

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

June 19, 2018

5:30 p.m.

- *Pledge of Allegiance*
 - *Roll Call:*
1. **Approval of minutes for December 13, 2016, March 13, 2018, May 8, 2018 and June 12, 2018.**
 2. **Consent Agenda:**
 - 2.1 DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden
 3. **Public Comment for Items not on the Agenda**
 4. **Remarks from Planning Commissioners**
 5. **Planning Director Report**
 6. **Remarks from Legal Counsel**
 7. **Adjourn**

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st 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.
No pre-meeting is scheduled for this 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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Minutes of the Western Weber Planning Commission meeting of December 13, 2016, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Mark Whaley, Chair
Jannette Borklund
Roger Heslop
Blake Hancock
John Parke
Jennifer Willener

Member Excused: Wayne Andreotti

Staff Present: Rick Grover, Planning Director; Ronda Kippen, Principal Planner, Chris Crockett, Legal Counsel; Sherri Sillitoe, Secretary

- Pledge of Allegiance
- Roll Call

Chair Whaley indicated that the members have indicated that they do not have any conflicts of interest or exparte communication for the items on the agenda.

1. Administrative Items

Approval of the November 15, 2016 meeting minutes

Commissioner Heslop indicated that he had some amendments to the minutes. On Page 4, the presenter was Brad Blanche who spoke about adding the amenity for the sprinkler systems. On Page 6, 3rd Para., there is no reference to Doug Hansen's comments. Sherri will need to listen to the recording to make those amendments. Commissioner Borklund asked if they wanted to review the minutes after the amendments have been made and Commissioner Heslop agreed they should table. Chair Whaley stated that the minutes were tabled until the corrections are made before the next meeting.

2. Consent Agenda Items

2.1. LVV041116 Consideration and action on a request for final approval of Vaquero Village Cluster Subdivision for 13 lots located at approximately 7100 West 900 South, West Warren - Dean Barrow Applicant

Neal Davis, 7212 W. 900 S., indicated that that at the previous meeting where this subdivision was addressed they were told it would be reported when it comes back to the Planning Commission. They felt there were a few items that were not resolved and he wanted to know how many water shares would be given to the property owners. Who will own the pond because it is on adjacent property and not part of this proposal for their secondary water? Where will the point of diversion for the canal be? Will livestock be allowed to roam in the open space areas? There was a piece of property that was sold, so was that 1/3 acre taken off the lots for the open space?

Ronda Kippen stated that they have adequate proof of irrigation shares to be provided by Warren/West Warren Irrigation. The Engineering Division has approved this and the Engineering Division is also okay with the secondary pond being part of the subdivision. As far as animals allowed in the open space; they are not part of the plan, but it is their open space. Regarding the trail system was going to be allowed; the three feet hard surface and three feet crushed gravel was proposed so that they could walk horses along the trails through there. It is anticipated that animals will be going through there but not necessarily be pastured there. There will be a landscape plan with trees and turf grass that would be beneficial for animals.

Commissioner Borklund clarified that since it is a cluster subdivision, large animals would be allowed in the open space if they choose to. Ronda Kippen indicated that if they designate the open space to agricultural parcels, they can. She

has a letter from the Health Department and the West Warren/Warren Improvement District has given their approval. She also has proof of Warren Irrigation Company for 30 shares of water.

Ronda Kippen stated that the title report does not reflect the sale of any property. If there has been a transaction that has been recorded, they would be part of this plan. The County Recorder's Office at the time of recording will check the vesting and map this out. We can get an updated title report prior to recording to make sure that is okay. Justin Barrow, one of the applicants, stated that no property has been sold. There was 1/3 acre sold a year and a half ago, but it was not part of this proposal.

2.2. Approval Consideration and action for approval of the Amended Planning Commission Rules of Order dated November 21, 2016

MOTION: Commissioner Heslop moved for approval of the Consent Agenda for Agenda Items 2.1 and 2.2. Commissioner Borklund seconded the motion. A vote was taken and Chair Whaley indicated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

Administrative Items

3.1. CUP #2016-18 Consideration and action for a conditional use permit for a Stealth Verizon Wireless Cell Tower, located at approximately 1770 East 6200 South in the South Ogden area – Verizon Wireless, Applicant; Nefi Garcia, Agent

Rick Grover, Planning Director, introduced the item and indicated that the property is within the RE-15 Zone. As a conditional use, the Planning Commission would decide which conditions they would like to see imposed on this use. They will want to see how the use is compatible with the area. They are not required to take public comment on this, but if they choose to, they can.

Nefi Garcia, with Technology Associates and Agent for Verizon Wireless, stated that Verizon for their client, the Washington Heights Church, looked at many spots to find a good location for the cell tower site on the south end of their property and they decided it would be best to have a stealth site along the frontage on Highway 89. It will be a three-legged pylon sign will be a triangle basically and the top will be three sides with the cross and their logo on it and the antennas will be hidden behind that. It is modeled after a catholic church in Boise, Idaho, and people don't even know it is a cell site. He spoke with the property owner today and they asked if the color could be a darker blue with the cross being white. He wanted to bring that to staff's attention because a different color was presented before. Commissioner Borklund asked if the blue color was shown on the diagram they have in their meeting packet. Mr. Garcia replied no, it would be a darker blue with a white cross and would match their logo. The banding that is around the tower would match.

Commissioner Willener asked if it would be a lit cross, and Mr. Garcia replied no.

Felix Lleverino, planner, presented a PowerPoint presentation that showed the location. It is a well-thought out design. The cell tower would be located on the top of the ridge. There will be a fence around the site and the proposal will be landscaped and have an irrigation plan. A couple of conditions that the planning staff and the applicant worked through; one of which was that the vinyl enclosure material would be a tan color and have a maximum 6 ft. fence height. The site will maintain a good visual appearance and have a structural integrity. After conducting a review, it is staff's recommendation to approve the cell tower design, a stealth design, based on conditions that are listed in the staff report:

Commissioner Heslop asked how high the tower would be and Felix Lleverino replied 60 ft.

Commissioner Borklund indicated that there is a landscaping plan so she asked if there was water. Mr. Lleverino replied that there is a drip water system that would water the landscaping.

Tony and Deborah Atkinson stated that there are many RF frequency studies that are not financed by government and cell phone companies. They are about 60 ft. on the bluff from the site and the proposed tower would be right in front of his bedroom. Deborah Atkinson stated that there are scientific studies showing that there is some detriment to these transmitter frequencies. There are scientific studies showing that there is some transmitter radiation from 500 meters to a mile. They are within 500 ft. of the proposed site. These studies have shown that cancer rate has gone up; neurological and physiological problems associated over a course of over time are being realized. They are finding out through different studies and different countries that agriculturally, livestock aren't producing milk, etc.

She is susceptible to this radiation and cannot be on a cell phone for more than a few minutes without getting a headache. She believes it is devaluing the property value of her home.

Chair Whaley indicated that they have to make their regulations through the standards in their code.

Commissioner Parke stated that in the recommendations to staff it states that they need to find that it would not be detrimental to the safety, health and welfare but he doesn't see where the Health Department has given their review. Chair Whaley indicated that they have to have proof and a standard that they have to compare it to. Commissioner Borklund indicated that if there are factors that can be mitigated, they can find ways to mitigate those on a conditional use permit. If there are ways to lessen the effects, they can mitigate any detrimental effects that they find.

Chair Whaley stated that they have to have a way to measure the issues. If there are issues that can be addressed and designated by the County staff, then they have a way to measure; other than that, they cannot. Commissioner Parke asked if it wouldn't be prudent to have the health department review the proposal.

Planning Director Grover stated that they could ask them to do a range study or look at co-location and also work with the health department for finding impacts that we don't have. If they do not feel comfortable with the proposal, they can ask the applicant to provide further information.

Chris Crockett stated that Land Use Code 108-4-5 indicates that any conditions that they must pose must be based on credible evidence and part b. states that the Land Use Authority must consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions. The Planning Commission has the ability to ask those experts. Mr. Atkinson stated that all the experts have something to gain and everyone will be making money off of it.

Commissioner Heslop stated that in looking at the conditional use review, they have considerations with traffic, landscaping, building and site lay out, considerations related to utility easement, drainage and engineering, considerations to any zoning, but he doesn't see any considerations for any health, safety, and welfare. Commissioner Borklund stated that this is the finding that they need to make.

Chris Crockett stated that in the code, there are provisions that allow them to impose conditions/standards relating to safety for persons or property.

Nefi Garcia indicated that there are valid concerns that are brought up in these hearings. He reminded them that under Federal Telecom Act of 1996 which states that a facility cannot be denied for health reasons. As long as the carriers operate within that frequency or threshold regulated, then they are obeying the law. The internet is full of evidence. They know that FCC tells carriers how they can operate and under what threshold. If they follow these regulations, then they are operating under Federal standards.

Commissioner Borklund asked if they have looked at other locations. Would the tower work at less height?

Nefi Garcia stated that typically when he gets a new search area, he looks for structure locations that they can use. In this case, there is a Wendy's with a power substation and an ATT&T tower there and also there is a south Weber water tank on the hill with antennas. He presented these two locations to Verizon to see if that would work for them, but they indicated that for what they have to cover in this area, those locations do not work. Once you get 50 ft. or

lower, you have trees and other obstructions and they wanted to be in this proposed location. Sixty to 70 ft. is about the standard height for such towers. The facilities are getting closer together and the height is being lowered in some instances.

MOTION: Commissioner Borklund moved to table CUP #2016-18, a conditional use permit request for a Stealth Verizon Wireless Cell Tower, located at approximately 1770 East 6200 South in the South Ogden area – Verizon Wireless, Applicant; Nefi Garcia, Agent, in order to ask for information on range studies and information from the health department as to what effect this proposal would have on the public health, safety and welfare. Commissioner Parke seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote, with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

3.2. AE #2016-09 Consideration and action on an alternative access request to use a private right-of-way as the primary access and frontage for three-lot subdivision located at approximately 6260 South 2125 East – Somerset Lands, LLC, Applicant; Sharon Clark, Representative

Rick Grover, Planning Director, introduced the item. He indicated that there is no vesting of approval. They are looking only if access can be given to this property. The back portion backs onto Highway 89 and a portion is surrounded by an existing subdivision development. It is located in and RE-15 Zone. The Planning Commission can take public comment on this. The applicant has changed his application for approval of 3 lots, but the lots are not being reviewed at this time; that would be at the subdivision level. They are only looking at whether access can be given. This is an access request, not an access easement.

Sharon Clarke, 2408 Lamborne Avenue, Salt Lake City, indicated that she has asked Donald Fulton to speak for her. Donald Fulton, 266 E 7845 South, Midvale Utah, stated that they both work for Somerset Lands LLC. They have demonstrated how it is not practical or feasible to extend access to this lot from the access on Highway 89. There is historical access through a private right of way through the backside and they are asking that it be acknowledged as an alternate access to this land.

Commissioner Borklund stated that right now it is recorded as one lot, but they will be pursuing three lots.

Ronda Kippen presented a staff report and indicated that this is a very conceptual level of the development process. They are asking tonight for an alternative access for the Hidden Oak Subdivision. It is currently approved as a flag lot. The applicant has requested to divide this into three separate lots. Per the County standards, we have some criteria that the application would have to meet for approval for access without frontage. Mrs. Kippen read the criteria listed in Land Use Code 108-731-1b. The applicant's site meets two of those standards at this point. The topography does not allow for a connecting street to go through there. It has frontage along Highway 89. The applicant has tried to gain access along 89 for access to this site, but UDOT has denied that. We are bound to a private right of way and it meets the standards for that. Based on this, staff is recommending approval. At subdivision we will be looking at a geotechnical report, a geologic report, engineered improvement plans, and engineered improvement drawings for the structure and private right of way. This property is located in an area that has been identified as a potential natural hazard area. The geologic and geotechnical reports will be required and all of the engineering drawings will need to have certifications that they are designing them to meet the recommendations from the geologist and the geotechnical engineer. They are at a conceptual state right now so they cannot ask for this information, but they can at the subdivision state. They will have to prove that the property is safe for three lots. The code requires that a condition of approval be put on all alternative accesses that if the county ever deems they want to put a right of way through there, they would have to pay a proportionate cost of developing the street in the future.

Commissioner Borklund asked how they can ask for three lots when they don't know if the property can handle three lots. Don't they have to prove the site can handle three lots? Ronda Kippen stated that it all comes down to design and it is premature to ask for that information.

Commissioner Heslop asked if it will be extended through the total parcel as proposed on the conceptual drawing. Will it be wide enough to access for fire safety, additional cars parking along the street, etc.? Ronda Kippen stated

that the private drive will more than likely be developed at 29 ft. However, the cul-de-sac or turnaround would have to be designed to handle the fire truck apparatus, etc. They will have a shared driveway and will have to maintain that driveway so that emergency services can get in there.

Commissioner Borklund asked if they are approving the access shown as a dashed line. Is the dashed line what they are proposing? They are not approving a survey level detail at this point.

Larry Garrett, 6254 S 2125 E, asked the requirements and what exactly they are trying to approve today. Chair Whaley explained the request and the sequence of events. Mr. Garrett asked why they would try to gain access to something that isn't there. Ronda Kippen stated that they are asking for frontage for three lots. The Code requires as part of the subdivision process that you have not only access, but frontage and lot width. There is access for one lot based upon it being a flag lot, which is one of the alternative access tools in our code. The other one is access by a private right of way and the other is access across a lot other than the front property line. The applicant is asking that they create a private right of way that will connect of 2125 E. and provide frontage and access to lots 1, 2 and 3. Currently, there is access for one lot. We would need soil samples saying it would handle the weight of a fire truck. The code allows for it to be an unimproved surface but it would need to withstand the 75,000 lbs. There will need to have a cul-de-sac or a hammerhead at the end.

Chris Crockett stated that in order for them to submit to them to have connection to three lots, they will have to demonstrate that they have that access. Rick Grover, Planning Director, stated that a lot of things would have to be addressed per the subdivision ordinance. They are looking at access at this point. It is only a conceptual plan right now; all they are doing is looking at three lots. There are many things that they don't know that right now; the details will be flushed out at subdivision approval.

Chair Whaley suggested that they could modify the application to say: "Consideration and action on an alternative access request to use a private right-of-way as the primary access and frontage for a proposed three-lot subdivision located at approximately 6260 South 2125 East – Somerset Lands, LLC, Applicant; Sharon Clark, Representative." He asked if that would satisfy the applicant and Mr. Garrett. Larry Garrett stated that he does not understand, it was rejected at six lots so why would it be approved at three lots? Commissioner Borklund stated that it would be helpful for the public to know the history of what happened since their last approval. Ronda Kippen indicated that submitted an application for six lots in late fall and it was approved for only one lot. It went to the Board of Adjustment and they upheld the decision. The applicant missed the deadline to appeal it to District Court. The only way we could bring it back to the Planning Commission was if substantial changes were made. Based upon there being a substantial change, we were able to bring the application forward for consideration on a new application to the Planning Commission. Per the State Ombudsman, the applicant had the right to submit a new application if there was substantial change. What they are looking at this time is only if it is impractical and unfeasible to extend a county road down into there to create access for three more lots. Per staff's review, yes it is. There are standards for that and the applicant will need to design the subdivision so that it is safe per whatever geologic and geotechnical standards there are at this state.

Mr. Garrett indicated that he would hope they would take safety into consideration. People buy homes on a cul-de-sac for safety for their kids. He is still confused as to how access can be granted here to more than one lot.

Deanne Adams, 2167 E., 6225 S., indicated that she lives above this property. This is basically her back yard. She gets to enjoy the wildlife that comes up from Highway 89. This owner has asked for it to be a six lot subdivision and now a three-lot subdivision. She would like to see the historical data of this property and what has been asked of it.

Ronda Kippen stated that according to County records, there has been an access other than frontage from Highway 89 approved for one lot in 2003. In 2004, a private access without frontage for two lots approved, and in 2016 a one-lot subdivision was approved, the Hidden Oaks Cove Subdivision. In 2016, they did a private access without frontage for six lots but that was approved for one lot. As far as past information in those files, those were based on Board of Adjustment which varied part of the code. This is now part of the code and not a variance any longer and those reports are outdated. We will go off the more up-to-date reports going forward to subdivision approval.

Commissioner Borklund asked if nothing has changed since it was originally recorded in the late 1980's and Ronda Kippen replied no, with the exception of the Hidden Oaks Subdivision being recorded.

Chair Whaley asked Legal Counsel to explain their duty regarding these applications: Chris Crockett stated that the question is going to be what can be identified in the staff packet; you apply the standards and then the appropriate criteria as Mrs. Kippen outlined.

Commissioner Borklund stated that it is difficult to come up with a different finding than what they have already approved. Based on what staff is telling them, they cannot make any findings to deny access, but they don't know what they can or cannot do based upon how that access can be defined or how the lots can be configured or whether the lots are even safe to be developed. Ronda Kippen stated that their consideration tonight is based upon the information that has been provided, has it been shown that it is not practical or unfeasible to extend a street to serve such lot or parcel. Commissioner Borklund asked that if it is unfeasible for the County to extend access to serve such property, why is does it then become feasible to have a private access to do that same thing? Mrs. Kippen stated because County standards are 66 ft. width and they only have 29 ft. If they cannot meet that County standard, they have an alternative process that they can create that access by a private right of way, by a flag lot, or come across the front lot line of your property as access. This used to be something that was an exception to the rule, but now they have rules. They have to meet the exceptions in the code and if they can do that, then they should be granted approval. The actual evidence as to whether it can be done comes at subdivision. We cannot require that level of detail at this stage.

There is a subdivision at the top of Powder Mountain with an 18 ft. right of way that serves probably 10 lots with an additional 12 next units (approximately 20 lots on an 18 ft. right of way). Is 29 ft. adequate, she doesn't know, this will be addressed by the County agencies in step 2. Commissioner Borklund asked if slope will matter and Ronda Kippen replied yes it will; they cannot have more than a 15% grade.

Commissioner Parke stated that based on the criteria in the code that they have and the evidence that has been submitted, there is no other way that they have other than to approve it.

Chris Crockett stated that they are limited to what County Code provides and that is found in LUC 108-7-30.

MOTION: Commissioner Parke moved to approve File AE 2016-09 based on the findings that it is unfeasible to extend a lot to serve such parcel and approval of a private right of way or easement, based on topographic cited in 108-7-31-1b. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

3.3. Sketch Plan Discussion and action on a conceptual sketch plan endorsement request for the Giovanni's Legacy Cluster Subdivision located at approximately 2267 South 3500 West in the Taylor area of Western Weber County – Bob Favero, Applicant

Robert Favero stated that their neighbors have asked that they be allowed to bring their sewage line through their property over to meet the main line. They have shown on the sketch plan where they want to put the sewer line. In addition to that, they want to get some sort of clarification as to the pattern, the number of lots they could have, and get their opinion on the existing homes that are there. Between Lots 109 and 108, there would be a sewer line that would come through there that would serve the property to the south and then it would follow the street over to the main line. The main line comes up from the east, makes an angle turn and then goes to the northwest, makes an angle turn and then follows the street beyond their property across the canal.

Mr. Favero laid out a pattern and indicated that Lot 100 is Gary Farr's home and north of that is also Gary's land. He would be joining in the subdivision if they go forward with it. North of that is his family's ground. He has a duplex there, his deceased Father's home and then another duplex north of that so Lots 119, 120 and lot 121 have existing buildings on them. Gary has access to sewer and they would then want to sewer Lots 119, 120 and Lot 121 in this process. This is a cluster subdivision and they are asking for some bonus density to put more than what would

normally be 16 lots there and they are basing that request upon landscaping. They are going to landscape both sides of the main road that goes back in plus some entry ways there. In addition to that, they will put a landscaped path there and plant more trees in that other. They would need about probably 30% higher bonus density than what would normally be there. They include some of the suggestions that have been made and they are trying to make it more pleasurable.

Commissioner Borklund indicated that she believes it would make more sense to have the triangle attached to what is on the back of the cul-de-sac or to the duplex lot. Bob Favero indicated that he would do that if he was allowed to go below the 40,000 requirement. Commissioner Borklund indicated that if Mr. Favero did this as a PRUD, he could do what he is asking for. Chair Whaley asked if sewer would make a difference in this.

Commissioner Willener asked if Mr. Favero anticipates a timeline. Bob Favero stated that they anticipate in the spring to submit the subdivision. On the front of that, there is a property that has its own tax id. number. They received a variance and it was then put on their own property number. That lot would come to the canal and then go back to the canal.

Rick Favero stated that typically they don't like to create unusual lot configurations like that. Maybe they could shift the cul-de-sac to the west. Where this is conceptual, maybe they could look at some things like this.

Felix Lleverino stated that sewer has been relegated to the southern subdivision Gallop Bend. It was mainly just discussion as to connections; , running that line from the south up into the Giovanni Cluster Subdivision. We don't have much information on the future sewer route or line. Commissioner Borklund likes the lay out but believes the smaller lot should be removed from the subdivision.

Commissioner Hancock stated that there is that access point down toward the west end; doesn't that run into the canal and isn't that the canal that runs back in there. He asked if it was for additional frontage for the corner lots. Bob Favero stated that it was more for connectivity to the rest of the ground in the future. The only walking trail they would have is connecting the two subdivisions.

Felix Lleverino stated that when an applicant would like to develop a subdivision there is the 30% of open space designated but also reduced lot sizes that would have to be earned through bonus density, trails, open space, the roads in some instances they would provide a community garden or something of that nature, etc.

MOTION: Commissioner Borklund moved to give Sketch Plan approval and ask the applicant to scrub the small lot or include it in the PRUD. Commissioner Heslop seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

Under the current cluster subdivision ordinance, it is really difficult to get bonus density. There is not much there to use. He urges the Planning Commission to take another look at that ordinance. Commissioner Whaley asked for any input Mr. Favero would like to give on this issue.

Bob Favero stated that the 2" caliper trees that are required are \$180 each. The requirement is for too many trees of that nature.

4. Public Comment for Items not on the Agenda - None

5. Remarks from Planning Commissioners - None

6. Planning Director Report

- Planning Director Rick Grover introduced Steve Burton, a new staff planner. Steve Burton stated that he was originally from Layton Utah. He was in Rexburg going to school for a couple of years. He graduated from BYU Idaho and that is where he met his wife. He was a planner for Franklin County for a year and a half and he wanted to move closer to home and gain more planning experience. He is excited to work at Weber County.

- Rick Grover asked if they can ask for public comment and then have staff address all of those issues. It keeps a little more order.
- The Annual Planning Commission Dinner is scheduled for January 11, 2017 and will be held at Bella's in Farr West. Please R.S.V.P. Sherri before January 5, 2017.
- Rick Grover announced Sherri Sillitoe's retirement party on January 12, 2017 at 2:00 p.m. Comments were made that she will be missed.

7. Remarks from Legal Counsel

Chris Crockett stated that he believes there is a provision in the LUC that prevents Sherri from retiring. He is pretty sure that it cannot be appealed either.

8. Adjourn

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission

DRAFT

Minutes of the Western Weber Planning Commission meeting of March 13, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Roger Heslop
John Parke
Wayne Andreotti
Jannette Borklund
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of the 2018 Planning Commission Rules of Order: Mr. Crockett states that he will go over the rules of order in detail through them in the Work Session.

MOTION: Commissioner Hancock motions to table the Rules of Order until next meeting. Commissioner Heslop Second. Motion passes (7-0)

2. Administrative items

a. New Business

2.1 LVB100114: Reconsideration and action on preliminary and final approval of Cameron Crossing Subdivision (Formerly known as Blue Acres Subdivision Phase 4)

Mr. Lleverino goes over the proposal and he recommends approval based on conditions and recommendations as listed in the staff report.

Commissioner Borklund asks if condition number one has been met. Mr. Lleverino states that it has and that condition one can be stricken as a condition of approval since it has been met. Commissioner Parke asks if this item has an open space preservation plan. Mr. Lleverino states that Cameron Crossing does not require one because it is a standard subdivision.

Jason Hamblin 2500 W 900 N Layton states that its phase 4 standard 1-acre lot within the county boundaries.

Commissioner Hancock opens to public comment

Brady White 4043 W 2200 S states that his concern is that when they put the road in it is 2 ft. higher than his backyard. He asks if there is going to be a retention wall put in. Mr. Lleverino states that he is not aware of anything being put in. Mr. Hamblin states that there is no plan to put in a retention wall when they did site plan all the and the topography for the layout of the land. All the storm drains were issued by the engineer and review by the County Engineer. There has never been a discussion about putting in a retention wall or the need to put one in. Commissioner Borklund asks if there is a County Engineering requirement that drainage should not be allowed to the street to adjacent property. Mr. Lleverino states that as part of the design the stormwater is managed within the subdivision which is why they created the two detention basins that are located in Cameron Cove which will manage that. Commissioner Borklund asks if they will make sure that the drainage of the street doesn't go to the adjacent property owner. Director Grover states that it's something that engineering looks at as part their review. He states that the Planning Commission can table the item until this can be addressed or they can add it as conditional approval to make sure it's addressed. Commissioner Andreotti states that he agrees with Commissioner Borklund and states that if it doesn't get addressed and done it will never get addressed and done.

MOTION: Commissioner Borklund makes a motion to table until they can get information from engineering about the drainage from the road and the public right of way on to adjacent right of ways. Commissioner Andreotti seconds. Motion passes (7-0)

2.2 LVC101127: Consideration and action on a request for final approval of Cameron Cove Cluster subdivision, consisting of 27 lots

Mr. Lleverino states that Mr. Hamblin is requesting final approval, he was granted preliminary approval from the Planning Commission on 12-12-2018. He goes over details as listed in the staff report. He states that final subdivision plat requirements have been met as well as conforming to the standards of the Weber County cluster subdivision code. All lots within the proposal contain an area of 15,000 to 20,000 sq. ft. and range in width from 65 to 150 ft. before going to the County Commission for final approval the applicant is required to provide a cost estimate for the remaining subdivision improvements. The cost estimate must be finalized by and approved by the Weber County Engineering Department. The Weber County Planning Division recommends final approval of the Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is based on meeting all conditions and recommendations as listed in the staff report.

Commissioner Andreotti asks regarding the open space.

Mr. Lleverino states that in this case the open spaces would be owned and managed by the HOA. Director Grover states the HOA is an approved body that can be associated with the open space.

Jason Hamblin 2500 W 900 N Layton states that this is an extension of Cameron Crossing. There will be 27 lots with several parcels incorporated as open space for public use.

Commissioner Borklund asks if the parcel C is going to be landscaped like the other parcels. Mr. Hamblin states the reason why it's not going to be landscaped on that parcel is that it is going to be used as a detention basin. He states that they decided against trees because of flooding possibilities, but there will likely be grass there.

Commissioner Borklund asks regarding detention basin and allowing animals on them. Mr. Hamblin states that there will be fencing to prevent animals from deteriorating the area.

Commissioner Willener asks with regards to the preservation plan do we need to specify the restriction of grazing animals as a line item. Mr. Lleverino states that it is specified.

Commissioner Andreotti asks how much is outside the detention ponds. Mr. Lleverino states that on the subdivision plat each open space parcel shows the combined acreages. He points out that on page 14 of the packet shows the detention basins. Commissioner Borklund states it doesn't show how deep they go or if the animals are or are not allowed. Mr. Lleverino states that the way these detention basins are designed to hold the water and slowly release. Commissioner Borklund states that they can be multipurpose you can have a soccer field in the middle for example. Commissioner Andreotti asks if the agriculture preservation plan allows for the grazing of animals.

Mr. Lleverino states that it does allow for the grazing of animals. Parcel A is landscape grass. The preservation plan describes uses within each parcel. Commissioner Borklund states that there are a lot of questions to be answered regarding the agriculture preservation plan. Commissioner Willener states that based on the landscaping plan what she sees as agriculture is parcel C. All of the other ones looks like they are being groomed for other public uses. Parcels A and B have a landscape plan there are detention basins on both of them. Is it agriculture preservation because it's not presented that way? Mr. Lleverino states that parcel D is included as agriculture type open space as well. Commissioner Borklund asks if its big enough to use for agriculture. Mr. Lleverino states that yes it could be and it could be used to keep animals.

Commissioner Hancock opens to public comment

Greg Bell 4023 W 2100 S Taylor asks if there is going to be a park doesn't it have to be approved by the park committee. He asks if there is a plan for the HOA and what they are required to maintain. Is there supposed to be a plan before final approval is granted? Director Grover states that this a private park so it does require approval from the park committee. Commissioner Borklund asks if it will be open to the public or if it is only for the residents. Director Grover responds that at this point it's for the residents that live in the subdivision, but the public could use it. There are no restrictions. It's not a public park that is being taken care of and dedicated to the county. As far as

the HOA it will need to be addressed as part of the CC&R's when they look at how it's going to be maintained. When a certain number of lots are sold they have to have an HOA set up and they have to maintain the HOA.

Commissioner Borklund states that it was her understanding that part of the reason they were getting the bonus density was the public park, but it's a private park. Are we giving them bonus density for something that's not there?

Director Grover states that as far as the public element it will be discussed in the new ordinance. When the old ordinance was developed there was no park district so we were not able to accept it as a public park. The new ordinance will be looking at that.

Member of the audience that did not state their name asks doesn't it have to have public access to be awarded bonus density. Director Grover points out that access will be granted to the public but it's not a public park. The HOA is responsible for maintaining it. All the CC&R associated with it have to be recorded as part of the final subdivision plat. He states that the subdivision plan is separate from that, it can be included with the CC&R's but typically it's not done because it's part of the cluster subdivision ordinances. He states that there are some confusions as far as the landscape plan versus preservation plan. There are some discrepancies that need to be taken care of. It can be conditioned or have the developer make it consistent.

Commissioner Hancock asks if there are any other comments. There are none.

He asks if there is a motion

Commissioner Willener states that before she makes the motion she wants to make sure to get a clarification from staff. She wants to include that parcel D which isn't addressed in the agriculture preservation plan. It only addresses A-C. She wants to make sure that there is a clear delineation between what's being considered agriculture preservation versus what parts of the parcel are going to be dedicated for park use since the bonus density is dependent on that.

MOTION: Commissioner Willener makes a motion to table the request with the condition that when final approval is requested in the future parcel D that is being asked for inclusion in the agriculture preservation plan be included in the documentation as it not now, and the parcel that will be agriculture preservation be clearly identified and separated from the landscape parcels and the parcels that are going to be part of the park that the bonus density is being requested for. Commissioner Borklund adds that there should be two separate plans for the separate plans of parceling and that it should be clarified that it's a private park. Commissioner Borklund seconds. Motion passes (7-0) Item is tabled until issues are resolved.

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

4. Remarks from Planning Commissioners-none

5. Planning Director Report- Director Grover states that on March 28th at 6:30 at the West Weber Elementary School we are going to be having West Weber Visioning. He states that there is concern about where development is happening. He states that we are getting standard subdivision or cluster that aren't meeting the needs of the residents. He is hoping that this eventually translates to a start of amending the general plan out there. He points out that they are trying to get feedback from the residents and showing them what could happen with standard subdivisions in the area. If we leave it how it is standard quo without doing any major nodes or where development should happen there will be no agriculture land out there. We will be showing them scenarios, if they did 1 acre lots or what standard zoning would allow. He states that this is something they did in the Ogden Valley. Ogden Valley recognized that they need the nodes, and pointed out where they want village areas. These are things that they can consider. We are going to be having a series of meetings until July until there is a formal vision plan of what we want to see happen out there. He states that they are hoping that will translate into starting the process of doing a plan amendment in that area. He states that the Planning Commissioners are invited and to spread the word. He states that they want input on where they would like to see nodes, roads, and development. He states that if we don't plan and make this happen it's going to continue like it is right now. He states that he wants everyone to come together and envision how we want this area to grow. He states that right now it's not part of the general plan but it's something that we hope morphs into getting synergism to amend the actual general plan.

6. Remarks from Legal Counsel-none

7. Adjourn to work session-5:44**WS1. DISCUSSION: Open meetings training and Planning Commission Rules of Order**

Mr. Crockett states that if the Commissioners have a question to bring them up as he goes through it. He states that regarding the appointment of Chair and Vice Chair, it is important to come prepared with a name. He points out that regarding the chair duties there is a list of those duties. Commissioner Borklund points out that Chairs and Vice-chairs need to ask for opposing votes because it makes the record skewed. Mr. Crockett states that it is important for clarity of the minutes but also under the Rules of Order, Commissioners are not allowed to abstain. Commissioner Heslop asks isn't there a rule in case the Commissioners would like to reconsider. Mr. Crockett states that it's toward the back when recording the votes. He states that he will come back to this item. Mr. Crockett adds that other things to keep in mind are when receiving the motions and putting to vote all the questions, to make sure that it is orderly. He points out that all Planning Commissioners have the ability to ask advice of staff or legal, specifically there is a provision that chairs have the authority to ask legal. He reiterates that when in doubt always ask questions. Regarding maintaining order at the meetings there are provisions in the open meetings act that allows the Chair to remove people if there is disorderly conduct. If the meeting is getting bogged down the Chair has the ability to set time limits. If it is required for there to be public comment, then the Chair must by law allow an opportunity for the public to give their opinion. The Chair can set the time limits to allow other members of the public time to speak.

He points out that if a member of the public offers a document, a letter, or a physical item that needs to be considered they need to make a particular note on whether or not it will become part of the record. Commissioner Borklund asks if it needs to be done by motion. Mr. Crockett states that there is always a level of protection when you do it as a motion. He states that if the Chair is unavailable it falls to the Vice Chair. He points out that they can appoint a temporary chair if both are going to be out of town. This particular Planning Commission has been very good about reading the material, coming prepared and having questions prepared. If you can't attend a meeting, make sure to call so that you can be excused. Keep in mind that three unexcused absences are cause for removal. He points out that regarding conflicts of interests near the beginning of meeting the chair will ask whether any member of the Planning Commission has a conflict of interest. A member who knows that he or she has a conflict of interest must state that such a conflict exists. If a member has doubts they should bring it up. A member who believes that he or she or other members of the Commission may have a conflict of the interest on any matter of the agenda they shall explain it to the Commission, the Commission will vote to decide whether an actual apparent or foreseeable conflict of interest exists. He states that his advice is to air on the side of caution. Avoid the appearance of impropriety if you feel there is a potential conflict disclose it, because it might not be a conflict but protects the integrity of the decision and possible subsequent challenges to make sure it's fair to everyone. If you do have a conflict the member shall not participate in the discussion, they should leave during the time the matter in question is being discussed and being voted on, and shall not attempt to influence other Commissioner before or during the meeting except as allowed in the subsection. There are a few narrow exceptions that allow you stay during the comment of that matter where you speaking in your individual capacity as opposed your official capacity as a Planning Commissioner. No member of the Planning Commissioner shall participate in the discussion of an application when any action of the following conditions exists. There is a list, stating familial relations if you have a direct or financial interest. If you feel at any time that you cannot be impartial and render a fair and objective decision recuse yourself and not participate in the matter. Commissioner Borklund asks if this relates to motions or the whole discussion. Mr. Crockett states that there is the exception that allows you to speak in your individual capacity. He points out that even though they are speaking in their own individual capacity their mere presence could influence the vote, so be mindful. Commissioner Willener states that it would be difficult to make comment on something where you haven't heard the whole discussion. Mr. Crockett agrees and states that it would restrict an open discussion if there might be a hesitation because you could hurt somebody's feelings or you don't want to ask some questions because the individual is there. It might cause discomfort. Having the individual leave the room will open up discussion and make sure that the issues are fully vetted.

An ex parte contact is any communication with a party or person outside of the planning commission regarding administrative applications. You really need to distinguish between administrative and legislative action. Legislative items we do encourage contact but there are limits, for example, don't accept bribes. Once the law has been passed and there is an ordinance governing the particular type of application that is before you it is

important to make sure that the process adheres to everybody's due process. It is important they have an equal opportunity to address the Planning Commission, that they know that an applicant has not gone and spoken to an individual Planning Commissioner because it's not fair to the other side. He points out that sometimes it can't be avoided they will call you or sometimes it might be a neighbor asking for a particular application but it might not be an issue but it should be disclosed. Commissioner Borklund states that it's okay to talk about what time it's going to be on the agenda. She states that regarding the other items would it be better in that to say "I'm not going to talk about it." Mr. Crockett states that Commissioners can direct them to the Planning staff. He points out that in an administrative matter a specific provision that contact with Planning staff is not ex parte contact because the Planning staff is not a party they are there to help facilitate the application. They take any information and make recommendations on whether it meets code. Mr. Crockett asks the Planning Commissioners how they feel the pre-meetings are going. He points out that if it is a public meeting, there needs to be a notice sent out on it, and no decisions. The purpose is to review and address the agenda and to have staff answer questions. Commissioner Borklund states that the one thing that she wonders about is when the public comes and they expect that can talk during the meeting. Also if something asked in the pre-meeting and it is addressed in the pre-meeting but it's not brought up during the public meeting, it becomes a concern. It needs to be put on the public record.

Mr. Crockett states that based on Commissioner Heslop's concern regarding the cluster subdivision ordinance there is a statutory expiration of when it has to be done 180 days or it goes back. There are provisions for special meetings. A special meeting may be called by the Chair or by a majority vote by the Commission. The notice shall be given to each Commission member of the time and purpose of any special meeting at any regular meeting at least 24 hours prior to the meeting. Commissioner Borklund asks if they can add email as a form of notification. She points out that it just says it may be given to the Commission personally, by telephone or by U.S. mail. Mr. Crockett agrees that a provision can be added. He points out that part of the reason that email is not included is that the notice and provisions under The Open Meeting Act does not include email. There needs to be a legislative update.

He states that even in a special meeting quorum requirements have to be met. He states that under the length of the meeting if the Commissioners make a motion to adjourn at a certain time it no debatable.

He points out that under the order of business it is general follows the order but they are designed to be flexible. They are more like guidelines. He points that approving the minutes upon hearing from the Commission they are either approved as presented, as amended or postponed until next meeting.

He states that regarding the consent agenda they are items that do not require discussion or debate, when you look at the application it clearly meets the land use code in our opinion if not there is a way to get it removed from the consent agenda, because they are routine items or because it is believed they are noncontroversial and will be unanimously supported. The Planning Director will decide who will be on the consent agenda. The question will be asked if any Commissioner wants any item removed to allow that item to be discussed and voted on separately. If there is a request to remove an item, it has to be taken off the consent agenda because it has to be unanimous or there is no consent. If an item is removed the Chair will make the determination on what time the item will be heard. When there are no more items to be removed the Chair will call for a vote. Commissioner Borklund states that she believes the Commissioners understand it but the public might not. Mr. Crockett asks if having it listed in the Planning Director remarks in the beginning. Commissioner Borklund states that yes or when you identify the consent the agenda to make the public more comfortable. Commissioner Willener adds that often the discussion of the consent agenda happen in the pre-meeting. All of the questions get answered in the pre-meeting and then we move on to the public meeting and it gets a blanket pass. Mr. Crockett states that they are welcome to discuss it during pre-meeting, if it doesn't come up during the pre-meeting there is really no issue, but it's always good to ask whether anybody wants the item removed.

Mr. Crockett states that regarding the special order of business the Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

Mr. Crockett explains the Order and decorum. Commissioner Borklund states that she believes we are mixing up B. and D. She states that sometimes the staff gives the full staff report in the beginning and when they should only be giving an overview and then make the developer sell the project. Commissioner Hancock agrees. Mr. Crockett states that this is one of the flexible standards, because depending on the particular application they may need to

lay a little bit more foundation. He agrees that generally, it should be short on detail and that the responsibility lies on the applicant to prove to the Planning Commission that the application meets the requirements. Commissioner Borklund points out that it comes across to the public that the staff is proposing it. The applicant needs to make their presentation first. It gives the public the wrong idea and makes the County look bad because of the way it's presented. Commissioner Andreotti agrees and states that the initial overview should not have the staff's recommendation for approval it should come later. It should only say to introduce the item and talk about the criteria of the item. Commissioner Willener agrees that they are getting such thorough presentations that the developers are not having to say a whole lot.

Mr. Crockett asks the public if they have any comments regarding the way the items are introduced.

Greg Bell 2100 S 4032 W Taylor agrees with Planning Commission. He states that the impression of the public is that the Planning staff has the responsibility to sell every development that comes across because it appears that they work hard to prove that the subdivisions meet the code, and the developers just sit back and rake in all the money. He states that the Planning staff does it all for them. Mr. Crockett that maybe we need to temper that let the developer sell it and then as questions arise from the Planning Commissioners and direct them to staff. Chair Hancock states they could save the recommendations until the end of the public comment. Mr. Crockett states that perhaps he can bring it up with Director Grover, so that he can include it in his staff meeting, to see how the staff feels and then Director Grover can address any issues. Commissioner Heslop states that as part of the staff initial report it is good if there is a bit of history or background. Mr. Crockett states that this may help protect the Staff from criticism when really it's not their application. Commissioner Borklund states that the staff is limited also because if the application meets the ordinance requirements, the Staff can't say no and the Planning Commission can't say no. Mr. Crockett adds that they need to be cognizant, just because the applications are entitled to approval doesn't mean the staff or Planning commission advocate it. He states that speaking for legal their idea as to whether it's a good idea or not doesn't matter. If it meets the legal requirements, then their opinion ends there. Commissioner Borklund reiterates that the developer needs to sell it and the Staff just tell them what the requirements are and whether it meets them or not. Commissioner Hancock states that staff needs to let the developer know to come prepared instead of just one line it should be 5 to 10 minutes long. Mr. Ewert states that as a former director this was how it was done, for the exact reasons mentioned. He states the staff does tend to get invested in the projects they are working on. He states that they are pretty rigorous with the developers, by the time the project is ready they do around 5 reviews. He states that the advice they give to staff is not to get attached, run the process, and be a professional. Keep the emotional investment out of it and if it is there don't show it.

Mr. Bell states that going back to their earlier comment regarding the pre-meetings. When The Planning Commissioners get their all their questions answered in the pre-meeting when the public comes to the meeting and the Planning Commission doesn't have any comments or questions it looks like it was just rubberstamped. It looks like the Planning staff sold it really well and answered all your question in the presentation. Mr. Crockett states that there is a balance, they have to be careful. Under the law, there is no requirement to take public comment on certain matters. It can be useful because it can help answer questions and concerns. If there is a thorough discussion on a matter that is important to the public, perhaps there will be information that will help resolve some concerns. He states there are times when there is valuable information brought forth by the public. On the other side, one of the problems is that it is an invitation to listen to public clamor. Which is not evidence. If it is found in a record and challenged in court the decision would be found arbitrary. Commissioner Willener states that going back to the last meeting and the concerns of the public, they understood that those items would be addressed down the line but the public might have felt like they weren't being heard. It's difficult for the public to understand.

Mr. Bell states that he understands the process better now, but when he first received notice he felt like his everything was being approved and granted and the public opinion did not matter. He did not understand what was the point of handing out the notices of the meeting for public comment when it seemed like nobody really wanted to hear it.

Mr. Crockett states that if it seems that a lot of people are expressing interest in a certain item it would be good to have some public discussion, but it's important to be mindful of the tools that you have to get a meeting back under control. Commissioner Willener states that there is always going to be cycling new community members with every new project. She points out that you're always starting the education process over and over. Chair Hancock states that this is why item B. is so important. He states that staff rather than give recommendation talks about the criteria and what as a Planning Commission they can do. They can state that the engineering department handles this and it not part of what they are there to discuss or to make a motion about. They can point out the things that we have influence over. He states that if we do every time the public might understand the items that they can take action on and the criteria that they have to measure it by. Mr. Crockett states that they also need to be mindful that the law presumes that the general public is aware of ordinances, statutes, and law, but they have a responsibility as staff members to answers questions from the public. It might not be the appropriate time during the meeting but they need to make ourselves available so that people can contact them and the process can be explained. He states that if he feels that a question needs to be answered he likes to give them his card so that they can sit down and have a discussion.

Commissioner Whaley asks what are the notices that are being received in the mail? Mr. Bell states that they are usually sent out to the public that lives 500 ft. around a new development. The notices say the open public hearing will be held to address this subdivision bring any concerns. Mr. Ewert states that it is very inviting but it doesn't say to come and speak your mind. It should say open public meeting not hearing. Commissioner Whaley states that he disagrees with this. He states that if the Commission puts themselves in that position to explain everything to the public they are going to be there all night it is not their duty. He states that their jobs as Commissioners is to review the applications, the staff, and the developers make the presentation and then the Commissioners make a determination. He states that the public notice has to be addressed. He states that it has to be made clear that these are public meetings, not hearings. He states that the Planning Commission has no responsibility to listen to anything the public has to say. They have to deal with the public because it is a public meeting, that being said it is not unreasonable to allow the public to come out. He states that he would like to see one of those cards. This is something that it needs to be followed up on, it should say that it's a public meeting not hearing and that the public needs to be given enough time. It should say if you have questions comments or concerns about this to see the staff. Mr. Ewert states that it does have the staffs email address and phone number. Mr. Crockett states that it should have two distinctions between what has needs to be done on those notices there is a legal distinction which is by law you are only required 24 hours' notice, as a policy matter you can give more advanced notice if you want.

Mr. Bell states that he has a notice and he reads the notice. The notice states "to the owners within 500 ft. of the property located approximately 4075 W 2200 S the Weber County Planning office has received a request for preliminary approval of Sunset Equestrian Cluster Subdivision consisting of 180 building lot consideration of the application and action on this request will take place during an open and public Weber Planning Commission meeting which will be held in Weber County Commission Chambers 1st floor date time subject to change please call to confirm the new time and schedule." Mr. Bell states that this was the first indication that to the public that this development was happening. He states that it was a shock to hear that 180 homes were being built next to his home, and it was frustrating that he only received a 3 days' notice to go and have a discussion about it. He reiterates that it was a complete shock and when the time came for meeting every one of the public members was passionate and confused. He states that they showed up thinking it was a public meeting, he believed it was meant to be a public forum where they could express their concerns, but it wasn't. Commissioner Whaley asks Mr. Crockett to makes sure all of those notes go out from this point forward. He would like to make it clear to the public that they are invited to attend the meeting but it is not an open hearing. Commissioner Borklund states that it is dangerous to not take public comment. Mr. Crockett states that it is contrary to the training that was received from the state it's important to have a balance. Mr. Bell states that he would like to make a suggestion. He states that it would be good if they can get a notification when a draft comes up so that the public doesn't have to fight preliminary approval. Mr. Ewert states that it important to keep in mind that there is an intricate administration that occurs in the Planning Office. He adds that this is not a bad idea but it is also not new. He states that if notification goes out when an application is received the neighbors come and get worked up before there is enough to even talk about. When you get any type of application in the neighbors wants to come and see what it is but at the point, the application comes in there isn't enough information it might be 180 lot it might be 150 lot. He

states that at that point they haven't checked all the boxes. Once all the boxes are checked they need to verify that it complies with the law. He states that at this point they are ready to talk to the neighbors and send notice. He states that when it comes to due diligence from the applicant's perspective we can do 7 days before the meeting. The further out ahead of that we get the more time it takes to get the applications in. He states the County Commission has given them the responsibility to make it a streamlined process and get things through as fast as possible. He states that it is a balancing act. Commissioner Borklund states that it is tough because you want to make the developer happy but you also want to make the public happy and it hard to be in the middle. She states that she suspects the tonight the developer was not happy. She states there were so many questions that the only action was to table both items. Mr. Crockett states that he believes it is appropriate to sit down with Director Grover and address the concerns of the Planning Commission. He adds that he is more than happy to bring the concerns to Director Grover. Commissioner Andreotti states that nobody likes to do double the work. Now the items need to be brought back and the developer has to wait longer.

Commissioner Whaley reiterates that it is important for the notices to inform the public if they have questions to contact staff. Mr. Ewert agrees and states that perhaps they can change the verbiage to say "contact staff before the meeting if you have questions" and the notices he used to send out said, "you are hereby invited to observe the Planning Commissions deliberations." Mr. Bell states he now understands the Commissioner's point of view. He states that he also has the perspective of someone who didn't feel like they were getting heard. He felt like he didn't have enough time to get his thoughts together.

Mr. Crockett states that when it comes to the notices it's a process that he is happy to work on. He states that he is going to be mindful that in the legal recommendation. He wants to make sure that the Planning Commission and staff don't go outside their statutory responsibilities. The determination of whether there is going to be more notice is going to be a policy decision and could come through an ordinance change. He states that they have to adopt minimum standards established. He points out that until that happens he advises the Planning Commission and the staff to be mindful that the departments do not go out of their statutory responsibilities, because it would then be their responsibilities and you would accept the consequences. He states that they would then need to apply it fairly. He points out that if they give more notice on one application and less on another they are setting themselves up for a big problem. They can look at the language in the notification, there are specifics that are required by statute, but there is some flexibility as far as how those sentences are crafted. He states that this is where they can enhance clarity.

Commissioner Andreotti states that as the Planning Commission they do the best they can based on the information they have. Commissioner Borklund points out that they have to test the ordinance. Commissioner Andreotti adds that the public does have some input before the mail goes out. Mr. Bell states at this point he just wants to know what is in the code. He can't just sit by and allow others to make the decisions without his input.

Commissioner Whaley states regarding the draft application and the preliminary application. If the developer is submitting a draft application and it goes out the public, what's going to happen is we are going to confuse the issues. If notifications go out they should not go out at draft level. Mr. Crockett states that state law establishes certain things that have they need to have notices sent out, there are certain things that don't need to have notices sent out. He points out that the state sets the floor. It is a difficult balance. Mr. Ewert states that this can be addressed in the staff meeting in the morning.

Mr. Crockett states that regarding page 8 consideration of items. *A ruling of the Chair may be challenged by any member of the Planning Commission present at the time of the meeting. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.*

Mr. Crockett adds that he hasn't seen it happen.

Regarding Procedures and motions, he states that they more like guidelines. He adds that they are very detailed, and when in doubt they can ask legal. The main things to remember is motion, seconded, and have a discussion, make sure the chair states it and call for the vote and ask for the opposed as well. There is a section regarding tie votes and what happens with that. Mr. Crockett states that he has been asked if people can vote by proxy and the answer is no. He also states that you cannot abstain from voting unless there is a conflict of interest.

He states that if there is a question about amending a motion they can refer to page 11 section 5.

Page 12 motion to reconsider proposes no specific change in the decision but simply proposes that the original question is reopened. It required a majority vote and cannot be reconsidered. Commissioner Borklund adds that it has to be in the same meeting. Commissioner Willener states that it requires a majority vote just to reconsider. Commissioner Borklund states that they have had legal in the past ask them to make the motions and then have

the discussion. Mr. Crockett answers that there is a set forth process on page 9 section F A-E it opens it up for a motion, the chair can outline the possible actions, the motion comes, there are certain things that can happen before a second, once there is a second the chair states the motion and then opens it up for a discussion. Mr. Crockett states that he believes these came from Roberts Rules. Commissioner Borklund states that she doesn't like making the motion and then having the discussion. Mr. Crockett states that you can get a lot of discussion through the questions, and there are provisions as far as the Planning Commission having question among each other. Once the motion has been made and the conditions have been set and requirements. He points out there is nothing that prevents them from discussing or debating the issue before the motion. Commissioner Borklund states that it may be good to ask if there is any discussion on the motion before the vote is taken, to make sure everybody understands the motion.

Commissioner Whaley asks how many changes have been made. He suggests that they should highlight the changes made. Can they be made available to the public on the internet?

Commissioner Willener states that it would be good to make the information available for the public to give them a way to educate themselves before they come to the meetings. It would help address a lot of the concerns that are brought before the Planning Commission.

Mr. Crockett states that he knows that the Planning Commissioners take their jobs seriously by the level of input and the discussions.

WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.

Mr. Ewert states that he wants to address some of the questions and highlight some of the changes. Mr. Ewert goes over value comparisons. He states that it's not a huge difference in the numbers and he is surprised that developers are making it look like it's a lot more. They are also talking about how they can't put their product on a 9000 sq. ft. lot. He states that even with 50 percent if you configure it right, you should be able to get 3rd acre lots. This is perfectly configured square broken down into perfectly configured squares, the real world is not like that. It should at least give them room to play between 9000 and a 3rd of an acre to be able to get as many lots as the ordinance allows. Chair Hancock states that there are additional cost savings to them as they cluster. Mr. Ewert states that that is correct and he was going to run that analysis as well and he can run a cost per linear foot of streets with infrastructure sewer and water and look at the difference. He states that what he has found in looking at Weber Counties infrastructure system was we that we are looking at 10 percent less road infrastructure. It wasn't as much they've been sold on. This is because our cluster subdivisions have been saying put these pockets and run a road all the way through them as opposed to have a pocket and run a road through it. Chair Hancock asks if with that savings the 30 percent it would be equal to the standard subdivision. Mr. Ewert asks do we want equal or do we want more, because if it's equal or more then we might lose clusters to standard. Mr. Bell asks with the 50 percent bonus density do you really get 50 percent open space or is it 30 percent with landscaping and trails. Mr. Ewert asks if he means 50 percent agriculture space as opposed to 50 percent in the trail and in parks. Mr. Bell agrees and asks really they only have 30 percent open space, but they get up to 50 percent. Mr. Ewert points out that if they want 50 percent bonus density they have to have 50 percent open space. He states that it is a one for one. One percent bonus and means one percent extra open space.

He states that the math is pretty much the same just a bit more reduced on 50 acres because the lot size stays about standard. Commissioner Heslop asks if his example excludes roads, the right of ways, parking, trees, and landscaping. Mr. Ewert states that it wouldn't exclude the open spaces within the subdivision that has landscaping but it would on the road right of way. Commissioner Heslop asks if there is a 50-acre tract will the average lot acreage remain the same, and where does the landscaping come out of, is it reduced from the number of lots? Mr. Ewert states that with this scenario to keep it as simple as possible, he just pretended that they were dealing with 50 acres without the roads. In this scenario may be the total is 55 acres and 50 acres in developable lot area. He adds that Commissioner Heslop's question emphasizes a few points road configurations is going to cut off access to some lots. They are not going to get perfect configurations, the calculus and the configurations are not going to be perfect in all cases. Commissioner Borklund asks if the topographies are going to matter. Mr. Ewert states yes because no piece of property is equal. He states that fortunately in Western Weber they are not as inhibited as they are in the Ogden Valley. This a way to look at this to see why the developers feel they need the bonus density. Commissioner Willener states that the issue she is having is based on the things they've seen come across. She states that it's great that Mr. Ewert is showing them a 100-acre tract versus a 20-acre tract. She states that they rarely see 100-acre tracts. She points out that they are seeing 10-acre tracts and 20-acre tracts. She states that

they aren't seeing 3rd acre lots, they are seeing quarter acre lots or smaller and this is where her concern lies. The bonus density allows for it but when she speaks to people and this with regards to her as well she moved out to Weber County for a bit of elbow room. The elbow room includes the open space, but it also includes the lot size. She states that she doesn't want to be living on top of her neighbor in a quarter acre lot. A 3rd of an acre is maybe the border. She points out that they moved off of a 3rd acres because they felt it wasn't enough. It's the draw out to Weber County you can say you go out for the agricultural and want the big tracts, but when you start going down to quarter acre lots in order to hit 50 percent bonus density it's too tight. A 3rd acre doesn't tract with what is being approved. Mr. Ewert states that he agrees. Chair Hancock states that it may be what the Planning Commission wants, but it may be what the public wants. It might be a someone coming from an apartment looking for a smaller lot.

Commissioner Willener states that when they throw out these numbers in the public meetings and it is said can they go up to 30 percent bonus density versus 50 percent bonus density, 50 percent sound like a big number and it benefits the developer but the reality of what it lays out in terms of land and layout on the land, and the development itself it contributes to the aesthetic. She states that she just doesn't like the arbitrary nature of them throwing out the number 30 percent and if that doesn't make people happy let's say 40 percent. What does that actually mean? Commissioner Hancock agrees and states that that was his next comment. He asks can't it be more defined? Commissioner Borklund asks why the Ogden Valley doesn't allow any bonus density. Mr. Ewert states that they say their max build-out is already too high. They have already allocated way too many development rights. Ogden Valley right now has 4,500 homes give or take since it has come out it's probably closer to 5,000. They have 5,250 on the Weber County side entitled through Snow Basin and 2800 entitled through Powder Mountain and on the Valley floor they have another 4,000. They have between 15,000 and 18,000 rights for homes, and right now they've only built 4800 of them. They agreed that they aren't going to look anything like they do now if they build out 18,000 homes. Mr. Ewert states that he did the math and without septic, it would be between 18,000 and 20,000. If you put a sewer system, it becomes 20,000 to 24,000. He points out that if you look out west 1 sq. mile can fit about 690 or so homes in the A-1 zone under the existing zoning.

Mr. Ewert states that going back to Commissioner Heslop point earlier they may not be able to exclude the roads, he may need to go back and look at the numbers again. He is going to go back and see how they are actually calculating density right now if the roads aren't excluded and that area has to be incorporated all the numbers are going to drop. Commissioner Willener states that trying to balance the large tracts of land versus the smaller bits of open space does it make sense in any way. She points out that they deal primarily with small developments 10 to 20 acres at a time. Is there any reason or motivation that they would take a development that is like a 100 acres and allow something that large to have a 50 percent bonus density but have a smaller ceiling for a 30 percent bonus density for something like a 20-acre tract? This might encourage a developer to buy area and leave larger tracts of land. If there is a motivation to combine tracts and preserve larger land, larger field, farms, and open space, it might accomplish what 5 acre caps are meant to accomplish with the rewrites of the ordinance. She asks if it's a larger development do they allow higher bonus density and if it is a smaller development would they allow a smaller bonus density? Commissioner Parke asks if they need to set a minimum size for the cluster. Mr. Ewert states that right now the way it fleshes out there is a minimum size and it is about 6 acres. It's not specifically stated, but if you run the math and fit as much as possible with 50 percent bonus density it's about acres under the current code. Commissioner Parke points out that they would need to have 20 acres to get the 6 acres with 30 percent and 6 is cutting it close to not being big enough to farm. Mr. Bell states that according to the math Mr. Ewert presented it still incentivizes the developers to go to 30 percent bonus. They would still be making more than a standard subdivision. Commissioner Parke states that if there is a 20-acre minimum for a cluster we might be preserving a piece that can be utilized. Mr. Ewert states that if we do a minimum cluster size they are automatically excluding some of the other tracts of land from clustering and those just become acre lots if that an okay externality then by all means let's do that. There is a possibility that some opportunities will be missed to grab some significant open spaces. Especially if there is a 15-acre subdivision next to a 15-acre subdivision and combined the contiguous area would be more. He asks what if they go with a graduated scale, the bigger and bigger it get the more density the developer gets to a cap. Commissioner Borklund states that she like that idea, but if the developers get a 100 acres are they going to phase it. They need to make sure that each phase has the amenities. Mr. Ewert states that if there is a phasing plan every phase has to have a proportion amount of open space and amenities, so that if none of the other phases happen it can at least stand on its own. Commissioner Parke asks can it be written so it has to be proportional, and contiguous or they have to get the open space done

first. If they are going to develop 20 percent, then they have to dedicate 20 percent of the open space whether it touches that phase or not. Commissioner Willener states that she has some concerns where small tracts are coming in front of the Planning Commission. She states that they can set aside 5 acres or 10 acres in a larger tract. In terms of farming it's not going to be significant enough. If a developer is going to put an investment in, if they have something like a 100-acre tract being able to give them some incentive to preserve large tracts of farmland, not just small pockets. She states that it gives her the balance between the larger open spaces and the community feeling and still offer the elbow room and room to grow. Commissioner Parke states that if they have 10 acres and they want to cluster it with no density. Then they can have their HOA pockets it can be clustered with no density. Mr. Ewert states that what he is hearing is that they want clusters and 10 acre minimums, if they don't have 10 acres then it's just a standard subdivision. He asks at what threshold they want to start graduating up, do they want to graduate per acres. Commissioner Parke states that if they do 20 acres they ought to get 30 percent, 10 acres shouldn't get any just let them recognize the savings in clusters. Mr. Ewert asks if they would be comfortable to allow it to go up to 50 acres, 50 percent open space and 50 percent bonus density. Commissioner Andreotti states that when farmers come in and comment they usually say they want big tracts of land they don't care if the houses are on top of each other. At the end of the day it's not an agriculture area anymore so when the time comes and the 10 or 40 acres turns into weeds and where do they go from there. He feels that in the end it will be filled with houses. He state regarding the smaller tracts and a house on every acre okay with that. He adds that in order to sustain agriculture operations, there is a need to sustain neighborhoods for people to live there. One of the problems the County has now is CAFO's. They are going to be there until the buildout comes they won't be able to take it anymore. He believes that the biggest tracts of land ought to be reserved. Mr. Ewert agrees and states that agriculture is a dying industry. He adds that the response that he wants to give the public when they bring this up is that it is dead if you take that approach. Its dead if they build everywhere. There might be some vertical agriculture in the future possibly in other areas.

He adds that he does like this concept but it needs to be fleshed out. Commissioner Willener states that another thing to think about with the smaller tracts and have 1 acre to 5 acres it's not going to farmable. Most likely people are going to put animals on it, without the large tracts to farm alfalfa and other animal food sources people won't be able to sustain their animals. If there is a graduated way of encouraging large tracts to preserve more space in as tight of an area as possible or the clustering in as tight of an area as possible. This might leave the larger areas available for large-scale farming. She states that she is not comfortable arbitrarily saying 30 percent sounds good until she can see what it does. Commissioner Parke states that with a 20-acre tract at 30 percent you have 6 acres its big enough to farm, below that it's a waste of time. Above that, it should go 30 to 40 to 50 and cap at 50. Mr. Ewert states that he will work on something else because the Ogden Valley they are going to put bonus density back in the cluster, the developer has to buy it. The developer would need to go out to an agricultural farmer and the development rights and put it in. Mr. Bell states that in the further west you go you can't have any more agriculture. He adds that if they are going to go out there and buy open space or agricultural land so they can develop the farmable property it's defeating the purpose. Mr. Ewert states that in that case, they could say they need to buy it within a certain amount of miles from the subdivision that they are in so that the people in that community has the benefit of more open spaces. Commissioner Borklund states that what Mr. Bell is trying to say is that we need to make sure that the land that they are trying to preserve is actually able to sustain agriculture. Commissioner Willener states that it is written in with the soil sampling. Mr. Bell added that when you are talking about transfer rights it has to be like for like. Commissioner Parke states that if Commissioner Andreotti is correct and all the agricultural land does go away and does become residential at least we will have those parcels and there will be somewhere to put a grocery store and school, that wouldn't be available if it's not done in this manner. Commissioner Willener states that in the long run if they have larger tract 30 or 40 years in the future it will be easier to look at a large tract and see the potentials.

Mr. Ewert shows the Planning Commissioners some samples from a developer so that they can get a conceptual idea. Mr. Ewert states that the one thing everybody agrees on is the one-acre lots aren't going to work financially and community wise. Mr. Bell adds that if it's turned into something the developer needs it going to become unsustainable. Mr. Ewert sums up that they are going to stick to open space, bonus density and overall acreage in a graduated scale and the one for one. There will be some limitation and it will cap out. Commissioner Willener asks if it is going to cap out at 50 percent bonus density. Mr. Bell states that they won't be able to get much higher with the 9,000 minimum sq. footage. He adds that if you can get 60 percent bonus density with 60 percent open space and still maintain 9,000 sq. ft., why not do it. Mr. Ewert states that the Ogden Valley requires 60 percent

open space they have a larger minimum lot size but the current discussion is a one for one. They are at 60 percent, not 30 percent the open space requirement would need to be bumped up. He adds that he likes the one for one. Commissioner Parke asks where the one for one would start. Mr. Ewert answers that it would start at 10 acres. Commissioner Parke agrees and adds that up to 10 they shouldn't get any density. Commissioner Borkland adds that they could do a cluster with no bonus density.

Mr. Ewert states that he will work on it and bring back at the public hearing if it's not ready at public hearing it can be tabled and brought back another time until a decision can be made. He that it has to be adopted in within the 180 days and there are developers who are chomping at the bit and the way it's looking they may have to accept their applications under the old code and postpone any kind of review because if it is adopted it has to comply.

Mr. Crockett states that they do have to take them in but it's a wait and see period. If these changes go through they are still entitled to receive review under the old code. If the new the changes don't affect their application the review would be under the new code. He adds that they could a land use regulation prohibiting certain types of applications for a six-month period but it would have to be done under the ordinance.

Mr. Ewert gives a quick overview of changes made in the Cluster subdivision code. He states that on page 6 line 281 it refers to open space developments and standards and ownership regulations. There is a small section about the small open space area within a cluster. He points out that the Ogden Valley had a hard time with what was in the previous proposal. He asks the Planning Commissioners to imagine a cluster and the corner is a park or an area of open space for a trail. The bigger those are the less acreage you have to the big open space parcels. To maximize those open space parcels those should be pretty small if they are within a cluster if they meet the requirements of a large open space parcel anything less than what meets the requirements that are inside of a cluster has to meet certain standards. The Ogden Valley wanted to soften that quite a bit, they aren't as focused on agriculture. They are pro-agriculture but they are more focused on open space. They have less growing time than Western Weber. They are pro-agriculture because it maintains the open space. What the new verbiage on line 281 says is if you have more open space parcels inside of your clusters than you are required by the minimum percentage of a whole. He states that regarding line 298-304 he changed some of the languages to make it clearer and more consistent with the language in the code. It basically says that the large open spaces should be contagious unless prime agriculture land would merit it to be noncontagious. 313-316 states that the contagious open space area shall be no less than 450 ft., this in reference to a previous conversation regarding the three turns of the combine. It gives an out to properties that are configured oddly, that have environmental constraints, or topographic features that merit it difficult to run a combine through it.

Mr. Ewert states 328 is regarding the small open space parcels between lots, basically, it says to make it as small as it can possibly be to facilitate efficient and meaningful use.

Mr. Ewert states regarding the estate lot 5 and a ¼ acre 80 percent of that has to be encumbered by an open space easement to be included as open space, and you could build your house on a building envelope that is closer to the other houses. He adds that he had a request from one of the surveyors who asked why not open it up for anything that is 1 or 2 acres. He states that he did 5 and ¼ because its green belt he thought it would be a benefit and it might not have to be regulated if someone wants to do 2 acres and has 80 percent of that in open space. He asks the Planning Commissioners how they would feel about that a larger parcel and a portion of that is considered open space. It has to be contiguous with the big open space area. The Planning Commissioners agree that they want to see a visual. Mr. Ewert draws them a visual. Commissioner Andreotti asks if that changes the green belt. Mr. Ewert answers that they would not get the benefit of green belt.

Regarding line 441 he states what he would like to see is the open space easement in favor of the County. If it is done under the current code is in order to make changes to the easement there would need to be approval from everyone who has interest in that easement this would include everyone who owns a lot in that subdivision, and the county and the HOA. It makes it too complicated for a changing future. Commissioner Willener asks isn't that redundant? If you have to get approval from the lot owners and the HOA. Mr. Ewert states that in most cases, and there might be some carve-outs. Mr. Crockett asks if Mr. Ewert is referring to the vacation statute. Mr. Ewert answers that no, but the county would have to go through vacation. Mr. Crockett adds that there would have to be a public hearing and they can't vacate anybody's separate interest. Mr. Ewert agrees and adds that every individual that still holds an interest in that open space. Mr. Crockett interjects that if there is no other document giving them that interest they don't have the interest. Mr. Ewert agrees and states that this is a good point because the way it's written states that the plat shall create the interest. The plat can only transfer land from private to public, it can't transfer from private to private. He states that he would rather see this be an open space

easement in favor of the county and then have an open space plan that runs separately. It could be amended from time to time. There wouldn't be a need to amend the whole subdivision plat if it doesn't affect the whole subdivision plat. There wouldn't be a need to get approval from a neighbor if it only affects the individual parcel. A negative aspect of this action is that if the subdivision is approved with glamorous open space plan and those open space parcels are sold off and all them come in with a different idea of what they want to do with their property, they wouldn't otherwise be able to change that in the future without some huge hurdles. Commissioner Willener points out there would be hurdles either way. Mr. Ewert agrees and states that this way they only have to change the open space plan as it relates to their property. He added that he does want the neighbors to hold one another over a barrel if there is a neighborhood dispute.

Mr. Ewert states that he has added some changes in format throughout. He adds that next time it will be scheduled for a hearing. There might be a couple of landowners who submit a PRUD application, they will be entitled to the old PRUD. There might be 2 or 3 cluster subdivisions. There might be the need for a special session. He adds that he will have some sort of solution for the next meeting.

WS3. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action. -Postponed

WS4. DISCUSSION: Modifications to the definition of “Height of Building” and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation.

He states that he believes it is ready for public hearing. Regarding cell phone towers, *the disguise shall be designed by a licensed architect and shall replicate natural features found in the natural environment within 1000 ft. such that the average person cannot discern that it is not a natural feature from a distance greater than 200 ft.* Mr. Ewert adds that it was pointed out that this doesn't work with deciduous trees only evergreens.

If it replicates vegetation it shall be located no greater than 20 feet from, and be no greater than ten feet taller than, three other native plants of the same species. Any proposal for new vegetation intended to satisfy this requirement shall: be located no more than 1000 ft. from the same species naturally occurring in the area; Cluster the new planting around the tower in a natural-appearing manner; and demonstrate sufficient availability of soil nutrients and soil moisture necessary for species survival. A planting that dies shall be replaced no later than fall or spring, whichever comes first, with a plant of equal or greater size as the originally proposed planting.

The requirement for the disguise may be waived by the appropriate land use authority in cases where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.

The concern was what happens if one of the fake trees even if it looks real, what if it gets planted in the middle of a farm field. If it doesn't make sense and it's going to be obnoxious and intrusive. He states that this is an attempt to address these issues.

Commissioner Borklund asks if there has been any pushback from the cell phone companies. Mr. Ewert states that they may not be aware it's happening. There have been public hearings about it. There was a lot of action, they are trying to exempt any regulation of them in any public right of way. The FFC has special rules on cellphone towers they are contemplating changing them to exempt any zoning regulations which would invalidate everything that's being worked on here. The cell industry is very active and it takes a county like us to impose a rule that they don't like and they are upgrading fairly frequently. There is an FFC rule that states that if they are going to upgrade and they are not changing the side scope or the height of the building the county or the jurisdiction cannot require them to submit permits, except electrical, but not building.

WS5. (Time pending): Continuation of General Plan Review and Training. -Postponed

Work session Adjourned-8:10 PM

Respectfully Submitted,

Marta Borchert

Minutes of the Western Weber Planning Commission meeting of May 8, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Roger Heslop
Jannette Borklund

Members Excused: Mark Whaley
John Parke
Wayne Andreotti

Staff Present: Rick Grover, Planning Director; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of minutes for April 10, 2018 minutes.

Chair Hancock asks if there are any changes to be made on the minutes for April 10, 2018. Commissioner Heslop states that page 6 it was Commissioner Andreotti who made the comment regarding the cow and the green matter on his car. On the last page under the Directors report the word and was inserted between Chair and Hancock. It should be removed. Chair Hancock asks if there are any other corrections. There are none.

MOTION: Chair Hancock motion to approve minutes with noted corrections. Motion carries (4-0)

Chair Hancock turns the time over to Director Grover. Director Grover states item number 2.1 LVC101217 is an administrative item. He states that they don't need to take public comment but they can. He adds that Felix Lleverino will give a quick orientation and the developer will stand up and explain the project. The agriculture preservation plan has changed since last time.

Chair Hancock asks if there is any ex parte communications or conflicts of interest to declare. There is none.

2. Administrative items

2.1 LVC101217- Consideration and action on a request for final approval of Cameron Cove Cluster subdivision, consisting of 27 lots.

Mr. Lleverino states that this item is being brought back for final approval. It is a cluster subdivision in Western Weber it is in the A-1 zone. Mr. Lleverino gives an overview of the project as listed in the staff report. He asks if the Planning Commissioners have any questions.

Commissioner Willener asks if it has two open space lots and two agriculture preservation lots. Mr. Lleverino answers that every open space parcel is just that an open space parcel, not agricultural. Commissioner Borklund asks regarding the open space lot, can no buildings be built on that? Mr. Lleverino states that there is no plan to put buildings on those lots. Commissioner Borklund asks if a toolshed might be built there if a community garden is put in. Mr. Lleverino states that that is a possibility, with the cluster ordinance it is required that on the open space parcel they build what is called a building envelope and that is where that shed might be placed. Commissioner Borklund states that it would be good to let some buildings be acceptable for example a picnic shelter or buildings of that nature. She adds that the description just says no buildings at all. She just wants to clarify that.

Chair Hancock turns the time over to Mr. Douglas Hamblin to present his application.

Douglas Hamblin 2335 E 2400 N Layton states that as he has gone through the design and tried to figure out the best use for the open space he feels that he has been able to accomplish that. He adds that as far as the residents that will buy there, he believes a community garden will work very well. Parcel B will be a large open space parcel. He adds that with the lot size they have been able to meet the requirements for cluster zone. The plan is to have some nice homes. Commissioner Borklund asks how big the lots will be. Mr. Hamblin states that they are going to be 15,000 sq. ft. or bigger. There will be a 100ft frontage.

Mr. Lleverino states that Mr. Hamblin is requesting final approval of Cameron Cove subdivision. This proposal was granted final approval by the Planning Commission during a meeting that was held on Dec 12, 2017. He states that there were some items added to the plat to make it meet zoning requirements. The first one is the agricultural note. The second one is the public trail easement it runs along the Hooper line. The subdivision proposal is located within the A-1 zone and was reviewed against the uniform land use code of Weber County zoning and the subdivision plat requirements and the cluster subdivision standards. Final subdivision plat requirements have been met by this proposal as well as conforming to site development standards of the Weber County cluster subdivision code. All the lots within this proposal contain an area of 15,000 to 20,000 and ranges in width 65 to 150 ft. he states that before going to the County Commission for final approval the applicant is required to submit a cost estimate for the remaining improvements. The cost estimate will be reviewed by County engineers and approved by the attorney and the County Commission. The Weber County Planning Division recommends final approval of Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is conditioned upon meeting all requirements from the county reviewing agencies and conditions stated in the planning staff report.

Chair Hancock asks if the Planning Commissioners have any questions.

Commissioner Willener states that she would like some clarification in the open space preservation plan it talks about parcel C and D pretty extensively as far as the community garden goes, and it talks about 2 open space parcels. She adds that she sees 4 parcels A, B, C, and D. Parcels C and D are the community garden, and A and B being the private park. She states the A and B aren't necessarily laid out in the open space plan, and there has been discussion in past meeting that parcels A and B would have a landscape plan, and that there would be a private park, and it does talk about the path that would be around parcel B and connect to the trail system. She adds that although it's not specified in the open space plan for parcels A and B, she just wants to make sure they are consistent with what was presented previously. Mr. Lleverino states that parcel B will have the tot lot and for residents within the cluster subdivision, there is also the public trail and the community garden, those are the two amenities they are available to the general public.

Chair Hancock asks if there are any other questions from the Planning Commissioners. There are none.

Chair Hancock opens the public hearing. There is none.

Chair Hancock close the public hearing.

MOTION: Commissioner Heslop moves to approve the Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is based upon the following conditions as part of the final subdivision requirements the Owner's Dedication shall contain language that grants and conveys easements to the appropriate parties, including showing all stormwater easements leading to the stormwater detention basin. Prior to recording the final plat, the applicant shall establish a Home Owner's Association as described in the LUC §108-3-9 and provide the County a copy to review and approve. The developer shall provide a financial guarantee for all improvements that have not been completed prior to going before the County Commission for final approval as described in LUC § 106-4-3. The recommendation is based on the following findings. The proposed subdivision conforms to the Western Weber General Plan. With the recommended conditions, the proposed subdivision complies with the applicable ordinances. A bonus density of 22 percent was granted during preliminary approval on December 12, 2017. Commissioner Willener seconds. Motion carries (4-0)

3. Public Comment for Items not on the Agenda-None

4. Remarks from Planning Commissioners- Commissioner Borklund states that perhaps they should have added that the open space plan satisfied what the Planning Commission was looking for, because that's why it was tabled last time. Chair Hancock states that as he had mentioned in the pre-meeting they had a pretty good outline for the agriculture preservation plan. Chair Hancock asks if there are any further questions from the Planning Commissioners. He states that since none of the other Planning Commissioners have any comments he would like to take a few moments and talk about the ordinance and the APA meeting that he had the opportunity to attend. He states that they had some hydroponic farms, and it was an interesting tour to take. It was amazing to see the pipes sticking straight up into the air with holes in it and plants coming out of it. He there was also a culinary school that took a lot of damage from flooding hurricane Katrina and they provided the herbs and vegetables that were used in their school. There were also a few local gardening communities, he adds that he was extremely impressed. one gardening community was a 7-acre parcel that was granted by the city park, and the group it was 60 youth members of the community ages ranging 10-18 years of age that were committed for a year to work on the farm. 20 percent of the children were high achievers 60 percent were average and 20 percent that were at risk. They had to work 9 hours a week 7 of those hours was on Saturdays. They planted, watered, weeded, harvested, and sold the product. They were paid a minimum wage and if they attended and exceeded their goal they got a bonus. He adds that it was amazing to see that in the middle of a city park. He notes that there was another gardening community that was impressive, it was placed in a vacant lot that was unbuildable, they had a raised garden on an elevated growing platforms. It was about 30 ft. long 10 or 12 ft. wide. The plants were growing on rock no soil. They had fish ponds and each family gardens had rabbits and chickens. They grew worms for fertilizer and to feed the fish. They would pump the water out the fish pond take it up to the top of the elevated planters and it would trickle down through the rocks and go back to the fish ponds. He states that he was amazed. Commissioner Borklund asks if there was any information regarding the at-risk youth versus the high achievers. Chair Hancock states that there wasn't but everything was very positive they were given 3 chances and the money was a good motivator. He states that it was an awesome program. He asks if there is are any further comments or questions from the other Planning Commissioners. There are none.

5. Planning Director Report- Director Grover states that on May 15th and also on May 29th at the West Weber Elementary school the Western Weber Visioning follow up open houses will take place at 6pm. Please mark those dates on the calendar. Commissioner Willener asks if the same information will be presented at both meetings. Director Grover states that it won't be the same information, on the 29th they will come back with additional information and comments. He notes that they will take the new information and add it to the presentation, and will generate a map and a conceptual plan, it won't be a part of the General Plan but it can be used towards the General Plan when the process begins. He adds that it may instigate some small amendments based on the comments they receive, there might be a need to look a possible text amendments or rezoning.

6. Remarks from Legal Counsel-None**7. Adjourn to Work Session-5:37pm****WS1. DISCUSSION: A discussion regarding a proposed General Plan map amendment and rezone from M-1 to A-2 for several parcels located at approximately 7900 West 900 South, West Warren, Utah.**

Mr. Lleverino states that he has a proposal to rezone M-1 to A-2 at approximately 7900 West 900 South West Warren, Utah. The intent of this proposal is to extend the A-2 zone. The current acreage is M-1 with the entire Weber County is 1103 acres. This proposal would reduce the area to 838 acres. Commissioner Borklund asks why not bring it all the way to 900 S. St and get rid of the A-1 that is in the middle? Mr. Lleverino answers that that is a great question and that's part of the reason for the presentation at this meeting, to get some feedback.

Chair Hancock states that the applicant John Price may address the Planning Commission.

John Price 400 S 6700 W West Warren states all of the land is being used for agriculture. He adds that as West Warren has grown the map has become outdated. It has become more for residential use. He states that as it sits right now it is limiting him on the uses for his property specifically for future use. He adds that there is no logical use for M-1, he won't be able to sell it to a manufacturer. It would make more sense to make it for residential use. It would be a more beneficial use and most of the neighbors agree and have asked to be added to the application for a zone change.

Commissioner Heslop asks when it was originally classified as M-1. Was it the property owners that originally requested it or was it part of the general service district that some government entity set up and automatically says this is going to be what it is.

Mr. Price states that that is correct they just drew it out because all the property owner have been property owners for years. Nobody would have said they wanted it as M-1, everybody would have preferred it be an A-2 another reason why their children haven't built out there is that they can't handle 5 acres they may only be able to handle 2 acres. He adds that it has prevented a lot of families from staying home on the farm. Not a single one of the neighbors were opposed to the change.

Commissioner Heslop states that as he drove down there along 900 South on the map just above where the 900 is he saw a manufacturing shop or a welding shop.

Mr. Price states that that building it was built in an agriculture zone, and it is located just to the right.

Commissioner Heslop states that he was just concerned about making changes where a business has already established and moved the business out of an area where the owner has already bought into.

Mr. Price states that ironically the only manufacturing owner is located in the agriculture zone.

Commissioner Borklund states that even if they did change the zone on the business owner, it would be his legal right be there, he wouldn't have to move.

Commissioner Heslop asks if it would change his tax bases? Director Grover states that it would most likely change the business owners tax bases if he was in the M-1 zone and it was rezoned to A-3 but this is not the case since he is in an agricultural zone. He adds that typically commercial zones have higher taxes.

Commissioner Borklund asks if this requires an amendment to the plan or does the plan they have an option for this. Mr. Lleverino states that that was something he alluding to, it would require a map amendment and a rezone. Commissioner Borklund asks if it can be done concurrently. Mr. Lleverino states that it can and they are looking at doing some General Plan text amendments as well. He adds that he will go more into detail when he gets further along with the review. Regarding the compatibility with the General Plan, there are a couple things that need to be done. The first one is the zoning map, and the next would be to removing residential uses as a permitted use from the M-1 zone. This would remove that use from every manufacturing zone. Support for this action is in the General Plan, where in the manufacturing section it talks about eliminating permitted single-family uses in all manufacturing zones it is an implementation action found in the General Plan to reduce the potential conflict between residential and agricultural uses and manufacturing uses. Throughout Weber County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area. He adds that part of the review was looking at different effects the rezone might have. A-2 sharing a boundary line with M-3, currently throughout the county there is almost a buffer. A-2 going to light manufacturing, going to heavy manufacturing. In some portions there is A-3 which is more intensive agriculture that share a boundary directly with heavy manufacturing. This rezone would create a boundary with between A-2 and M-3 which is heavy manufacturing. This is a possible negative result of the rezone. There is a tax base potential M-1 zone has more tax revenue manufacturing properties than for residential. Designating this area as A-2 would open up the land for residential development. This proposal is in line with the desires of the local residents. Arable soil in the area is better suited for agricultural and residential uses. Land further west is more sought after by manufacturing companies due to land price. This was something that was brought up by Mr. Price a manufacturing company wants to come in and buy some land it would be more economical out west where the land is cheaper than in the M-1 zone. Another effect that would occur is the M-1 zone would be reduced from 1103 acres to 838.

Commissioner Willener asks are there other M-1 areas that fall into this consideration and at some point would there be a risk of further reducing M-1, because of somebody's boundary conflict issues? Mr. Lleverino answers that there is another implementation action where it talks about a rezone approximately 20 acres along Union Pacific railroad which is not contiguous to any major manufacturing zones. Some of those items would be covered by public input, it will be a new General Plan including a new General Plan zone map. Commissioner Willener asks if there is going to be a need for M-1 zone. She asks are we going to be shorting ourselves as a community, or is there opportunity to rework. Is there opportunity to regain some of that designation somewhere else.

Commissioner Heslop states that after driving around out there he proposed they take some of the M-3 area that is on the west side of the street that is there. the cattle that are feeding out there at the present time are classified more agriculture than M-3. Mr. Price states that they can still operate in M-3 its cheaper and they can still purchase that land. M-1 land limits what can be done. It's easier and its right next to it. He adds that even though the M-1 ground is being reduced it doesn't reduce the M-1 opportunities. Commissioner Willener states that she

appreciates that explanation. She adds that she just wants to know if it's going to limit the community and making sure that those designations are available at some locations. Commissioner Borklund asks are there lot size differences between A-1 and A-2 and A-3. Mr. Lleverino states that once you get to A-3 there is. It's about 2 acres. Commissioner Borklund states that she is wondering is it should split and have part of it be A-1 and part of it be A-2. She adds that the goal is to keep all the lots in the same zone. Chair Hancock asks if Mr. Price has specific ideas about what to do with the land. Mr. Price states that Barbara Higgs place is under contract, and they want to know that they could eventually build on it, they don't have a set plan. They have a plan they eventually want to be able to develop it. Commissioner Borklund asks if it would be residential. Commissioner Heslop asks if the A-3 zone is already developed. Mr. Price states that the middle section where it U's that where Cliff Bells built all the homes along 7900. He adds that that is what led to wanting the change. Director Grover states that one scenario to keep in mind is thinking about development that's happened along Midland drive, where Wheelwright lumber is. That area is zoned M-2 and the other side of the street there is a recycling facility is zoned M-2. He adds that area is heavy manufacturing very similar to the M-3 Zone. He states that when you start thinking about future uses. How are they going to coexist, and the contextual element integration of the area? If there are residences that build right up to that street and if there is a potential for junk and salvage yards on the other side of the street; it important to think about what is being set up for the community, there if development does come in. It might be what the residents want, but it could set up for what they don't want. He states that it might be good as Mr. Ewert mentioned to look at M-1 on the other side of the street so that a transition is made and then step back in to agriculture. He adds that the step back in a piece needs to be rezoned as viable M-1. A good example of this is on Wall Ave by the American Nutrition there is a commercial area that stays vacant because it's not deep enough to make it viable commercial. If you look at M-1 in the area in question, maintaining an M-1 strip to make a transition it needs to be deep enough to make it viable manufacturing. It might be a smart thing to look at some light manufacturing in the area to make that transition, so that residents don't go up to the road and have the potential for some type of junkyard. Contextual there needs to be sensitivity to how will be fully laid out. Commissioner Heslop asks in the General Plan in the M-3 zone how many acres are involved in the M-3 zone. Mr. Lleverino states that he is not sure. Director Grover adds that they can look up that information for him. Commissioner Heslop states that having driven that road today, along the 100 North St because of the distance it has to be designated as a street. He states there has to be one designated about midway at the start of the subdivisions. That would be consider two blocks as far as the depth of the whole area. If that same designation going along 900 West and designate it as an M-1 zone, there is plenty of area there. He adds that one of the things that concern him is that there is one landowner out there. He came in and his land was designated under agriculture protection not too long ago. Commissioner Borklund asks if manufacturing zone allows for commercial uses. Mr. Ewert states that it does allow some commercial uses. Commissioner Borklund adds that there is not much commercial in that area at all. Commissioner Heslop agrees that there is nothing commercial there at all. Director Grover states that this is something should be looked at down the road. If it's going to be used for manufacturing uses typical there is also a need to look at the commercial uses to see if there are supporting manufacturing uses or if they are taking away from another commercial core that they are trying to create down the road. There should not be a lot of commercial uses in a manufacturing zone. It should not be a combination of both. There are many areas in Weber County that have done that. That is not what should happen here. Commissioner Borklund points out that if there is an industrial park out there and there are 1000 employees they are going to need to go to lunch. Director Grover states that there could be supportive commercial uses such as a gas station, a convenience store, or a restaurant. You don't want a JCPenney for example. It is something to think about. Commissioner Heslop states that his concern is that if the local residents didn't have a voice to label it M-3 to begin with and it was just included as part of the industrial park proposal, then there would be some grounds to take it and say they want it to be agricultural. Everything all the way around it agricultural. Chair Hancock states that that it sticks out like a sore thumb, everything around it is agricultural. Commissioner Willener adds that then there is a narrow strip of residential. Director Grover states that Mr. Lleverino should do an overlay of how the West Weber corridor will be located in this area, so that when it comes before the Commission they can see the relationship. Chair Hancock asks if there are any other comments. Mr. Ewert states that he wants to do a quick recap. He states that number 1 the General Plan states that the little island across from the railroad tracks needs to be rezoned. As a part of this the applicant has been asked to talk to the landowners and see how they feel about it. If they are comfortable with it, it can get done. Number 2 the General Plan also says remove residential uses from manufacturing zones. If it's done in the zone its self, that box can be checked. He adds that there is a bit of clean up and administrative work. If any event

in it becomes consequential to Mr. Prices request, there will be a need to start separating those, so that he can get what he is looking to get.

Chair Hancock states that he hopes that in sharing their opinion, it has given the applicant and staff some ideas or thoughts. Commissioner Willener asks that if in supporting the idea to go to A-2 zone does it preclude any support for doing an A-1 and A-2? Is it still on the table?

Commissioner Heslop Points out this is some of the most established residences that have been there.

Chair Hancock calls to adjourn the meeting

Adjourned- 6:13 PM

Respectfully Submitted,

Marta Borchert

DRAFT

Minutes of the Unofficial Western Weber Planning Commission meeting of June 12, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Roger Heslop-Acting Chair
Mark Whaley
Wayne Andreotti

Members Excused: Blake Hancock
Jennifer Willener
John Parke
Jannette Borklund

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel, Marta Borchert, Secretary

Director Grover states that there are only three Planning Commissioners present there is no quorum. Since the public has shown up, they will hold an unofficial meeting to take public comment so that it can be transcribed and passed on to the Planning Commissioners not present at a later meeting. He adds that when the public comes up they are to state their name and address.

2017-17 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density

Chair Heslop opens public hearing on item #4. under the legislative items on the agenda. Chair Heslop asks Mr. Ewert to give an overview of the changes from administrative to legislative and some of the major items to give the public a base to make appropriate comment. Mr. Ewert gives a brief overview of the changes made as listed in the staff report.

Chair Heslop opens for public hearing. There is no public comment on this item.

DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden

Chair Heslop opens for hearing. There is no public comment on this item.

Director Grover states that the applicant and other representatives of Kimberly Clark have left. He adds that he would like to have a special meeting for this item specifically because they are on a time sensitive schedule. The other items can be postponed until the next official meeting. If the Planning Commissioners are available, he would like to see if there is a quorum for that meeting so that the Planning Commissioners can act on this item. He asks if the Planning Commissioners are available to be present. Commissioner Andreotti states that he will be available, and Commissioner Whaley states that he will be available. Commissioner Heslop states that he will be in Arizona.

ZTA 2018-02-Public hearing to discuss and take comment on a proposal to amend the following section of the Weber County Code: Standards for Detached Single-Family Dwelling (Chapter 108 Title 15) to add standards for single-family dwellings with secondary kitchens.

Chair Heslop opens public hearing. There is no public comment on this item.

Director Grover states that it allowing and requiring an agreement to be entered into if they decide to put a second kitchen in their home. They end up signing an agreement recorded at the County so that it can't be rented out .it makes it legitimate to have a canning kitchen.

ZTA 2018-01-Public hearing for consideration and action on a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

ZTA 2018-02 public hearing for consideration and action on a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.

Chair Heslop asks Mr. Lleverino to address the M-1 zone issue that is referred in to on the general map of M-1 in the land use as well as item #3 on the Legislative agenda the change of zoning in the areas along 900 South at 7500 West to 8300 West from M-1 to A-2.

Mr. Lleverino states that item #2 under the legislative agenda where it states public hearing for consideration and action on a request to amend General Plan Zoning Map, that would be amending the future land use map. Where it mentions M-1 zones text amendments to remove single-family dwellings from the list of permitted uses, if you were to look at the land use code you would see an M-1 zone. If you have 5 acres or more you can have a single family dwelling in the manufacturing zone. If you refer back to the general plan, there is an action or implementation in the general plan that suggests that the single-family dwelling is removed as a permitted use from the M-1 zone.

Eldon Davis 7090 W. 900 S. Ogden asks why they are getting rid of the homes in that section. He owns some ground that is surrounded with homes that would require him to rezone in this case. What the motivation for taking family dwellings out of the M-1 zone?

Mr. Lleverino states that this proposal was made by the applicant named John Price. He owns property out there, he requested a rezone of that area from M-1 to agricultural. He states that there are conflicting uses. There are residential uses that could be negatively impacted by uses in the manufacturing zone such as noise, smell, and sound. He adds that no homes are being removed.

Randy Giordano 7852 W 900 S. Ogden states that the problem out there is A-1 coming from 700 down 900 S 1 acre lots all the way along the front. M-1 for 20 or 30 acres and then A-1. There are L shaped area and M-1 areas that are surrounded by A-1 or A-2 it makes no sense. If the plan is to keep M-1 by itself, keep it by itself. It's Joggled in and out. He adds that these changes are punishing some people that own property there. If they had plans to give it to their children or sell it, they can't do it now, because of the changes. He states that it makes no sense at all to him.

Mr. Lleverino states that it is a good point, this rezone would actually solve that problem.

Gary Hayes 5484 W 560 N states he owns property in the area. His shop has been there since 1976. They have been done business for almost everybody in the area. He asks what is going to happen to him and his shop. Do they get to keep their zoning? They have 3 acres there. They have 1 acre that is in the agriculture zone in the front that they can't do anything with. He would like to propose that the 3 acres stay in the M-1 zone so that they can continue to do what they are doing. If the zoning is changed they get grandfathered in. He can't sell it or do

anything with it. It makes his property worthless. He adds that he has a big concern with this. He wants to know what it would do to his sellability. He bought the shop from his father, his son is planning on buying it from him. Director Grover states that as far as the selling, he would have a legal none conforming lot. Mr. Hayes would be able to sell it to another owner. The only thing is he could lose that right if it was vacant for a year. He would still be able to use for manufacturing type uses in that area. If it gets rezoned and if by chance he stops using it there is a 12-month clause; If it stays vacant or it wasn't operated during that year it would lose its right and revert to the original zoning. As long as the use is maintained he can have that indefinitely. It runs on the property.

Mr. Crockett states that it wouldn't be a legal nonconforming right to new uses, but it would allow the continued use for the use that is there right now.

Kelly Penrod 5764 W 4600 S. states that when he looks at the items that are being contemplated, it seems that it is conflicting with the work and study that is going on in Western Weber County regarding conforming the zones. Anybody that looks at the zoning map out there can see that there is a hodgepodge of zones. He asks how does this tie in with all the work and the public meetings that are being done regarding the General Plan. Does it go forward and then get changed when the study is completed?

Director Grover states that if they want to change the use they can do that but they can't change the intensity. They would look at the use that is currently being used and the manufacturing zone and see if it is a permitted use in a manufacturing zone and the uses of someone else wanting to come in and it is a permitted zone and the intensity, it could be changed in that respect. He states that regarding the second part of his question this zone has been zoned manufacturing for quite a few years. Nothing has happened on this property, the only thing that has happened in this area Mr. Hayes business. By going to residential you start to look at the character, and residential is picking up more of the flavor in the area. Mr. Price who is the applicant has asked for the rezone to A-2 which is agriculture and residential so that he can accommodate for the primary use in the area. It would also be getting rid of some of the slivers and island in some of those areas.

Kelly Penrod 5764 W 4600 S. states that he has looked at the codes a bit and he can appreciate what is said. The A-2 zone it allows a cluster subdivision and regarding density, the people out there are fine with 5-acre lots and it should be kept rural. Is the opinion of the people living out there, not just people that own a piece of ground out there is it going to be taken into consideration?

Director Grover states that these comments will be transferred to the next meeting. Also, they will be taken into consideration at the next meeting with the other Planning Commissioner present when the item can be acted upon. The comments will also be forwarded to the County Commission for their review as well.

Mr. Ewert states that he would like to give some information and background on the work that is being done and the meetings being held as a part of the West Weber Visionings. He states they are trying to figure out where Western Weber will go in the future. At this point, there is an application requesting a very specific thing. It is entirely possible that years down the road the future land use map and the general plan amendment comes in and relooks at this area with fresh eyes. It a valuable thing to consider. He adds that another thing to think about is that there is a bit of a misunderstanding regarding the cluster subdivision. Cluster subdivisions don't allow any more density than the underlying zone. If you have 5-acres in a 1-acre zone you get 5 houses. If you have large enough quantities of land you could get bonus density but it based on the amount of acreage you have. If you have 20 acres you might get 20 percent bonus density. In this area, there is, not enough land acreage or enough density rights already allocated to constitute 50 homes in general.

Jill Hipwell 585 S. 3600 W states that there are subdivisions that are being approved and they are getting 50 percent bonus density. When there are 175 acres and 250 homes on this acreage it's an issue. A lot of these people do not want cluster subdivisions. She adds that she has researched all the surrounding areas, and considering they have the most agricultural they are the most unprotected entity out there. Ogden, North Ogden, and Pleasant View have to do their own zoning. In her opinion, the PRUD and maybe the cluster subdivision need to be repealed until there something that will work for their community the rural and agricultural community not the urban.

John Price 400 S 6700 W states that this is his proposal and he would like to state his reasoning. M-1 is where his farm sits. It makes his ground worthless. No manufacturing would purchase that ground. It doesn't make sense. He states that he talked to the neighbors and it made more sense for a long-term future use. His intention is not to build right away when he retires in the future it will make more sense. As West Warren grows, it would be a more logical land use than M-1.

Bill Davis 7598 W 900 S states that his family has owned their ground for a long time. When Mr. Price purchased his land it was zoned M-1. Mr. Davis states that he doesn't care if it is changed or not because he plans on farming for a long time. His question is if it is changed from M-1 to agricultural, is there going to be a buffer zone?

John Price states that this concern was addressed in the last meeting. Where it shows M-3 they talked about making that M-1 and creating a new buffer zone. He states that there is a lot of ground out that way. It would make sense to create a buffer zone on the other side of 83. There is still a plethora of M-3, they aren't taking any of the M-3 ground. That is where manufacturing would go anyway. The ground where it's filling up residential is going to be more expensive. The further west you go the cheaper the ground will get. It is more accessible.

Director Grover states that some of the uses that could happen in the M-1 zone and the M-2 zone. M-2 is heavy manufacturing and M-1 is light manufacturing. A junk and salvage yard would not be allowed in an M-1 zone it would be allowed in an M-2 zone. A more intensive type manufacturing use would be allowed in the M-2 zone. Part of the proposal is that the other side of the street would be rezoned M-1 so that there is a transition area

Eldon Davis 7090 W 900 S states that part of what concerns him is the accessibility of the ground. if it is changed from manufacturing to A-2 the density is going to affect the infrastructure. There currently the infrastructure can't support it. He states that he's not sure if any plans have been made but 900 S is the only exit area. The infrastructure needs to be looked particularly going from M-1 to A-2. The potential for a lot more traffic exists. He adds that at this time they aren't set for that.

Director Grover states that this is a concern that they have too. The developers are going to have to pay for the cost of those improvements to go in. The County doesn't have the money to do that. If residential comes to that area or if manufacturing comes to the area they have to address those improvements. Right now there is nothing on the table but when the developer comes in they will be responsible.

Randy Giordano 7852 W 900 S states that they started developing that road because they had some big scheme to get industrial to go below 750 W. The County started to pour money into there like crazy. The industrial left so now they don't want to build the road anymore. He states that they have been left in a big mess out there. There are no other plans to do anything more out there until 2025. It works both ways they get a big shot at industry and they will get going again. The County is paying to improve the roads but they are throwing it back on the Water District to improve the water district and the Powerlines to do the power lines. Everybody is paying to improve their share. He knows because he sits on the Board of the Water District. The County is not doing anything other than making a mess out there.

Director Grover states that the County is not going to be doing those things. As he mentioned before the developers are responsible for those improvements. The County doesn't have the funds to do that. Unless some grants are acquired, that is the only way that is going to happen.

Gary Hayes 5484 W 560 N asks what are the chances of leaving that M-1 and changing the front acre to M-1, and leaving his piece alone. He states that he understands what is being said, but he was grandfathered in. He understands that as long as they stay to do the same type of business, it would continue, but the market to sell his company has gone from a big market to small because now, he has to find somebody who is going to do the same type of business. It changes his market, his sellability, and makes it extremely difficult to sell.

Director Grover states that it is a definite possibility. He adds that it is something that can be brought up in the next planning meeting when the Planning Commissioners look at it in more detail.

Flora Hayes 5484 W 560 N states her husband's family has been at this for over 40 years. She adds that they have likely worked for everyone in the room. She states that they are neighbors. They don't want to change; they don't want to leave. They want their son to be able to do the same thing for every farmer in the community. Her grandfather was a farmer and she believes in farmers. She will bend over backward for farmers. She adds that it can't be done if their business is taken away.

John Price 400 S 6700 W states that when this was looked at initially he assumed that the Hayes business was in agriculture because part of it is. He states that he never wanted to hurt their business at all. He adds that he is one of their biggest beneficiaries. He states that he loves them and would love to see them stay how they are.

Commissioner Andreotti states that he has a question for legal. It makes sense to have his 3 acres all be one zone. This is something that can be considered. Is that Correct?

Director Grover states that it is within the Planning Commissioners purview. Typically, they do like to create zoning boundaries they try to keep clear of the linear line. If it is in the interest of making a situation better from what exists. That is a determination the Planning Commissioners can make.

Kelly Penrod 5764 W 4600 S asks if Item #3 on the legislative agenda is asking for a rezone beyond the applicant's property. Is he asking to rezone other people's property?

Director Grover states that as it sits, the staff has given him some direction to look at the possibility of rezoning other people's property because when they look at rezoning they want proper edges and the proper connections. It creates cohesiveness. That is why staff has recommended it. Mr. Price is asking just to rezone his property but based on talking to staff, they have given him some direction.

Mr. Lleverino states that there are another 15.75 acres that he would like to rezone from A-3 to A-2.

Mr. Price states that he originally just wanted to rezone his property. The "pig farm" the entire farm 80 acres of it is A-2 and the south end is A-3. He states that for future uses he would like it all to be in A-2. On the M-1 ground, there was originally individuals on the original application. He adds that they understood it would be better if everybody was in agreeance. They spoke to multiple people that had M-1 ground. He states that it was deceiving because of the A-1 that went across some people's frontage. He might have missed some people that had M-1 ground. He tried to talk to all the neighbors, the people that he spoke to were all in favor of the change. He states that clearly he missed Mr. Gary Hayes but he was under the impression that he was A-1 zone. He notes that he didn't just get random people and add them to the application, everyone that they were aware they spoke.

Ron Huemiller 1956 S. 7500 W states that he right across the street from the little piece that Mr. Price wants to change. His concern is that he likes the rural lifestyle. He moved out there 10 years ago to have that. Is this going to increase the likelihood of development, and a subdivision going in across the street from him? Is this going to tear down the rural lifestyle he enjoys out there? He states that if it just so that all his land will be the same zone and he is going to continue farming, then he can understand that. If he has near future plans to sell it off to subdivisions. He is not sure if he will stay.

Commissioner Whaley asks how the public found out about the zoning change. He states that the information received from the public is useful to the County, the staff. He asks how many people have been to speak to the Planners.

Gary Hayes states that he received the postcard a week ago and he called Mr. Lleverino to find out what was going on. He is not sure how all this works and it was not suggested to them to get with the Planners. This was the first notice they received.

Commissioner Whaley states that the Planning Commissioner come in and try to be an interface between the community and the County. He notes that the reason the Planning Commissioners volunteer is the same reason the public is present tonight because they are interested in how the communities develop. The Planners are highly trained and spend a lot of time and effort to make sure the County functions efficiently. They do it every day. He notes that he understands they everyone in the audience has a job and it makes it inconvenient to make this information known to the Planners, but they would likely appreciate knowing all this information ahead of time. When the staff makes their recommendations to the Planning Commissioner they have a full spectrum from the public. He adds that without having a quorum there is not much that can be done at this point. As Commissioner Heslop stated the information will be passed on at the next meeting. He adds that he believes that if the public takes these comments and brings them up with the Planners before the meeting, there can be a proper discussion and the Planners explain the objectives in detail, and everybody can be better informed.

Gary Hayes points out that perhaps the notices sent out should have more instruction and a list of contact information. He states that they were only given a weeks' notice and they all have jobs. It makes it difficult. Commissioner Whaley states that speaking for the Planning Commissioners they are a volunteer, they come in once a month.

Gary Hayes asks why everybody is getting lumped in with Mr. Prices application. Why does it have to be addressed now?

Commissioner Whaley states that that discussion ought to be had with the Planners. He states that they are happy to listen and try to help the Planning. He thanks them all for coming, but it is important to keep in mind that this something that they volunteer to do.

Director Grover states that when an application comes into the office there are certain thing they look at. The first thing they look at is the General Plan. The General Plan is what the community has said they want their area to grow into. In this situation, the General Plan does not give an option for residential at this location. It talks about manufacturing in this area. The petition is requesting two things. To amend the General Plan because it doesn't give an option for residential in the area. He is also asking for a rezone. When staff looks at those things they have to make a judgment call as far as what makes the best sense for the community. All staff is doing is giving a recommendation to Planning Commission and to the County Commission and they can take the recommendation, change it and make changes. It's nice to be able to hear the public comments beforehand because they can get with the petitioner, and have a discussion regarding the public concerns and possibly make changes. He adds that he does recommend that the public keep an eye on the agenda or keep in contact with Planning office so they are aware of future meetings. He will have another notice sent out for the next meeting. He adds that they will take the comments from the tonight's meeting and get with the developer. He also adds that the notices do have the Planners name the public should feel free to contact the staff. It does help to hear the comments beforehand. The public who is in attendance should also be aware that the comments received at this meeting will be taken into consideration when it reaches the County Commission. All the Planning Commission does is make the recommendation to the County Commission. They are not approving it, all they are doing is giving their recommendation and it's being forwarded to the County Commission for them to act on. They will also have a public hearing. There will be a lot of chances for public comments.

John Price 400 S 6700 W states that everyone is welcome to discuss it with him. There is a community Facebook page. It has a lot of information. A lot of people are worried about growth. He is a farmer and he wants to continue farming. He states that he doesn't believe it is a concern for the near future. He would rather see homes than a FedEx Shipping and have trucks going in and out. He would rather see families in his backyard. He wants everyone to know available to contact as well.

Commissioner Heslop states that having driven down in that area with the exception of the Hayes area is A-1. It is not manufacturing. What they are looking at doing is making the zone what it really is. It is currently being used as agriculture. For those who are asking for it to remain as it is, it is not currently being used as M-1 with the exception of the Hayes family. It is being used as A-1, A-2, or A-3.

Jill Hipwell 585 S 3600 W states that she has brought up the public comment issue before. Why can't the applicant or developer be responsible to post public notice on their property or send out public notice 15 maybe 30 days ahead of time? There are some other counties that already have this in place. She adds that it would give the public more time to do research and get with the Planners.

Director Grover states that the staff does put out signs, he will get with the staff and make sure it happens in the future.

Kelly Penrod 5764 W 4600 S asks that even if Mr. Prices property is all the way at the bottom of 7500 is the staff proposing to do a rezone of properties that are even on the north side 900 s all the way to 8300 W. It seems like the proportionate change is 50 times the property that the rezone affects.

John Price 400 S 6700 W state that he actually has two properties and he points them out and his neighbor's properties out on the map. He also goes over changes made from the original application.

Mr. Crockett states that regarding the noticing procedures state law requires the minimum requirements. If there are other suggestions or recommendations the County Commission has the ability to adopt those.

Chair Heslop closes public hearing.

Chair Heslop asks Director Grover if he has any comments.

Director Grover states that the public comments will be put into minutes and they will be given to the Planning Commission and Staff will also look at them and look at possible modifications. He adds that they will re-notice and get it back before the Planning Commission.

Chair Heslop thanks the public for coming out. He notes that they had a meeting not long ago, and a farmer made a comment which lead to a change in verbiage that is used in the cluster ordinance. Their comments are taken into consideration.

Unofficial meeting adjourned-**6:18 PM**

Respectfully submitted,

Marta Borchert



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden
Agenda Date:	Tuesday, June 12, 2018
Applicant:	Eric Shields
Agent:	Kenton Wall
Type of Decision:	Administrative
File Number:	DR 2018-08

Property Information

Approximate Address:	2100 N Rulon White Blvd, Ogden
Project Area:	133 acres
Zoning:	M-1
Existing Land Use:	Manufacturing
Proposed Land Use:	Manufacturing
Parcel ID:	19-041-0076
Township, Range, Section:	7N 2W 36 7N 1W 31 6N 2W 01 6N 1W 06

Adjacent Land Use

North:	Manufacturing	South:	Harrisville City
East:	Pleasant View City/ Harrisville City	West:	Manufacturing

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Applicable Ordinances

- Title 104 (Zones) Chapter 22 Manufacturing (M-1)
- Title 108 (Standards) Chapter 1 (Design Review)
- Title 108 (Standards) Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations)

Background and Summary

The applicant is seeking approval of a design review application for a warehouse addition to the Kimberly Clark Building located at approximately 2100 N Rulon White Blvd, Ogden. The proposed addition is 164,300 square feet in size and requires Planning Commission approval, as outlined in the Weber County Land Use Code (LUC) Section 108-1-2. The proposed addition is in compliance with the applicable sections of the LUC.

Analysis

General Plan: The proposed use conforms to the Western Weber General Plan by increasing light industrial/ manufacturing uses in the existing industrial areas of the Western Weber planning area. (West Central Weber County General Plan, 2003, Page 2-1).

Zoning: Warehouses are a permitted use in the Manufacturing M-1.Zone. The parcel is approximately 133.48 acres, meeting the minimum lot size requirements outlined in LUC §104-22-4. The proposed structure meets the zoning setbacks as described in LUC 104-22-4. The building height of the proposed addition is approximately 44 feet and the zoning maximum height is none.

Design Review: The proposed manufacturing use mandates a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of buildings remains orderly and harmonious with the surrounding neighborhood. As part of this review, staff has considered the applicable matters based on the proposed use and imposed conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The proposal includes hard surface paving for the loading/unloading areas, as shown on the site plan (see Exhibit B). Traffic safety concerns and congestion are not anticipated given the distance from the proposed loading/unloading areas to Rulon White Blvd is approximately 1,000 feet.
- *Considerations relating to outdoor advertising.* The proposed signage will be a wall sign with the company logo that has an area of approximately 127 square feet. The logo will be on 2 sides of the building, as shown on the building elevation (See Exhibit C). The proposed signage is in compliance with the Western Weber Signage Chapter (LUC 110-1).
- *Considerations relating to landscaping.* The site maintains the ten percent landscaping requirement with turf grass and deciduous trees.
- *Considerations relating to buildings and site layout.* The proposed addition will consist of similar colors and materials as the existing building. The structure will maintain the existing manufacturing neighborhood feeling and concept.
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant is not proposing any parking within the public utility easements on the lot. The applicant will need to adhere to all conditions of the Engineering Division.

Staff Recommendation

Staff recommends approval of the design review application for a warehouse addition to the Kimberly Clark building, located at approximately 2100 N Rulon White Blvd, Ogden. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Prior to starting construction, the design review must be approved and a land use permit must be issued.
2. As a requirement of state law (Title 10 Chapter 2, Part 4, Section 402) the adjacent municipalities shall consent in writing to the development; or within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and the county responds in writing to the municipality's objections.

This recommendation is based on the following findings:

1. The proposed use conforms to the Western Weber General Plan.
2. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
3. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
4. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Design Review Application
- B. Site Plan
- C. Building Elevation

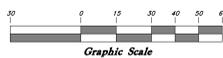
Area Map 1



Weber County Design Review Application			
Application submittals will be accepted by appointment only (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 5-23-18	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Kimberly-Clark representative Eric Schields		Mailing Address of Property Owner(s) 2010 Rulon White Blvd Ogden, Utah 84404	
Phone 801-786-2245	Fax		
Email Address eschield@kcc.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Kenton Wall (Big-D Construction Corp)		Mailing Address of Authorized Person 5768 S 1475 W Ogden, Utah 84403	
Phone 801-430-0479	Fax		
Email Address kwall@big-d.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Kimberly Clark Warehouse Addition		Current Zoning	Total Acreage
Approximate Address 2010 N Rulon White Blvd Weber Industrial Park		Land Serial Number(s)	
Proposed Use Warehouse addition			
Project Narrative 164,300 Sq Ft. Tilt-up Concrete Warehouse addition			



Scale: 1" = 30'



- General Site Notes:
1. Stalls designated as handicap will require a painted handicap symbol and sign. (See Details)
 2. Fire lane markings and signs to be installed as directed by the Fire Marshall.
 3. Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.
 4. Building sidewalks, ramps, and bollards are building contractor responsible items. See architectural plans.
 5. All dimensions are to back of curb unless otherwise noted.

ALL CONSTRUCTION TO CONFORM TO CITY STANDARDS AND SPECIFICATIONS IN RIGHT OF WAY

Legend

(Note: All items may not appear on drawing)

- San. Sewer Manhole
- Water Manhole
- Storm Drain Manhole
- Electrical Manhole
- Catch Basins
- East. Fire Hydrant
- Fire Hydrant
- East. Water Valve
- Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Telephone Line
- Secondary Waterline
- Power Line
- Fire Line
- Land Drain
- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power line
- Corrugated Metal Pipe
- Concrete Pipe
- Reinforced Concrete Pipe
- Ductile Iron
- Polyvinyl Chloride
- Top of Asphalt
- Edge of Asphalt
- Centerline
- Flowline
- Finish Floor
- Top of Curb
- Top of Wall
- Top of Walk
- Top of Concrete
- Finish Contour
- Exist. Contour
- Finish Grade
- Exist. Grade
- Ridge Line
- Direction of Flow
- Existing Asphalt
- New Asphalt
- Heavy Duty Asphalt
- Concrete
- Open Face Curb & Gutter

Existing Building
FF=100.00

Proposed Building Addition
FF=100.00

GREAT BASIN ENGINEERING
 27480 145th Ave SE, Everett, WA 98203
 WWW.GREATBASINENGINEERING.COM

Site Plan
Kimberly-Clark Building Addition
 2010 Rulon White Boulevard



8 May, 2018
SHEET NO. **C101**

Exhibit C

