

Minutes of the Regular Meeting of the Western Weber Planning Commission for April 22, 2025, Weber County Commission Chambers, 2380 Washington Boulevard 1st Floor, the time of the meeting commencing at 5:00 p.m.

Western Weber Planning Commissioners Present: Andrew Favero (Chair), Casey Neville (Vice Chair), Wayne Andreotti, Cami Jo Clontz, Jed McCormick, Bren Edwards, Sara Wichern

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; Tiffany Snider, Office Specialist.

Roll Call: Chair Favero conducted roll call and indicated all Commissioners were present.

1. Minutes: February 11 and March 11, 2025.

Chair Favero introduced the minutes of the February 11 and March 11, 2025 meetings; there were no suggested edits to the minutes, and he declared the minutes approved as presented.

2. Administrative Items:

2.1 LVW022025: Consideration and action on a request for preliminary subdivision approval of the Winston Park Subdivision Phases 2, 3. A proposal to redevelop the open space parcel with 53 single-family lots. Staff Presenter: Felix Lleverino.

A staff memo from Planner Lleverino explained this is a request for preliminary approval of the Winston Park Subdivision, phases 2 and 3 from the Western Weber Planning Commission. The development plan subdivides a 16.78-acre parcel into 12 duplexes and 29 single-family dwelling lots. The streets throughout the single-family development will be made public complete with curb, gutter, sidewalk, and street trees. Two of the lots within phase one are being amended and added to phase three because Chalgrove Road is now connected through what used to be a cul-de sac in phase one. The proposal has been reviewed against the zoning development agreement, the current subdivision ordinance, and the standards in the R1-15 zone. As part of the preliminary plan requirements and approval procedure, the preliminary plan must be presented to the Planning Commission for their recommendation.

Mr. Lleverino then used the aid of a PowerPoint presentation to summarize staff's analysis to determine compliance with the following:

- Western Weber General Plan;
- Zoning regulations;
- Requirements and recommendations from the Special Service Districts administering culinary water, pressurized irrigation water, and sanitary sewage services;
- Requirement for a geotechnical study;
- Additional standards and development agreement; and
- Compliance with requirements from review agencies.

Staff recommends preliminary approval of Winston Park Subdivision Phases two and three, consisting of 53 single-family lots. This recommendation is based on all review agency requirements and the following conditions:

1. Taylor West Weber Water District shall provide a capacity assessment letter or a final will-serve letter before final approval from the Planning Division
2. Hooper Irrigation shall provide a capacity assessment letter or final will-serve letter before final recommendation from the Planning Division.
3. Proof of satisfactory contribution towards parks and open space is required before each phase is recorded.
4. The civil drawings shall include a landscape plan that shows the landscape materials and the method of irrigation for the parking strips and the detention basins.
5. Developer is required to show compliance with the recorded development agreement.
6. The developer is required to include a geotechnical study for the home-site areas and roadway areas to be reviewed with the construction drawings prior to recording the final plat.
7. The civil drawings shall comply with all Weber County Engineering requirements.

The following findings are the basis for the staff recommendation:

1. Winston Park Phases 2 and 3 conform to the West Central Weber County General Plan.
2. The lot area and width design are compatible with the concept plan and development agreement.
3. The proposal will not be detrimental to public health, safety, or welfare.
4. The proposal will not deteriorate the environment of the general area to negatively impact surrounding properties and uses.

Commissioner Clontz referenced the landscape plan for the project, which includes a clear road layout plan, and asked if the roads are private or public. Mr. Lleverino indicated they are public roads. Commissioner Clontz asked if there is any additional parking for the patio homes other than the driveways. Mr. Lleverino stated that the garages and driveways are the required parking spaces for the patio homes. Commissioner Clontz expressed concern that those parking areas may not be sufficient for the patio homes but acknowledged that vehicles can be parked on the street in the vicinity of the patio homes.

Chair Favero also referenced a strip of property identified on the landscape plan and asked what the strip will be constructed of and what its intended use will be. Commissioner Clontz stated it appears to be an easement that will be constructed of compacted gravel, and it will serve as fire access and access to the detention pond. Commissioner Edwards stated that he is concerned about the use of compacted gravel or road base and expressed concern that the area will not be landscaped and will eventually become a 'weed patch'. He suggested that landscape requirements should also be imposed on that area of the subdivision. Planning Director Grover stated the Commission could spell that requirement out as an additional condition of approval. Commissioner Edwards then stated that phase one of the project has been completed, and he feels another appropriate condition would be to require landscaping of the open space and detention pond to be installed to accompany the existing phase; that work has not been done yet. Chair Favero agreed and added that something must be done to ensure the area is properly maintained. The Commission expressed support for additional parking space to be constructed in some of the open space in the project. Mr. Grover stated that would need to be evaluated by the County Engineer as the space was set aside for water detention purposes.

Commissioner Edwards moved to forward a positive recommendation to the County Commission for application LVW022025: Consideration and action on a request for preliminary subdivision approval of the Winston Park Subdivision Phases 2, 3. A proposal to redevelop the open space parcel with 53 single-family lots, based on the findings and subject to the conditions listed in the staff report, as well as the additional conditions:

- Landscape requirements should be imposed on the area behind the cul-de-sac and in the drainage and open space easement, or parking in the area for the duplex units.
- All detention and open space landscaping must be completed in conjunction with the completion of the first phase of the project (either phase 2 or 3, whichever is completed first).
- Compliance with all review agency requirements.

Commissioner Wichern seconded the motion. Commissioners Clontz, Edwards, Favero, Andreotti, McCormick, Neville, and Wichern voted aye. (Motion carried on a vote of 7-0).

3. Legislative items:

3.1 ZMA2025-01: A discussion on a legislative application to rezone 31.4 acres of land generally known as the Bitton Dee rezone, located at approximately 601 South 3600 West, from the A-1 zone to the R1-15 zone. Staff Presenter: Felix Lleverino

A staff memo from Planner Lleverino explained the applicant's proposal is to rezone the 30.65 acres that are currently vacant with agricultural crop farming. The change in zoning from Agricultural A-1 to the R1-15 would allow for a system of public roads and pathways connecting 4100 West Street to 3600 West Streets thereby resulting in a street block measuring 600 feet to 1500 feet. This rezone, if approved, is recommended to be accompanied by a development agreement. Through this development agreement, the county can capture additional considerations unique to the property. The change in zoning will apply to the entire 30.65-acre parcels and the standards in the development agreement will apply to all lots within the rezone boundary. In a work session with the planning commission that took place on February 11, 2025, the planning commission was ready to schedule this proposal for a public hearing where they will consider a recommendation to the County Commission. The first public hearing with the planning commission was held on March 11, 2025. However, the request for a positive recommendation was tabled by the planning commission until more details are included with the development agreement regarding 4100 West improvements, the total number of units, and comments from the county engineering department and attorney office are collected. After an

evaluation by the staff, to determine applicability with the General Plan, it is staff's recommendation that the planning commission forward a positive recommendation with additional standards included with the development agreement. Particularly that the necessary shoulder improvements to 4100 West Street are completed with the development. Staff is recommending approval of the rezone.

Mr. Lleverino reviewed his staff memo and used the aid of a PowerPoint presentation to orient the Commission to the location and layout of the properties included in the rezone application; he also provided staff's analysis of the application to determine compliance with the Western Weber General Plan and the County's Land Use Code/zoning regulations. The R1-15 Zone is intended to support single-family lots that are an average of 15,000 square feet in area. The R1-15 zone was specifically designed to support the residential directives that the Western Weber General Plan prescribes for this area. In addition to the creation of the R1-15 zone, following the directives of the general plan, Weber County also adopted modifications to its previously adopted street connectivity incentivized subdivision standards. Now, compliance with street connectivity standards in the R1 zones is mandatory. When applied to the project through a rezone development agreement, the county can obligate the developer to comply, and from there, all of the standards are compulsory. The Western Weber General Plan Vision Statement promotes and encourage the community's character through public space and street design standards, open space preservation and diversity of lot sizes and uses. This is carried out by making contributions to the Taylor West Weber Parks District, implementing street design standards of the R1-15 zone while expanding the variety of lot sized. Through a development agreement, the county can also apply other regulations to the project that may help soften the strict requirements of code if those requirements do not make sense for the specifics of the project or strengthen sections of code that may not adequately govern the specifics of the project. Working with the applicant, planning staff have a high degree of confidence that the proposal can meet the R1-15 zone requirements, as well as street and pathway connectivity standards. The concept plan may need a few minor changes or reconfigurations here or there, as may be requested by staff prior to final adoption, but the planning commission should be able to find that these changes can successfully occur through the process of drafting a development agreement prior to final county commission consideration. He also presented the conceptual plan for the proposed development and noted Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Mr. Lleverino concluded that after reviewing the proposal within the intended context of the Western Weber General Plan, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following considerations, which are intended to be incorporated into a zoning development agreement:

1. The standards from the development agreement are included with this recommendation.
2. The proposed street and pathway layout illustrated in the concept plan is sufficient to meet the connectivity standards of the county code.
3. The developer will make the necessary roadway improvements and street adjacent pathway on 4100 West that will connect with the planned pathway running along 900 South Street.
4. The developer will make the necessary roadway improvements to 3600 West Street along the development frontage then southward to 725 South Street.
5. The east/west neighborhood collector street is designed and constructed as a 66-foot right of way with a 10-foot pathway built on the south side of the street.

Staff's 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.

Commissioner Edwards referenced Section 8.9.2 of the development agreement regarding pathway improvements; he has had a conversation with Hooper Irrigation Company and learned no one has approached them building the pathways in their easement. They are not opposed to the project but want to be part of the conversation regarding the locations of the pathways. He does not see anything in the development agreement identifying exactly where the pathways will be placed in those easements. Mr. Lleverino stated he has not spoken with Hooper Irrigation about the project because it is still in the conceptual phase, but that is something that would be addressed and finalized as part of the review process during the subdivision phase. Commissioner Edwards wondered if it is necessary to include language regarding the pathways in the development agreement; he added there is some missing connectivity in the project area and onto adjacent parcels and he feels that should also be addressed in the development agreement. This led to high level discussion among the Commission regarding the layout of the trail system in the project area and connection opportunities as a result of this project. Principal Planner Ewert stated that a condition of approval from the Planning Commission regarding specific language regulating the location of the trail within a utility easement would be sufficient to ensure that Planning staff or the applicant will secure a letter of approval from Hooper Irrigation regarding the matter. He agreed there are trail connectivity opportunities as a result of this application. The Commission engaged in high-level philosophical discussion and debate regarding the appropriate requirements to place upon the subject application in terms of securing trail access and connectivity for future improvement projects. Commissioner Edwards emphasized he feels the applicant is asking for significant concession from the County given his proposal to develop small lots where the County could have required acre lots. He does not feel it is unreasonable to require him to build appropriate trails and to improve 4100 West as part of the project in order to ensure appropriate connectivity as part of future developments in the area. Commissioner Wichern agreed and stated she feels it is appropriate for the trail to either be built on property owned by the developer or within the Hooper Irrigation easement, if approval from that entity can be secured.

Commissioner Edwards moved to forward a positive recommendation to the County Commission regarding application ZMA2025-01, legislative application to rezone 31.4 acres of land generally known as the Bitton Dee rezone, located at approximately 601 South 3600 West, from the A-1 zone to the R1-15 zone, based on the findings and subject to the conditions listed in the staff report, and the following additional condition:

- Amend condition of approval #2 listed in the staff report to include “adding a trail along the southernmost boundary of the subdivision adjacent to the Hooper Irrigation Canal System and connecting to 4100 West”.

Commissioner Andreotti seconded the motion. Commissioners Edwards, Favero, Andreotti, and McCormick voted aye. Commissioners Wichern, Clontz, and Neville voted nay. (Motion carried on a vote of 4-3).

2.3 ZMA2024: a follow-up discussion, deliberation, and possible decision regarding an application for a rezone and associated development agreement for the Westbridge Meadows development, a master planned community that will rezone approximately 1400 acres of property located within the area south of the Union Pacific Railroad between the Weber River and 7500 West. The zone(s) being proposed include a Master Planned Development Overlay Zone (MPDOZ), and a variety of Single-Family Dwelling (R1), Two-Family Dwelling (R2), and Multi-Family Dwelling (R3) zones, as well as the Form-Based Zone (FB (mixed uses)) and the open space zone (O-1). Staff Presenter: Charlie Ewert

A staff memo from Principal Planner Ewert explained the purpose of tonight’s meeting is for the Planning Commission to once again review the Westbridge Meadows Master Plan application and associated draft development agreement to determine whether to forward a positive or negative recommendation for the rezone to the County Commissioner. A complete staff analysis of the proposal can be reviewed in the planning commission staff report dated March 11, 2025. The Planning Commission held the requisite public hearing to receive public comments and considerations for the request on March 11, 2025. In that meeting, the Commission tabled any action on the application pending receipt and review of additional information about water resource availability and setbacks/buffers from the neighboring Ogden Bay and the Weber River. In the Planning Commission’s April 15th meeting, the body discussed water resources with the Weber Basin Conservancy District. Representatives from the District explained the state of water governance in relation to development, as well as provided valuable facts about existing and future growth/water trends, plans, and some concerns regarding water availability for new growth in the future. In that meeting the Planning Commission also considered the public’s concerns regarding development next to adjacent sensitive lands and explored each other’s thoughts on the matter. No decisions were made.

Mr. Ewert referenced his staff report and expressed a willingness to answer any questions the Commission has.

Vice Chair Neville asked if any changes have been made to the application or development agreement since the March 11 work session, to which Mr. Ewert answered no.

Commissioner Edwards engaged Mr. Ewert regarding buffering along the Weber River and Ogden Bay; he has reached out to the Division of Natural Resources (DNR) about the matter, and more specifically, their issuance of a new letter expressing a willingness to consider a 300-foot buffer, rather than 600 feet. Commissioner Edwards stated that he would like to require a 300-foot buffer but allow the developer to adjust his development concept so that he does not lose any density as a result. He is also willing to allow construction of a byway in the southern part of the project within the 300-foot buffer. This would expand the 200-foot buffer to 300 feet along the entire southern boundary along the Department of Wildlife Resources (DWR) property. The Commission reviewed a map of the subject property to understand where the buffer would be located. Commissioner Neville stated that he is also concerned about protecting Ogden Bay and other sensitive lands, but he also believes strongly in private property rights, and he is concerned about a neighboring property owner telling someone how they can use their land as long as it complies with the County's land use code. Commissioner Edwards stated that the property was initially zoned for agricultural use, which would have allowed for acre residential lots, meaning that 1,400 homes could be built there. The developer is asking for a zone change that will allow them to build 13,000 homes and he believes one of the 'trade-offs' the County can ask for when considering this request is sufficient buffering between differing land uses. One of the matters the Commission must consider when determining the correct decision on a rezone is how it impacts neighboring properties. The Commission debated the two points raised regarding appropriate buffering along the southern border of the subject property and Chair Favero invited the applicant to provide input regarding the matter. Jeff Meads, Fenix Development, stated he expressed his opinion regarding the buffering issue during the Commission's last work session and his position has not changed; he is opposed to a 300-foot buffer. He stated he is willing to consider other improvements along the southern border, such as specific fencing, that would protect the Waterfowl Management Area (WMA) of Ogden Bay from his project; he does not believe a 300-foot buffer is needed to accomplish appropriate protection.

The Commission discussed whether requiring a 300-foot buffer would set a precedent for other properties in the area; they also continued to debate whether it is appropriate to ask for greater concessions than what is required by the land use code in return for considering the zone change. Commissioner Andreotti stated he feels that the fencing recommended by the applicant, coupled with a 600-foot buffer on the WMA side of the fence, is appropriate in terms of protecting wildlife as well as new residents from the different land uses. Vice Chair Neville asked Mr. Meads which he feels is the better option: a fence or a wider buffer on both sides of the property line. Mr. Meads answered the fence and noted he has included detailed information about the types of fencing materials he would use in his application materials.

Commissioner Wichern inquired as to the total acreage of the project, to which Mr. Meads answered just over 1,400 acres. Commissioner Wichern stated the WMA is approximately 30,000 acres; the WMA is much larger than the subject property and she feels the fencing is appropriate. If the WMA wanted a larger buffer or to dictate how the subject property should be used, they could purchase that land to control it. Vice Chair Neville added it is his understanding that the applicant was willing to negotiate the sale of an easement to the WMA to accomplish the buffering they desired. Commissioner Wichern added that she believes the number of units the applicant has requested is market driven and is less than the maximum number of units that could be built on the property based upon the requested zoning. Mr. Meads stated that is correct.

Commissioner Wichern moved to forward a positive recommendation to the County Commission regarding application ZMA2024-01, rezone and associated development agreement for the Westbridge Meadows development, a master planned community that will rezone approximately 1400 acres of property located within the area south of the Union Pacific Railroad between the Weber River and 7500 West. The zone(s) being proposed include a Master Planned Development Overlay Zone (MPDOZ), and a variety of Single-Family Dwelling (R1), Two-Family Dwelling (R2), and Multi-Family Dwelling (R3) zones, as well as the Form-Based Zone (FB (mixed uses)) and the open space zone (O-1). Findings for the motion include:

1. The current development agreement including recommendations from the March 11, 2025 meeting is the best way to develop in Western Weber County.
2. The development follows the General Plan.
3. The development makes the best use of water resources in Weber County.

Commissioner Clontz seconded the motion. Commissioners Clontz, Favero, Andreotti, McCormick, Neville, and Wichern voted aye. Commissioner Edwards voted nay. (Motion carried on a vote of 6-1).

Commissioner Edwards stated that the developer has done a great deal of work and has engaged in extensive discussion with the Commission and the public regarding their concerns about the project; he feels the project will develop very nicely, but he would have liked to see a wider buffer along the WMA.

3. Public Comment for Items not on the Agenda:

There were no public comments.

4. Remarks from Planning Commissioners:

Vice Chair Neville referenced the Westbridge Meadows developmetn and wished to emphasize that the County is not forcing any type of development on other property owners in the area and they still have their property rights.

5. Planning Director Report:

Planning Director Grover provided the Commission with a report of recent actions taken by the County Commission.

6. Remarks from Legal Counsel

There were no remarks from Legal Counsel.

The meeting adjourned to a work session at 6:36 p.m.

WS1: A discussion regarding a zoning map amendment application and associated development agreement for the Bennet Farms Rezone, a master planned development that will rezone approximately 550 acres of property located within the area bounded by 12th Street, 4700 West, and the Weber River. The proposed rezone is to a new proposed zone called the "Traditional Neighborhood Zone" (TN) which will allow a variety of uses within a master planned development, guided by a concept plan, including single-family residential, mixed residential, and mixed neighborhood commercial. The proposal may also include a dual zone, coupling the TN zone with the county's existing Form-Base Zone (FB). Applicant: Black Pine Group.

Principal Planner Ewert distributed documentation to the Commission regarding the subject application and negotiations between County staff and the applicant on the development agreement for the project; high level discussion among the Commission and Planning staff centered on the manner in which the current version of the development agreement deviates from the County's standard development agreement. The Commission also heard from the applicant, who indicated his desire is to understand if the Commission is supportive of a zone change and his conceptual plan for the property in order for him to proceed with refining the application. There was a philosophical discussion among the Commission, staff, and the applicant regarding uses that should be allowed in the project; Mr. Ewert facilitated a review of the permitted uses listed in the TN zone ordinance but noted that a Master Plan and development agreement are required for a TN project. Mr. Ewert also facilitated high-level review of the development agreement; there was a focus on public improvements in the project area, dedication of open space, phasing of the project, and parking accommodations throughout the project. Mr. Ewert concluded he will use the feedback provided by the Commission tonight to further negotiate the development agreement with the applicant; the matter will be included on the May 6, 2025 work session agenda for continued review and discussion.

The work session adjourned at 8:11 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission