

November 7, 2023 Minutes

Minutes for Western Weber Planning Commission meeting of December 12, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: Bren Edwards-Chair, Andrew Favero—Vice Chair, Sarah Wichern, Wayne Andreotti, Casey Neville **Excused:** Cami Clontz, Jed McCormick

Staff Present: Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Bill Cobabe, Planner; Felix Lleverino, Planner; Liam Keogh, Attorney; June Nelson, Secretary

Pledge of Allegiance

1. **Minutes:** November 7, 2023 Approved.

2. **Planning Calendar 2024,** Approved

Petitions, Applications, and Public Hearings:

3. **Administrative items:**

3.1 LVS111423: Consideration and action on a request for preliminary approval of the Smart Fields Subdivision, consisting of 81 lots located at 1700 S 4300 W, Ogden. **Planner: Steve Burton**

The application was accepted for review on November 14, 2023. The applicant is requesting preliminary approval of Smart Fields Subdivision consisting of 81 lots in five phases. With conditions imposed, the proposal complies with the county land use code and the rezone development agreement. The following is an analysis of the proposal and how it complies with the applicable regulations.

Chair Edwards called for a motion. Commission Wichern motioned the following;

The Planning Commission motions for approval of Smart Fields Subdivision, consisting of 81 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

- 1. **The applicant will donate \$2,000 per lot to the West Weber Parks District prior to the recording of each subdivision plat.**
- 2. **Detention basins will be shown as common area owned and maintained by an HOA.**

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 and development agreement.**

Motion was seconded by Commissioner Neville. Motion passed 5-0.

3.2 LVO112223: Consideration and action on a request for preliminary approval of the Orchards at JDC Ranch Phases 2 and 3, consisting of 115 lots located at 2850 W 2600 N, Plain City. **Planner: Steve Burton**

The Orchards at JDC Phases 2 and 3 includes 15 cluster single family cottage lots and 100 townhome units with 3 acres of open space.

Earlier this year, the Master Developer received a preliminary approval for 148 out of the 725 units allowed under the development agreement. With the addition of these 115 units, the developer will have approvals for 263 out of the 725 units, leaving 462 residential units left to plat in other phases of development.

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The proposal follows the development agreement that has been recorded to the property. The following is an analysis of the project and how it complies with the land use code and development agreement.

Chair Edwards called for a motion. Commission Wichern motioned the following.

The Planning Commission recommends preliminary approval of the Orchards at JDC Ranch Phases 2 and 3, located at 2850 W 2600 N, Plain City. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

- 1. Final letters of approval shall be submitted from the culinary and secondary water providers prior to recording the final plat.**
- 2. Open spaces will need to be properly labeled as common area and publicly owner open space.**
- 3. Street cross sections will be verified for compliance with the development agreement once final improvement drawings are submitted for each phase.**

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 and development agreement.**

Motion was seconded by Commissioner Favero. Motion passes 5-0.

Petitions, Applications, and Public Hearings:

4. Legislative items:

4.1 ZTA 2023-11 and ZTA 2023-12 – PUBLIC HEARING – Discussion and possible action on portions Section 106 of the Weber County Land Use Code regarding subdivision approval procedures and requirements for financial guarantees for public improvements. Planner: Bill Cobabe

In the 2023 Legislative Session, the Utah State Legislature passed a law known as SB 174. This bill requires counties in Utah to change their subdivision review procedure, including several significant process changes that will be discussed in detail below. At the same time, the County desires to amend the provisions in the financial guarantee portion of the subdivision code to ensure the viability of the improvements and bonds the County accepts from developers. These changes must be completed prior to February 1, 2023.

Commissioner Edwards stated that he would like to see at least the preliminary plat approval go to the planning commission. Final is fine with the planning director. Commissioner Wichern agrees and says that it is good to look at the preliminary plats. It gives us a chance to tighten up or clean up the code. Planner Bill Cobabe states that we are looking for binary. We want to get rid of conditional use. Commissioner Favero stated that he feels like we are being punished for other bad actors, like the other planning commission in our county. Commissioner Andreotti stated that he would rather make sure that the general plan is what is solid. Commissioner Neville said that the code should be black and white, but the code is not as defined as we would like. Bill Cobabe stated that there are other bad actors in the state. We are trying to anticipate more restrictions from the State.

Chair Edwards called for a motion to open the public hearing. Motion was made by Casey Neville and seconded by Wayne Andreotti. There were no comments from the public. There was then a motion to close the public hearing made by Andrew Favero and seconded by Sarah Wichern.

With no more discussion, Chair Edwards called for a motion. Commission Neville motioned the following.

I move that we recommend approval ZTA 2023-11, 12. The Planning Commission forwards a positive recommendation to the County Commission for the proposal as laid out in 106-1-5.30 with the exception that preliminary review stays with the

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planning commission.

This recommendation may come with the following findings:

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

The motion was seconded by Sarah Wichern. Motion passed 4-1 with Commissioner Andreotti voting against the motion.

- 4.2 **ZMA 2023-16 (Hancock Rezone)** – PUBLIC HEARING – Discussion and possible action on amending the County’s zoning map to reflect an applicant-driven request, changing approximately 20 acres of land located at 5900 W and 900 S in unincorporated Weber County from A-1 (Agricultural) zone to M-T (Manufacturing and Technology) zone.

Planner: Bill Cobabe

On September 27, 2023 the application was accepted for review. On December 5, 2023, the applicant met with the Weber County Commission in work session. Prior to submitting the application, the applicant met with the Planning Division staff to discuss the public street and trail layout, and to discuss the potential for land dedication to the Fire District. This report contains an analysis of the proposal as it relates to the Weber County codes.

Chair Edwards called for a motion to open the public hearing. Motion was made by Casey Neville and seconded by Wayne Andreotti. There were no comments from the public. There was then a motion to close the public hearing made by Andrew Favero and seconded by Casey Neville.

There was no further discussion. Chair Edwards called for a motion. Commissioner Favero made the following motion:

I move that we recommend approval of File # ZMA 2023-16, an applicant driven rezone application to amend the zoning map on 19.43 acres from A-2 to the M-T zone, property located at approximately 5900 W 900 S, Ogden. I do so with the following conditions and findings:

- 1. The proposal implements certain goals and policies of the West Weber General Plan.
- 2. The development is not detrimental to the overall health, safety, and welfare of the community.

And with the following stipulation:

- 1. The Applicant will continue to work with Staff to prepare a Development Agreement, amending the existing Promontory Commerce Center Development Agreement and providing for the dedication of land to the Fire District.

Motion was seconded by Commissioner Andreotti. Motion passed 5-0.

5. Public Comment for Items not on the Agenda: None

6. Remarks from Planning Commissioners: Commissioner Favero said that he was concerned that we are losing control to the State government. I don’t want to see authority and representation go away. . Chair Edwards stated that we will miss Steve Burton , as he is moving on. It has been a pleasure working with you. It has been fun. All the commission agreed.

7. Remarks from Legal Planning Director Report: Steve Burton, filling in for Director Grover let the commission know that the Scadden item passed with the County Commission with a slight change. The park fees will be divided evenly between the plat and the building application.

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8. Remarks from Legal Counsel : None

Adjourn to Work Session

See Below

Adjourn to Work Session

WS 1 A discussion on the topic of a rezone of the Winston Park. Mr. Wade Rumsey will be presenting details addressing the Planning Commission recommendations from the October 17th meeting.

WS 2 A discussion on a rezoning proposal of 72.75 acres, located at 4000 W 3300 S. The Navy Meadows proposal would change the zoning from Agricultural (A-1) to Residential (R1-15). **Planner: Felix Lleverino**

WS3: Discussion about Terakee River Rezone, a potential rezone at the north end of the existing 3600 West street. Developer: Heritage Land Holdings. **Planner: Charlie Ewert.**

Adjourn 7:45

Respectfully Submitted

June Nelson

Lead Office Specialist