

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

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

Members Excused: Greg Bell
Gene Atkinson

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

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

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

Petitions, Applications, and Public Hearings

1. Administrative items

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

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

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

Ms. Aydelotte states that there were some issues addressed with engineering regarding phase 1. There are some subdivisions in the process of getting recorded, there are no problems with access to phase 1. The document proving annexation into the central sewer district has not been presented yet. It needs to

be presented prior to scheduling the County Commission approval. Staff recommends approval based on the findings and conditions listed in the staff report.

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

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

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

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

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

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

Chair Edwards opens for public comment. There is none.

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

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

2. Legislative Items a. New Business

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

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

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

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

Mr. Ewert explains some of the changes discussed.

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

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

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

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

Chair Edwards opens the public comment.

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

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

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

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

Chair Edwards closes the public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Adjourn to Work session-6:30 pm

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

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

abide by the more stringent codes. The County is not authorizing them to abide by a less stringent code. Mr. Ewert gives an explanation of the definition of a large animal. He notes that a horse is not included in this section, they are defined elsewhere. The intention is to look at impacts, not the specific animal. It will be about the use and how it is affecting the community.

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

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

Adjournment-7:59 pm

Respectfully Submitted

-Marta Borchert