

Minutes of the Work Session Meeting of the Western Weber Planning Commission for December 10, 2024, Weber County Commission Chambers, 2380 Washington Boulevard 1st Floor, the time of the meeting, commencing at 4:30 p.m.

Western Weber Planning Commissioners Present: Bren Edwards (Chair), Andrew Favero (Vice Chair), Jed McCormick, Sarah Wichern

Excused: Commissioners Wayne Andreotti, Cami Jo Clontz, and Casey Neville

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Liam Keogh, Legal Counsel; Tiffany Snider, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Edwards conducted roll call and indicated Commissioners Andreotti, Clontz, and Neville were excused from the meeting; all other Commissioners were present.

1. Minutes: August 13, 2024.

Chair Edwards asked if there were any corrections to be made to the minutes; no corrections were offered.

Commissioner McCormick moved to approve the August 13, 2024 minutes as presented. Vice Chair Favero seconded the motion, all voted in favor.

Administrative items:

2.1. LVC071824 - Consideration and action on a request for preliminary subdivision approval of Creekside at JDC Ranch Subdivision consisting of 119 units. Presenter: Tammy Aydelotte

A staff memo from Planner Aydelotte explained Creekside at JDC Ranch Phases 1-8 includes 119 detached single-family lots with 4.23 acres of open space. So far, the Master Developer received approval for 262 out of the recently approved 1000 units allowed under the development agreement. With the addition of these 119 units, the developer will have approvals for 381 out of the recently approved 1000 units, leaving 618 residential units left to plat in other phases of development. The proposal follows the development agreement that has been recorded to the property. Ms. Aydelotte presented an aerial image to identify the location of the subject property; she then used the aid of a PowerPoint presentation to summarize staff's analysis of the application to determine conformance with the following:

- General Plan;
- Zoning guidelines;
- Lot area, frontage/width and yard regulations;
- Master Plan and Development Agreement;
- Common and open space requirements;
- Culinary water and sanitary sewage disposal;
- Public Street infrastructure; and
- Requirements of Review Agencies.

Ms. Aydelotte concluded the Planning Division recommends preliminary approval of Creekside at JDC Ranch Phases 1 through 8, located at 2850 W 2600 N, consisting of 119 single-family lots. 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. Dual ingress/egress needs to be provided/shown on the final plat to an existing public street that is not temporarily terminal before any final plats can be considered.
3. Open spaces will need to be properly labeled as common area, with appropriate dedication language, on each final plat.

4. 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.

Commissioner McCormick asked the applicant to discuss the progress of the development of the park within the project area. Brian Bayles of Nilson Homes explained that all of the grass has been installed at the park, sidewalks have been built throughout, several pavilions still need to be installed, and the playground equipment still needs to be installed. Outside of the sidewalk, some planters will be installed in conjunction with the construction of homes on adjacent building lots.

Commissioner Favero moved to approve application LVC071824, request for preliminary subdivision approval of Creekside at JDC Ranch Subdivision consisting of 119 units, based on the findings and subject to the conditions listed in the staff report, and subject to all review agency requirements. Commissioner McCormick seconded the motion. Commissioners Edwards, Favero, McCormick, and Wichern voted aye. (Motion carried on a vote of 4-0).

Legislative Items:

3.1 File #ZMA2024-14 - A public hearing on an application to rezone approximately 40 acres of land generally known as the Martini Family Trust land, located at approximately 4083 West 1400 South, from the A-1 zone to the R1-15 zone. Applicant: David Laloli Staff Planner Felix Lleverino

A staff memo from Planner Lleverino explained the applicant's proposal is to rezone the Martini Family land from Agricultural A-1 to the R1-15 zone for the purpose of creating a residential development. This rezone, if approved, is recommended to be accompanied by a development agreement. Through this development agreement, the county can capture additional considerations unique to the property. The change in zoning will apply to the entire 40-acre parcel and the standards in the development agreement will apply to all lots within the rezone boundary. In a work session with the planning commission that took place on November 13, 2024, the planning commission was willing to entertain the possibility for town houses on the large lot that will remain owned by the Martinis. After evaluation by the staff, the option for townhouses in this location would require a General Plan Amendment and a rezone to Residential R-3. Considering that the Martini lot is roughly two acres in area, the planning staff recommends that the uses listed in the Agricultural (A-1) zone remain available for the owner and on lots greater than 40,000 square feet.

Mr. Lleverino used the aid of a PowerPoint presentation to review the subdivision plat with the Commission, the concept plan provided by the applicant and including staff comments, and to summarize staff's analysis of the application, including the following:

- Conformance with the General Plan and Smart Growth Principles;
- Compliance of zoning guidelines;
- Compatibility with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the General Plan;
- The extent to which the proposed amendment may adversely affect adjacent property;
- Adequacy of facilities intended to serve the subject property;
- Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands; and
- Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Mr. Lleverino that 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. The standards from the development agreement are included with this recommendation.
2. The proposed street and pathway layout illustrated in the concept plan is sufficient to meet the connectivity standards of the county code.

3. The developer will communicate with the Weber Housing Authority to set aside ten percent of the total housing units for affordable housing or attainable housing.
4. Lots within the Brook View development with at least 40,000 SF may pursue conditional and permitted uses listed in the Agricultural A-1 zone, section 104-2-3.
5. Weber County's outdoor lighting code should be applied to all lighting in the project.

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.

Chair Edwards thanked staff for addressing the need to widen 1400 South; if something is not done to widen the road, he cannot vote to recommend approval of the rezone because he feels the road is too narrow to accommodate the type of growth contemplated in this application.

Vice Chair Favero stated that he feels strongly that the zoning of the entire parcel should be changed rather than leaving a portion of the property designated as agricultural; this would eliminate any extra expectation for the two-acre portion of the property that would remain agricultural.

Commissioner Wichern inquired as to the number of units the applicant is proposing. Mr. Lleverino stated that the applicant intends to maximize the density of the property, meaning they could build as many as 116 units. If the Commission would like to reserve some density for the two-acre portion of the property that the Martini's intend to retain, the maximum units on the larger portion of the parcel could be limited to 110 units.

Commissioner McCormick asked Chair Edwards if he feels the widening of the road should occur to the east or west. Chair Edwards stated that he believes widening is necessary to the east of the subject property because he believes most traffic from the property will travel east to 3500 West to exit the area. The previous subdivision should have been responsible for widening of the road to the west.

Chair Edwards opened the public hearing at 5:24 p.m.

Randy Ropelato stated that he lives near the subject property; he is interested in the current status and alignment of the corridor in the area and asked why that has changed. He also asked who will pay for the widening of 1400 South. He added that at some point, the County took actions to allow two different standards for curb and gutter improvement in the area; he feels that needs to be reconciled to provide a uniform standard. He asked who is planning to develop the area and noted that the neighborhood will not 'put up with' what has occurred on other projects during the excavation phase.

Scott Arvy stated he lives near the subject property as well; many people are concerned with the amount of growth in the area and those concerns are increased when residents are aware that the infrastructure is not improved commensurate with the growth. He asked who will pay for the repairs to existing roadways and where that money will come from. He stated that the flyer that residents received regarding this application indicated that the lots will be 15,000 square feet, but he wondered if that is accurate and whether the lot sizes will be decreased when all infrastructure improvements are calculated. He echoed Mr. Ropelato's concerns about the impact that excavation of other project areas have had on neighboring property owners. He also agreed that the roads must be widened to accommodate the dramatic increase in vehicular traffic in the area. He hopes the project does not move forward as it is designed because he feels larger lots are more suitable for the area.

Jake Larsen stated his property abuts the subject property and he agrees with those who spoke before him about concerns regarding the increased traffic in the area. Additionally, irrigation infrastructure in the project area is insufficient and something must be done to ensure that existing residents continue to receive their irrigation water. He is very concerned with the dramatic growth in the area, and he suggested larger lot sizes or some other mechanism to slow the growth until it is possible to address the consequences of the growth that has already occurred. Small lots do not compliment the area, especially given that the DiGiorgio Subdivision has one-acre lots.

J.D. Smith stated he lives in the DiGiorgio Subdivision, and he echoed Mr. Larsen's comments; he has a large pond in his backyard that he uses to irrigate his backyard. He would also like to know the developer of this project and to understand the plans for providing secondary water to current residents throughout the construction of the project. Residents have experienced interruption of service during past construction projects, and this is very concerning.

Lewis Petterson stated he lives on 1400 South, and he is very concerned about the traffic on that road; if the road is going to be widened, it should be widened on the side of the subject property, not on the side where there are existing residences. He asked that the developer avoid using D.J. Construction in their project; they have worked on past projects in the area, and they dug up his front yard as part of the project and never repaired the damage that was done. He stated he has contacted the County about the issue, and nothing has been done. He suggested the Planning Commission and County Commission visit the project area to understand the potential impacts their approval will have on adjacent property owners.

Megan Arbon stated that there is a community Christmas party in the neighborhood that this property is part of and that is likely why more people are not in attendance to voice their concerns. She stated that she and many others moved to country to enjoy larger lots and open space; adding additional homes, widening roads, and even adding curb and gutter changes the feeling of the country. She is also worried about safety in the area; there are many more children in the area now and with the construction of the new high school nearby, traffic has increased dramatically. The narrow roads present a safety concern for children who live in the area.

Vice Chair Favero moved to close the public hearing. Commissioner McCormick seconded the motion, all voted aye.

Chair Edwards invited the applicant to address concerns raised during the public hearing.

David LaLoli approached and expressed a willingness to answer any questions the Commission has. Commissioner Wichern asked Mr. LaLoli if he is aware of the flow of irrigation water to and through the property and to adjoining properties. Mr. LaLoli answered yes and reported that the irrigation will be piped along the subject property and will ensure flow continues to the properties down the line.

Chair Edwards stated that he would prefer that the entire property be rezoned to R1-15 rather than holding a portion of the property out of the project area and retaining the A-1 zoning designation. He is also interested in the concept of limiting the density on the larger portion of the property in order to preserve some development rights for the two-acre parcel in the future. Commissioner Wichern stated that if the entire parcel were rezoned, the Martinis would lose their agricultural access to the property; if they want to preserve the agricultural use, they must separate that portion of the property from the rest of the property. Chair Edwards inquired as to the applicant's preference. Mr. LaLoli stated that it is his understanding that the Martini family does not intend to develop the two-acre portion of the property any time soon in the future, but he acknowledged that could change depending on future ownership. He stated it may be appropriate to get input from the Martini family regarding that matter. Chair Edwards then asked Mr. LaLoli if he is willing to entertain a requirement to widen 1400 South to the east of the subject property. Mr. LaLoli stated he would need additional time to consider that request; widening of the road has not been accounted for in the proposal.

Chair Edwards then asked Mr. Ropelato what corridor he was referring to. Mr. Ropelato's response was not audible. Mr. Lleverino noted that engineers hired to design these types of projects identify corridors that follow as closely as possible the County's General Plan Future Roads and Streets Map. He suspects that the corridor was moved to limit impacts on adjacent parcels; it appears to veer east to avoid existing homes.

Mr. Lleverino then addressed the current agricultural use of the property by the Martinis; if the zoning of the larger parcel is changed, but the two acres are still farmed by the family, the use will be considered an approved non-conforming use that will be allowed to continue. The only limitation non them will be that they will not be able to expand that use beyond its current nature.

Commissioner Wichern asked if the road referenced by Mr. Ropelato originally followed the boundary of the subject property on the Future Roads and Streets Map. Mr. Lleverino provided the map for review and Planning Director Grover stated that the Map is a suggestion and not an exact requirement.

Chair Edwards then acknowledged Mr. Ropelato's comment about the different curb and gutter standards in the area and asked that Mr. Grover look into that issue and discuss the problem with County Engineering. He also addressed the concerns raised regarding the development of smaller lots in the area and stated is also pains him to see open space eliminated for these types of projects; however, this type of project is allowed in the County's General Plan. He asked Mr. Grover to address the question regarding the lot sizes after the amount of property needed for infrastructure improvements is extracted. Mr. Grover stated that the infrastructure development is considered in the density calculation; the gross acreage is used to determine the maximum density. Chair Edwards added that the developer can also average lot sizes; some lots may be smaller and some larger than 15,000 square feet. Commissioner Wichern asked if this project is connectivity incentivized. Mr. Grover answered yes but indicated that County staff is considering shifting connectivity to a requirement rather than something that is incentivized.

Commissioner McCormick asked if there will be a development agreement for this project, to which Mr. Lleverino answered yes. Commissioner McCormick asked that the development agreement include a requirement for continuous flow of irrigation water to the surrounding properties. Mr. Grover stated that issue will also be addressed in the water approval letter for the project, but indicated a development agreement requirement would strengthen that requirement.

Commissioner Wichern stated that Mr. Ropelato asked who will pay for the widening of 1400 South. Chair Edwards stated he believes the developer is responsible for that project. Commissioner Wichern asked if the Commission would consider a pioneering agreement. Chair Edwards stated he would be willing to consider a pioneering agreement as long as that does not result in creation of a public infrastructure district (PID); he would leave that matter up to Planning and Engineering Staff to consider that option and to work with the applicant to determine what improvements are necessary. Commissioner McCormick stated that the Commission also received questions and suggestions about which side of the road should be widened, and he believes that is also an issue that staff should resolve. Chair Edwards agreed. This led to discussion among the Commission regarding appropriate conditions of approval for the application relative to the road widening and negotiation of a development agreement.

Commissioner Wichern acknowledged the concerns that have been raised tonight; he sympathizes, and in many instances agrees, with the points that have been made, but will be voting in favor of the project based on its conformance with the General Plan and other land use regulations that govern Weber County.

Commissioner Wichern moved to forward a positive recommendation to the County Commission for application ZMA2024-14 to rezone approximately 40 acres of land generally known as the Martini Family Trust land, located at approximately 4083 West 1400 South, from the A-1 zone to the R1-15 zone, subject to all review agency requirements, based on the findings listed in the staff report, and subject to the following conditions of approval:

1. The standards from the development agreement are included with this recommendation.
2. The proposed street and pathway layout illustrated in the concept plan is sufficient to meet the connectivity standards of the county code.
3. The developer will communicate with the Weber Housing Authority to set aside ten percent of the total housing units for affordable housing or attainable housing.
4. Weber County's outdoor lighting code should be applied to all lighting in the project.
5. Improvements will be made to 1400 South eastward to the 3500 West arterial collector road in accordance with Planning and Engineering recommendations.
6. Irrigation water delivery to surrounding properties will be continuous and undisturbed throughout development of the subject property.

Commissioner McCormick seconded the motion. Commissioners Edwards, Favero, McCormick, and Wichern voted aye. (Motion carried on a vote of 4-0).

4. Public Comment for Items not on the Agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

Commissioner Wichern thanked the public who were in attendance this evening and noted their input helps the Commission to control those items that they can control throughout this process.

6. Planning Director Report:

Planning Director Grover complimented the Commission on the manner in which they handled the items on tonight's agenda. He then reported on staffing of the Planning Division of the County; due to vacant positions in the Division, there has been some delay in the transcription of minutes of these meetings and he intends to contract that service out rather than handle the minutes in-house. It is important to get the correct information regarding the actions taken by this body to the County Commission. Additionally, Chair Edwards has agreed to attend County Commission meetings to be able to answer any questions that body may have about recommendations that have been made by the Planning Commission. He then provided the Planning Commission with a report of recent actions of the County Commission, including their approval of a General Plan amendment related to the Gibson Farms proposal.

7. Remarks from Legal Counsel

There were no remarks from Legal Counsel.

The meeting adjourned to a work session at 6:18 p.m.

WS1: A discussion regarding a zoning map amendment application and associated development agreement for the Gibson Farms Rezone, a master planned development that will rezone approximately 550 acres of property located within the area bounded by 12th Street, 4700 West, and the Weber River. The zone(s) being proposed will include a Master Planned Development Overlay Zone (MPDOZ), and may include a variety of Single-Family Dwelling (R1), Two-Family Dwelling (R2), and Multi-Family Dwelling (R3) zones, as well as commercial zones, or may include the creation of a new master-planned development zoning designation that is unique to the proposed development. Applicant: Black Pine Group.

Principal Planner Ewert facilitated a discussion with the Planning Commission and the applicant regarding work on a zoning map amendment application for the Gibson Farms project; this will include negotiation of a development agreement and contemplation of several different zoning designations for the 550 acres of property involved in the application. Mr. Ewert concluded that this item will be discussed further during the January 7, 2025 work session meeting.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission