

2/21/2023

Minutes for Western Weber Planning Commission meeting of February 21, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm.

Pledge of Allegiance

Roll Call

Members Present: Andrew Favero, Jed McCormick, Casey Neville, Wayne Andreotti, Sarah Wichern. Bren Edwards, Cami Clontz
Pledge of Allegiance

Staff Present: Rick Grover, Director; Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Bill Cobabe, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Chris Crockett, Attorney; Liam Keogh, Attorney; June Nelson, Secretary

1. Minutes: January 18, 2023 –APPROVED 7-0

2.Training by Chief Civil Deputy Attorney Chris Crockett

Mr Crockett and Mr Keogh discussed the Disclosure Act code and the Conflict of Interest changes proposed in the new Rules of Order.

3.Rules of Order

There was some discussion about item K concerning the amount of time to review a change to the Rules of Order before voting on a change. Mr Favero stated that he would prefer to not have the 14 day waiting period.

Sarah Wichern motioned to adopt/approve option 1 –clean copy that was provided. Cami Clontz seconded the motion. Motion passed 6-1 with Andrew Favero voting No.

Director Grover asked the Commission if it would be ok to move item 5.2 up to the beginning to accommodate someone’s scheduled air flight. Wayne Andreotti motioned to move item 5.2 to the beginning of the meeting to amend the agenda. Item was seconded by Jed McCormick. Motion passed 7-0.

Petitions, Applications, and Public Hearings:

- 5.2 ZMA 2023-01:** A public hearing for consideration of a requested rezone from A-1 to RE-15 on approximately 40.00 acres, located at approximately 1800 S 3800 W, Ogden, UT, 84401 **Planner: Tammy Aydelotte**

This item is an applicant-driven request to amend the zoning map from A-1 to RE-15 on 40.00 acres. The owner seeks this zoning to allow for “...greater housing densities near existing or planned school sites...” (see newly adopted General Plan, Land Use Goal 7.1.2, per applicant’s narrative). The RE-15 zone has the following minimum site development standards, however the recorded development agreement will govern the lot development standards mentioned in this staff report.

There was some discussion about drainage on the property. Engineering will have to work on that issue.

Wayne Andreotti motioned to open the public hearing. Andrew Favero seconded the motion. Motion passed 7-0.

Eric Godfrey- West Haven. We are not opposed to this development. I like the pathway on the east of the development. I am concerned about lot size. As a neighboring subdivision the lot sizes are not the same.

Mark King 3950 W. We expect development. Are these all single family homes of multifamily homes? I leave my garage door open. I worry about growth and safety.

Motion to close public hearing made by Casey Neville. Seconded by Jed McCormick. Motion passed 7-0.

Pat Burns 1407 Mountain Road (Developer). We are only planning on single family homes. We are planning on piping the slough. We didn’t try to match lot sizes with surrounding area. Commissioner Edwards stated that the lots are 15000 square foot lots. 14500 would be closer to 1/3 acre. That would give Pat about 4 more lots. Mr Burns stated that he would be happy to make those lots for moderate income housing. With advise from Planning. There was some discussion that it would be difficult to build a single family home that would fit into the moderate income pricing. Mr Burns suggested that they could build a couple of twin homes. Mr Edwards said that they could lose the 4 lots and make other lots a little bigger. There was also some discussion about

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the roads and what size that they would be. Tammy Aydelotte said that the roadways can be narrow. Engineering would like 66 foot wide. Mr Edwards went on to say that the smaller lots mean more people. We would need wider roads. Planner Charlie Ewert stated that the County has road standards The right of way would be 60 feet wide. This is a connector street. Mr Edwards asked who maintains the trails. It was stated that the trails are to be maintained by the property owners. Mr Ewert said that the Park District is OK to take care of the trails. The County would do long term maintenance of the hard surface.

Chair Edwards called for a motion. Commissioner Favero motioned and Jed McCormick seconded the motion as stated in the staff report below:

Staff recommends one of the following options to the Planning Commission:

- 2. Forward a positive recommendation to the County Commission. Prior to consideration by the County Commission, the owner will voluntarily enter into a development agreement with the County; that development agreement will include provisions listed below:
 - a. Development agreement with preliminary road designs at subdivision.
 - b. That the appropriate amount of right-of-way (40 feet of half-width) along 1800 South St. will be dedicated to the county , along with installation of pathway along 1800 South St., per the newly adopted Western Weber General Plan (2022).
 - c. The number of lots shall not exceed the gross area divided by a 1/3 acre (minimum lot size for a ‘Medium-size’ lot). The development agreement shall govern the lot development standards as previously stated in this staff report. The development agreement will specify that the zoning will govern the allowed uses, except that uses that require one half acre of land or more shall not be permitted.
 - d. The concept plan be updated to show recommended pathway locations. Pathways shall be minimum 10 feet wide. If between lots, the pathway shall be in a dedicated right-of-way that is 30 feet wide and lined with trees consistent with the specifications in paragraph f below.
 - e. The final layout of streets and infrastructure shall conform to the updated concept plan.
 - f. The streets shall be lined with trees, spaced at a distance so that, at maturity, their canopies touch. The trees shall be of a species that are deep-rooting and have a high likelihood of survival, given the unique characteristics of the soils.
 - g. The park strips shall have six-inch angular rock.

This recommendation comes with the following findings:

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

Motion passed 7-0

Pat Burns wanted to let the Commission know that some of the developers in the area have gotten together their own master plan to make these developments work together, including sewer and roads.

Petitions, Applications, and Public Hearings:

4. Administrative items:

4.1 LVW122722 - Consideration and action on preliminary approval of the West Ridge Subdivision Phases 3 and 4 (57 lots).

Planner: Felix Lleverino

A rezoning of this parcel from A-1 to R-1-10 was approved by the County Commission on September 6th, 2022. The rezone includes a Development Agreement that is recorded on title with the entry number 3257495. The planning staff reviewed the development agreement to ensure that the requirements are satisfied.

The applicant is requesting preliminary approval of West Ridge Subdivision Phases 3 and 4 which have a combined total of 57 lots. This development contains four public road connections that extend to the four sides of the development boundary. A 10’ public pathway within a common area greenway will run in an east/west direction. The common area will also have two pickle ball courts, a playground, and a pavilion.

Approved_____

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Commissioner Favero stated that he understands that the detention pond may be moved to another nearby development. Commissioner Wichern stated that the West side has no connectivity. Planner Steve Burton reminded the Commission that they had already approved this development plan. Planner Felix Lleverino stated that the development agreement did and does meet the code. The only thing left up to planning is the trail. The rest was approved by the Commission. Commissioner Edwards stated that there were some issues with the easement based on the Bureau of Reclamation drain survey

Brad Brown (Developer) stated that the Bureau of Reclamation have approved all the encroachment agreements. Lot 419 will have a trail. They have been working with Nielson Homes and JDC Ranch.

Brian Bailess (with Development team) said that they are avoiding land drains.

Director Grover stated that the trails can be part of the development agreement.

Chair Edwards called for a motion. Casey Neville made the motion as stated in the staff report including conditions and findings with the addition of number 7 listed below.

Staff recommends preliminary approval of West Ridge Subdivision Phases 3 and 4. This recommendation is based on all review agency requirements and upon the following conditions:

1. **The developer shall provide a consent letter from the Bureau of Reclamation to build across their drain lines.**
2. **The developer shall build a road that connects to North Plain City Road with these phases for a second access.**
3. **The applicant will be required, as part of the final subdivision submittal, to submit a street tree and landscaping plan. The cost of trees and landscaping shall be included with the subdivision improvement cost estimate.**
4. **HOA documents including CC&Rs will need to be submitted as part of the final subdivision review. The HOA documents will need to specify how the common areas are to be maintained.**
5. **Before consideration of the final plat by the planning commission, the developer will provide the engineering plans for street improvements, to ensure that the proposed street cross sections align with the street infrastructure of adjacent developments.**
6. **Before final plat approval by the planning commission, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.**
7. **There will be a trail connection to the east of lot 419 as stated in the development agreement.**

The following findings are the basis for the staff’s recommendations:

1. **The proposed subdivision conforms to the Western Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**
3. **The subdivision conforms to zoning and subdivision ordinances.**

Commissioner McCormick seconded the motion. Motion passed 7-0

Petitions, Applications, and Public Hearings:

5 Legislative items:

A public hearing has already been held for this item.

5.1 ZMA 2022-05: Consideration and action on a requested rezone from A-1 to RE-15 on approximately 14.93 acres, located at approximately 4175 W 1400 S, Ogden. Applicant is Marie Buhler. **Planner: Steve Burton**

On December 13, 2022, the Western Weber Planning Commission held a public hearing and after considering the item, tabled a decision until the applicant could provide a revised concept drawing, showing realigned streets, and so that the applicant could provide a letter of support from the parks district, as a way to show that the applicant is providing a meaningful open space contribution. Since this time the applicant has revised their streets plan, and has a verbal agreement to provide a per-lot fee to the district. The district has contacted the planning office and has stated that the proposed per-lot fee is sufficient for the district to support the rezone proposal.

This item is an applicant-driven request to amend the zoning map from A-1 to RE-15 on 14.93 acres. The applicant is proposing a 37 lot development with an average lot size of 12,960 square feet. Lot frontages range from 70 feet wide to 150 feet wide. The number of proposed lots does not exceed what would be allowed under the proposed RE-15 zoning. If the legislative body approves of the rezone as proposed, it is recommended that a development

agreement be required, showing the concept plan, as the proposed lot sizes do not meet the RE-15 zoning minimums.

Steve Burton stated that this land has been taken out of the agricultural protection zone. Commissioner Wichern asked about the volume of traffic on 1600 S and what kind of street it was. Charlie Ewert stated that it was a subdivision connector. Commissioner Edwards asked why the lots were so narrow. Mr Burton said that the density did not increase. The builder may need to work on setbacks. He also stated that the developer will pay for road improvements for substandard roads. There is also a park agreement.

Commissioner Edwards called for a motion. Commissioner Wichern motioned the following. Motion was seconded by Commissioner McCormick.

**I motion that we approve item ZMA 2022-05 with all the recommendations provided in our report from Staff including number 6
Staff recommends that the Planning Commission forward a positive recommendation to the County
Commission based on the developer providing the following:**

1. **A development agreement will be accompanied with the rezone that specifies that the owner and future owners waive their rights to protest annexation into an adjacent city.**
2. **A 10 foot paved pathway will be required to be shown on a concept plan that will be added to the development agreement that will be considered by the County Commission.**
3. **The concept plan will be required to be amended, to ensure that curb, gutter, and sidewalk are installed on lots 15, 16, 17, and 18, to the west boundary along 1600 S.**
4. **The developer will need to obtain a temporary turn around easement to be located on adjacent property, or the development agreement can allow the developer to install another type of turn-around in a way that curb, gutter, and sidewalk will be installed before occupancy of the dwellings on lots 15, 16, 17, and 18.**
5. **The development agreement will specify that the concept plan governs the lot sizes and widths. The agreement will specify that the RE-15 zoning will govern other development standards. The development agreement will specify that the zoning will govern the allowed uses, except that uses that require one half acre of land or more shall not be permitted.**
6. **This complies with proposed lot standards in today's Agenda.**
7. **A minimum donation of \$2000.00 per lot or whatever is agreed upon with the Park District.**

This recommendation comes with the following findings:

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

Motion passed 7-0.

6 Public Comment for Items not on the Agenda: None

7 Remarks from Planning Commissioners: Andrew Favero said that awhile back they approved a subdivision. There is a brand new home with a cement pump parked in the driveway. Does zoning allow this? We have been careful with other rezones about where construction equipment ca be kept. This is a big heavy truck. This is not the neighborhood look. Director Grover stated that he would have Code Enforcement look at it. Mr Favero went on to say that to the north there is someone that is running some business there. This is not what it is zoned for. Commissioner McCormick said that he would still like to see some fencing between subdivisions and ag property.

8 Planning Director Report: Director Grover stated that Randy Ropoletto item was approved by the County Commission with an 80 foot right of way and a deferral agreement for the road. The right a way is all on Randy's property. The County Commission also approved the moderate income housing. We as a planning department are looking at ways to make your meetings more efficient. That is one reason that we are providing food, to let you know that we appreciate you and your time. We are also working on getting packets to the planning commission in a timely fashion and using bullet points and other methods to make the reports easier to read and easier for them to prepare for meetings. There is also the Fall APA Conference that will be held here in Ogden at the Eccles Conference Center. Another reminder that the Planning Appreciation Dinner will be this Thursday.

9 Remarks from Legal Counsel: None

Adjourn to Work Session

WS1: Discussion on Water Conservation Goals and the General Plan. **Planner: Bill Cobabe**

WS2: Review and discussion regarding proposed ordinances to implement the Western Weber General Plan, pertaining to lot area, design standards, dark sky lighting, block lengths, pathway and street connectivity, and related amendments. **Planner: Charlie Ewert**

WS3: Review and discussion regarding the proposed Form-Based zone for West Weber Village area, and related amendments. **Planner: Charlie Ewert**

Adjourn at 8:30

Respectfully Submitted,

June Nelson

Lead Office Specialist