner Borklund states that they could do some photos or a video. Director Grover states that staff will try to get more information out to them.

**7. Remarks from Legal Counsel-** Mr. Wilson states that it is within their purview to table the item, but once the application has been completed the applicant is entitled to a decision in within a reasonable time frame. He encourages them to do their research.

**8. Adjourn to Work Session – 7:43 pm**

**WS1: Discussion regarding a general plan amendment and rezone for land on the periphery of Marriott-Slaterville for a film school and film studio. The general plan amendment would be to allow commercial use. The rezone would be for the C-2 zone with limitations specified in a development agreement. The site’s master plan will be presented and discussed, as well as the proposed uses. Presenter: Charles Ewert**

Mr. Ewert states that the request is to rezone 90 acres from A-2 to C-1. It is for specific uses. He notes that the point of the work session to discuss if it merits a General plan change, or a rezone. He adds that he would like to discuss what Marriot Slaterville is doing and some of the impacts. There will be a public hearing at the next meeting.

Matthew Bartlett 5650 N 6300 W: states that the intent of this proposal is to build a film studio and school with several related businesses. He gives an overview of the project and the people involved. This project will create jobs. He notes that Marriott Slaterville has proposed an annexation, it will create a substantial tax base for whatever community. He adds that it is very important to him that they maintain the rural characteristics of the area. The intent is to add equestrian facilities. What is being proposed at this point is a rezone in the General Plan affecting 90 acres. There are 37.5 acres that would be difficult to develop and the remainder is farmland. The areas that are more difficult to develop. He notes that they to leave the mature trees, and quite a bit of open space.

**WS2: Discussion regarding a forthcoming subdivision code amendment to culinary and secondary water provisions. Presenter: Charles Ewert-Postponed**

**WS3: Discussion regarding the land use table and supplemental standards. Presenter: Charles Ewert-Postponed**

Adjournment-9:04 pm

**Respectfully Submitted**

**-Marta Borchert**

**Minutes of the Western Weber Planning Commission meeting of July 9, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.**

**Members Present:** Bren Edwards-Chair  
Andrew Favero  
Jannette Borklund  
Wayne Andreotti  
John Parke

**Members Excused:** Greg Bell  
Gene Atkinson

- Pledge of Allegiance
- Roll Call

Chair Edwards asks if there are any conflicts of interest ex parte communication to declare. There was none.

Chair Edwards notes that item **2.2 ZMA 2019-02: To consider and take action on ZMA 2019-02, a request to amend the Zoning Map from Manufacturing (M-1) to Agricultural (A-2) on 32 acres at the intersection of 900 South and 7900 West:** is being pulled from the agenda.

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

#### **1. Administrative items**

##### **1.1 LVS 032119: Consideration and action on final approval of Summerset Farms Subdivision Phase 1, Consisting of 16 lots. Applicant: Ed Green; Staff Presenter: Tammy Aydelotte**

Tammy Aydelotte gives an overview of the proposal. The concept has changed because the minimum average did not meet the requirements for the zone. There is access that will no longer be included. The request is for final approval for phase 1. They have received final approval from Taylor West Weber for the water.

Ed Green 2150 N Valley view Layton: asks if there are any questions for him. Chair Edwards's states that one of the conditions is regarding fencing along the canal. He asks where the fencing will be placed. Mr. Green states it does not involve this phase. It will be addressed in the next phase.

Ms. Aydelotte states that there were some issues addressed with engineering regarding phase 1. There are some subdivisions in the process of getting recorded, there are no problems with access to phase 1. The document proving annexation into the central sewer district has not been presented yet. It needs to be presented prior to scheduling the County Commission approval. Staff recommends approval based on the findings and conditions listed in the staff report.

Commissioner Borklund states that the recommendation states that it has a West Haven mailing address but it's not in West Haven it's in Ogden. Ms. Aydelotte states that is correct it at 3500 W Ogden.

**MOTION:** Commissioner Borklund moves to grant final approval Summerset Farms Subdivision Phase 1, consisting of 16 lots, located at approximately 2267 South 3500 West, Ogden. This recommendation is subject to all review agency requirements, and the following conditions: 1. Proof Annexation into the Central Weber Sewer District. 2. Proof of secured culinary and secondary water prior to the scheduling of County Commission approval. 3. An escrow established for any improvements not yet completed, prior to scheduling for County Commission approval. 4. A fence must be installed along the Wilson Canal if there is no fencing presently. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Western Weber General Plan 2. The proposed subdivision complies with applicable county ordinances. Commissioner Favero seconds. Motion carries (5-0)

**1.2 LVH 040419: Consideration and action on a request for final approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden. Applicant: Tyler Brenchley; Staff Presenter: Steve Burton**

Steve Burton gives an overview of the proposal. It is a lot average subdivision. It meets all the County ordinances. It is the first phase that does not include the lake. There will be lots off of the existing road at 1700 S there will be an extension to provide frontage. Staff recommends approval based on the conditions and findings listed in the staff report.

Commissioner Borklund asks if the phase will be able to stand on its own. Mr. Burton states that it doesn't, it is meant to be overall. Commissioner Borklund asks what happens if the other phases do not turn out the way, they are supposed to. Mr. Burton states that it is not anticipated with the lot averaging code. There will be some discussion when it comes in for development. Director Grover's states that if it is to get recorded the other phases would be tied to phase. If they get phase one recorded and they let it expire the other phases would be null and void. If it gets recorded it ties the other phases to it. He adds that they might have to look at revising the ordinance. Mr. Burton states that on the table they are required to show the average of all lots. Commissioner Parke asks what would happen if it expires. Mr. Burton states that if someone came in looking to develop they would need to follow the previous plans if it's been recorded, otherwise it is null and void. Commissioner Borklund states that if a new buyer might not want to follow this concept, they would need to follow the same plan. Chair Edwards asks if there is anything that they need to sign to hold them to the plan. Director Grover states that there is not, it is part of the preliminary process. Mr. Burton states that the phasing plan is preliminary approval but that is not recorded. There is a chart showing that other phases will be developed. Commissioner Borklund states that each case should have to stand on its own merits in case something happens. Mr. Burton states that the ordinance is specific about it being overall.

Chair Edwards asks regarding the sewer district annexation is there a certain time that is better. Mr. Burton states that for this proposal they want it to be annexed in prior to recording. They don't want to hold developers up but in this case, the sewer district has requested it be done prior to recording.

Chair Edwards opens for public comment. There is none.

Chair Edwards states the ordinance needs to be looked at and updated to ensure remaining phase can hold to meet the standard of the phasing of the lot averaging.

**MOTION:** Commissioner Parke moves to grant approval of Halcyon Lake Estates Subdivision Phase 1 consisting of 14 lots. This recommendation is subject to all review agency requirements and the following conditions: 1. That the property be annexed into the Central Weber Sewer Improvement District prior to recording the final subdivision plat. 2. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code." 3. A table shall be provided on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision. The 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 applicable county ordinances. Commissioner Borklund seconds. Motion carries (5-0)

## **2. Legislative Items a. New Business**

**2.1 ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards. Applicant: Weber County. Staff presenter: Charlie Ewert and Iris Hennon.**

Director Grover states that the Planning Commission will be forwarding a recommendation to the County Commission. The Ogden Valley Planning Commission has reviewed it.

Mr. Ewert gives an overview of the changes to be proposed. The Ogden Valley Planning Commission is passed on a favorable recommendation along with some minor changes to the language. Regarding the overall, there should not be a change to the overall policy perspective between here and the County Commission. Once the Planning Commission make their final decision it will be forwarded to the County Commission for final changes and decision.

He states that the County doesn't have a code her name is Iris Hennon. She is wonderful to work with. She was not able to attend the meeting. She has put a lot of hard work into this.

Mr. Ewert explains some of the changes discussed.

Commissioner Parke states that on line 293 needs to be revised to be more specific on the time period.

Mr. Crockett states that regarding line 309 the *may* should be changed to *shall*.

Mr. Ewert states that the Ogden Valley Planning Commission requested Part 3 starting on line 351 be removed because it is redundant.

Commissioner Borklund states that regarding line 256 where it states, "discountenance of the use of land, water, or building" it needs to be clarified.



Chair Edwards opens the public comment.

Kristin Zaugg 3944 N 3175 W: states that she did not attend the meeting for this item but she has some questions. She asks how many repeat offenders are there.

Director Grover states that there is at least 15 that are continual repeat offenders. There are some in the Ogden Canyon, and in the Ogden Valley, there aren't many in the West.

Kristin states that she is just curious because she knows someone who inherited an old car, she did not have the funds to take care of the car and she had nowhere to put it. She asks that they work with the offenders and figure out why the violations are occurring and work with them rather than imposing fines and threatening them. There might be people who are in a financial bind.

Director Grover states that the very first notice that is sent out is a courtesy notice. Staff work with the public to find a solution and they are not opposed to amending the text if it makes sense. They are there to serve the public, not to be dictators. There are provisions that can be used to assist. Staff is willing to work with the public, to get into compliance.

Chair Edwards closes the public comment.

Mr. Ewert notes that if the violation of the ordinance had no impact on anyone there would be no reason to enforce it. There is a section that states "alternative time to cure" this means that the landowner can work out an alternative time.

Commissioner Borklund asks if it would be better to change the word cure to comply.

Mr. Ewert states that this is something that can be done.

MOTION: Jannette Borklund moves to forward a favorable recommendation for them to the County Commission. This recommendation is based on the following findings: 1. The changes provide clearer procedures for code enforcement. 2. The changes provide better motivation to remedy code violations 3. The changes reduce conflicting and redundant language in the ordinance. 4. The changes will strengthen the administration of the ordinance. 5. The changes are keeping with the intent of the general plan and beneficial to the health, safety, and general welfare of the public. Commissioner Favero seconds. (5-0).

**2.2 ZMA 2019-02: To consider and take action on ZMA 2019-02, a request to amend the Zoning Map from Manufacturing (M-1) to Agricultural (A-2) on 32 acres at the intersection of 900 South and 7900 West. Presenter Steve Burton-Item pulled.**

**3. Public Comment for Items not on the Agenda-none**

**4. Remarks from Planning Commissioners-**Commissioner Andreotti states that it is nice to be back. Commissioner Favero asks regarding the secondary water item, has anything progressed on this?

Director Grover states that Mr. Ewert has been working on getting a committee put together.

Chair Edwards states that last month there was an applicant looking to amend the general plan for the film studio. It hasn't been on the agenda for the Commission meeting.

Director Grover states that the development agreement has been reworked, and the applicant is reviewing it. Once everything is solidified, it will be added on the County Commission Agenda. Sometimes the development agreements take time. The Strata solar proposal should be on the County Commission Agenda soon also.

Chair Edwards states that he is going to represent the Planning Commission on the Waterboard. He feels that it is a well-represented committee.

**5. Planning Director Report** – Director Grover states that he appreciates them acting on the Code Enforcement. It was on the Agenda in June, but because of the length of the meeting, it was postponed. The County Commissioners have been waiting for it. He notes that he is very thankful to Commissioner Andreotti from coming back to the Planning Commission. There will be another new Planning Commissioner at the next meeting and will have some training with him in July. His name is Eugene Atkinson. Blake Hancock and Jennifer Willener will no longer be on the Planning Commission. There will be a small token of appreciation for them at the next meeting if they are available to attend otherwise it will be mailed. They were both great assets. The applicants were all very qualified; the County Commissioners were struggling to choose.

**6. Remarks from Legal Counsel** – Mr. Crockett states that it was good to see everyone, it's been a while since he has attended the Western Weber Planning Commission meeting. He was happy to be able to substitute Mr. Wilson.

#### **7. Adjourn to Work session-6:30 pm**

##### **WS1: Discussion regarding subdivision code amendments. Presenter: Charlie Ewert**

Mr. Ewert gives an explanation of the proposed amendments. He gives an overview of agriculture. He notes that the goal is that all the spreadsheets fit in one table to make it searchable. They will be organized into categories. He notes that at some point the steward of the code diverged. The standard that it was originally written in was called plenary. If it is not listed in the zone its not allowed. If it is specifically listed anywhere in any zone and not specifically listed in one zone it's not allowed in the other zone. He notes that in the different zone chapter some of them have lists some of them have tables of uses. There hasn't been consistency. His goal is to be true to the intent of the code. He explains how the table will be laid out. He adds that any definition that has a standard next to, will have the standard removed and placed in the standard section. After the definition section, the zoning chapter is next. He gives an explanation of animal husbandry. Mr. Ewert states that he can give them a tutorial on how to navigate County ordinances. Commissioner Favero asks if there are any that need to be mitigated by new state code or federal code. He adds that if they are going through the process it shouldn't just be based on opinion collectively, but what other standards might be or other codes. Mr. Ewert states that if the state or federal standards are more stringent than the County code, they need to abide by the more stringent codes. The County is not authorizing them to abide by a less stringent code. Mr. Ewert gives an explanation of the definition of a large animal. He notes that a horse is not included in this section, they are defined elsewhere. The intention is to look at impacts, not the specific animal. It will be about the use and how it is affecting the community.

**WS2: Discussion regarding creating standards for appearance and location of storage units. Presenter: Charlie Ewert-Postponed**

**WS3: Discussion regarding the land use table and supplemental standards. Presenter: Charlie Ewert-Postponed**

Adjournment-7:59 pm

**Respectfully Submitted**

**-Marta Borchert**

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