



# Staff Report to the Western Weber County Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Agenda Item:** ZTA 2023-05. A public hearing to consider an applicant initiated ordinance amendment to Section 104-21-3, Manufacturing Zones Land Use Tables, providing for the allowance of "Data Services: Data Centers, Data Warehousing, Data Processing" as a permitted use in the M-T (Manufacturing and Technology) zone..

**Agenda Date:** Tuesday, September 19, 2023

**Applicant:** Daniel Stephens – The Black Pine Group

**File Number:** ZTA 2023-05

### STAFF INFORMATION

**Report Presenter:** Bill Cobabe  
bcobabe@webercountyutah.gov  
801-399-8772

**Report Reviewer:** CE

## Applicable Ordinances

Utah State Code Section 17-27a-503 – Zoning District or Land Use Regulation Amendments  
Weber County Code Section 102-2-4 – Powers and Duties of the Planning Commission  
Weber County Code Section 104-21-3 - Manufacturing Zones Land Use Tables

## Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

## Summary

The M-T (Manufacturing and Technology) Zoning District was created in May 2023. At that time, certain uses were contemplated and adopted in Section 104-21-3 "Land Use Tables". The land owners of the property that has since been changed to the M-T zone have approached County staff about adding an additional line item for the zone. The requested line item includes "Critical Infrastructure (Data Center, Data Warehousing, Data Processing" as a permitted use. As the term "Critical Infrastructure" is used in other places for different reasons, staff has changed the proposed permitted use to "Data Services" in order to avoid confusion.

## Policy Analysis

Weber County Code Section 102-2-4 requires the Planning Commission to make a recommendation to the County Commission:

*The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:*

- 1. Amendments to changes in zoning map.*
- 2. Land Use Code text amendments.*

Utah State Code further explains the role of the Planning Commission, as found in Section 17-27a-503 Zoning District or Land Use Regulation Amendments:

- (1) *Only a legislative body may amend:*
  - (a) *the number, shape, boundaries, area, or general uses of any zoning district;*
  - (b) *any regulation of or within the zoning district; or*
  - (c) *any other provision of a land use regulation.*
- (2) *A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.*
- (3) *A legislative body shall comply with the procedure specified in Section 17-27a-502 in preparing and adopting an amendment to a land use regulation.*

The reference State Code Section 502 states that:

- (1) *A planning commission shall:*
  - (a) *provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-205(4);*
  - (b) *hold a public hearing on a proposed land use regulation;*
  - (c) *if applicable, consider each written objection filed in accordance with Subsection 17-27a-205(4) prior to the public hearing; and*
  - (d)
    - (i) *review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:*
      - (A) *all or any part of the unincorporated area of the county; or*
      - (B) *for a mountainous planning district, all or any part of the area in the mountainous planning district; and*
    - (ii) *forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).*
- (2)
  - (a) *The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.*
  - (b) *After providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):*
    - (i) *as proposed by the planning commission; or*
    - (ii) *after making any revision the legislative body considers appropriate.*
  - (c) *A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.*

Today's public hearing is in fulfillment of these requirements.

Section 104-21-1 (e) notes that:

*The purpose of the Manufacturing and Technology (M-T) District is to provide for and encourage the development of well-planned and designed technological and manufacturing parks. These areas are characterized by uses such as research, development, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These areas are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses.*

The proposed change to the Land Use Table (Section 104-21-3.040 Commercial Services Table), adding a line item for "**Data Services**. Data Centers, Data Warehousing, Data Processing" as a permitted use in the M-T zone

## Planning Commission Recommendation

On August 8, 2023, the Western Weber Planning Commission met in a public meeting and held a public hearing to discuss this application. By a unanimous vote, the Planning Commission voted to forward a positive recommendation to the County Commission for the proposal.

This recommendation was based on the following findings:

1. The proposal helps to accomplish a general plan goal or policy related to development in the M-T Zoning District.

## Exhibits

Exhibit A. Application for Zoning Text Amendment

Exhibit B. Draft Ordinance Language

## Exhibit A. Application for Zoning Text Amendment

<b>Weber County General Plan or Text Amendment Application</b>		
<b>Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</b>		
Date Submitted 7/7/2023	Received By (Office Use)	Added to Map (Office Use)
<b>Property Owner Contact Information</b>		
Name of Property Owner(s) Daniel Stephens (Representative)		Mailing Address of Property Owner(s) 1357 N 2000 W, Farr West UT 84404
Phone 801-675-8809	Fax	
Email Address daniel@theblackpinegroup.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
<b>Ordinance Proposal</b>		
Ordinance to be Amended 104-21-3		
Describing the amendment and/or proposed changes to the ordinance:  <p>We are requesting that the use of "Critical Infrastructure Facility" (Data Center, Data Warehousing, Data Processing, etc.) be explicitly stated as a permitted use in the Land Use Table for the Manufacturing and Technology (M-T) zone. This use is in conformance with the purpose of the M-T zone, which is to "provide for and encourage the development of well planned and designed technological and manufacturing parks."</p> <p>We believe that Critical Infrastructure Facilities would fall under the theme of "research, development,...processing, storage, warehousing..." and the permitted uses of "Light Office/Warehouse Combination" and "Research and Development Facilities" as outlined in the current M-T zoning language. However, to provide increased clarity to potential tenants and in an effort to avoid confusion in future, we are requesting that the use of "Critical Infrastructure Facility" be stated explicitly as a permitted use.</p>		

**Ordinance Proposal (continued...)**

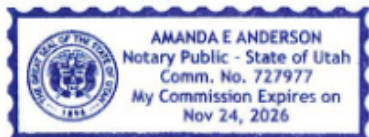
**Applicant Affidavit**

I (We), Daniel Stephens, depose and say that I (we) am (are) the interested member(s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Dan Stephens  
(Signature)

\_\_\_\_\_  
(Signature)

Subscribed and sworn to me this 07 day of July, 2023.



Amanda E Anderson  
(Notary)

Exhibit B. Draft Ordinance Language (changes highlighted in yellow)

**Sec 104-21-3.040 Commercial Services Table**

USE	M-T	MV-1	M-1	M-2	M-3	SPECIAL REGULATIONS
<i>Building maintenance services.</i> Services for the maintenance of buildings.	P	P	P	P	P	
<i>Building material sales yard.</i>	N	N	P	P	P	See Section 104-21-4.
<i>Conference or convention center</i>	P	P	P	P	P	
<i>Contractor's equipment storage yard.</i> A contractor's equipment storage yard or rental of equipment used by contractors. (Indoor or outdoor)	N	C	C	P	P	
<i>Fertilizer and soil conditioner.</i> The manufacturing or processing of fertilizer and soil conditioner. (Indoor or outdoor)	P	N	N	N	C	No animal products or byproducts allowed to be used.
<i>Gas station or convenient store.</i> A gas station or convenience store, with accessory and incidental outdoor uses.	N	P	P	P	P	
<i>Laboratory.</i> A laboratory.	P	N	P	P	P	
<i>Light office and warehouse combination.</i>	P	P	P	P	P	
<i>Machine shop.</i> A machine shop.	P	P	P	P	P	
<i>Medical and dental clinic.</i>	P	P	P	P	P	
<i>Medical research facility</i>	P	P	P	P	P	
<i>Metal working shop.</i> Metal working, shaping, or assembling shop.	P	N	P	P	P	

<i>Motion picture studio.</i> A motion picture studio.	P	N	C	C	P	
<i>Motion picture studio, outdoor.</i> An outdoor motion picture studio.	P	N	C	C	P	
<i>Repairing of vehicles.</i> The repairing of motor vehicles, trailers, bicycles, boats, and similar.	P	C	P	P	P	
<i>Research and development facilities</i>	P	P	P	P	P	
<i>Retail facilities and services accessory to a main use.</i>	P	P	P	P	P	
<i>School, vocational or technical</i>	P	P	P	P	P	
<i>Sandblasting.</i> Sandblasting.	P	N	P	P	P	
<b><i>Data Services.</i> Data Center, Data Warehousing, Data Processing</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	