

Minutes for Western Weber Planning Commission meeting of January 09, 2024 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 , Cami Clontz, Jed McCormick

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

**Pledge of Allegiance**

**1. Minutes:** December 12, 2023 **Approved.**

**2. Vote: Rules of Order**

Casey Neville motioned to pass the Rules of Order as they are. Motion was seconded by Andrew Favero. Motion passed 7-0.

**Petitions, Applications, and Public Hearings:**

**3. Administrative items:**

**3.1 LVS060823:** Consideration and action on a request for final approval of the Singletree Acres Subdivision (25 lots) located at 2200 S 4520 W. **Planner: Felix Lleverino**

A rezone of this property was presented to the Western Weber Planning Commission on December 13<sup>th</sup>, 2022. On January 10<sup>th</sup>, 2023, the rezoning request returned to the Planning Commission at which time it received a unanimous positive recommendation.

This rezone proposal was presented to and unanimously approved by the County Commission on May 30<sup>th</sup>, 2023. Then returned before the County Commission on September 5<sup>th</sup>, 2023 to approve a revised version of the development agreement that specified the developer's responsibilities regarding the future pathway connection to the new Weber County High School.

Preliminary approval from the Planning Commission was granted on September 19<sup>th</sup>, 2023 with the following conditions:

1. A final subdivision plat and civil plans are under review by all applicable County review agencies before requesting a positive recommendation for final approval from the planning commission.
  - This condition is satisfied. A final subdivision plat and a second round of final civil drawings are currently under review.
2. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor’s Office before requesting a positive recommendation for final approval from the planning commission.
  - The Annexation process is under way. This requirement will be carried over to a final condition of approval and must be completed before recording.
3. Before the Singletree Subdivision proposal may return for final approval, final will-serve letters from the culinary, secondary, and sewer providers shall be submitted.
  - A final will-serve letter from the Hooper Irrigation Company is included as Exhibit C with this report. The final letter from Taylor West Weber Water District is attached as Exhibit B with this report.

**Chair Edwards called for a motion. Motion was made by Andrew Favero and seconded by Casey Neville to approve following recommendations and findings in the Staff Report.**

**Staff recommends that the planning commission forward a positive recommendation to the County Commission for final approval of Singletree Acres Subdivision, a proposal to create 25 residential lots. This recommendation is based on the following conditions:**

4. **All subdivision improvements are designed in accordance with the development agreement.**
5. **At the time of recording, funds to cover the cost of all remaining unfinished subdivision improvements**

Approved 2.13.24

- must be held in an escrow account with the County Engineering Department.
- 6. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is complete before the subdivision plat is recorded.
- 7. The civil plans and the subdivision plat have received final approval before the plan is presented before the County Commission.

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

- 1. The proposed subdivision conforms to the West Central Weber General Plan.
- 2. The proposed subdivision complies with the applicable county codes.
- 3. The subdivision conforms to zoning and subdivision ordinances.

**Petitions, Applications, and Public Hearings:**

**4. Legislative items:**

**4.1 ZMA2023-17**, an application to rezone approximately 134 acres of land located at approximately 500 North, 3600 West, from the A- 2 zone to the R1-15 zone. Applicant: Heritage Land Holdings LLC. **Planner: Charlie Ewert.**

This is an application for a rezone from the A-2 Zone to the R1-15 Zone. The planning commission informally reviewed this request and the associated concept development plan in a work session at the end of the December 2023 planning commission meeting. At the time, the planning commission and staff offered the applicant feedback and recommended adjustments for the proposal. A complete staff review of the proposal was conducted a few days later in which staff offered the applicant formal written comments and recommendations that might help garner a favorable recommendation from the planning commission for the rezone.

The applicant has been attentive at resolving concerns expressed by the planning commission and staff regarding the proposal. The attached revised concept plan substantially addresses review comments and recommendations. With a few minor adjustments and reconsiderations, staff feels the concept plan is ready for a final decision.

The only outstanding concern that poses a possible threat to the viability of the development plan is the code’s limitations on development on a terminal street. 3600 West is currently a terminal street. There is provision in the code for allowing additional development on a terminal street as long as there is sufficient secondary emergency

egress provided, and as long as the terminal nature of the street is temporary. The applicant is proposing the construction of one emergency egress for the entire development until such time that additional land can be acquired to extend 700 North (or other street connections) to other existing streets in the area.

This rezone, if approved, is recommended to be accompanied with a development agreement. Through this development agreement the county can modify the application of the terminal street standards to allow for the developer’s proposal. If egress is not specifically resolved by the development agreement then the developer will be restricted to 30 lots per emergency egress. This means that in order for the entire development to come to fruition, the developer will need several additional emergency egresses in order to comply with the code.

Whether egress is resolved in a development agreement, or the typical code requirements are applied, it is staff’s determination that sufficient regulatory measures are in place or can be put in place to enable the development under the proposed zone. Staff is recommending approval of the rezone, with certain specific requirements being placed in a development agreement, as provided in the staff recommendation herein.

**Chair Edwards called for a motion to open the public hearing. Motion was made by Casey Neville and seconded by Andrew Favero. Motion passed 7-0**

Dean Foust 2544 E 150 S Layton read a letter from attorneys Smith and Knowles, representing Brad Blanche. The staff report says that Hooper will provide water for this development. Water will be supplied by Terakee Water. Hooper will not provide water for this development. We request that the staff report be corrected.

Joseph Deru 405 S 2100 W Slaterville, I own property east of the river, 55 acres. I am familiar with the river. Every year I get some flooding, most years from ground water. Because of flooding, I have had to move my farm animals out of the flood areas.

Courtney Valentine 2275 S. I have property in the area. I gave up a lot to get my 2 lot subdivision. There is no egress. No one has talked to me about roads that appear to go through my property.

Jill Hipwell, West Weber. I just want to make sure that things that were promised in the development agreement with Terakee Farms agreement are done.

No more public comments.

**Motion was made to close Public Hearing by Casey Neville and seconded by Wayne Andreotti. Motion passed 7-0.**

Commissioner Edwards said that the staff report was amended to talk about water providers. We also go by the flood plain maps that are provided. They are sometimes redrawn.

Marsha Stokes Ogden representative for Heritage Land Holdings We have worked with staff. Staff has done a great job and we appreciate them.

Commissioner Wichern stated that she was worried about a pioneering agreement about pipe size for utilities. I would like them put in large enough for future use.

**With no further discussion, Chair Edwards called for a motion. Sarah Wichern motioned to approve based on the staff report and findings with the addition of item 6.**

After reviewing the proposal within the intended context of the Western Weber General Plan, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following considerations, which are intended to be incorporated into a zoning development agreement:

1. **Concept plan update:**
  - a. **Provide concept plan amendments for compliance with connectivity standards.**
  - b. **Remove "by others" from the concept plan's Weber River Parkway proposal.**
  - c. **Provide a non-street adjacent pathway on the western edge of the property, as generally depicted on the general plan's future land use map.**
  - d. **To give the property owner the entire benefit of the rezone, instead of listing the proposed number of lots in the development, the concept plan and development agreement should rely on the county's adopted maximum density calculations to govern density. If the developer may choose to plat less than the maximum at its option.**
2. **Parks, open space, and trails:**
  - a. **The development's first subdivision plat should include the dedication of the entire linear park to the Taylor West Weber Park District.**
  - b. **Obligate applicant to install all pathways including the Weber River Parkway and pathway appurtenances as development occurs. If phased, ensure a proportionate amount of pathway and appurtenances is installed both within the phase and, if different, along the Weber River. Follow the adopted 10-foot paved or concrete pathway standards in the Land Use Code.**
  - c. **Provide a five foot wide equestrian pathway that generally parallels the paved parkway.**
  - d. **Unless negotiated otherwise with the parks district, pathway/nature park appurtenances should include:**
    - i. **At least one bench every 500 feet**
    - ii. **One shade tree per bench.**
    - iii. **ADA accessible parking, restrooms, ramps, and benches.**
    - iv. **Two trailheads, as generally located on the concept plan.**
      1. **A restroom per trailhead.**
      2. **A parking area per trailhead with sufficient parking for at least 15 typical passenger**

- vehicles and six spaces for large vehicles or vehicles towing trailers.
- 3. One bicycle fix-it stand per trailhead.
- 4. One drinking fountain or water bottle filling station per trailhead.
- v. For the northern trailhead, provide a waterfowl viewing area.
- e. Each pathway and sidewalk within the development should be lined with shade trees in intervals and of species such that the crown of one tree, on average at maturity, will touch the crown of the next tree. Use at least three different tree varieties dispersed in a manner to avoid transmission of pests/disease.
- f. Maintain existing tree canopy along the Weber River. Replace any tree that needs to be removed for park improvements with another of similar size (at maturity).
- g. If allowed by the owner of the parcel within the oxbow (shaded dark green on the concept plan), and as long as that parcel owner is willing to allow unrestricted public access along the parkway, construct the Weber River Parkway and associated equestrian trail through the parcel in a manner that is generally paralleling the river. If not allowed by the landowner, stub (construct) the Weber River Parkway to the parcel's property line for potential future connectivity.
- h. Construct an oxbow pathway, also 10-foot wide paved or concrete, around the outside edge of the oxbow.
- i. Wherever a pathway intersects with a street, install or cause to be installed a battery powered and solar charged user-activated rapid flashing beacon and associated crosswalk signage, and paint a zebra-style crosswalk on the street. Repaint after sealing the street.

### 3. Streets:

The applicant will escrow the total value to acquire and construct 700 North Street to county standards and in a manner that connects this development to the existing portion 700 North Street to the west. This escrow

- a. Until a second street connection that is compliant with minimum county standards is constructed and accepted by the county, the developer shall provide for the following related to the proposed emergency egress in order to plat more than 14 lots:
    - i. The emergency egress is fully constructed to the minimum 20-foot surface width;
    - ii. A 10-percent warrantee guarantee bond is provided to the county to assure performance for at least one year;
    - iii. The egress remains ungated for the entire time it is being constructed plus one month after the County Engineer inspects and approves it;
    - iv. The egress is fully operational and accessible for emergency use by any member of the public at any time; *and*
    - v. No lawsuits are filed challenging the easement prior to platting more than 14 lots; *or*
    - vi. A different emergency egress can be secured and constructed in compliance with adopted standards.
  - b. 3600 West Street should be improved offsite to minimum asphalt width standards from 400 South Street to the development.
  - c. Driveway access to 3600 West and 700 North streets should be prohibited.
  - d. At least 100 feet of street right-of-way width should be dedicated for 3600 West, and 80 feet for 700 North. The street paralleling the river should have at least a 66-foot dedicated street right-of-way, as should any street with an adjacent 10' pathway. Unless specified otherwise by the county engineer at the time of subdivision platting, other streets may be 60 feet wide.
  - e. Stub the street right-of-way (not improvements) for 3600 West to the northern-most part of the property to provide opportunity for potential future road connection over the river northward.
  - f. Stub the street right-of-way (not improvements) for 700 North to the eastern-most part of the property to provide opportunity for potential future road connection over the river eastward.
4. Air quality: Require each residence greater than 1800 square feet or not otherwise deed restricted for moderate income housing to:
- a. Have solar panels and backup batteries installed prior to certificate of occupancy.
  - b. Be constructed to an energy efficiency rating that is one climate zone colder than the area.
5. Weber County's outdoor lighting code should be applied to all lighting in the project.
6. All utilities shall be built to the required future buildout size requirement. A Pioneering Agreement may be included in the development agreement and shall only cover the cost of upsizing the utilities from the size required by the development

impact to the future buildout sizing.

7. **No building will occur on known flood plain boundaries.**

Staff's recommendation is offered with the following findings:

1. **After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Western Weber General Plan.**
2. **The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Western Weber General Plan.**
3. **A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.**

**Motion was seconded by Cami Clontz. Motion passed 7-0.**

**4.2 ZMA 2023-08** A public hearing for consideration on a request to rezone a 72.75-acre property from A-2 to R1-15, and R-3. The development is known as Navy Meadows, located at 4000 West 3300 South. **Planner: Felix Lleverino**

On November 15<sup>th</sup> 2023 the Weber County Planning Division and Weber County Engineering held a road and pathway connectivity discussion of the Navy Meadows site, it was agreed that several amendments to the concept plan should be made to better conform to the West Central Weber General plan and section 106-2-4.030, which directly pertains to subdivision design for connectivity.

The applicant, Mr. Doug Hamblin, requests that the West Weber Planning Commission forward a positive recommendation of this rezone from the Agricultural A-2 zone to the Residential R1-15 zone and the Residential R- 3 zone. The entire project area amounts to 72.75 acres.

To give the Planning Commission an understanding about of the potential number of units, the planning staff has prepared the following paragraph describing the calculations used for determining the residential development potential.

The concept plan is requesting approval for a total of 98 townhouse units which would require at least 5.87 acres. The concept plan designates 374,268 square feet or 8.59 acres for R-3 zoning. The remaining area that would be rezoned to R1-15 equates to 64.16 acres which would allow for the potential of 186 dwelling units.

Chair Edwards stated that in the pre-meeting there was some discussion about the R-3 zone and the need to have it amended to the general plan map.

**Chair Edwards called for a motion to open the public hearing. Commissioner Neville motioned to open the public hearing. It was seconded by Commissioner McCormick.**

Chair Edwards stated that he received an email from Carrie Call from the West Haven City Council asking that we postpone this until the city was properly notified.

Charlie Ewert stated that since the property is not adjacent to the city and more than 500 feet from the border, the County has no notification requirement.

Kristine Clark, 3743 W 3550 S West Haven stated that I live right across from this area. We already have plenty of condos, townhomes, apartments and patio homes. We should stick with larger lots, no townhomes.

Steven Cox, Taylor the Hooper Slough drainage is a concern. We need a good flood plain plan

**With no more comment, Chair Edwards called for a motion to close the public hearing. Commissioner Favero made the motion to close and it was seconded by Casey Neville. Motion passed 7-0**

Chair Edwards stated that since the property is not adjacent to the city and more than 500 feet from the border, the County has no notification requirement. The slough will be addressed at the subdivision site plan. 3300 is slated for widening for 80 foot width plus pedestrian walk ways. Commissioner Wichern stated that she has concerns with the R-3, townhomes is where we can address affordable housing.

Doug Hamblin, developer, said that anyway the planning commission decided about the R-3 for now or later is fine with him. I am also willing to add in connectivity. We are also eliminating some lots to add parking space to the park areas

Casey Neville stated that he feels that there are a lot of townhomes and apartments in the area. We need to think about the General Plan and make any changes thoughtfully. Chair Edwards stated that we need to consider the public as well as land owners.

**Sarah Wichern motioned the following: I motion to table this item until February Commission meeting so that we can notify and vote on a R-3 general plan amendment. Motion passed 7-0.**

4.3 **ZTA 2023-06** - Public Hearing – Discussion and possible action on amending the Weber County Land Use Code Section 106-4-2.080 – Street Trees, modifying the requirement for street trees in the public right-of-way and creating new requirements for their installation and maintenance. Also Section 108-7-7.040 – Public Tree Care, modifying the regulations regarding the care, maintenance, and removal of trees on County-owned property. **Planner: Bill Cobabe**

Due to ongoing concerns related to the installation and maintenance of street trees throughout the County, County Commissioners have directed Planning Staff to review our procedures and requirements. On September 12, 2023, the Western Weber Planning Commission held a work session to discuss proposed changes and review the species list, and on October 24, 2023, the Ogden Valley Planning Commission held a similar work session. The proposed changes allow for a more orderly and efficient development standard for street trees in the County.

Sarah Wichern said: I drove through an area in West Haven with no trees. We really do need to have trees. There should be no fees for permits for these trees for the residents.

**Chair Edwards called for a motion. Sarah Wichern motioned the following:**

**The Planning Commission recommends approval of ZTA 2023-06 and the Planning Commission forwards a positive recommendation to the County Commission for the proposal with the following condition and findings.**

- 1. **Any permits involved for removal of trees or vegetation on the County property is a fee-less permit.**

**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 County.**
- 2. **The proposal supports beautification efforts in the County.**

**Motion was seconded by Wayne Andreotti. Motion passed 5-2 with Casey Neville and Cami Clontz voting nay.**

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

**6. Remarks from Planning Commissioners:** Commissioner Andreotti stated that he had been looking for a retirement house. It is near impossible to find one. Average home price in Weber County is \$515,000. Average income is \$74,000 You have to make \$107,000 to afford the average home price. We need to figure out a way to address this issue. Maybe talk to developers. I also really appreciate the people that I serve with. We need to keep bringing up different ideas. Chair Edwards agreed. Commissioner McCormick said that good fences make good neighbors. He asked Charlie Ewert to check on any fencing code that was going to be added to the code. Chair Edwards stated that the County lost 2 of the biggest dairy farms in the area recently. There are some onion growers that need to add an onion shed or produce shed.

- 8. **Planning Director Report:** Reminder about the Nation Planning Conference in April. Also the Planning Commission Appreciation Dinner on February 22. Call or email June or Ann. There is also a large development that is coming your way with 14,000 units-homes. You can find it on Frontier under West Bridge Meadows

9. **Remarks from Legal Counsel:** Mr Keogh stated how much he appreciated the professionalism of this planning commission. I appreciate you all.
10. **Vote for Chair and Vice Chair for 2024. With little discussion Commissioner McCormick motioned to nominate Bren Edwards as Chair for 2024. Motion was seconded by Camie Clontz. Motion passed 7-0. Another motion was made to nominate Andrew Favero as Vice Chair for 2024. . That motion was seconded by Jed McCormick. Motion passed 7-0.**

Adjourn 7:45

**Respectfully Submitted**

*June Nelson*

Lead Office Specialist

Approved 2.13.24