

WESTERN WEBER PLANNING COMMISSION MEETING

MEETING AGENDA

August 10, 2021

4:30 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

1. Minutes: April 14, 2020, July 14, 2020, April 13, 2021, March 9, 2021, July 13, 2021

Petitions, Applications, and Public Hearings:

2. Administrative items:

2.1 LVM04222021: Request for preliminary approval of Mountain Views Land and Livestock Subdivision located at approximately 1900 S 7500 W, consisting of 21 lots, in the A-2 zone.

Staff presenter: Tammy Aydelotte; Applicant: John Price

2.3 DR2021-05: Consideration and action on Design Review approval for the Weber Storage Sheds at approximately 1800 Rulon White Dr.

Staff Presenter: Scott Perkes, Representative: Geneva Blanchard

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel

Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

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Via Zoom Video Conferencing at the link <https://us02web.zoom.us/j/81849914288>.

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes for the Western Weber Planning Commission meeting of April 14, 2020, held via Zoom video conferencing at 5:00 pm.

Members present: Bren Edwards - Chair
Greg Bell – Vice Chair
Wayne Andreotti
Andrew Favero
Janette Borklund
Gene Atkinson
John Parke

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Scott Perkes, Planner II; Tammy Aydelotte, Planner II, Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Minutes for February 11, 2020, and March 10, 2020 meeting. Commissioner Atkinson was missing from the attendance on the February 11, 2020 minutes. On page one of section 3.1 it says that it is located at 1800 S and 300 W, it was meant to say 4300 W. on page 2 the paragraph that start Commissioner Bell states there is a reference to Ms. Preswich it say Mr. on page 3 it says Chair Edwards closed the public hearing it should say closed the public comments. On page 6 on the bottom paragraph there is a spelling error instead of Chair Edwards it says hair Edwards. On the March 10, 2020 minutes Commissioner Favero is missing from the attendance.

MOTION: Commissioner Parke moves to approve the minutes with noted corrections. Commissioner Andreotti seconds. Motion carries. (6-1)

Commissioner Bell was not available due to some technical difficulties.

2. Approval of 2020 Planning Commission Rules of Order: The rules of order were not included in the packet.

MOTION: Commissioner Borklund moves to table the Rules of Order. Commissioner Atkinson seconds. Motion carries (6-1)
Commissioner Bell was not available due to some technical difficulties.

3.1 LVH 040419: Consideration and action on a request for a recommendation for final approval of Halcyon Estates PRUD subdivision consisting of 39 lots located at approximately 4100 W 1800 S, Ogden.

Mr. Burton states that this is a request for final approval for Halcyon Estates PRUD subdivision. This was before the Planning Commission at the last month's meeting. They have submitted their final plans which are being reviewed. They have their secondary water shares and meet the final subdivision requirements. Staff is recommending approval based on the findings and conditions listed in the staff report. There is only one condition, that a deferral agreement for curb water and sidewalk will be required for 1700 S and 4075 W prior to recording the final mylar.

Chair Edwards asks if there are any question. There are none.

Keith Ward states that he is happy to take questions. There are none.

MOTION: Commissioner Parke moves to LVH 040419: Consideration and action on a request for a recommendation for final approval of Halcyon Estates PRUD subdivision consisting of 39 lots located at approximately 4100 W 1800 S, Ogden. This recommendation is based on the review agency requirements and following conditions: 1. A deferral agreement for curb, gutter, and sidewalk will be required for 1700 S and 4075 West streets prior to recording the final Mylar. 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 Bell seconds. Motions carries (7-0)

3.2 LVK122019: Consideration and action on preliminary approval of Kastle Acres, a lot-averaged subdivision consisting of 11 lots

Chair Edwards states that he would like to notes that he currently leases this piece of property from the owner he is not sure if it is a conflict. He states that he does not have financial gain from the development.

Scott Perkes states that the average lot size of each of the lots 42,610 sq. ft. and the average frontage is 192 ft. this is well above the zoning minimums. The overall project is 13 acres. They provide access from a 66 ft. public right of way that meets County standards from East to West of the property. Culinary Water is being served by Taylor West Weber. Hooper Irrigation is providing secondary water. Sewer will be provided by Central Weber Sewer. They have indicated sidewalks on both sides of the street this is requirement because they are so close to the Weber County School District property. There are some road right of way dedications that are associated with this plat. They are providing 5 ft. along the frontage of 4700 W. and they are also dedicating as much land on their eastern boundary as they are able. That dedication will be about 19 ft. Public notices were sent out on this project. Staff recommends approval based on the conditions and the findings in the staff report.

Commissioner Favero asks if they are going back to the code and enforcing that the setbacks be made on the quarter sections lines for a potential road even though one is not being put in there yet. Mr. Perkes states that the hope is to be able to have the regional connectivity in the future. Commissioner Favero states that seeing some of the concerns from some of the residents he has some issues with this. He states that the quarter section line marks the property. It should be half on one side of the line and half on the other. He asks how this can be corrected. The stub that is in place already is not on the center. Mr. Perkes states that when they saw it they noticed that it didn't line up either. He is not sure if this is because of the way that it was split up in the past. He notes that the surveying department has verified that it doesn't line up. Commissioner Favero states that since the road is not going in with the subdivision there is also an irrigation weir that divides water to go west and north, this is also a concern for the people that take irrigation water through the weir. He asks how this will be addressed. Mr. Perkes states that at the moment the 19 feet is being dedicated as right of way. He notes that nothing is being proposed on that particular area of right of way. There will piping of the ditch that runs along the eastern boundary from North to South. Concerning the corner the South East corner the applicant has been working with the irrigation company, but he is not sure of the particulars.

Layne Kap states that he is not going to be able to answer that question. Chris Cave from Reeves that has been handling that. He believes that this is why it is being piped to the North. There is a right of way going West for the existing ditch down the back of the properties. He does not believe that the weir will be touched at this point. That will be touched when the property owners of to the East proceeds to develop their property.

Commissioner Parke asks if the applicant has had an opportunity to see the comments received. Chair Edwards states that they will open it up to public comment and the gentleman who submitted the comment is present and will have the opportunity to speak.

Chair Edwards opens the public comment.

Collin Famuliner 4573 W 2200 S, states that concerning the pipe that goes through the middle of the plat, it looks like it is an 11 lot system. The current easement of the lot going across to his property on a jagged approach. This is something that concerns him because of how the water that will get there and the restriction as it makes all the turns. The water will need to go up hill. They are making it go back to the east after it has flowed to the west. He notes that they can make water do this, but it will have to be pressurized. He add that the water has a way of finding problems and it will put stress on a system like that. It is very cumbersome and cuts down the amount of water. The stress will cause the water to start bubbling up in people's yards. It would make more sense to use the existing easement. It is a straight shot through there. Let the water fall going downhill and provide the water system as it currently exists. He asks what type of a fence is planned around the outside to protect valuable live stock. There are a lot of subdivisions with solid fences around them. He wants to make sure that the surrounding properties are protected.

John Jusko 2219 S 4300 W, states that he owns the farm directly east to this subdivision. Concerning the ditch to the East of the subdivision. The ditch is fully on the subdivision property. His farm has nothing on that ditch. There was a comment made by the applicant that if the Jusko Family decide to develop they would pipe the ditch. He states that it is not on their ditch. It is a privately owned ditch. He notes that the owners of the ditch have not been contacted. The people on the north side should be contacted. They need to be invited for this meeting. under the current proposal the water weir located on the South East corner of the

proposed subdivision would be adversely impacted by the proposed subdivision. If the county ever developed the proposed road (4500 W) over the Jusko property, the subdivision the water weir would have to be moved upstream from the subdivision property further impacting the Jusko property. This adversely impacts the property value of the Jusko family and creates an immediate taking. It effectively takes property from the Jusko family with no payment for the loss caused by the design of the subdivision. Only moving the road easement to the west eliminates this issue.

The proposed placement of the road (4500 W) adversely impacts the Jusko property by planning more than half of the road on the Jusko property. The Jusko family firmly believes that the proposed subdivision has not dedicated enough property to the proposed road. Again this adversely impacts the Jusko property value with no payment for their loss in property value.

Moreover, planned subdivision does not include any provision to protect the tile ditch that runs along the East side of the proposed subdivision property. This is an extreme safety hazard that the subdivision design is creating.

The proposed subdivision is designed in such a manner that it promotes trespassers onto the Jusko property. The subdivisions has not approached the Jusko Family with any mitigation efforts for the loss of future crops, or increased risks due to increased trespassers. A walkway without adequate fencing by the subdivision to keep people out is unacceptable.

The Jusko family business plan includes a unique crop for this area that is very long term crop (the crop is known to produce for over 100 year). The Jusko family business plan will phase in the production of this crop over time and will need every square foot to make the business plan profitable. There is no foreseeable time in the future when the Jusko family will convert the property out of the agricultural production. Hence the Jusko family formal objects for the reason's stated above to the planned road design and subdivision as currently submitted. The family would be willing to withdraw its object if the road were moved 19 feet further west, fencing were installed to prevent trespassers and the other issues stated above adequately address.

Tom Favero 1295 N 4700 W states, that he operates his family's property on 2550. He notes that their water access is through the box at the top of the Jusko family, it comes West all the way through. The right of way recorded on each of those deeds, not just a utility easement. He notes that they just replaced cement ditch from pipe ditch in the fall and spring. The Green family offered to pay nothing. They did not want to pay for the head gate or the pipe. Somebody needs to step up and pay for the improvements that the rest of the residences made on the ditch, because they are moving forward with the project. He feels that the Gibson family did not pay their share. The Favero farms paid their share of it. They are the majority share holders on the ditch. There were a few other shareholders who paid theirs. The Greens have not paid a dime. They should come forward and make their payment before anything happens with the project. He notes that they are pending to install a head gate. He is against the whole project until the problem with the ditch is resolved. This affect a lot of people out side of the 500 ft. range that were sent letters. There is a lot of people on the east side that need to know what is going on. Collin Famuliner states that Mr. Favero is correct there was a lot of people that paid to improve the ditch. He agrees completely with Mr. Favero. Mr. Favero states that the applicant needs to address how the head gate will be put in. The head gates that go inside the structure are expensive they service the property only. They need to step up and take their obligation and take care of the people.

Chair Edwards closes the public comment.

Chair Edwards states that there has been some issue with noticing and the irrigation ditches. He asks what legals take on this is. Mr. Wilson states that the way the code reads on section 106-1-6 titled agency review and public notice under sub section B it states that the notice of the proposed subdivision shall be mailed as a curtesy no less than 7 calendar days before the Planning Commissions public meeting and the proposed subdivision to the record owner of each parcel within 500 ft of the property. The problem with the ditch is that generally those are easements and they don't necessarily own the property it would be mailed to the record owner of each parcel within 500 ft. of the property that is the subject of the application. He notes that this is not the only notice, it is also posted pursuant with state code. It is posted on the State website and it is also posted on the County's site. He states that they have meet their obligations under notice. The County is allowed to have their own previsions on notice. Mr. Ewert states that the canal entity or ditch entity wants to be considered an effective entity under state law they would need to register with the County on an annual basis providing the contact information and the geographic location of where the facilities are so that the County knows when to notify them. There are so many affected entities out there that go to the County on an annual basis, otherwise the County might not know they exist. Mr. Wilson states that this is why they are required to post on the state website.

Chair Edwards notes that with the electronic meeting they are allowed to table items for a week to allow public comment to come in. Director Grover states that this is correct. He states that he would like to remind everyone that this is just preliminary approval. When they start looking at ditches and easements, this things are all addressed at final approval. He states that they can take these thing in to consideration but they will be addressed at final approval.

Chair Edwards states that he will allow the applicant to address the questions.

Jeremy Draper with Reeve and associates states that he will be designing the subdivision. He is happy to help answer any questions. He states that going through the design for the subdivision, everything that has been identified for the preliminary with irrigation, the lines, the irrigation easements, the routing of the lines the one that goes through the middle and the one that Mr. Famuliner spoke about, they will not be routed uphill it will all be flowing downhill. He notes that they are bound to provide the same flow to the end of those irrigation ditches. Going through the design and the final routing all the ditched they have to make sure to provide that so that they are not impacting the adjacent properties. Concerning the land use separation fences this is a standard note that they put on the plat. He notes that they will work with the developer to see what type of fence should be put up there or if there is going to be vinyl or chain link along the property lines for each of these. There was some concern about the weir on the Jusko property. He notes that they will make sure that it is still functioning the way that it is. For those who have control of the ditch they want to make sure that the private ditch owner to work with them to get the improvements in, and for the future roadway dedication. They would have to be relocated in the future. He notes that he is glad the public voiced their concern. He states that they will take this into consideration as they go into final design.

Chair Edwards asks concerning the stance of the irrigation ditch, and when they were speaking on the payment of the ditch. He asks what the County's stance is on that. He asks if the Planning Commission can hold back the decision based on the payment of the ditch. Mr. Wilson states that there is nothing in the code that addresses that and if there is something. This is an administrative review and they are just making sure that it does comply with the code. This is just a preliminary approval. Chair Edwards asks if they are just making sure that this fits with County code when they bring back a plan for final approval is when a lot of this can be brought up. Mr. Wilson agrees that this is where some of these issues can be addressed. Commissioner Parke states that he would to clarify, the payment of the ditch is not within the Planning Commissions purview. Mr. Wilson states that this is correct the County does not enforce private entity covenants.

Commissioner Bell states that he is confused about who owns the ditch on the east side of that property. Chair Edwards states that it is a branch ditch on the main canal. It is a shareholder ditch. Anybody who receives or takes water out of it is a shareholder and they all have a right to that ditch. It goes all the way over to 2600 S. Commissioner Favero states that what is exceptional of this particular ditch is that it goes all the way over to 2200 S. It crosses 2200 S and continues north and provides irrigation to everything on the North side and then West to below 4700. It is a critical water ditch. This is the importance of it. This is why all the people should be included because of the fact that it includes a lot of people. Commissioner Bell asks if all of the people who have ownership should be included in the conversation. Commissioner Favero states that they should be because of the fact that it becomes a private issue. It is not really the canal company, it becomes that shareholders responsibility. Since the easement is there for the shareholders they have a stake in this.

Chair Edwards states the he has another question for the engineer on the project. The irrigation pipe through the center of the project is being rerouted. He asks about the drainage ditch. He asks what the plan will be with this. Mr. Draper states that this is something they will get into as they get into the design. He asks if it is a tail water ditch or a drainage ditch. Chair Edwards states that he knows it takes tail water but he is not sure if it takes drainage water from any of those subdivisions. Mr. Draper states that he will make sure that it is included with the design. If it is a drainage ditch with storm drain water they can reroute that to the West of the detention basin and tie them to the drainage ditches. If it is just tail water it needs to be continued to the North they will provided that in a separate pipe to the north. Chair Edwards asks if this is an LID approach. Mr. Draper states that it is and the state has gone to an LID developments this is something that they have been working on. He notes that they did it with another subdivision and it worked really well. He adds that he will be incorporating the swells on the sides of the road as a part of the storm drain system. Chair Edwards states that he really likes the concept.

Chair Edwards asks if there are any other questions concerning this.

Commissioner Borklund asks if there is a code requirement for the canal to be fenced. Mr. Wilson states that there is, the requirement is under section 106-4-2 (j) it requires for ditches or canals that carry five second feet of water, the canal in question carries three second feet of water. It would not be applicable in this case. Chair Edwards states that there was reference to the ditch being piped.

Commissioner Parke asks where the weir is located. Mr. Favero points it out on the map. Chair Edwards states that the weir will need to be addressed. Mr. Perkes states that there is a call out on each of the ditches that they will be piped. He is not sure if the weir is accommodated from a design standpoint. Mr. Draper states that this is something that they will take into consideration through the final design. They will look at maintaining the weir or if they need to look at a different style of structure for a diversion. He adds that they will work with the owners and the irrigation ditch to make sure that needs of the ditch are still met.

Commissioner Bell states that he would like to see the engineering drawings to make sure that the concerns are addressed. He asks what would be the impact if the road easement were to be moved. Mr. Perkes states that as they worked with the applicant and the Juskos on how the alignment would work out they decided to have the dedication along the eastern boundary and the proposed intersection on the portion of the half width, if the right of way were to be pushed further West the stub road would wind westward and have to wind itself back Eastward. This did not make much sense.

Commissioner Favero asks concerning the subdivision to the North on 2200 S on the first lot to the East, a provision was made to accommodate the standard on the quarter section line. Mr. Perkes states that he did not see any and it might not have been contemplated when it went in.

Commissioner Atkinson states that he appreciates all the comments. He notes that the water issues are complicated.

Chair Edwards states that he appreciates all the comments and he notes that this proposal is for preliminary approval. Generally when an applicant brings in a preliminary plan it just shows that they are meeting the current zoning and one that have been granted preliminary approval the applicant can go back and bring in a full set of plans and at that point all the different review agencies have the opportunity to approve the engineered set of plans.

Commissioner Parke moves to table the application for a week to allow for public comment and be more involved. Commissioner seconds. Motion carries (6-1) with commissioner Bell voting nay.

Chair Edwards notes that Planning staff will create an agenda and packet and send it out with all the information.

Director Grover asks Chair Edwards to do a roll call to get availability April 21st for a special meeting of all the Planning Commissioners for the special meeting. Commissioner Atkinson states that is will be unavailable. Commissioner Bell, Commissioner Parke, Commissioner Favero, Commissioner Borklund, Commissioner Andreotti, and Chair Edwards states that they can be present for the special meeting scheduled for April 21, 2020.

Chair Edwards states that there will not be a another public notice sent out, if they feel that there are other members that will wish to speak on the issue, have them send their comments to the Planning office. He notes that this is a good a subdivision and he would like to hear more comments from the public on it.

4. Training: Open and Public Meetings Act: Mr. Wilson states goes through the open and public meetings act presentation. Concerning the question about whether Planning Commissioners can email each other concerning upcoming items. Mr. Wilson states that the emails between Planning Commissioners are subject GRAMA requests and can be considered public record. Commissioner Favero asks if the Planning Commissioners email each other and that's public record, should they have a public email address. Commissioner Parke states that there should be a County site where Planning Commission emails can be copied to. Mr. Wilson states that this is not necessary there is business that is conducted on private emails all the time. He notes that there is retention schedules, and he is happy to go over those with the Planning Commission. A lot of the Planning Commissioner's don't need to be kept forever. He notes that the sender will be required to maintain the emails under the GRAMA. Mr. Wilson states that they are welcome to contact him with any questions.

5. Public Comment for Items not on the Agenda: there are none

6. Remarks from Planning Commissioners: there are none

7. Planning Director Report: Discussion regarding amending South East general density to be very low density residential and fence sample to separate Ag. and residence in cluster subdivision.

Director Grover states that concerning the Uintah General Plan the County Commission would like to wait. Until the first of the year. They are hoping to revise the whole plan and start something new. Concerning the fencing he is still working with them on that. He notes that he is hoping to have some more information that by the time they meet at the next month's meeting.

8. Remarks from Legal Counsel: there are none

9. Adjourn to Work Session

MOTION: Commissioner Bell moves to adjourn into a work session. Commissioner Favero seconds. Motion carries (7-0)

WS1: Discussion regarding amendments to the subdivision code regarding substandard streets.

Mr. Ewert goes over the changes to the subdivision code concerning substandard streets.

Commissioner Andreotti states that the problem is that they build the lots above the flood plain and drainage off of those lots run into the field's right next door. He states that they need to be careful how they treat these things. If an individual didn't make a site plan and there is a shed that is right on the line, every time it rains it makes a wet spot. He states that what he is trying to do is head off a catastrophe. In some aspects it might be ok but if it is going into a farm. It should be at least 10ft and there should be a drain if the water running off of the lots need to go into a drainage easement that goes either to a holding pond or a drain ditch. There should be drains put in there if the lots are built up to where it can drain in that subdivision.

Commissioner Favero states that he has some concerns leaving it to the County Engineers and leaving no room for argument. The situation piggybacked on to Commissioner Andreotti's comment. Everything that is agriculture that is turning into housing has to drain somewhere. As the subdivisions go in they are putting in storm drains, but there is an adjoining property that is undeveloped and there is a rain storm or tail water from irrigation. The engineer has a hard time feeling that the County has any responsibility with that. Going through the process they will find that the citizens that understand the lay of the land they are not being taken seriously by the engineering department. The engineering department does not have a full grasp and they are not available to see when the catastrophe happens. The subdivisions gets wet and it is nobody's responsibility. The County is the first point of contact. He states that he would hesitate to take away input from other entities. That water has to have some where to go and in some cases it goes into and drainage ditch which is also an irrigation ditch. When these farms were established the key was to maximize the open land so that they could farm as much as possible. He notes that this can save space and money. A lot of the facilities that are built to carry water are all one facility. He adds that his experience with Engineers has not been positive concerning this issue. Engineering feels that its everybody's responsibility to keep their water off of everyone's else's place. The public wants everybody to be safe and for no property damage to occur. This is what everybody wants. This does not happen sometimes and some bad circumstances come from that. He states that he hates to pull that away from other points of input. Mr. Ewert states that he can add some change to say authorized by the County Engineer subject to review by the Planning Commission. He notes that they will address drainage easements on property boundaries agricultural properties that about an agricultural use. He asks if this is only an issue when the lots are higher than the farmland. Commissioner Andreotti states that it depends on the water. There could be a subdivision next door that could get wet the same way. He states that they need to be careful on how they treat the runoff water. It works both ways. Commissioner Favero agrees and states that if they are on higher ground they are safer. If it was just tail water that's seasonal, but it is a year round situation because it is tail water in the irrigation season and storm water the rest of the year. If there is a heavy snow and a quick melt, there is a water problem.

Mr. Ewert asks if they are most concerned with crop producing agriculture. Chair Edward states that it is all agriculture. Commissioner Favero states that the liability is the same no matter what.

Mr. Ewert asks how issues like this have been dealt with in the past. Chair Edwards that the people in the area don't usually have lawyer to deal with the issue in court.

Mr. Ewert asks what tail water means. Commissioner Favero states that it is run off water from after they irrigate. Flood irrigation is putting 2 or 3 second water from a pipeline or a ditch onto a field. They are normal watering or irrigating a strip that is 200 to 300 feet wide from one end of the field to the other. The control points depend on the crop. Once the water gets to the bottom of the field it has to have some where to go. While the water is making its way from one of the field to the other, they are getting absorption after the soil is full absorbed. If a change is missed on that water and misses turning it off. All of that water has to have some where to go. That is a lot of water that is going to cause problems for somebody if it doesn't have a place to go. When that kind of liability is next to a subdivision. The subdivision is protected to a certain degree depending what way the houses face. If the road is the divider between the agriculture and the house there are storm drains that will take care of it. If the yard on the houses butt up against the agriculture property the water has to travel through the yard and possibly through the house to get to storm drain. Mr. Ewert states that most people who live in those residences have insurance. He asks what a farm has to protect from damage like this. Commissioner Favero states that if they are smart they are carrying liability insurance or an umbrella. Every business is different. Mr. Ewert asks if it compensates from the loss in crop or is it damage mitigation. When it gets turned into the insurances it turns into a fight because the entities doesn't want to pay. Whoever go the damage is the ones who suffer until there is a compromise.

Concerning the substandard street systems Mr. Ewert goes over the changes.

Commissioner Favero asks if the requirements are made for emergency response such as fire. Mr. Ewert states that the minimums street width from the fire code and the wild land interface code is 20 ft unless the access road access 5 or fewer houses. He states

that the reason that they have the street standards that are there is for factors of safety it is also for consistency. There needs to be a shoulder to store snow on without private land owner conflict. If there is a substandard street that is not the correct right of way width or the correct asphalt width snow is getting thrown on to private properties that has its own consequences. The last thing they will want a developer to do is a do a traffic study in order to stunt growth. He states that the immediate factors of safety are fine with 20ft. there are different factors to the thresholds of safety. The totality of the standards come in when looking at where the snow is going to go, where the drainage is going to go, landowner conflicts, and long term safety issues.

Commissioner Borklund states that if it does need to be improved it is the burden of the homeowner not the developer. Mr. Ewert states that the challenge is that it is not coming out of the developers pocket and when the home owner is signing the documents they might not look at them in depth.

Commissioner Borklund asks if they are referring to the road width or the full improvements. Mr. Ewert states that they are talking all of it. Mr. Ewert states that they can ask the developer to make some improvement but they cannot ask them to do more than their proportionate share. He notes that an easy way to find out if it is proportionate was the cost of installing curb, gutter, sidewalk, and asphalt for a half width street for the full width of one of their lots that value should be what they are putting into one of the other facilities. Mr. Edwards asks if they can escrow the amount. Commissioner Borklund states that a lot of it depends on whether or not it will connect, some of them won't connect. If they do connect the home owner will be responsible for making the improvements and that is not fair. Mr. Ewert states that this is the reason they want to put together a contract and just a deferral. So that they won't protest special assessment areas or special improvement districts. If they are going to be applying a special assessment area they might not need to call on the deferral agreement. Commissioner Parke states that the special taxing district makes more sense than a deferral agreement. Mr. Ewert states that if there is a special taxing district they can bond for the improvements.

Commissioner Favero asks how up to date the transportation plan is. Mr. Ewert states that he current transportation plan was adopted from 2003. Commissioner Parke states that they would like to know about the Master Street plan. Commissioner Favero states that if they had something that was up to date that they could rely on, it would make this proposal more palatable.

Commissioner Parke states that with the earthquake he has been wondering what will happen if a railroad car gets overturned and dumps a chemical cart and they have to close down 12th street. The people to the West will not have any way to get out of there. This needs to be part of the Master Street plan. There needs to be another access. Mr. Ewert states that if the county is running a general plan amendment for the area the master street plan needs to be addressed. At this point there are some areas that are not developed very well, but there is great opportunity to draw where the streets should go. Commissioner Favero states that this is the kind of data that this needs to be based on. There has been some discussion about getting back to the basic thing. This is prudent and makes sense, but there is nothing to go by and the plan is not up to date.

Commissioner Parke asks if they will take out any option for a deferral. Mr. Ewert states that it should be left in as option. He notes that the nature of calling on them is going to lead to doing special assessment areas or special improvement areas.

Mr. Ewert states that one of the findings that would need to be made by the Planning Director or the Planning Commission would need to make would be that he the road is unlikely to connect there. Director Grover states that concerning the deferral agreement they are very helpful when they go in to create a special assessment district because there is a buy in from the previous property owner. Most of the time this is what is going to happen with these areas is that it is going to be created by a special assessments district because usually the County doesn't do that the but the cities will. Whenever the Western Weber does become a city that is when they typically become an assessment district. It is much easier at that time. Mr. Ewert agrees and states that if they have financial liability of 20 grand hanging over their heads or their property or the creation of a special assessment area it would be a an easy choice.

Commissioner Parke asks how they would measure this against the growth data that was presented by affordable housing study and the growth. He asks if this will be considered as well. He asks if this is just going to be somebodies subjective view. Mr. Ewert asks what the Planning Commissioners want to see. He notes that it is going to be hard to hard to make 12th go much further.

Commissioner Borklund states that the developers are the ones that have the money, the special assessment districts help but it still puts the burden on the home owner. If the developer doesn't put it in, it goes in their pocket they are not going to sell the lots for any less because there is not enough road width. Mr. Ewert states that the developer will be improving the road in front of their development. The question is who will pay for the access that leads to the development. He notes that they are not requiring an exaction or a taking, they are just saying that they cannot develop if the road is not wide enough. The owner then has to decide if they spend the money on improving the road or abandoning the project.

Commissioner Parke states that he wants to think about the time period and how they are going to measure what is going to happen in the time period. Mr. Ewert states that is a valuable direction to go in. He notes that the Planning Director and the Planning Commissions need to mutually make these decisions. A planning director should have enough foresight to tell that the road will connect in the next 5 years. He states that if they want more objective criteria, he can look into that. Commissioner Favero states that he just doesn't want to have anyone get a surprise and he does not feel that it is fair to have someone buy a place and ends up having to pay. Commissioner Atkinson agrees. Commissioner Parke asks if there is a house already on the street, would they have to be part of the new special assessment district. Commissioner Favero states that this would not only affect the people who are buying in to the subdivision but also the people that already live there. Commissioner Borklund asks if they would have to add just curb gutter and sidewalk or would they have to widen the road. Mr. Ewert states that some of these roads are only 17 ft wide. Commissioner Andreotti states that the thing that strikes him is on a new home the new owner buys the home and generally they are buying the road and the improvements to put his home on, 20 year later it happens again. He states that only equitable way of doing this is create a special improvement district for everybody. He states that it would be a line item on the taxes, they would know that it is there and hopefully they would figure out what it's there for and get educated. He states that it is possible that there is a better way, and everybody uses it and they will need to pay. The improvement district might be the most equitable way of doing that.

Commissioner Favero states that he would have less problems with this if there was an up to date plan. The Planning Director and Engineering might know the lay of the land they have no way of knowing what changes will happen. He adds that he would feel 80 percent better about it if there was an up to date road plan. He adds that he agrees with Commissioner Andreotti stated about the special district, it would be the only way to do it unless it is collected up front when the subdivision goes in and the road goes in to a certain standard. His main concern is that there is no vision on the roads. Commissioner Parke states that they cannot collect it up front because there is no way to know if a road will go in, if it is collected up front there is no way to know that it will cover the cost. Commissioner Favero states that the collection would be making sure that the improved road goes in it would not be an escrow. Mr. Ewert states that he will be working with the County attorneys to see how an escrow might work in that nature and discuss the possibility of long term escrows in higher interest bearing and what the legalities might be. It might keep pace with current inflation. They could then pull the money and make the improvements that need to be made. It would not just be hopscotch improvements it might only be improving an extra two feet of asphalt. They can figure out how to make system improvements. Commissioner Favero states that his only suggestion with this is that that money stay or be used for that area. Mr. Ewert states that if they take in money like that they have to specify the improvements. He adds that over time it should pay for itself but he is not sure what the legalities are for it at this point. He adds that he is not sure concerning the legality of holding on a developer's money for that amount of time. Commissioner Favero states that at point it would not be the developer money anymore, it becomes the Counties money to use on improvements for the area. Director Grover states asks if this would meet the intent 13 years down the road. There are some funds that have been collected and if they were to put that in today it would cost a lot more than it did in 2010. Commissioner Favero states that they are trying to make this equitable for the developer. Commissioner Favero states that they would like to make it more equitable for the developer. He asks what will make it more equitable for the developer. He states that he believes that it would be just collecting the money than putting in the road. Mr. Ewert states that putting the road is not going to be the most equitable option if it is putting in a few hundred feet beyond their development. It would be hard to call it equitable unless there is a lot of homes in the development. He asks how they feel moving forward with the language as it is proposed. He states that he will continue to pursue the funding question. He asks if they can convert escrow funds into county funds and put it in a high interest earning account. He asks if legal has any opinions on it. Mr. Wilson states that he is not sure at this point. Mr. Ewert states that it could take quite a while to pin down an answer. He would recommend moving forward with what was discussed and better information is received it can be changed. Mr. Wilson states that he is hoping to get more information on it before the public hearing. Mr. Ewert states that it is not going to be an easy decision.

WS2: Discussion regarding a proposed accessory dwelling unit ordinance.

Tammy Aydelotte states that there is nothing in the current code that allows for accessory dwelling units. it is mentioned in the DRR-1 Zone, there is nothing else. Recognizing a need for these in the near future staff is writing up a new ordinance to allow for accessory dwelling units in any zone that allows for a single family residence. She states that an accessory dwelling unit is a residence that is either single or detached that is accessory to a single family dwelling. They are attached or detached. She notes that with the new ordinance they are getting rid of the accessory apartments altogether it is being combined with the accessory dwelling unit and calling it an accessory dwelling unit. With an accessory apartment an applicant can apply for a conditional use permit prior to that approval, with this they are automatically permitted in zones where a single family residence is allowed. They did define and adjust accessory dwelling unit definition. Ms. Aydelotte goes through the changes in the code.

Chair Edwards states that when they see these types of accessory dwelling apartments, it is usually like a mother in law apartment. There needs to be two parking stalls for that to be a requirement for them. If they are placed on smaller lots in some of the RE-15 zones the setbacks are already going to be tight. Is this going to limit them? He notes that he would feel more comfortable requiring one more additional parking spot. Mr. Ewert states that what they see often with affordable housing is that it devolves as the answer to residential values. It is either that someone is being taken care of and probably doesn't have a car or it is a new families or with no children with 2 vehicles. Commissioner Borklund states that one thing that is important with accessory dwelling units is that they appear to be invisible. They don't seem to look like a duplex, it is a home with a second unit. Commissioner Parke asks if this means that none of them can be detached. Mr. Ewert states that staff is proposing the opposite that detached units be allowed. Commissioner Parkes states that looking at the units in the County the two side by side requirement is not being adhered to very well. They probably have more than two cars. Mr. Ewert states that it is referring to at least two side by side parking spaces but it can be more. Chair Edwards states that he would prefer seeing only one on an accessory building. Commissioner Borklund asks if this mean two parking spots for the main dwelling and two for the more for the accessory dwelling. Mr. Ewert ask if the concern is the area, where side by side takes up too much space. He asks if it would make them feel better if it was tandem. Chair Edwards states that side by side or tandem does not matter. Commissioner Borklund states that if they can provide the tandem without widening the drive way it would be better. Chair Edwards states that if they are setting a requirement more is better but he would rather the minimum be one. Commissioner Parke asks if they should be paved. Mr. Ewert states that it need to be hard surface this is a requirement that is in the parking chapter. Commissioner Parke agrees that one is sufficient. Mr. Ewert states if they do one and it is a hard surface parking spot, the risk there is that vehicles will not be parked on hard surfaces. If it is for smaller lots it is possible that they will be parking on the street. Commissioner Borklund asks what is wrong with parking on the street aside from the winter time. Chair Edwards states that people are already parking in the gravel and dirt. Mr. Ewert states that he has no problem with on parking space he just want them to be aware of the side effects.

Ms. Aydelotte states that concerning the number of dwelling units per parcel. One accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code. Commission Parke asks if there is a limit on how big they can be. Ms. Aydelotte that they are requiring the accessory dwelling unit conform to the main dwelling in architectural style, materials, building, and roof. The accessory dwelling unit shall contain sufficient amenities such as utilities, water, parking on a hard surface. She notes that the moderate income housing provision has been removed. Mr. Ewert states that it is not removed it is just pretty heavily modified. Ms. Aydelotte states that they put in as a separate line item that short term rentals are not allowed. They note that there is a provision in the code that states that temporary leave for religious, military, or other legitimate purposes may be permissible.

Ms. Aydelotte states that concerning relevant authority approvals. The accessory dwelling unit shall comply with local regulations for a single family dwelling units. Approval from the following local authorities is required. Fire authority, official over addressing, culinary water authority, sanitary sewer authority, and the building official. Commissioner Edwards asks once they already water connection he is not sure why they would need another approval from the water district. Mr. Ewert states that it would be up to the land owner. If a brand new line is installed and the charges are coming from the water district and it goes to whoever is in the accessory dwelling unit. Chair Edwards state that would have to pay impact fee to get another connection. If they tie off of their own existing service the water authority doesn't necessarily need to see that. Mr. Ewert asks if they need to have extra rights. Chair Edwards states that he does not believed there would be anything else required for a secondary unit. He states that it is based of a rate structure. It is based on the unit is going to use more water and the cost will go up, when the cost goes the rates go up as well. This is where the excess water is accounted for. It is done by gallons. Mr. Ewert states that on culinary water authority make a note "if applicable". Chair Edward's states that they overcomplicating it, there is no need for an addressing official. He adds that he is not sure how the fire authority would make a difference. Mr. Ewert states that the fire authority reviews every building that goes in. he notes that they will try to meet with the David Reed from the fire authority concerning some of the issues brought up. Commissioner Borklund asks if the units will need to be inspected prior to certificate of occupancy being issued. She asks about egress windows. Will they need to be checked off as well. Mr. Ewert states that it will be inspected as part of a building permit and as part of the IBC.

Commissioner Borklund asks if they are limiting it to a certain percentage of the home. Ms. Aydelotte states that they are. Mr. Ewert states that they need to ask more question about the culinary access. He notes that Weber Basin might want to weigh in on this. The floor area of qan accessory dwelling unit shall not be less than 400 sq. ft. and shall not exceed 1000 sq. ft. in no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in the basement, the entire basement area may be used for the accessory dwelling unit. She notes that the percentage was changed from 25 percent to 40. Mr. Ewert states that for accessory apartment it was changed from 800 maximum area to 1000. Commissioner Borklund states that they will want to make sure that they are smaller than the home.

Commissioner Borklund asks if there is a provision for tiny homes. Mr. Ewert states that the minimum is 400 sq. ft. if they can get a tiny home at 400 sq. ft. they can have one. He notes that the 400 sq. ft. comes out of the standards for single family dwellings that has been adopted.

Mr. Ewert states that concerning the location an accessory dwelling unit shall comply with the same lot development standards as a single family dwelling in the respective zone. This means that they will have to comply with the side setback requirements on the lot. He notes that they allow accessory buildings as close as one foot to the property line and there is space in there to be an accessory dwelling unit. He asks if they would be concerned with saying that they can't do it in that building because it is too close to the property line. Chair Edwards asks if the 1 foot exemption was just in agricultural buildings. Mr. Ewert states that it is any accessory building that is less than 1000 sq. ft. and at least 6 ft. behind the main building. With the location provision they would still have to comply with setback standards. Commissioner Bell asks why they would need those setbacks on an ADU. Mr. Ewert states that the impact of the dwelling unit is the same because there is people living in it. There are already a lot of buildings that could potential have an accessory dwelling out there that would not be setback the 10 or 14 ft. He asks if they should enable those buildings to have accessory dwelling units in them. Commissioner Parkes states he believes that they should. Ms. Aydelotte states that the other thing to consider is that if they decide to allow those accessory dwelling units, the same setbacks as the accessory dwelling unit it may limit the possibility to subdivide. This may not be a big issue but if they were to subdivide the lot, the main and the accessory which ever lot the accessory lot is on has to meet the setbacks. It may be that no one is looking to further subdivide. Commissioner Borklund states that the purpose of an accessory dwelling unit it is on a property that should not be allowed to be subdivided. Commissioner Bell agrees and states that most of them will be on one acre lots. Mr. Ewert states that if they have the amount needed to subdivide and they have 2 acres in the one acre zone they could still subdivide one of those lots off. If one of the lots has an accessory dwelling unit but does not meet the setbacks and they want to call it accessory building. They would have to keep it and build another house if one of the lots has an accessory dwelling units that does not meet the setbacks but they still want to call it an accessory building they will have to keep it and build another house there. The accessory dwelling unit cannot be used as a main home.

Mr. Perkes asks if they have thought about a fence helping mitigate the one foot setback and if they are going to be one foot away. Would a fence be an appropriate amount of mitigation? Mr. Ewert states that he is not sure that a fence will help. He adds that if they are talking about ground level accessory dwelling units this would be a good feature to have. it might not be effective with an attached garage accessory dwelling unit if it has windows.

Commissioner Bell states that his concern is that he wants to help promote ADU's to help with the moderate income housing requirement. The more they can promote ADUs the better. Mr. Ewert asks if they would be okay with a 5 foot setback. Commissioner Favero states that there has to be some setback. He states that he is not okay with a foot setbacks. He states that it could become a fire hazard. Commissioner Bell states that he agrees but there are already building that are one foot off the property lines. Commissioner Favero states that moving forward with new construction there needs to be setbacks. Anything existing should be looked at from a case by case basis. Commissioner Bell states that if they can specify that with new construction he would be on board. There are existing structures that people might want to convert into ADUs he would like to make that available.

Director Grover states that concerning any new structures that are habitable and don't have a fire wall need to be 5 feet from the property line per building code. Commissioner Favero asks if this is for existing buildings or just new ones. Director Grover states that this is for the new building if they are existing they would need to put in a fire wall.

Mr. Ewert states that they already have setbacks requirements for buildings that house animals. There are barns that are one foot off of the property line. He notes that what they have been allowing is the housing of the animals to be on the far side of the barn. Where they are being housed does meet the minimum setback requirement. He asks what the Planning Commissioners thoughts are on this. He notes that 10 ft from the property line inside the space they could require the owners to have closet or storage space. The accessory dwelling unit would have to be inside of the building and where it starts would still be 10 ft. from the property line. Commissioner Bell states that he is not sure how they would be able to specify that. He states that he agrees with Commissioner Favero it need to be off of the property line and he is ok with 5 ft as a minimum. Mr. Ewert states that if someone want to avoid the requirement with new construction they could just go in a get a landuse permit for an accessory dwelling unit that is one foot off the property line. 4:53

WS3: Discussion regarding the planned residential unit development (PRUD) code. This item was postponed.

WS4: Discussion regarding amendments to the rezone procedure ordinance. This item was postponed.

Minutes for the Western Weber Planning Commission meeting of July 14, 2020, held via Zoom Video Conferencing

Members Present: **Bren Edwards-Chair**
 Greg Bell-Vice Chair
 Andrew Favero
 Wayne Andreotti
 Sarah Wichern
 Bruce Nilson
 Jed McCormick

Staff Present: **Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Principle Planner; Felix Lleverino, Planner II; Tammy Aydelotte, Planner; Scott Perkes, Planner; Matt Wilson, Legal Counsel; Marta Borchert, Secretary**

Chair Edwards asks if there are any ex parte communication or conflicts of interest to declare.

Chair Edwards notes that item 2.2 CUP2020-10: Consideration and action on a conditional use permit application for an Agri-Tourism operation identified as the Happy Pumpkin Maze the applicant is his family member. He will need to recuse himself.

- **Pledge of Allegiance**
- **Roll Call:**

1. Minutes for December 10, 2019. Minutes were approved as presented.

2.1 DR 2020-04: Consideration and action on a design review application to allow a residential accessory garage that exceeds double the dwelling's footprint by 130 sq. ft. at 4157 W 2200 S in Taylor, UT.

Scott Perkes states that the applicant submitted a land-use permit for an accessory garage to be placed behind his home. There is a requirement in the large accessory structure for the A-1 zone and large accessory structures that are over 1000 sq. ft. there is a requirement in the large requirement structure code that if the proposed structure exceeds the footprint of the primary dwelling by more than double that the application is reviewed by the Planning Commission as a design review. The storage building as proposed is 2816 sq. ft. the structure is 45X64 ft. in size. The single-family home is a single-story home, the footprint is 1343. The square footage of the home is 2686. It exceeds the footprint of the dwelling by 130 sq. ft. The applicant was given some options it can be run through the design review process as proposed or they can reduce the structure by 130 sq. ft. It could be permitted following the traditional land use permit guidelines. The applicant would like to go with what was added in the staff report. The language in the large structure code section 108-7-16 indicates that if this were to happen that the application is reviewed as a design review. There is no reference to any section of code that would apply to the design review. It is probably the design review code section 108-1. Reading through the design review code it is ambiguous. It indicates that the design review should be for more intensive uses commercial and industrial and it doesn't specifically indicate that it is specifically for residential uses. Looking at this the question becomes what is applicable. What are the review criteria for this type of structure in a residential lot? He notes that they review this with the attorney's office and wanted to run some concepts by the Planning Commission. When a large accessory structure is proposed to be in front of the primary dwelling they look at the elevation, building materials, and color and what is the architectural style and does it match the primary dwelling. The current design review section of the code does not specifically layout requirements for large accessory structures for residential use. He notes that primarily they wanted to make sure that the applicant submitted for review the elevations, the proposed materials, and the proposed colors, Staff felt that this was enough information to go off of, whereas the design review chapter speaks to traffic mitigation and several items that are not meant for residential design review and are not applicable. Staff recommends that the application be a review based on the purpose that is outlined in the design review chapter. The purpose and intent of the design review by the Planning Commission to secure the general purpose of the chapter which is land use chapter 108-1 and the Master plan to ensure that the design layout of buildings and structures and the

development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood. Planning staff recommends that the application be reviewed by that criteria and that they make sure that what has been submitted is enough to go by that type of review. Two other sections in the land use code apply to this type of structure. The first one is in 108-7-4. This section talks about the area of the building and the coverage of the lot. No accessory building or group of accessory buildings in any residential estates zone or cluster subdivision or PRUD shall cover more than 25 percent of the rear yard. This particular property is none of the above. It is in the A-1 zone and is not part of the cluster subdivision code or PRUD, there are no coverage limitations. They are not limited to 25 percent of the rear yard. The other applicable statute is 108-7-16 which specifically lists the setbacks required for large accessory structures, this section of code requires that this type of structure in the A-1 zone be located in at least 10 ft behind the primary dwelling, which as proposed does meet that requirement. The side yard setback should be at least 10 ft. on an interior lot. This is an interior lot and the proposed setback is 12ft. It comply with that requirement. It also requires that it have a maximum height of 25 ft, it complies with that requirement. This complies with all the requirements, it simply needs to meet the design review for a land-use permit to be issued. Staff believes that the Planning Commission should consider whether the structure meets all the setbacks and site development standards which staff believes that it does. The Planning Commission should also consider if the project would impair the orderly and harmonious development of the neighborhood or the investment in the occupation of the neighborhood and whether or not any design elements should be implemented and make any conditions of approval to make it harmonious with the neighborhood. Staff's recommendation is to determine whether enough information has been submitted and to review it by those three criteria if more information is needed and if they believe enough information has been provided and it does meet those three criteria it could be approved under the findings listed in the staff report. Staff's recommendation is to determine whether enough information has been submitted and to review it by the criteria discussed. Mr. Perkes goes over the site plan submitted by the applicant. It gave some high-level parameters to how big the workshops would be and how far away from the property it would be, and how far setback from the front property it would be. Based on this he was able to draw a to-scale site plan, based on the lot dimensions. On lot one of the subdivision which is the subject property, the smaller blue box is the existing dwelling, the larger footprint is the proposed structure. Mr., Perkes goes over the proposed plan and materials, they are looking at neutral palettes of red, white, green, and beige. The applicant has chosen these colors to blend in with the surroundings. The neighbor two houses to the West has an outhouse which is a red color. The applicant would like to make the east side red to match that outbuilding. The rest of the facades will be either green or beige. The roof will be beige. The applicant has submitted a narrative with regards to landscaping, they plan to grad away from the structure for water flow. All of the areas of low travel will be grassed over. Areas of higher travel will have concrete and stone.

Commissioner Wichern states that she has a concern with the exterior of the building. It looks like the applicant is trying to blend into the surroundings, but she is concerned with the colors being different from each side will detract from the surroundings rather than blend. She asks if the applicant would be open to the red or the green. David McGinnis 4157 W 2200 S, states that he is happy to entertain any suggestions.

Commissioner Bell states that he has a question. Looking at the plans there is an electrical plan but there is nothing that indicates any kind of planning, water, or sewer connections. He asks if there are any plans to convert this into an ADU. Mr. McGinnis states that he has no plans of converting this into a living space. The sewer line does not lend itself to putting sewer in that area. The building will not be heated and he does not want to take the chance of bursting a water pipe. He adds that he does plan on putting in pneumatics.

Commissioner Nilson asks if the use of the building has been addressed. Is it going to be a work shed and nothing else does the zoning prohibit certain things. Mr. Perkes states that when they submit for a land-use permit, staff look at the proposed uses of the structure. As proposed it is a storage structure for personal equipment storage, this could also be used for agriculture. It is in the agricultural zone. If they were proposing animal storage different setbacks would come into play.

MOTION: Commissioner Bell moves to approve DR 2020-04: Consideration and action on a design review application to allow a residential accessory garage that exceeds double the dwelling's footprint by 130 sq. ft. at 4157 W 2200 S in Taylor, UT. With the following findings 1. The proposed use is allowed in the A-1 Zone 2. All development standards have been met 3. With any imposed conditions, the proposed building does not impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood. Alternatively, if the commission determines that additional review information is needed for adequate consideration, the commission could vote to table the application until such material is furnished for further review. With the added condition that the four sides of the building be painted in one color. Commissioner Nilson second. Motion carries (7-0).

2.2. CUP2020-10: Consideration and action on a conditional use permit application for an Agri-Tourism operation identified as the Happy Pumpkin Maze.

Chair Edwards recuses himself from this item because he is related to the applicant. Commissioner Bell steps in as acting Chair.

Chair Bell turns the time over to Felix Lleverino. Felix Lleverino states that he would like to welcome the new Planning Commissioners. He states that this is an application for a conditional use permit to operate an Agri-tourism operation in Western Weber. The zoning for the area is A-2. The address is 3462 W 2900 S. The applicant is Blair McFarland. He pointed out that he operating a 50-acre farm. Under the agri-tourism code, this qualifies as a large farm. With a large farm, a corn maze is something that can be pursued and applied for. The current use of the entire piece is for alfalfa. There is some corn production as well. The use also qualifies because it produces product it is under the green belt and it qualifies under the farmland assessment act. It is being assessed under farmland under the greenbelt. The application has been review under the zoning requirements and the agri-tourism code. There are some things that the agri-tourism code requires specifically that it is agricultural land and that it produces a product. The products that are being produced in the area are corn, alfalfa, and pumpkins. The proposed activities are available to the agri-tourism operation the corn maze and the pumpkin patch, slides, music, dancing, and concessions. There will also be a playground and petting zoo. This is a seasonal operation that will operate during the harvest season September through October. He adds that he would like to point out a correction on page 2. The hours of operation for the haunted maze are Friday and Saturday from 8-10 PM. Staff recommends approval of this application with the conditions stated in the staff report.

Commissioner Andreotti asks to be refreshed on the parking concerning agri-tourism. He asks if the parking has to be lit. Mr. Lleverino states that as far as he knows it is not required but the applicant has stated that they are willing to do it. Chair Bell asks if any night sky requirements need to be followed. Mr. Lleverino states that it would not be required in this case, it would be wise to be respectful of the neighbors. He notes that the operation doesn't run past 10 PM the nuisance factor might be diminished close after 10.

Chair Bell asks what structures are planned for the site. Mr. Lleverino states that they are all temporary structures. There is a ticket and concession stand, a playground, slides, a petting zoo, an eating tent, and an event area.

MOTION: Commissioner Favero moves to approve CUP2020-10: Consideration and action on a conditional use permit application for an Agri-Tourism operation identified as the Happy Pumpkin Maze. This recommendation for approval is subject to all review agency requirements and with the following conditions: 1. a farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses. This recommendation is based on the following findings: 1. the proposed use conforms to the West Central Weber County General Plan. 2. The proposed use will protect and preserve agricultural property in Weber County. 3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare. 4. The proposed use, if conditions are imposed, will comply with applicable County ordinances. 5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Andreotti seconds. Motion carries (7-0)

Commissioner Andreotti states that they worked on the agri-tourism ordinance quite a while ago. He states that it makes him feel good that some ag-operations take advantage of that ordinance. Besides being entertainment for kids and adults it provides educational opportunities for people to see what agriculture is about. He appreciates the McFarland's for doing this and hopes that getting to this point was not too cumbersome. Chair Bell agrees and thanks the McFarlands.

3.1 ZTA 2020-06: Consider and take action on a proposal to amend the Weber County Code, Chapter 104-3, 108-7, among other parts of the code, if applicable, to allow the cultivation of medical cannabis in the A-2 Zone.

Chair Edwards rejoins the meeting. He turns the time over to Director Grover.

Director Grover states that there was a public hearing in the last meeting, it does not need to be held during this meeting.

Charlie Ewert states last year the state legislature changed the law to allow for medical cannabis production in Utah. It is a highly regulated industry. Looking through the state code it is regulated through the health act and the agriculture act. One of the components of the state code was that each jurisdiction that has a manufacturing zone and an agricultural zone has to provide for the allowance of a medical cannabis establishment in one of those two zones. He notes that the easy choice for Weber County is the A-3 zone which is heavy agriculture and the M-3 zone which is intended for the heavy industry this is manufacturing rocket parts. Looking at the term cannabis production establishment as defined under state code, this term was looked at as a single thing when looking at allowing it in the A-3 and the M-3. Under state code, it is defined as three separate things. A cannabis production establishment is a cultivation facility cannabis processing facility or an independent cannabis testing laboratory. Because there is an "or" it means that each of these can stand alone and be definable as a cannabis production establishment. He notes that they were looking at these together looking at the A-3 zone and the M-3 zone. There is an applicant located in the A-2 zone who would like to have the components be parsed and allow for just cultivation to occur in the A-2 Zone. A cannabis cultivation facility is defined as a person who possesses cannabis grows or intends to grow cannabis and sells or intends to sell to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee. He notes that a person could also be a corporation. A company coming in to do cannabis cultivation in the A-2 zone and only cannabis cultivation. It is important to note that this is not free reign and each of these companies have to get licenses through the state to be a cultivation facility, production facility, or a testing laboratory, a pharmacy. Various permits are required through the state and they are not cheap. The way that the state designed the law is that that the tried and true tested cannabis facilities that already have established some stake in the market would be the ones to get the market going in the state of Utah. The permits are about 100,000 dollars. This is having a test company come in and provide for the product in a new economy. He states that because of this they had to look at the A-2 zone differently. The applicant has pitched some language and it has been incorporated into the parameters. He reads through the changes as listed in the staff report.

In the A-3 and A-2 zones, the following standards shall apply to the medical cannabis establishment, in the A-3 zone the minimum lot area is 20 acres, in the A-2 zone the minimum lot size is 75 acres, this significantly limits the number of companies that might attempt to try and open an operation. They are already significantly limited by the number of licenses that the state allows and the financial obligation involved in getting a license. The minimum set from the lot line is 100 ft., this setback may be reduced to 50 ft. for an indoor medical cultivation facility. This is up for discussion on whether or not they wanted to yield from the 100 ft. setback that a standard production facility would have. Is the fact that it is only a growing operation enough to say 50 ft. is ok? The applicant would like to see the 50 ft. because they know where they want to build the building and it is about a 50 ft. setback. The architectural landscaping and screening design standards apply to the use. This particular applicant has had they had their property go through several different design review requirements as recently as last year, they will be able to comply with that. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards. If a

residential use exists or if it located within 500 ft. of the facility that site shall have a 6 ft. land berm or an 8 ft. masonry wall constructed to shield the view of the wall of the facility from residential properties except where interruption is necessary to provide vehicle access to the facility. Outdoor cultivation of plants as defined by state code is not permitted. Commissioner Favero asks if Section 108-7-34(2) is this is eliminating the M-1 and M-2 zones from cultivation. He asks what is the purpose of doing that Mr. Ewert states that it does. He notes that the change in number is not new to the discussion it is just moving language from one section to another. This language emerged at the County Commission in February as the ordinance was going through the final steps of the adoption process. There were a few people who were attempting to locate a testing laboratory and a production facility in the M-1 zone. This is the compromise that was reached. He notes that he did not fully understand the concern about cultivation, it might be related to the amount of acreage that might otherwise be required to grow. They were only looking to process the product and possibly test. He notes that they pigeonholed it. Commissioner Favero asks if item number 3 is saying that the A-3 Zone can be grown and make it so that it can be added to the A-2 zone, but it can only be processed in the M-1 and M-2 zone. Mr. Ewert clarifies that item number 3 says that there can be a cannabis production establishment in the A-3 zone and there can be a cultivation facility in the A-2 Zone. The production establishment in the A-3 is cultivation and processing and testing. Commissioner Bell states that this issue is confusing. He notes that they need to be very specific in their language so that they don't allow something unintentionally. This is addressing section 108 which has to do with medical cannabis production establishment, does this include the cultivation, the processing, and the testing? Based on those changes all of those uses are allowed in the A-2 Zone. He asks if a new section should be established. Mr. Ewert states that under the permitted uses in the A-2 zone it states *Medical cannabis production establishments as defined by state code, but restricted to a medical cultivation facility only. Compliance with Section 108-7-34 is required.* Mr. Wilson states that he agrees with Commissioner Bell, if this is what they want it to say why can't it just say that. Mr. Ewert states that they can, and the applicant's proposed language splits it up. He notes that he was trying to provide consistency and predictability in how the terminology came across. All of the other zones where it is allowed as medical cannabis production establishment. Where it is a medical cannabis production establishment even though it is only cultivation he wanted to stick with that terminology. The applicant suggested line M just be medical cannabis cultivation as defined by state code and number 4 which would be in the A-2 zone medical cannabis cultivation is allowed with some standards. Commissioner Bell states that based on the description it sounds more straightforward, and He doesn't want an application that states that according to the code they can also do production in A-2. He wants to make it very clear if it is going to be allowed in A-2. Commissioner Wichern states that it is also confusing because number 2 specifies that it should not include cultivation. Someone reading the document can assume that it is allowed. The reader would exception to be in that part of the Code. Commissioner Favero states his assumption is that it is not allowed in the M-2 zone, the cultivation but it can be processed there, but this is not what the state code says. He notes that concerning Commissioner Wichern's comment if you looked at from 20,000 ft. higher they would want a place in the A-3 zone because they would have the ability to do everything. Mr. Ewert states that this is how the A-3 zone is designed, they could do everything. Commissioner Favero asks if they had a production facility in M-1 or M-2 they would have to grow in A-3 or A-2 if A-2 is adopted. The rest of the production process would happen in M-1 and M-2 unless they are in an A-3 zone where they would do all three. Mr. Ewert states that this is correct and notes that they could also do all three in the M-3 zone. He gives an overview of the terminology. He notes that by adding this into the A-2 zone the recommendation is being consistent with the language. If there need to be more restrictions that can be done. He notes that when he is writing code, he tries not to put something in two locations because if one changes the other one may not receive the change. In this case, it would be better to make the change in both locations for clarity purposes.

Commissioner McCormick states that he has a question on 3A the A-3 zone is 20 acres and the A-2 zone is 75 acres. He asks why they would want to limit it, why couldn't they keep them the same. Mr. Ewert states that they could, it is just drawing a line in the sand. The bigger acreage reduces the number of areas these could be located. Commissioner McCormick asks if they don't want them. If they are good for A-3 it would probably be good for A-2 also. Mr. Ewert states that he could change it to 20 acres if the Planning Commission is comfortable with it. He notes that the state code has enough limitations. Commissioner Bell states that initially when this was addressed they wanted to prevent the ability for residential to be close to a production facility. If it is just cultivation it doesn't need to be that restrictive. If it is the processing and the testing it needs to be further away from the residential zone. He notes that a local farmer in Taylor was growing industrial hemp and he kept getting robbed because people thought it was

marijuana. They kept ruining his crops and breaking in. He states that he does want it to become a security issue for the applicant or the neighbors. Commissioner Wichern states that this a concern for her also. Mr. Ewert states that as far as security the state code is clear on what has to happen. The County will ask that there not be any outdoor cultivation even though the state code allows for minimal outdoor cultivation. The state code requires cameras, security gates, and fencing to dissuade people from trying to get into the facility. The business owner has a huge motivation to ensure that the buildings are locked down adequately. Commissioner Bell states that he just feels that it would be easier if they were farther from any of the residents. This is why they wanted to restrict the A-2 zone and keep to an A-3 zone or just in the M-zones. Commissioner Nilson asks if this might be a reason to keep it 75 acres instead of the 20 acres. Commissioner Wichern states that the 75 acres would protect the residential properties. Concerning B she asks if they need to have the 100 ft. listed because the requirement is that it only be indoor. Mr. Ewert states that the 100 ft. is to help people get a sense of comfort over the use that has taboo connotations. If it is further away it may not seem like a big deal than if it is setback 30 ft. Chair Edwards asks concerning the issue with the solar panels, what was approved. Mr. Ewert states that for them it was about the angle and the rotating nature of the panels, and the motorized components and the generator, there was sound and site. Commissioner Wichern states that she believes it might be unsightly. They either have to build an 8 ft cement wall or a 6 ft berm within the 50 ft. He states that he likes the idea of keeping it at 100 ft for site and sound. She feels that it is more about aesthetics but it depends on the zones. Mr. Ewert states with his discussions with the applicant he was made aware that it might end up being the 100 ft requirement. They could repitch the idea of 50 ft. the 50 to 100 was a sticking point at the last meeting. Commissioner Favero states that the setback is everything. No matter what zone this is in, the distance is everything. It is the distance between the facility and the subdivision next to it. The population or the means don't matter it is all in the setback this is the only thing that separates the facility from the residential zone. He adds that they cannot stop someone from doing something if they are in the zone for it. They could cut the acreage down because it is not going to matter if there is a house on every acre, every two acres if it is a cluster subdivision or PRUD. There is going to be a certain number of homes on a certain number of sq. ft. on any property that is on any of the 4 sides of any given facility.

Chair Edwards states that Commissioner Favero made a good point they need to protect the residents through the setbacks. Commissioner Favero states that it is the only place that it is protecting is in the setback. Mr. Ewert asks if there is anyone who opposes the 100 ft. or reducing it to 50. Commissioner Bell and Commissioner Wichern state that they would prefer to keep it at 100 ft. Commissioner Bell states that the distance makes a big difference in protecting the landowners. Mr. Ewert states that they can always say that it is the developer's responsibility to erect a wall. Commissioner Bell asks if they can out the burden on the adjacent property owner. He notes that he does not feel it right to put the burden on the developer for a piece of land that he doesn't own. Chair Edwards states they can't restrict them if they want to do the medical cultivation. Commissioner Favero states that is part of the price of doing business. It is there and it is stated that if a proposed development comes in, the person that wants to permit knows what they may be up against at some point in time. Commissioner Favero states that as long as it is spelled out he is okay with it because they will be aware of a potential expense down the road.

Mr. Ewert asks if they are okay to keep the 75 acres. Commissioner Wichern states that she likes it at 75. The setback can help protect. She notes that she is not sure if it is ideal to have them in the A-2 zone because there is going to be more residential in those areas if the 75-acre requirement is not there. Commissioner Favero states that from a common-sense perspective it can be anywhere from 25 to 75. It doesn't matter, the state is only going to put out so many licenses. There is not going to be one adjacent to the next one. It is not going to happen. The states will also probably be looking at location.

Commissioner McCormick states that 20 acres are 20 acres whether it is in A-2 or A-3. He notes that he does not see the point in making it 75. Mr. Ewert states that the applicant has pitched 50. If helps with the middle ground they could scale it to 50. Chair Edwards asks if they were in the A-2 zone they would have to come to the Planning Commission and get a rezone. Mr. Ewert states that they would either have to get more land or asks for a rezone. The only way that staff would recommend approval of that as if they were contiguous to an existing one. Chair Edwards states that there are not that many parcels between 50 to 75 acres. He notes that he is okay either way. Commissioner Favero states that to acquire land in that area they look at the price of the property for the best and final use as residential potential. It gets expensive to buy property to achieve that goal.

Commissioner Bell states that his biggest concern is that any additional medical cannabis production facility is just cultivation. He notes that he does not care if it 25 acres or 75 acres. He notes that they will want to keep any other production facility away from any production facilities away from any potential residential development. The 75 acres does provide a little more restriction, there are already enough restrictions as it is. The 100 ft. setbacks will provide some protection from the setbacks. He notes that they would probably be okay taking that out unless the other Planning Commissioners object to it. As Commissioner Favero stated it does not matter. He notes that his biggest concern is protecting the adjacent landowners and any residential development that will go in there.

Commissioner Favero states that he would like to hear from the applicant to get a different perspective.

Seth Gorn states that Bryan Gold is also on and he is the owner of the property. Mr. Gorn states that he is an attorney for Spalding Law in Pleasant Grove. He notes that they have represented a lot of cannabis companies in a lot of different states. He notes that he is a shareholder in Zion Cultivars which is one of the license holders for medical cultivation. This is an 83-acre site it has a million sq. ft. of greenhouses. The licenses are maxed out at 100,000 sq. ft. looking at the area size it is 5 acres of the 83 acres. At full scale, it is a small piece of the parcel altogether. They would be using preexisting houses. A lot of those houses are being used to produce industrial hemp. He notes that it looks the same and smells the same and uses the same resources and uses the same plant. The impact on the neighbors would be the same. In the future, he wants to locate a new house that is on the West boundary farther from the residential boundary and future away from residential areas. He notes that they were thinking about creating a conservation easement and there is a question of how much of that would ever be developed. Everything would be enclosed and secure. The state is incredibly strict. They do regular inspections with top of the line security improvements. He states that burglaries do happen, and people try to break in on occasion. Not every facility is that way. He states that it falls on them to make sure that it is protected. This is a serious business because they are creating medicines. The standards are extremely high and they have to maintain. He notes that they added a bunch of information there. He is happy to answer any question.

Bryan Gold states that staff has detailed it pretty clearly. It will be as secure as possible but this is just a small part of the overall business. He notes that their biggest business is growing flowers, trees, and shrubs. It is a unique opportunity to use some of the expertise they have in growing ornamental crops but also medicinal crops. Mr. Gorn states that they are one of the few true Utah based cannabis cultivators. He states that they are all from Utah and they are very serious about what happens in the state and how the program rolls out. He adds that they are very grateful that to be able to work with Bryan and to use local farmers that are already familiar with a plant which is hemp and be able to use their expertise, their knowledge, and their deep roots in the community to grow a responsible product. Commissioner Favero states that his question goes back to the 50 acres. He asks if they are regulated by the state by the percentage of the growing area they can use. Mr. Gorn states that the law says that they are limited every step in increasing square footage, it has to be approved by the state. It maxes out at 100 sq. ft. for any license. Commissioner Favero asks if it is just because of the size of the facility and the 83 acres or is that for anybody even if they only have a 20-acre facility. Mr. Gorn states that it is for anyone even if they only have a 20-acre facility. He states that he is looking at policy and making sure that they have enough distance. If they were to buy a 75-acre parcel and they are only allowed to use was medical cannabis there would be 70 acres of raw land that would not be used for anything. He feels that this is a waste but there is a balancing act. Bryan gold states that there are over a million square feet of greenhouses there. From a security point of view, even if the allowable square footage the states allowed for this particular pharmaceutical crop it would still constitute less than 10 percent of the greenhouse area, and the fact that it not just one greenhouse in the middle of a big field adds to the discrete nature of this as well as the inherent security.

Commissioner Bells states that he strongly agrees that the applicant is best situated for this use. His only concern is doing they want to open it up to A-2 with these restrictions with the state laws put on it, he does not see why they wouldn't allow just the cultivation. Commissioner Favero states that he agrees and he feels that they can adjust the minimum lot requirements. The 75 acres is vast overkill. Commissioner Wichern states that she agrees after hearing the discussion the 20 acres is sufficient as long as the setback requirement is in place.

All of the Planning Commissioners state that they are okay with the way that it was written.

MOTION: Commissioner Favero moves to forward a positive recommendation to the County Commission concerning item ZTA 2020-06: Consider and take action on a proposal to amend the Weber County Code, Chapter 104-3, 108-7, among other parts of the code, if applicable, to allow the cultivation of medical cannabis in the A-2 Zone this recommendation is based on the following conditions and findings: 1. The amendment will expand the right to cultivate cannabis, as strictly governed by state law, to farmers owning land in the A-2 Zone. 2. Limiting the onsite cannabis activities to cultivation and other activities reasonably related to cannabis cultivation assist in reducing the little risk that may be associated with the plant. 3. The amendment is not contrary to the effect of the general plan 4. The changes are not detrimental to the general health and welfare of county residents. Commissioner Wichern seconds. Motion carries (6-0)

Chair Edwards Zoom call dropped.

3.2 ZTA 2020-04: Public hearing to consider and take action on a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

Mr. Ewert states that this item has been seen before. He notes that it has been noticed as a public hearing and they will need to take public comment. The Ogden Valley has already forwarded a positive recommendation there was one caveat to their recommendation. He notes that since there are three new Planning Commissioners he would review the information.

The Ordinance amendment is meant to address two things. One is public utility easements and substandard terminal road systems the issue with public utility easements the ordinance requires a 10 ft utility easement when the Planning Commission deems it necessary along the side lot lines of lots. It requires 10 ft on the front and rear as well. The utility easements are not necessary until the entity needs the easement. Typically they are located near the street because it is easier to follow the public infrastructure as opposed to being located to the rear of property lines or cutting through. It is not uncommon to have a storm drain easement or a sewer line easement cut through or between properties but the vast majority of easements are set by the front property line. Some of the plat designers typically like to place the utility easements along all lot boundaries. There is a section of the code that says that they can't encroach on a public utility easement. If there is a 10 ft utility easement on a side lot boundary that only has an 8 ft setback the utility easement is more restrictive, there is also other permissive language when it comes to setbacks so people can project into setbacks a certain number of feet. He notes that they can go as much as 5 feet into a setback if it is a projection from the house such as a window or an eav. With an easement, they don't want to have any kind of encroachments into those because that affects the utility companies to get in with equipment and dig things up. He notes that when a developer places a utility easement Staff will want to question whether or not it should go there on a side lot line or a rear lot line. In all cases, they need an easement across the front lot line unless they are going to compel a landowner to move the utility into the public right of way If it is in the commercial area where they want a zero setback for the commercial buildings.

Mr. Ewert goes through the changes as listed in the staff report.

Commissioner Favero asks if there is any language going the other way concerning this issue. Mr. Ewert state that they did not discuss this but they could add it in for the County Commission. He asks if he is suggesting that the developer install the land drain if the farmland is higher than the adjacent incoming residential development. Commissioner Favero states that he is suggesting this at least on the part of the developer. He notes that Commissioner Andreotti had some concerns regarding this and he has had some experience with this. He would like to hear from him and get his feedback. He notes that he has some concerns regarding a neighboring subdivision

Commissioner Andreotti thanks Mr. Ewert for the new language concerning this issue. He notes that it does work towards his concerns. One of the problems in his area which is a low-lying area is flood plane and they need to build up. He states that if they want to continue to have agriculture this is one of the things that gets overlooked. It is the issue of drainage water from flood

irrigation because that is what most people do in the area and it is what most people do in the area. He notes that there is a sprinkler line going in down by the industrial area. It would be smart to make sure that the drains are in, where it goes against the lower level agriculture. He adds that he is not aware of any agriculture drainage that is lower than the homes in the area. He notes regardless of what way it is it should be installed to protect both people in this. As people move out in the area it can be a beautiful place to live but the water can be a nightmare. They need to do what they need to protect the agriculture while it is going on and the residence. The other problem that he has is that people build sheds or they run their rain gutters underground close to the property line of the level ground. This also needs to be addressed. There is nothing more frustrating than to cut the back swath and sink two feet into the property. This creates a problem and there is a lot of hard feelings. He notes that he likes what has been done, and he is pretty happy with what has been done.

Mr. Ewert adds some language to address Commissioner Favero's concerns about stormwater runoff. Commissioner Favero states that it helps with the stormwater because the irrigation water is going to do the damage. There is more potential for irrigation tailwater and over watering to occur than there is for the stormwater to occur and this can create a lot of problems. He adds that they can talk to some of the people on the canal companies. There is come pretty consistent litigation concerning this.

Commissioner McCormick asks if when they are talking about a storm drain if they are talking about an underground pipe. He notes that if they build-out in the County and there is a farmer that is still adjacent to them there has to be a sufficient storm drain. He asks where they would run it because the area is flat. Mr. Ewert states that this is the primary concern that the Engineering division has had. This is one of the reasons that they have asked the agricultural operators to figure out what to do with their water after has run through the rows. He notes that the developers also need to figure out what to do with their water so that it does not drain and flow and drain onto other people's property. The State code says low impact development for a storm drain. This means that it has to be detained on-site for evaporation and percolation. This would be putting the responsibility on the developer and they would need to use their acreage to store it. Commissioner McCormick asks if there is a mandate to install the land drain. Mr. Ewert states that when it is not fully disclosed at the time, there is no ordinance to require a land drain to be installed. These changes would change that. Commissioner Nilson states that creating a land drain when the water table is so high, he asks how do you drain that. Commissioner Favero states that this is the intent. The intent is for it to be a surface drain because that is where there is the most potential for damage is with the surface water. There is a huge surface water issue that needs to be dealt with. In the transition period of agriculture and development, there has to be some protection both ways. Essentially it is surface water that they have to deal with. It is not the ground, because they are hoping that the drain is not in the ground deep enough to be taking the sub water from 4 ft down. Commissioner Nilson states that they have installed a lot of land drains in the yard so that instead of them having to berm up they drained into the land drain or bermed it to the point where it drained into the land drain. This seemed to solve a lot of issues. Commissioner Favero states that all the water flows to the river and all the surface water flows to the river. All the drainage water and all the land that is being farmed all have drainage systems in place to get the tailwater off of the fields and take the water away. If it is not on the parcel that is being developed it is not very far away from it. All of the property that is in agriculture property has to have a place for the tailwater and surface water to go, otherwise, it will ruin the crops. In a lot case, they don't want to listen the people involved in agriculture that know where the water goes and where it should go. Mr. Ewert asks they will create a surface drain where the water collects in a ditch will connect to another system or a series of ditches that will make its way to the river. Commissioner Favero states that is correct and that all of the drainage ditches are along the road and you can lose a car in them. He notes that all of those drainage ditches were created to get rid of the surface water and head it toward the river. Mr. Ewert states that one of the challenges that engineering has is that they want the street adjacent ditches to be available for the 100 stormwater events and the tailwaters. Commissioner Favero states that the reason that those drains were put in initially was for agriculture because the roads didn't exist. Now the roads are in place and the roads are taking precedence over agriculture. He notes that is what he means concerning the transition. The drains came first and they were brought in for agriculture, not for the roads. As large as those drains are and the size of the pipes that the County that they are filled in with should be more than sufficient to handle both. Commissioner Andreotti states that he has no problem with development, there is a transition period where there is a lot of hard feelings. Part of this is that some people don't understand the purpose of the ditches.

Chair Edwards states that it could go both ways with the agriculture and the residential. Looking at the state code, they are required to retain on-site 80 percent of the 100-year storm. If it is an agricultural field or a proposed development, there are still going to be a lot of hard surfaces that are going to hit into the drains. Looking at the topic of the size of pipes the tailwater that might hit the ditch coming in from irrigation is going to be less than what the design criteria would be from a 100-year storm in a subdivision. Mr. Ewert states that from a County's perspective they need to be looking at the drainage facilities from both the 100-year storm event and a heavy tailwater season or event so that it can contain both when the rain starts flowing. Chair Edwards states that if it is designed to fit the 100-year storm with 80 percent on-site retention it should have the same effect. Mr. Ewert states that if there is 80 percent on-site retention but there is agricultural land that isn't retaining, it is all flowing into the ditch. He asks how this will function. Chair Edwards states that the onsite retention is agricultural and it is all going to percolate in the ground. It is not hardscape, roofing, driveways. Mr. Ewert states that he can add some language that state that "Where a subdivision is adjacent to a parcel with agricultural use, and the agriculture use is at an elevation where stormwater runoff from the new development may infiltrate the agricultural use, or where irrigation water from agriculture may drain onto the residential property, a perimeter surface drain easement shall be provided by the applicant that is configured to contain a surface drain and channel drainage from the agricultural land to existing drainage infrastructure. A surface drain shall be installed in the easement as part of the subdivision improvement in a manner that protects the agriculture use." He notes that there is no guarantee that the Engineering Division will love this. If they don't like they might lobby the County Commission for something different.

Commissioner McCormick asks why the developer should be responsible for the water farmer's water. He asks if they should have the right to run the water there if it is not his property. Commissioner Wichern states that this has been her concern. She asks if the rule for agricultural land is for the farmer to drain the water from their land just like any other landowner and making sure that the water from their land goes out through the proper channels. Mr. Ewert states that he is not aware of anything that allows the agricultural user any deviation from standard drainage requirements. He notes that the requirements are that they can not alter the natural drainage coming from your site onto someone else's site by more than .01 cubic feet. Chair Edwards states that they are talking about two different things, irrigation, and stormwater. He asks if there is a ditch on a neighboring property and it has been there for forty or fifty years and it has always drained that water off. Does it get a prescriptive easement, since it is the way they've always done it? He asks what the legal description of the natural path that the water has taken. Mr. Wilson states that concerning the water it depends on how it is described and what changes are taking place. If there is an issue on the County line in the Southern part of the County. Part of that is that the legal description is tied to the middle of the river. Certain events can happen and cement the property line as it appears on that date. He notes that it depends on what action they are talking about. Mr. Ewert states that it is similar, there could be prescriptive rights if there is a drainage system that is on someone else's property and the water has historically flowed there. He asks if they want to be the adjudicator of those potential rights. Does it uphold the historic rights that Mr. Wilson states that the County doesn't have the authority to be the adjudicator on people's rights? The County would be acting outside the scope of its authority. Commissioner Nilson states that he would like to get input from the engineers before forwarding any recommendation to the County Commission. He adds that he is not sure that this is doable.

Mr. Ewert states that if they had to vote on whether or not to require developers coming to install drainage improvements to mitigate tailwater. Chair Edwards states that they need to be more specific. He asks if they are going to fill an existing ditch. Are they going to pipe the ditch? He feels that if they have to pipe the ditch they have to provide access to them. Mr. Ewert asks what about in cases where the water has been allowed to flow off and percolate in someone else's field as opposed to being captured by infrastructure. Chair Edwards states that once they change owners that go away if this was an agreement that they had with the previous landowner and the new landowner says no. It is something that runs with the land. Mr. Ewert states that it depends on if a judge could be convinced that there is a prescriptive right. Mr. Wilson states that once a prescriptive right has been established it is established, but it has to be done through a court determination.

Mr. Ewert states that he would work on this more. Director Grover states that he would like staff to work more with Engineering on this. Mr. Ewert notes that he will be looking at the language "Developer is responsible if tail water historically drained there. If it did not historically drain there, the farmer is responsible for providing for drainage alternative. If a drainage facility (ditch) exists, the developer shall provide a surface drain commensurate to the existing drainage facility.

Mr. Ewert states that there are substandard roads all over the place. There are a lot of roads that the County has inherited through time and the evolution of uses and transportation changes. The County has to figure out what to do with it. Right now there is an ordinance that states that they can not develop a terminal at a substandard road unless it is brought to full County standards. The County Commissioners have asked to give some reason why a developer might be able to develop at the end of a terminal dead-end street. Looking at dead-end streets they need to look at egress, ingress, and safety. It is also looking at if it will continue to dead-end or if it would be able to connect. They will look at how many homes could be affected by it and how many people are aware of it. Mr. Ewert goes over the changes he made to address this as listed in the staff report.

Commissioner McCormick asks if at the end of the two-mile road an individual that lived on that road for most of his life. The developer decides he wants to develop. They would go to the people who have lived there their whole life and ask them to help pay for it. Mr. Ewert states this is correct. Commissioner McCormick states that this does fit right in with private ownership. Mr. Ewert states that it doesn't necessarily mean that the County Commission will go to the landowner, and try and give them an additional tax to pay for that road. If this is the purpose of the road improvements all of the development that came after, they can assign a special assessment area to all that development that came after. For that to be reinvested into the roadway. Mr. Ewert states that it is a political question that's going to come up, but politics run pretty heavy in a decision like this, especially when it comes to the truth and taxation hearing. If the landowner says, the polygon for a special assessment area includes my land and asks if they are going to be taxed for more road improvements that they didn't cause, their protest would be counted and they could easily work with the County Commissioners as well. Commissioner McCormick states if it stays the way it is written there's not much leeway for protests to happen. Mr. Ewert states that the withholding of a protest would not apply to any landowner along that roadway, that doesn't have a contract recorded to their property. If the land is not being developed and does not have increased demand on that roadway. This withholding of a right to protest wouldn't apply to them at all. This would only apply to people in the new development because they live down the two miles that only applies to all the lots of that development. That way the developer instead of paving an additional two miles of the road what they are doing, essentially, is making sure that all of the impacts on the roadway system of the development get paid for at some point in time.

Commissioner McCormick asks, what does this accomplish? Mr. Ewert states If the County approves development at the end of the two-mile-long dead-end road without requiring the developer to install the improvement at the time, the County doesn't have a lot of options in the future to require the developer to do more. Commissioner McCormick states that this is a way to make sure that the lots in that subdivision can recapture the funds.

Commissioner Wichern asks aren't developers allowed to develop at the end of substandard streets, they are required to improve the street before they make their development. Mr. Ewert states that the answer depends, the County has approved some subdivisions in the recent past at the dead-end of the substandard street. Commissioner Wichern states that her concern is that these developers paid substandard prices for land, at the end of a substandard Street. She doesn't want to propose anti-sprawl laws, but she is concerned that if it is made easier for developers to acquire inexpensive land that it would put the extra expense on to future landowners it would be passing this burden. She believes that the developer disproportionately profits. It would also be an expense to the County because the residents are required to pay for the upgrades of the streets, the County then takes over these streets and is required to do snow removal and upgrades on the streets. She notes that she would be more inclined to rewrite this entirely the other way and not allow developers to develop land at the end of substandard streets without bringing those things up to code. This could create slums in the inner city where there is already development and road systems.

Mr. Ewert states that he agrees and notes that that would follow best planning practices but unfortunately it is not the direction that they have received from the County Commission. He notes that the opposite direction as she mentioned is keeping it as it's currently written. The reason it is being brought up is because of the way it's currently written, and a handful of developments that have come through.

Commissioner Favero asks if it is going to be written retroactively. Mr. Ewert states that it would affect future development.

Mr. Ewert gives some examples. He notes that he would not call it an anti-sprawl ordinance either. He understands the consternation of allowing for additional development to occur. He asks how can they embrace the idea, while also providing for secondary access and egress and also for providing a way that these roads and improvements can be paid for in the next 10-15 year, without being a burden on the taxpayer so that's the policy perspective that he is trying to hit on this ordinance. At what point should they put all the taxpayer money into accommodating for all the development that has already occurred, versus, trying to find reasonable outcomes, which may have to happen in the future because there is no money now?

Commissioner Bell states that this is a complicated issue and but he cannot get on board with turning over the costs of substandard roads to the existing owners in that area. He understands the developers have land rights issues but they cannot give them all these rights to develop and breed money off their land while taking away land rights from those adjacent landowners. It is giving the benefit to the developer at the cost of others. Most of those people that live along those roads prefer their roads to be substandard anyway.

Mr. Ewert notes that the County is not talking about charging the people who live along these roads. It's always possible that they create a special assessment area that includes them but this is not the intention. Commissioner Bell states that the County has done this before, he gives the example of the development of 3600 W. He states that he can't get behind them having to pay for a street or them having to lose their property. Commissioner Bell states that he does not see another solution other than having a developer agree with every single one of those landowners to buy out a section of their property, pay them fair price market value for their land and widen the road on their own. Mr. Ewert states agree that this is the conservative way. Commissioner Bell states and the Commissioners differ on what land rights mean. He notes that they can't just grant land rights to people who want to develop their land simply because they want to put 200 homes, with one egress. They should be granted based on what is safe what is zoned and what is fair for the use of that plan. Mr. Ewert states this is one of the reasons for putting a special assessment burden on those who come after. It is what's considered an improved lot and the market comparables, regardless of how that road is built. He notes that he has been told by others who have more involvement in the real estate world that a lot of these do take a hit and the developer can't sell them for quite as much because they're essentially recorded with a deferral agreement, or in this case, they might be recorded with an agreement that says that they can't protest a special assessment area. He agrees that this is a little more heavily weighted in favor of the developer. There's always a reasonable recommendation, that can be given to the County Commission that suggests that if the road isn't improved, they need to wait until it is. If they were to demand that they improve that road space, the County can run into some legal problems because it wouldn't be roughly proportionate or essentially related to the project. Commissioner Bell states that he does not want to demand it either but at a certain point the cost has to land back on the developer, not on the landowners that are already existing there. He doesn't agree with an escrow either because the deferral agreements don't necessarily work out when trying to go back to the developer and asking for that funds, it's, they're not going to be there.

Commissioner Nilson asks if they were to assess that using the two-mile road that they could quickly determine what it would cost to meet it in the real world on a cost per square foot right. Its theory but maybe there's a way that to compute and anticipate that once 300 homes are built along the road and the developer was to contribute into an escrow to the County so that after every lot sold and build that up and so that at some point in time when the traffic would be enough there are enough funds. The homeowner would not get stuck, there are issues there one thing having a lien against each property, the other things getting the money from them. Mr. Ewert states that anytime a developer is told that X Y or Z has to happen for them to get their development approved. It's an exaction. And it doesn't matter whether you're exacting through a fee in place of a certain percentage of real estate transaction runs back into the County coffers. All of them from all the jurisprudence have been determined to be essentially impact fees if they're not actual exaction. It would state go and build that roadway right now. Otherwise, it is not going to get approved or go and build it with an escrow within the next year or two otherwise it is not gonna get approved. If we were to provide a revenue-generating mechanism that lasted longer than that, like, a real estate fee that comes with it when everything is sold. it would be determined to be a development agreement under state law an impact fee. impact fees are complicated. There would need to impact fee analysis and an impact fee facilities plans. Those funds would have to be spent within 6 years of receiving them. He notes

that the County is talking about getting rid of the trade transportation impact fee, because they can't raise enough, within six years to spend it on meaningful improvements. The County's hands are tied by the impact fee act, under state code on a lot of this.

Chair Edwards asks concerning grants, why can't the County go look for funding and other sources? Mr. Ewert states that they can it, takes personnel to be looking for those things. He adds that he has gone to look for those things for trail systems, but they'd have to have a direction internally administratively to have somebody looking for those kinds of funding sources outside. One of the challenges with unincorporated Weber County, is that a good number of funds that come from federal transportation dollars run through the state and the Wasatch Front Regional Council, and their jurisdiction ends at the urban growth boundaries essentially a lot of unincorporated Weber County and in the Valley and out West are not included in the metropolitan area.

Chair Edwards states that they still have WACOG funds, when it comes to funds for transportation projects there are solutions. He states that he feels that the County Commissioners are trying to push the buck. Mr. Ewert states that they're not suggesting that they wouldn't continue to solicit those funds, they are continuing to use those funds. 3500 West was rebuilt with a WACOG money predominantly. Chair Edwards asks where does substandard start coming up with 3600 last SR 39 is still, by definition a substandard road SR 134 is also a substandard road. Does he ask where it stops? The issue is that they only got a 24-foot cross-section of asphalt. Mr. Ewert states that substandard would be defined as substandard if it doesn't meet the County's currently adopted standards. Looking at the County's adopted standards he notes he doesn't know whether or not they're substandard according to UDOT's standards and the County doesn't own them and, they don't operate them so the County would not even be looking at them. With this section of code, the County is only looking at dead-end roads that the County owns and operates.

Commissioner Wichern asks if the impact fees have to be used for a specific purpose or could it be more generalized and they must pay the impact fee but it's used for substandard roads like general not specifically. Mr. Ewert states that the County is required to have an impact fee facilities plan and IFFP that says how the money is going to be spent. There is a plan right now that identifies several substandard street states where the money will be reinvested into. He notes that he doesn't know that they are going to see a lot of these terminal substandard roads on that list, mostly because they go out to a limited number of users. I think most of what they are going to see on that list are parts of the existing street network that are substandard.

Commissioner Wichern states that this is all the more reason to tax these developers and to enlist that fee from the developer to ensure that it can support safely the approved subdivisions of 200 homes. And make sure that there are enough funds to provide a street that will adequately support that system. She notes that there was a concern with the analysis required on the impact fee, but it seems that in the verbiage there quite a bit of analysis already, there might not be a need for more analysis and the County would be charging the correct person, the developer, rather than the residents. Concerning the residents, it would be a gamble on whether they would get that money or not. She states that she doesn't think it's a fair place to put the charge on the landowner and land rights. The landowners have a right to develop their land, but they don't have a right to sell it at a rate that is determined by other people making improvements. It has an inherent value they have every right to develop it at that current usage and current value level.

Commissioner Bell agrees and states that they don't need to get more value at the cost of the other existing ones, and that's where he is struggling, especially when bringing up that example of 3600. He states that he doesn't live there but he is passionate about it. He feels that the County is overstepping using eminent domain to help out a developer. He cannot see a situation where it's justified for the burden of this cost to bring that road up to a standard that is not their cause. It is caused by the development of the developer so if he has to sell at a substandard rate well that's the cost of doing business on that land. It shouldn't be the burden of the surrounding residents to give them more value out of their property. Mr. Ewert states this is a valid perspective that a lot of people hold. A lot of people think that you know, not all property is created equal. The market tells that all property is created equally based on values.

Mr. Ewert states that if a traffic engineer says that if 30 lots exist in isolation along this road and a Traffic Engineer can state that he does not need 32 ft of asphalt 66 ft wide right of way. The fire code to get a fire truck to a property, unless it's in the wildland-urban interface area road has to be at least 12 feet wide, with turnouts every 400 feet. The firetruck can go down the road with, sirens blaring either the person evacuating or the fire truck can pull out from the site or two fire trucks can pass. That's a minimum safety standard so looking at a 30 lot subdivision in isolation a 32-foot wide asphalt pathway in 66 feet of asphalt is too much. Does he ask why in that case going through just deduction would the County have a standard that says 66 feet of right away and 32 feet of asphalt? It is because it is more than just that subdivision in isolation, there are farmland and agricultural uses there are people who go visit those folks who live there. There are a lot of different uses that happen and a generalized standard has been created that states, that all of these roads need to be 66, feet, with a travel surface of 32 feet of asphalt. Asking a developer at the end of that road who may want to develop the property to potentially have to come up with that entire road so the width, would be disproportionate. It wouldn't fit with the takings claims. There are two Supreme Court cases one is California Coastal Commission vs. Nollan, and the other is Dolan vs Town of Tigard, this can be reviewed on Wikipedia. He notes that reviewing this can give them a good sense of where the court was going on with this. The assertion that these folks that own land, have variants of these roads the County is not going to ask them to improve them they're just going to say that they can't develop until they are improved by the natural evolution of land uses further up the road. If this is the perspective that the Western Weber Planning Commission wants to forward to the County Commission, this can be formulated into a recommendation moving forward. In the code further down from this subject, there is some talk on what is roughly proportionate, and essentially related. He notes that he would love for this to not be there. If the rest of the code is adopted all the rest of the code and this doesn't have to be in there. And the reason for that is because the test for defining letters roughly proportionate is individual it's unique and the less we have written down right now, the more flexibility there is to generate an argument in the future.

For that same reason some landowners want to have some more objective information on how this is going to occur and that's why it was written in their people in the valley, who want more predictability.

Commissioner Favero states that concerning predictability the only thing to predict the what the complete build-out would be. Why can't the number be based on complete build-out and percentage of that build-out to each subdivision as it goes in and that money would be a continual generating entity, where the money is spread out and used as was discussed with Commissioner Wichern. That's the only predictable thing. Ultimately the build-out is going to be based on the zoning and you can only base that factor on what the zoning is now because it's known now, it could change in the future but the value of the input would change with that zone. And that's mathematically as fair as could be done and taking 30 lots and saying proportionately these 30 lots should have value to work the road placed on. He adds that he is not a big fan of taxing the people afterward either. Concerning what is here, because the only way that this is fair is if it's not just to title, but it's advertised as part of the sale so that people that are buying know what they're buying. Otherwise, when people go too close they might not be paying attention to what's going on other than they're in love with this new place that they just bought. The only way that this could even consider would be if it was advertised somehow. He notes that he is no sure there is a fair way is to do that. Mr. Ewert states that the notice would show up when it's time to close. A note could be placed on the plat as well as another place for it to be seen so they know to go look for that notice. He states that he hears their concerns that it really pushes the burden on the end-user and doesn't necessarily hold the developer accountable. There is another possibility, there would be a rough proportionality test and send it to the County to review, which says they should be responsible for X, Y, and Z improvements along that street. Looking back at the text this requirement shall be waved at a traffic study conducted by a qualified professional demonstrates that the existing substandard public street from which the new subdivision will gain access is adequate and safe, or can be made adequate and safe with improvements from the applicant. Regardless of what additional improvements we need along this public roadway. They would have to install this guardrail and smooth out this curve because there are no factors of safety if there is any more traffic to this, the road it's not in great shape. Okay. In that scenario, they would be required to do that because of safety. And there would be a roughly proportionate share so the percentage is X amount of dollars they would need to spend your X amount of dollars on the roadway. To approve it they would need to put in shoulders here, a stoplight, this or that, as you go down the roadway until all of the roughly proportionate amounts of money was spent this would be the County telling them what kind of improvements should be done along our roadway so the County would hold control over that. But the County would be setting a dollar amount, allowing them to do the initial pitch of what

is fair for them, and then having the County tell them if it needs to be adjusted. They would then do the need to do the improvements necessary. At that rate as we get developers continuing to develop along that roadway. At some point in time, it's just gonna be an overlay from the County before it's a standard road.

Commissioner Wichern states that she to clarify, so this is the first development off of the substandard street they pay a proportionate amount to improve the street but it still wouldn't necessarily be standard. And then if another development comes in, they too would be required to push that road, more towards a standard street with some sort of assessment value, is that correct. Mr. Ewert states that not even assessed value, they would just do the off-site improvements, which the County can exact for off-site improvements, under certain conditions, and that will continue until we had a standard street already. Mr. Ewert notes that it's still is very supportive of sprawl. But it would help support what the County Commissioners are interested in doing.

Looking at Part A, which is that deferral agreement gets recorded to the property that deferral agreement essentially says, if the County has to go in and build this road we're just going to come to you landowners and we're going to tell you what you owe us because we ran the math and so it's the resulting landowner's issue right. Part B is a different tool. It's that you won't protest a special assessment area that would be applied to your property of the County could do. It could do A and B both. It could do A or B under these scenarios, but whatever they do if they want to keep our nose clean about getting sued as they cannot go above and beyond was roughly proportionate.

He asks if they would be okay with this being an option, sees where any of the above all of the above any one of them could be just at the discretion of the County Commission it doesn't eliminate the possibility that someone who buys a piece of property might find out 15 years after moving and they've got the restrictive deed.

Director Grover asks Mr. Ewert to let the new Planning Commissioners know how to deferral agreements work, and how they have been used in the past, especially on small subdivisions, like the one lot subdivisions.

Mr. Ewert gives an example and goes through different options. He states that he will go through the different options and bring them back for the joint work session with the Western Weber Planning Commission and Ogden Valley Planning Commission.

MOTION: Commissioner Bell moves to open the public hearing. Commissioner Favero seconds. Motion carries (7-0)

Chair Edwards opens the public hearing. There is no public comment.

MOTION: Commissioner Favero moves to close the public hearing. Chair Edwards seconds. Motion carries (7-0)

Chair Edwards closes the public hearing.

MOTION: Commissioner Favero moves to table item 3.2 ZTA 2020-04: Public hearing to consider and take action on a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions for the next meeting. Commissioner Bell seconds. Motion carries (7-0)

3.2 ZTA 2018-05: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments. This item was postponed and will be noticed for a meeting at a later date.

4. Public Comment for Items not on the Agenda: none

5. Remarks from Planning Commissioners: none

6. Planning Director Report: Director Grover states that there will be a joint work session for both Planning Commissions on August 4th concerning short term rentals.

7. Remarks from Legal Counsel: none

8. Adjourn to Work Session- 8:39 PM

WS1: Discussion about short-term rentals in Weber County and regulatory options. This item was postponed and will be rescheduled for a meeting at a later date.

WS2: ZTA2020-03 Discussion regarding a proposed accessory dwelling unit ordinance. This item was postponed and will be rescheduled for a meeting at a later date.

WS3: Follow-up discussion for a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions. This item was postponed and will be rescheduled for a meeting at a later date.

Ewert

WS4: Training for Ex parte Communications and Conflicts of Interest. This item was postponed and will be rescheduled for a meeting at a later date.

Adjournment: 8:39 PM

DRAFT

Minutes for the Western Weber Commission meeting of March 9, 2021 held via Zoom Video Conferencing

Members Present: Bren Edwards-Chair
Greg Bell-Vice Chair
Andrew Favero
Wayne Andreotti
Sarah Wichern

Members Excused: Bruce Nilson, Jed McCormick

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton Principal Planner; Matt Wilson, Legal Counsel; Angela Martin, Lead Office Specialist II

- *Pledge of Allegiance*
- *Roll Call:*

1. Petitions, Applications, and Public Hearings:

Administrative items:

2. Proposal to amend an agricultural preservation plan for one lot in the Sunset Equestrian Cluster Subdivision Phase 1. *Applicant: Heath Gilbert*

Heath Gilbert the applicant explained to the Planning Commission the reason for keeping the 1 lot

Motion: Commissioner Bell made a motion to approve the Proposal to amend an agricultural preservation plan for one lot in the Sunset Equestrian Cluster Subdivision Phase 1. Also they can't use this lot for a ADU unit, subject to staff findings and other requirements from all reviewing agencies. Commissioner Wichern seconded the motion. Motion passes 5-0

3. LVW02042021 Request for preliminary approval for Winston Park PRUD Subdivision, consisting of 54 lots and two open space parcels, located at approximately 3701 West 1800 South in the A-1 zone.

Wade Ramsey, Applicant stated that he is meeting with Taylor West Weber Water to get the culinary water and Hooper Irrigation for secondary water letters.

Motion: Chair Edwards made a motion to approve LVW02042021 Request for preliminary approval for Winston Park PRUD Subdivision, consisting of 54 lots and two open space parcels, located at approximately 3701 West 1800 South in the A-1 zone. Subject to staff findings and all requirements from reviewing agencies. Also subject to requirements to annex into Central Weber Sewer, Army Core of Engineers for the wetlands, ditches must be maintained

Commissioner Andreotti second the motion. Motion passes 5-0

4. Public Comment for Items not on the Agenda

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel:

Adjourn

8:30 PM

Angela Martin, Office Specialist II

Weber County Planning Division

Minutes for Western Weber Planning Commission meeting of April 13, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm and via Zoom Video Conferencing

Members Present: Andrew Favero - Chair
Bren Edwards – Vice Chair
Wayne Andreotti
Sarah Wichern
Jed McCormick

Members Excused: Greg Bell
Bruce Nilson

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton Principal Planner; MattWilson, Legal Counsel; Angela Martin, Lead Office Specialist II

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

- **Pledge of Allegiance**
- **Roll Call:**

Commissioner Andreotti was present for the meeting but was unable to vote on items due to some technical difficulties.

1. Minutes for February 9, 2021 were approved as presented.
2. Petitions, Applications, and Public Hearings:

Administrative items:

3. SPE 02-2021 Discussion and action on a conceptual sketch plan endorsement request for Riverbend Cluster Subdivision

Steve Burton states that this is a request for approval of a conceptual sketch plan for 91 lot cluster subdivision. The applicant’s net development area is 60.68 acres, which would have a total density of 66 lots. The developer is requesting a base density of 61 lots and 50 percent bonus density, a total of 91 lots. Approval of a sketch plan does not create a vested right, but it is meant to create a complete preliminary subdivision application. A more thorough review will be done once a complete subdivision application is submitted. Additional requirements may apply as the preliminary and final plats are reviewed.

There was no public comment.

MOTION: Commissioner Edwards to endorse SPE 02-2021 Discussion and action on a conceptual sketch plan endorsement request for Riverbend Cluster Subdivision. Commissioner Wichern Seconds. Motion carries (4-0)

4. CUP 2021-01: Consideration and action for a conditional use request for the Val Sanders PRUD, located at 2900 S 3500 W, Ogden.

Steve Burton states that the applicant is requesting a conditional use permit approval for a 24 unit PRUD located at 2900 S and 3500 W, Ogden. The proposal includes a 10.79 acre agricultural parcel and a small open space parcel with a park amenity for the unit residents. The proposal includes three six-plex townhome units, one five-plex, and one existing single family dwelling. The following is an analysis of the project against the county’s land use codes. He adds that staff recommends approval with the conditions listed in the staff report.

There was no public comment.

MOTION: Commissioner Wichern moves CUP 2021-01: Consideration and action for a conditional use request for the Val Sanders PRUD, located at 2900 S 3500 W, Ogden. Based on following conditions: 1. An architectural fence shall be provided along 3500 W and the private drives that surround the tot lot. 2. The developer will be required to completely screen the dumpster from street or public view by a six foot screening device on three sides. The fourth side shall be a gate constructed of opaque materials. The developer will need to show the enclosure or screening as part of a revised submittal prior to consideration of the county commission. 3. That the storage units have the same brick wainscot and colors as the townhomes and that the developer provide more detailed drawings of the storage units, prior to consideration by the County Commission. 4. The developer will be required to submit documentation showing the exact tree species and planting method, as well as street light design. This will be required to be submitted and approved by the Planning Department prior to approval from the County Commission 5. Prior to approval by the County Commission, the developer will need to provide HOA covenants and by-laws that outline the maintenance of the private park area including the tot lot. And that all water rights are thoroughly investigated. Commissioner McCormick seconded. Motion carries (4-0)

5. LVH 091820-Consideration and action on a request for final approval of Highlands Bluff Estates Phase 1, 1st Amendment, a subdivision proposal to create a 12 lot residential development

Felix Lleverino states that the applicant is requesting final approval of a 12-lot subdivision, located at approximately 6224 S 2225 E Uintah Highlands. The public right-of-way for this development will intersect with 2225 East Street. The public road will terminate at a cul-desac. Curb, gutter, and sidewalk are planned for this development. This proposal has been reviewed against the current Land Use Code of Weber County Utah (LUC), the standards of the R-1- 12 zone found in LUC §104-12. The following section is a brief analysis of this project against current land use regulations. Parcel A is being designated for a detention basin. Engineering decided this was the better option.

There was no public comment.

MOTION: Commissioner Edwards moves to grant final approval of LVH 091820-Consideration and action on a request for final approval of Highlands Bluff Estates Phase 1, 1st Amendment, a subdivision proposal to create a 12 lot residential development based on the following conditions 1. All subdivision improvements shall be completed or the developer shall create an escrow account with the County Engineering Department before final approval from the County Commission. 2. A note added to the dedication plat stating that a geotechnical study is available for review in the Weber County Planning Office. This recommendation is based on the following findings: 1. The proposed subdivision complies with South East Western Weber County Plan. 2. The proposed subdivision complies with the applicable County codes. Motion carries (4-0)

6. DR2020-07: Request for approval of a design review application to allow for GVH Commercial Warehousing to expand their current facility located at 2458 N. Rulon White Blvd., Ogden, in the M-1 zone. This request includes a 6 new bay doors on the existing building and a 48,000 square foot addition to the rear of the existing structure.

Tammy Aydelotte states that The applicant is requesting approval of a design review for GVH Distribution Services, to add 48,000 square feet of warehouse area to the existing structure, located in the M-1 zone at 2458 N Rulon White Blvd, Ogden, UT, 84404. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

There was no public comment.

MOTION: Commissioner Edwards moves to approve DR2020-07: Request for approval of a design review application to allow for GVH Commercial Warehousing to expand their current facility located at 2458 N. Rulon White Blvd., Ogden, in the M-1 zone. This request includes a 6 new bay doors on the existing building and a 48,000 square foot addition to the rear of the existing structure. This recommendation is conditioned upon all review agency requirements, and the following conditions: 1. Written approval of the design shall not be issued until the pending subdivision for GVH has been approved. 2. Any additions/changes to existing signage, or additions/changes to existing exterior lighting must be approved by the Planning Department This recommendation is based on the following findings: 1. Warehouse storage is permitted as a primary use within the M-1 zone. 2. The applicant has demonstrated compliance with the applicable land use codes. Commissioner Wichern seconds. Motion carries (4-0)

7. Public Comment for Items not on the Agenda: There was none.

8. Remarks from Planning Commissioners: There was none

9. Planning Director Report: Director Grover states that he looks forward to seeing everyone in person.

10. Remarks from Legal Counsel: There was none.

WS1: Work session regarding culinary and secondary water requirements in subdivision ordinance.

Mr. Ewert goes through the changes made to the water requirements based on the Western Weber Planning Commissions desire to separate the changes on a planning area bases. Before there was two different water sections one was for culinary and one was for secondary. He notes that a lot of the language was the same, and he has merged the two together and called out different specificities.

Meeting Adjourned at 7:30 pm
Respectfully Submitted,
Angela Martin, Lead Office Specialist
Marta Borchert, Planner Technician
Weber County Planning Commission

DRAFT

**Minutes for Western Planning Commission meeting of July 13, 2021, held in the Weber County Commission Chamber,
2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm & Via Zoom Video Conferencing**

Members present: **Andrew Favero-Chair**
 Bren Edwards-Vice Chair
 Wayne Andreotti
 Sarah Wichern

Members Excused: **Greg Bell**
 Bruce Nilson
 Jed McCormick

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Liam Keogh, Legal Counsel; Marta Borchert, Secretary; June Nelson, Secretary

- **Pledge of Allegiance**
- **Roll Call**

1.1 LVS03252021: Consideration and action on preliminary approval of Saddlewood Estates Subdivision, Consisting of 27 lots.

Steve Burton states that The applicant is requesting preliminary approval of Saddlewood Estates Subdivision, consisting of 27 lots. This proposal includes connection to a county, dedicated road (5100 West St), and creation of four county-dedicated roads (4950 West, St, 5000 West St, and 5050 West St) located at approximately 1900 S 5000 W in the A-2 and A-1 Zones. 5050 South Street will have a cul-de-sac at the north end, in lieu of connecting to 1900 South Street. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The lot widths and areas in this proposed subdivision exceed the minimum requirements for a lot averaged subdivision in the A-1 and A-2 zones. The following is a brief synopsis of the review criteria and conformance with LUC. This subdivision layout has gone through a couple of revisions since the submittal of the application, due to discussions on how to connect 5100 West Street. Curb, gutter, and sidewalks to be included in the entire area. There will be additional roads to access the area, that the owner will help pay for. Since the road is not included in the area, the owner will not be required to do the road now. Staff recommends approval while meeting all the requirements. The area needs to be annexed for the sewer district.

Chair Favero opens the public comment.

Johnny Georgio 5306 W 1600 S, States that he is concerned about the amount of traffic in the area. He just wants to make sure that it is done right.

Rick Hodson 5040 W 2100 S, is concerned about the road that runs behind his house. Is there a fence requirement? He also stated that there are wetlands in the area and wants to know how they will be affected.

Public Comment is closed.

Engineer Jim, from the proposed development, stated that the sewer will come from the south and will work by gravity. Secondary water will come from 5100 W.

Chair Favero stated that he had concerns about the interconnectivity of the subdivision. He asked what that impacts will there be for the future? There is no time frame for road improvements. Planner Steve Burton answered that there are no fence requirements to be by their roads. There are no wetlands in the subdivision area. The builder is going to build a retention pond for natural drainage.

MOTION: Commissioner Edwards moved to recommend preliminary approval of Saddlewood Estates Subdivision, a lot-averaged subdivision, consisting of 27 lots, located at approximately 1900 S 5000 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. Prior to scheduling for final approval with the Planning Commission, Taylor West Weber Water and Hooper Irrigation must issue unconditional approval for this project.
2. Proof of annexation into the Central Weber Sewer District, if it has not already been provided and a letter updated to include 27 lots
3. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.

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 Andreotti seconds. Motion passes 4-0.

2.1 ZMA 2021-05: a public hearing, and consider and take action on ZMA 2021-05 a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commercial) zone and varying residential zones at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone.

Charlie Ewert states that there will be asphalt walkways to enclose the parcel. A traffic study is needed. A possible traffic light in the future after a study from UDOT. Dark sky lighting is recommended. The builder is proposing an agriculture-style look for commercial buildings. Buildings will be brought to the front of the property with parking to the side and back.

There were no questions from the Commissioners.

Pat Burns Applicant states he is open to any questions.

MOTION: Commissioner Edwards moved to open the public hearing. Chair Favero seconded. Motion carries (4-0)

Open for public comment

Dan Hammer 1056 S 2800 W, had concerns about the following; culinary water, secondary water, large power lines that run through the proposed property, lot size and will there be duplexes.

Lewis Patterson 1741 S 2900 W, Traffic is already horrible. There is a walking trail in the area that has already experienced transients and vandalism.

Becky Hammer 1056 S 2800, asks if there will be 70 homes or 250 homes. She asks if the lots will be ½ or 1/3 acre? She notes that there is already not enough water for farmers. Really large power poles run through the property. She is also concerned about the flood plain and a canal in the area.

Robert Pilarczyk 742 S 7500 W, states this is a significant deviation from the current zone in the area. He notes that the request is to change the zone for something already available in the area. He asks what the benefit to the community is versus the benefit to the developer. There is a significant amount of wetlands on that property, this is an important detail. It is not being addressed very well. There was mention of the look from the street. It is important because as people enter the community they are going to pass by this and it might just be one step to the consumption of all of their properties into commercial.

MOTION: Commissioner Edward moves to close the public hearing. Commissioner Wichern seconds. (4-0)

Public Hearing was closed.

Dave Laloli states that he is working with Pat Burns that they will be using Taylor West Weber culinary water. There is pressurized secondary water available in the area. As for sewer concerns, 2000 W Marriott Slaterville Central Weber said that it was ok to use. As for the Power towers, they cannot put roads under these power lines. There would need to be an upgrade to natural gas lines.

Charlie Ewert states that the amount of lots is negotiable for RE-15 to RE-20. Some lower-moderate income housing will need to be included. They are hoping to include a gas station and grocery stores in the commercial zone. How will it help the community? There will be a portion of moderate-priced housing, pathway by the river, closer shopping, secondary water pond is possible. We cannot ask the developer to fence the pathway. There will be more connectivity for the walkway. More usage will help provide safety and stop vandalism.

Director Grover states that there is a lot of junk salvage yards in the area. We do need a place for those to be. There has also been a problem with Public Notices that have been addressed. Notices will now be sent out to residents about zone changes. Traffic issues will need to be worked out with UDOT for any future changes. This is just an application for possible development. There is still a lot of work to determine wetlands and any mitigation.

Commissioner Favero stated that wetlands are also an issue for agriculture as well as for developers.

Mr. Laloi stated that the Hooper Canal will be a secondary source, Developers will and can provide a pond for the area. There will be no townhomes in RE-15 and RE- 20. Wetlands have been addressed and there are 2.95 acres of wetlands.

Commissioner Edwards said that the area is growing. There is a state-funded road. The development will also provide some income for the city.

Commissioner Wichern said that we must best serve the community. We should make wise developments for the area. We want to be smart about this.

Commissioner Andreotti stated that to make the development work, we need to respect the agricultural environment. We want people to come here and stay.

Chair Favero said that development is coming. Change is happening. We want things done right. We want to bring prosperity to the area. We need affordable housing planned into the area for our families.

Commissioner Wichern reminded us that comments from the community can help shape growth.

MOTION: Commissioner Wichern moves to forward a positive recommendation concerning ZMA 2021-05: a public hearing, and consider and take action on ZMA 2021-05 a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commercial) zone and varying residential zones at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone this recommendation is based on the following conditions: 1. The property should be rezoned to a mix of residential estate and commercial, with the C-2 zone located along 12th Street. 2. The commercial development should be setback from the public right-of-way no more than 20 feet to hold the street corridor visually. Likewise, the corner of 2800 and 12th Street should have a building that holds the corner visually. If that corner will be occupied by a gas station, then the gas pumps shall be located in the rear of the building away from the public right of way. To encourage buildings along the street-front, parking lots should be located no closer to 12th street or 2800 West than 100 feet. 3. Four foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences. 4. Four foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences. 5. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting. 6. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1. 7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet. 8. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features. The development agreement should contain architectural standards for all buildings along 12th Street 9. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building. 10. That all other agency concerns should be accounted for as may be necessary in the development agreement. This recommendation may come with the following findings: 1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan. 2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities. 3. The proposal offers public recreation, shopping, jobs, and will offer moderate-income housing, all cornerstones of sustainable community planning principles. 4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers. 5. The development will enhance the overall health, safety, and welfare of the community. Commissioner Andreotti seconds. Motion carries (4-0)

2.2 ZMA 2021-04: A public hearing to consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 7500 W. from the agricultural (A-3) zone to the agricultural (A-2) zone.

Charlie Ewert states that there is lots of room for development. The land is not great for growing crops but ok for grazing animals. The current code is no developments on a dead-end road. How much development is ok for the area. Building, crossing on 7100 W railroad is a concern. There needs to be an egress. You can go 3 miles to another crossing. 10100 W is a private railroad crossing. Are people willing to build a bridge over river crossing? There will be no permits until the

Fire Chief OKs safety access. They may be asking the applicant to put aside funds for a project improvement fee. Any new development will also need to pay into this fee. County Commission had a meeting about the railroad crossing. Do we need separate zoning and egress? Staff recommends going ahead with the zone change.

Commissioner Edwards asks can the dead-end road be extended to get closer to the 122 acres? A rezoning will change the amount of traffic in the area. There are often long trains. The county has NO control over the trains. The trains sometimes block the roads.

Chair Favero asks what if there is a problem with the train (wreck etc.) We need to have an egress on the south side for public safety. Western Zirconium plant is also a concern.

Charlie Ewert said that the railroad isolates the area. If you open 1 crossing, you close 2. UDOT has authority over all railroad crossings. If there is a significant increase in traffic, UDOT will do a study (also charge a study fee to developers.) There are private crossings in the area that the public uses. 10000 W sign says Private Crossing. Lots of hunters use the crossing. Can we approve changes that would increase traffic over a railroad crossing? The railroad would not like changes. It would be inconvenient for them. UDOT regulates all roads and railroad crossings. Railroad says that they are not responsible for any changes that increase traffic over the railroad crossings in the area.

Commissioner Wichern states that it is like developing an island. 30 homes on either side of the road on 2 acre lots on one side and 4500 square foot lots on the other side.

Commissioner Andreotti thinks that the development should be in another place. We have poor east-west roads.

Charlie Ewert: Applicant is willing to put money toward a bridge to cross the river.

Commissioner Wichern said that the builder should pay the full cost of the bridge.

MOTION: Commissioner Wichern moves to open the public hearing. Chair Favero seconds. Motion carries (4-0)

Robert Pilarczyk 742 S 7500 W states, having something near the railroad tracks is a safety concern. He is also concerned about the development in rural areas.

MOTION: Commissioner Edwards moves to close the public comment. Commissioner Wichern seconds. Motion carries (4-0)

Commissioner Edwards is concerned about a way to safely evacuate the area.

Commissioner Andreotti sees development in the future. In 20 years, we will need more road access to help the area grow.

Commissioner Wichern said that if we approve the rezoning, can developers sell lots individually? Not part of a subdivision?

Mr. Ewert states the zoning change will die with the proposed development.

Chair Favero says that the land is not good for agriculture and would be better for land development. Railroad tracks make it the unsafe situation it is now. We need an egress area for safety.

The developer said that Weber Sewer is considering using their sewer for development.

MOTION: Commissioner Wichern moved to recommend approval of ZMA 2021-04: A public hearing to consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 7500 W. from the agricultural (A-3) zone to the agricultural (A-2) zone based the following conditions and findings: Conditions: 1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property that provides for the conditions below. 2. That 1400 South is constructed from 7500 West to the eastern boundary of the subject property, for the future extension eastward. 3. That at least a half-width street is dedicated and, in part, constructed, along the southern boundary of the subject property for the future creation and extension of 1800 South eastward and westward back to 7500 West. 4. That 7100 West is constructed from the northern boundary of the subject property to the southern boundary, stubbing into the railroad right-of-way to the north, and stubbing to the property to the south. 5. That an all-weather, 20-foot-wide fire access road is extended from another railroad crossing to the subject property prior to the issuance of the first building permit. 6. That the applicant diligently work with Union Pacific Railroad to construct a crossing at 7100 West, and connect to other improvements on 7100 West north of the railroad. 7. That in the event a railroad crossing cannot be secured at 7100 West before the 30th building permit is issued, the applicant builds a pedestrian bridge over the railroad to connect the north and south extensions of 7100 West. 8. That a 10-foot wide asphalt pathway is constructed on one side of all public streets, with a five-foot wide sidewalk on the other. Findings: 9. The proposal complies with the general plan for the area. 10. The surrounding land uses do not pose a conflict with the proposed rezone, and the new uses of the proposed rezone are anticipated to fit into the area harmoniously. 11. Ensuring adequate street connectivity and emergency egress as the area grows is in the interest of the community's health, safety, and welfare. Commissioner Andreotti Seconds.

Motion carries (3-1)

Commissioner Andreotti voted aye, Commissioner Wichern Voted aye, Chair Favero Voted aye, Commissioner Edwards voted nay.

3. Public Comment for items not on the agenda: there was none

4. Remarks from Planning Commissioner: Commissioner Edwards is concerned about the trail, agricultural land. Trail by farms with chemical use. Safety concerns. Commissioner Andreotti agreed adding irrigation ditch and farm equipment issues as safety concerns for this trail. Commissioner Andreotti was also asking about xeriscape for landscaping for future use. Can we come up with 5-6 options for residents for xeriscape?

5. Planning Director Report: Director Grover said that the commissioners handled public comment very well.

6. Remarks from Legal Counsel: there was none

Meeting Adjourned at 8:00 p.m.

Respectfully submitted,
June Nelson
Lead Office Specialist



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots.

Type of Decision: Administrative

Agenda Date: Tuesday, August 10, 2021

Applicant: John Price, Owner

File Number: LVM04222021

Property Information

Approximate Address: 1900 S 7500 West, Ogden, UT, 84401

Project Area: 33.19 acres

Zoning: Agricultural (A-2) Zone

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 10-048-0011, 10-048-0030

Township, Range, Section: T6N, R3W, Section 27 NE

Adjacent Land Use

North: Agricultural	South: Residential/Agricultural
East: 7500 West St.	West: Agricultural

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us

Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-2) Zones

Background and Summary

The applicant is requesting preliminary approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots. This proposal includes connection to a county, dedicated road (5100 West St), and creation/continuation of two county-dedicated roads (1900 South St, 7650 West St) located at approximately 1900 S 7500 W in the A-2 Zone. 7650 West Street will have a cul-de-sac at the south end, and 1900 South Street will eventually connect further west (approximately 3 miles to the west is where 1900 South Street continues west), at some point in the future. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The lot widths and areas in this proposed lot-averaged subdivision exceed the minimum requirements for a lot-averaged subdivision in the A-2 zone. The following is a brief synopsis of the review criteria and conformance with LUC.

As this proposed subdivision has sole access off of a dead-end street, Planning has been working with the applicant to establish an emergency egress to the west, connecting to the crossing approximately 3 miles west of the proposed development. An agreement and access easements must be recorded, with the final plat that requires development of a county-standard public access, at which time the County deems it necessary, as development continues.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in both zones.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone require a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision,

the minimum requirements are as follows: Lot area in the A-2 zone – 20,000 square feet. Lot width in the A-2 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

1. *The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.
2. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-2. The proposed subdivision will create/continue two public streets.

Review Agencies: Weber Fire District, and Engineering have approved this proposed subdivision. Surveying has not yet approved this subdivision, however, they are fine with a preliminary approval from the Planning Commission. Planning has recommended approval conditioned upon meeting all review agency requirements and an egress shall be shown as an easement, to the west of the proposed subdivision.

Culinary water and sanitary sewage disposal: West Warren-Warren Water has provided confirmation of capacity to serve this 21-lot subdivision. Secondary water requirements will need to be met in order for West Warren-Warren water to issue a will-serve letter, which will be required prior to appearing before the Planning Commission for a recommendation of final approval. An unconditional final approval letter, which indicated approval of improvement plans, will be required prior to appearing before the County Commission for final approval. Weber-Morgan Health Department has issued feasibility for septic systems for this subdivision.

Staff Recommendation

Staff recommends preliminary approval of Mountain Views Land and Livestock Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. Prior to scheduling for final approval with the Planning Commission, West Warren-Warren Water must issue a will-serve letter.
2. That prior to final plat recordation, a secondary egress is secured from the applicant as mutually agreed by the applicant and the County in an executed development agreement
3. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.

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

Exhibits

- A. Preliminary plan
- B. Application
- C. Feasibility Letters

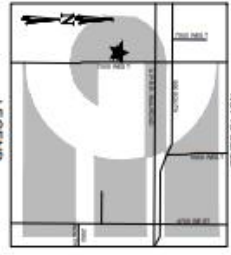
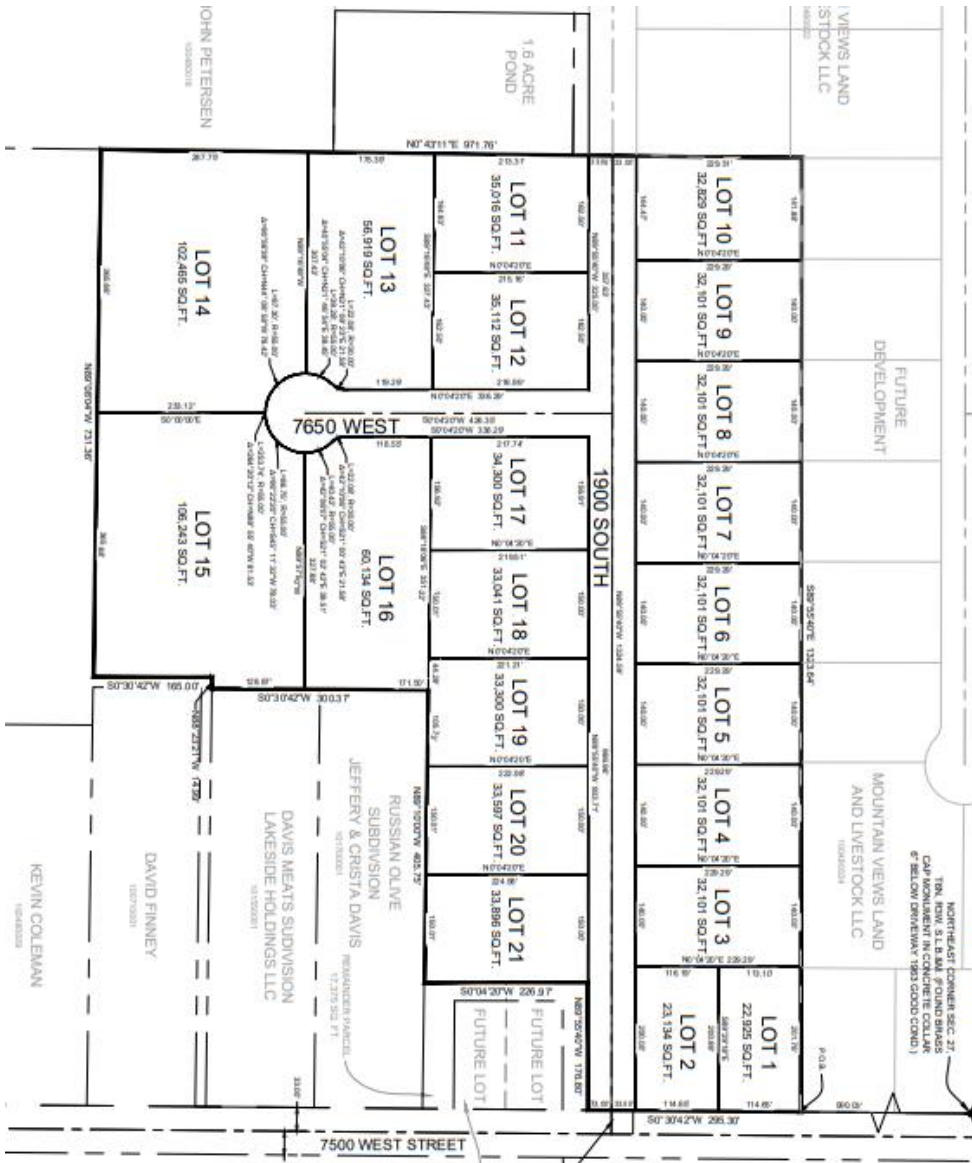
Area Map



Exhibit A - Preliminary Plan

MOUNTAIN VIEWS LAND AND LIVESTOCK SUBDIVISION

LOT AVERAGED SUBDIVISION
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 27,
 TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN,
 WEBER COUNTY, UTAH
 MAY 2021



LEGEND

- WILSON COUNTY MONUMENT AS NOTED
- SECTION 27 RESUB AND CAP MONUMENT ENGINEERING
- WILSON COUNTY MONUMENT TO BE SET
- STREET MONUMENT TO BE SET
- SUBMISSION BOUNDARY
- LOT LINE
- ADJACENT PARCEL SECTION LINE
- EASEMENT
- EXISTING FENCE LINE
- EXISTING WASTEWATER
- EXISTING PRODUCTION LINE
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- EXISTING OVERHEAD POWER
- EXISTING GAS LINE
- EXISTING WATER METER
- EXISTING WATER MAIN/LE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING STORMWATER
- EXISTING CATCH BASIN
- EXISTING SEWER MANHOLE



MOUNTAIN VIEWS LAND AND LIVESTOCK SUBDIVISION PHASE 1

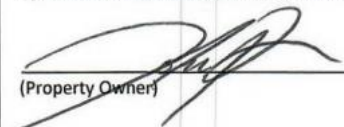
ADJACENT LOT AREA
 AVERAGE LOT SIZE
 AREA WITHIN ROADWAY
 TOTAL PROJECT AREA

31.71 ACRES
 41.38 SQ. FT.
 115,529 SQ. FT.
 567,213 SQ. FT.

21
 0.95 ACRES
 2.29 ACRES
 22.66 ACRES

MOUNTAIN VIEWS LAND AND LIVESTOCK SUBDIVISION PHASE 1

LOT COUNT		21
AVERAGE LOT FRONTAGE	171.73 FEET	
AVERAGE LOT SIZE	41,318 SQ FT	0.95 ACRES
AREA WITHIN ROADWAY	119,528 SQ FT	2.74 ACRES
TOTAL PROJECT AREA	987,212 SQ FT	22.66 ACRES

Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name <i>Mountain Views</i>		Number of Lots <i>21</i>	
Approximate Address <i>1900 S. 7500 W</i>		Land Serial Number(s)	
Current Zoning <i>A-2</i>	Total Acreage		
Culinary Water Provider <i>West Warren Water</i>	Secondary Water Provider <i>Mountain Views Water</i>	Wastewater Treatment	
Property Owner Contact Information			
Name of Property Owner(s) <i>Mountain Views Land: Livestock</i>		Mailing Address of Property Owner(s) <i>646 S. 7900 W Ogden UT 84404</i>	
Phone <i>801-391-7169</i>	Fax		
Email Address <i>jprice_4@hotmail.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>John Price</i>		Mailing Address of Authorized Person <i>646 S. 7900 W. Ogden 84404</i>	
Phone <i>801-391-7169</i>	Fax		
Email Address <i>jprice_4@hotmail.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer <i>GARDNER ENGINEERING</i>		Mailing Address of Surveyor/Engineer <i>5150 S. 375 E. Ogden 84403</i>	
Phone <i>801-476-0202</i>	Fax		
Email Address <i>Tyler@gccivil.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
Property Owner Affidavit			
I (We), <u><i>John Price</i></u> , depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.			
 (Property Owner)		_____ (Property Owner)	
Subscribed and sworn to me this _____ day of _____, 20____			
			_____ (Notary)

West Warren-Warren Water Improvement District
1561 S. 7500 W.
Ogden, UT 84404
801-259-7614
westwarrentwtr@gmail.com

April 15, 2021

To Whom it May Concern:

RE: WATER AVAILABILITY LETTER FOR Mountain Views Land and Livestock Subdivision; John Price

This proposed development is located at 1900 S. 7500 W. West Warren, unincorporated Weber County and consists of 21 lots for future residential use. The West Warren-Warren Water Improvement District (hereafter the District) does have culinary water available for this proposed development.

This letter is only to state that the above mentioned project is in the boundaries of the District and water will only be made available if the following conditions are met. This letter is the first of two letters that will be issued for this development. When these and any necessary additional conditions are met, the District will issue the Will-Serve Letter.

Conditions for a Will-Serve Letter to be issued:

- A letter from the Fire District stating that a flow test is not required, will need to be provided to the District as soon as possible.
- A plan for installation of a functioning, pressurized, secondary water delivery system for any subdivision over 2 lots, to be inspected and approved by the WWID board chairman, prior to the delivery of any culinary water, including water for construction use. Pressure requirements are a minimum of 50 to a maximum of 80 lbsp. A minimum of 10 secondary water shares must be allocated for the specific use in this subdivision.
- The owner or contractor will need to furnish all materials and labor to run the service line. The District will furnish and place the water meter. All materials and workmanship must be in compliance with and approved by the District.
- The Weber Basin Water Rights Impact Fee of \$4363.00 per proposed unit of service, must be paid prior to receiving a Will-Serve Letter and prior to the commencement of any development or construction.
- All remaining fees must be paid to the District before culinary water services will be made available . The District's fees are currently set at the following rates:
 - Capital Facilities Impact Fee \$4588
 - Weber Basin Water Rights Impact Fee \$4363
 - Connection Fee Without Existing Service Lateral \$2800 or
 - Connection fee with Existing service Lateral \$350

If you have any questions or concerns, please contact our office.

Sincerely,


Melissa Murray, Clerk
West Warren-Warren Water Improvement District

August 3, 2021



Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Preliminary Subdivision **Determination**
Mountain View Land and Livestock Subdivision, 21 lots
Parcel #10-048-0011 & 10-048-0030
Soil log #15126

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Peterson Pipeline Water Improvement District, an approved water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lot 1, 3, 5, 8, 12, 14, and 18: Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.40 gal/sq. ft. /day as required for a fine sandy loam, massive structure soil horizon.

Lot 2, 4, 6, 7, 10, 16, 19, and 21: Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy loam, massive structure soil horizon.

Lots 9, 11, 13, 15, 17

Documented ground water tables not to exceeding 24 inches, fall within the range of acceptability for the utilization of a Mound Treatment System or a Packed Bed Media System followed by an At-Grade or drip irrigation absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.22 gal/sq. ft./day for a Mound absorption area, or 0.45 gal/sq. ft./day for the At-Grade or drip irrigation absorption area as required for the sandy loam, massive structure soil horizon.

Lots 9, 11, 13, 15, 17 additional work required for At-Grade consideration

Percolation tests could not be ran at the time of the original soil evaluation work, due to depth of ground water table. For consideration of an At-Grade wastewater system feasibility on these lots, please conduct the required percolation test so that the bottom of the percolation test hole is at 50 inches dep from the original grade.

Lot 20 Additional Work Required: For the feasibility determination on this lot, please conduct the required percolation test so that the bottom of the percolation test hole is at 36 inches dep from the original grade.

ENGINEERING CONSIDERATIONS

- 1) The large storm water/drainage ditch will need to be enclosed for LOT1 and LOT2 to be easily engineered for an At-grade Wastewater Disposal System. If the storm water/drainage ditch is not enclosed, these lots may require a Packed Bed Media system. This item will be reviewed through the subdivision process.
- 2) Additional information will be required to evaluated any impact the 1.6 acre irrigation pond may have on the adjacent lots.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a

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full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,



Summer Day, LEHS III, Program Manager
Environmental Health Division
801-399-7160



Staff Report - Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for design review approval of the Weber Storage Sheds located at approximately 1957 North Rulon White Blvd., in the Weber Industrial Park.
Type of Decision:	Administrative
Applicant:	ARKA Monterey Park LLC. John Hansen (Representative) & Genevieve Blanchard (Project Manager)
File Number:	DR 2021-05

Property Information

Approximate Address:	1957 North Rulon White Blvd., Oden, UT
Project Area:	3.26 Acres
Zoning:	M-1
Existing Land Use:	Vacant
Proposed Land Use:	Commercial Indoor Personal Storage
Parcel ID:	19-174-0001
Township, Range, Section:	Township 7 North, Range 2 West, Section 36 SE Township 6 North, Range 2 West, Section 1 NE

Adjacent Land Use

North:	ARKA Monterey Park	South:	KBR Roofing
East:	Kimberly Clark	West:	Water Storage Pond

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
Report Reviewer:	RG

Applicable Ordinances

- Weber County LUC Title 104, Chapter 21 – Manufacturing Zones (M-1)
- Weber County LUC Title 108, Chapter 1 – Design Review
- Weber County LUC Title 108, Chapter 2 – Architectural, Landscape, and Screening Design Standards (**M-1 Zone EXEMPT from the requirements of this chapter**)
- Weber County LUC Title 108, Chapter 8 – Parking and Loading Space, Vehicle Traffic and Access Regulations
- Weber County LUC Title 110, Chapter 1 – Western Weber Signs

Summary and Background

The applicant is requesting an administrative design review approval of a proposed indoor self-storage facility in the M-1 Zone and Weber Industrial Park. The applicant has designed the proposed structure to be primarily constructed of color matched decorative masonry stone/cement block along the frontage with Rulon White Blvd. (front), color matched metal sheeting (sides), and decorative masonry stone/cement block (rear), with standard Galvalume metal roofing (see **Exhibit A**). The project includes a large wrap-around storage building (~45,000 sq. ft.), a large center storage building (~32,000 sq. ft.), a smaller stand-alone storage building (~2,500 sq. ft.), and an on-site office (~1,350 sq. ft.) for a total building area of about 82,000 sq. ft.

Analysis

Zoning: The proposed structures are located in the M-1 zone. This zone allows for indoor self-storage for personal and household items as a permitted use. The M-1 zone does not allow for any dwelling units except for a night watchman or guard and their family. Additional review would be required if such a use were proposed by the applicant.

- The site plan shows that the proposed buildings are compliant with the following site development standards for the M-1 Zone:

Minimum lot area: None;

Minimum lot width: 100 feet;

- The lot is 347.85 feet wide

Minimum front yard setback: 50 feet (On ROWs of 80 feet or wider. Rulon White Blvd. is 80 feet wide);

- The proposed structures are a minimum of 57 feet from the front lot line.

Minimum side yard setback: None;

- The proposed structure is 5 feet from the North side lot line and 10.85 feet from the south side lot line (accommodates the 10-foot PUE that runs along the south lot line).

Minimum rear yard setback: None;

- The structure is 0 feet from the West rear lot line.

Building Height: Minimum height of 1 story and a maximum height of 35 feet.

- The proposed structures are one story and 16 feet tall at their tallest point.

Lot Coverage: 80 percent maximum lot coverage ratio.

- With about 82,000 sq. ft. of proposed structures (1.88 acres), and a total lot area of 3.258 acres, the lot coverage ratio = 57.7%

Design Review: All new commercial and manufacturing structures in the M-1 Zone requires a design review (as outlined in LUC §108-1) to ensure that the general design, layout, and appearance of commercial sites and buildings is orderly and harmonious with the surrounding neighborhood. LUC §108-1-2(a) indicates that design review applications for buildings in the M-1 zone with a footprint of more than 10,000 square feet, and which impact an area of more than one acre, must be reviewed and approved by the Planning Commission.

As part of a design review, the Planning Commission shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. Considerations for Design Review, per LUC Sec. 108-1, is given to the following criteria. Staff Analysis follows each criteria:

- *Traffic safety and traffic congestion:*
 - The project will take access directly off of Rulon White Blvd. through a primary access and egress drive. The proposed layout also provides for an emergency vehicle access that is accessible across an all-weather access surface and through a crash gate. The proposal will increase traffic along Rulon White Blvd., but is not anticipated to cause congestion. The project incorporates 4 visitor parking stalls and 1 ADA stall for a total of 5 stalls adjacent to the leasing office.
 - Per LUC Sec. 108-8-4 (Parking Space for Non-Dwelling Buildings and Uses), uses not listed in the common use table shall have their parking requirements established by the Planning Commission based on a reasonable number of spaces for staff and customers, and similar requirements of like businesses.
 - Planning staff believe that 5 stalls (1 ADA and 4 standard stalls) is sufficient for the anticipated customer demand. The majority of visitors will already have leases for storage units and will not need parking. Spaces will only be needed for new customers of those seeking customer service.
- *Outdoor advertising:*
 - At present, the applicant has not proposed the installation of any associated signage. Any future signage will need to be reviewed through a separate design-review application.
- *Landscaping:*
 - The project must use landscaping and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, to conceal storage areas, or to provide a visual break from the monotony of building materials.

- The project is required to include a minimum of 10% landscaped area for the site with consideration of drought resistant and water conserving landscape materials.
 - The proposed landscaping plan incorporates a landscaped area totaling 0.69 acres. This equates to 21% of the overall site area.
 - The proposed landscape plan meets the minimum standards of LUC Sec. 108-1-4(c). by meeting the minimum planting sizes for trees and shrubs, minimizing the use of turf grasses (0%), utilizes automatic drip irrigation for 100% of the landscaped area for water conservation, and employs a decorative gravel mulch for ground cover.
 - Planning staff believes that more robust and taller plantings could help to break up the long and monotonous facades along the side lot lines of the development. The zero setback proposed along the rear lot line backs up to an existing detention pond/basin. As such, the rear façade is less of a design concern.
 - As a recommendation, staff would like to see an updated landscaping plan to address this concern. However, the applicant has indicated that they will be updating their landscaping plan accordingly and will bring the updated plan to the Planning Commission meeting for consideration.
- *Building and site layout:*
 - The site plan and building elevations show that the proposed buildings are compliant with the site development standards for the M-1 Zone.
 - As a condition of approval, staff recommends that the applicant submit a more detailed architectural elevation of the leasing office. However, the applicant has indicated that they will bring an updated elevation plan to the Planning Commission meeting for consideration.
 - As a conditions of approval, staff recommends that the applicant submit a formal color pallet and materials board for review by the Planning Commission. However, the applicant has indicated that they will bring a color pallet and materials board to the Planning Commission meeting for consideration.
- *Utility easements, drainage, and other engineering questions:*
 - The proposed structure does not conflict with any existing easements or drainage on the lot.
 - The proposal must meet all review agency requirements, including the requirements of the Engineering Division for storm water detention/retention.

Conformance to the General Plan

The proposal conforms to the 2003 West Central Weber General Plan by continuing light commercial/manufacturing development within M-1 Zone (see Page 2-6 – Land Use Element).

Staff Recommendation

The Planning Division recommends approval of file #DR 2021-05 subject to all review agency requirements and the following conditions:

1. An updated landscaping plan shall be submitted that explores the use of more robust and taller plantings along the side lot lines to help break up the long and monotonous building facades.
2. The applicant shall submit a formal color pallet and materials board for review by the Planning Commission.
3. The applicant shall submit a more detailed architectural elevation of the leasing office for review by the Planning Commission.
4. A deferral agreement must be signed and recorded by the applicant to ensure that a sidewalk is installed along the entire property line that abuts Rulon White Blvd. at a time that is desired by the County.
5. Any future proposed signage will need to be reviewed through a separate design-review application.

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project conforms to the 2003 West Central General Plan.

Exhibits

A. Site plan, landscape plan, building elevations, and materials narrative.

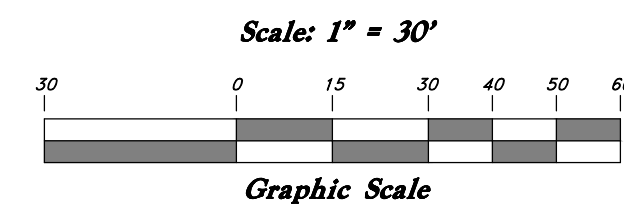
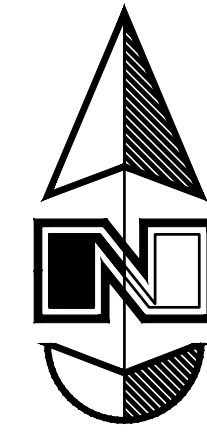
Area Map



Street View



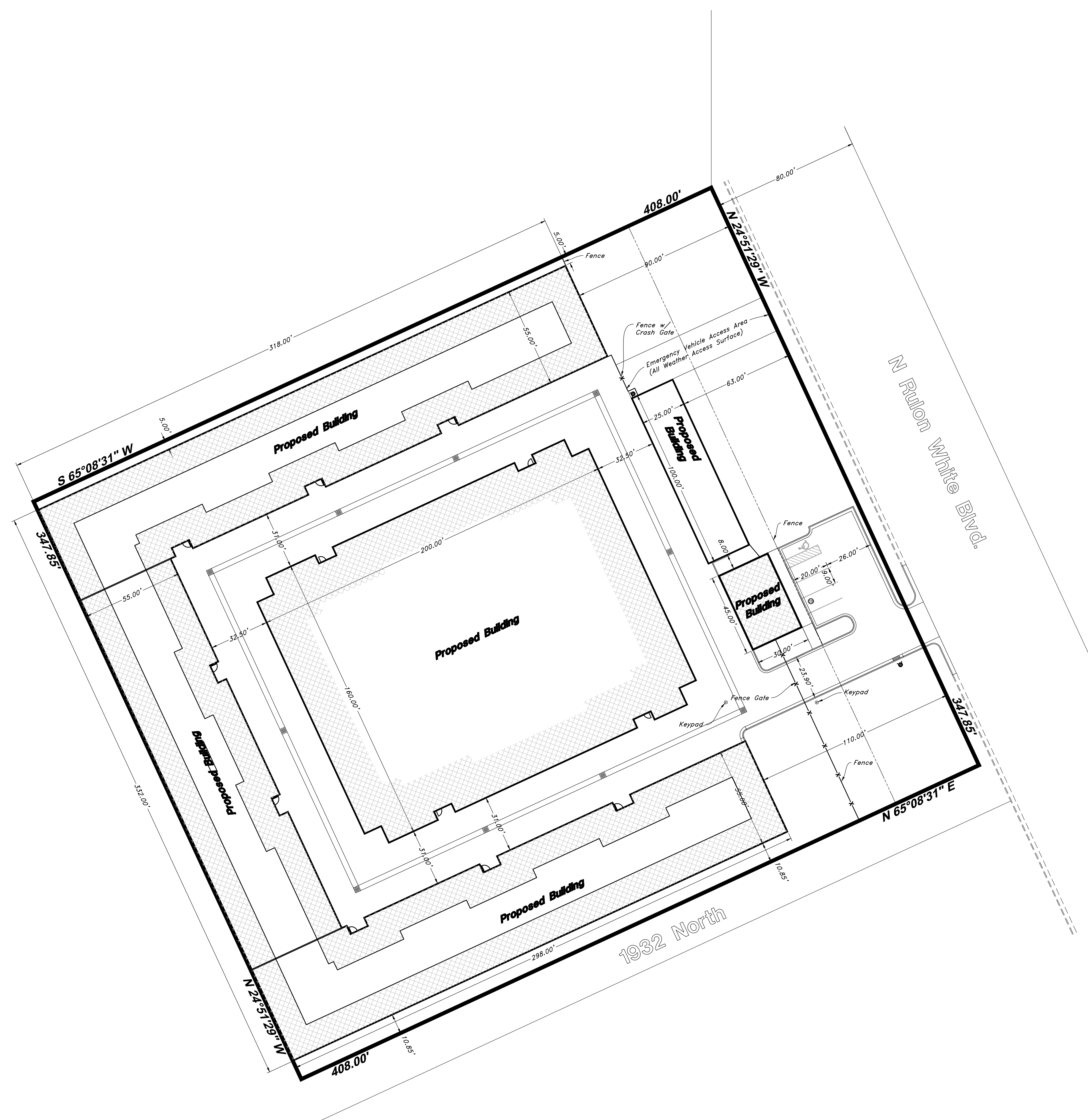
Exhibit A



Legend

(Note: All items may not appear on drawing)

- Keypad
- San. Sewer Manhole
- Water Manhole
- Storm Drain Manhole
- Electrical Manhole
- Catch Basins
- Exist. Fire Hydrant
- Exist. Water Valve
- Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Telephone Line
- Secondary Waterline
- Power Line
- Fire Line
- Land Drain
- Power pole
- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power line
- Corrugated Metal Pipe
- Concrete Pipe
- Reinforced Concrete Pipe
- Ductile Iron
- Polyvinyl Chloride
- Top of Asphalt
- Edge of Asphalt
- Centerline
- Flowline
- Finish Floor
- Top of Curb
- Top of Wall
- Top of Walk
- Top of Concrete
- Natural Ground
- Finish Grade
- Fire Department Connection
- Finish Contour
- Exist. Contour
- Finish Grade
- Exist. Grade
- Ridge Line
- Direction of Flow
- Unused Space
- Existing Asphalt
- New Asphalt
- Heavy Duty Asphalt
- Concrete
- Spill
- Curb & Gutter
- Demo Tree

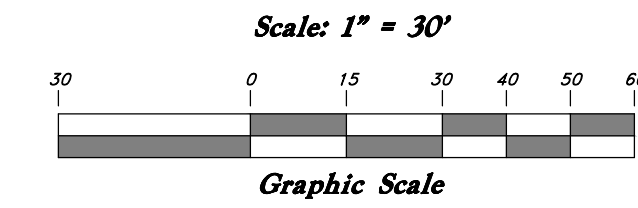
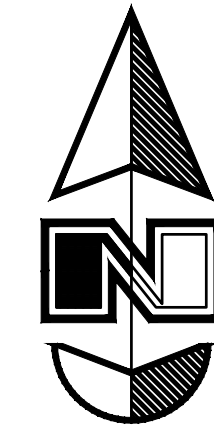


SITE DATA
 Parcel Area 141,922 sq.ft. or 3.258 Acres
 Impervious Surface Area 113,487 sq.ft. or 2.605 Acres
 Building Area 77,089 sq.ft. or 1.769 Acres
 Pervious Surface Area 28,435 sq.ft. (20%)
 Up to 50% of Pervious Surface will be irrigated the remaining area will be xeriscaped with rock and/or 0 Water Plantings
 Parking
 4 Standard Stalls
 1 ADA Stall
 5 Total Stalls

GREAT BASIN ENGINEERING
 5746 SOUTH 1475 EAST OGDEN, UTAH 84403
 MAIN (801)394-4515 S.L.L.C. (801)392-7544
 WWW.GREATBASINENGINEERING.COM

Site Plan
Weber Storage Sheds
 1957 N. Rulon White Blvd.
 Ogden City, Weber County, Utah
 A part of Section ??, T3N, R2W, SLB&M, U.S. Survey

Apr 1, 2021
 SHEET NO.
C1
 21N713



PLANTING NOTES

- EXAMINE THE SITE CONDITIONS, THE SUBGRADE AND VERIFY THE DEPTHS OF TOPSOIL AND MULCH. NOTIFY THE ARCHITECT IN WRITING OF ANY UNSATISFACTORY CONDITIONS. DO NOT BEGIN LANDSCAPE WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN RESOLVED.
- VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO ANY DIGGING. ANY DAMAGE TO EXISTING UTILITIES CAUSED BY THIS CONTRACTOR SHALL BE REPAIRED AT NO ADDITIONAL EXPENSE TO THE OWNER.
- TOPSOIL IS TO BE IMPORTED TO THE SITE, SCREEN AND AMEND AS NECESSARY TO MEET "ACCEPTABLE" STANDARDS FOR TOPSOIL AS DESCRIBED IN "TOPSOIL QUALITY GUIDELINES FOR LANDSCAPING" (KOEING, ISAMAN, UTAH STATE UNIVERSITY) <http://extension.usu.edu/files/publications/publication/AG-50-02.pdf> CONTRACTOR IS RESPONSIBLE FOR PROVIDING 12" OF TOPSOIL AROUND SHRUBS AND TREES PER DETAIL.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINISH GRADE ELEVATIONS. ALLOW FOR A MINIMUM OF 6" THICK MULCH LAYER. COORDINATE ROUGH GRADING WITH THE GENERAL CONTRACTOR.
- ALL PLANT MATERIAL MUST MEET THE SIZES AS INDICATED ON THE PLANT SCHEDULE. PLANT MATERIAL THAT DOES NOT MEET THE QUALITY STANDARDS OF THE PROJECT WILL BE REFUSED BY THE LANDSCAPE ARCHITECT.
- TURFGRASS SOD SHALL BE CERTIFIED NUMBER 1 QUALITY/PREMIUM SOD - SEE SPECIFICATIONS

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	GAL	SIZE
CAR FRA	1	Carpinus betulus 'Franz Fontaine' / Franz Fontaine Hornbeam	B&B	2"Cal	
GYM DIO	2	Gymnocladus dioica 'Espresso' / Kentucky Coffeetree	B&B	2"Cal	
PIN ORE	10	Pinus nigra 'Oregon Green' / Oregon Green Pine	B&B		6-7' HT
ZEL MUS	5	Zelkova serrata 'Musashino' / Sawleaf Zelkova	B&B	2"Cal	

SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
PIN SLO	23	Pinus mugo 'Slowmound' / Mugo Pine	5 gal
PRU OTT	38	Prunus laurocerasus 'Otto Luyken' / Luykens Laurel	5 gal
RHU GRO	60	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal
RHU TYP	11	Rhus typhina / Staghorn Sumac	5 gal
RIB RED	18	Ribes rubrum 'Red Lake' / Red Lake Currant	5 gal
ROS KNO	15	Rosa x 'Knockout' TM / Rose	5 gal

GRASSES	QTY	BOTANICAL / COMMON NAME	SIZE
CAL KAR	23	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	1 gal
DES CAE	8	Deschampsia cespitosa 'Northern Lights' / Northern Lights Hair Grass	1 gal

GROUND COVERS

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	TYPE
	30,273 sf	Decorative Gravel Mulch / 1.5"-2" Washed Crushed/Angular Gravel	Stone Mulch	
		Place 3" Deep Over Dewitt Pro5 Weed Barrier Fabric		

LANDSCAPE IRRIGATION AREA CALCULATIONS

TOTAL SITE AREA: 141,922 SF (2.33 ACRES)

TOTAL LANDSCAPE AREA: 30,273 SF (0.69 ACRES)

LANDSCAPE % OF TOTAL AREA: 21.33%

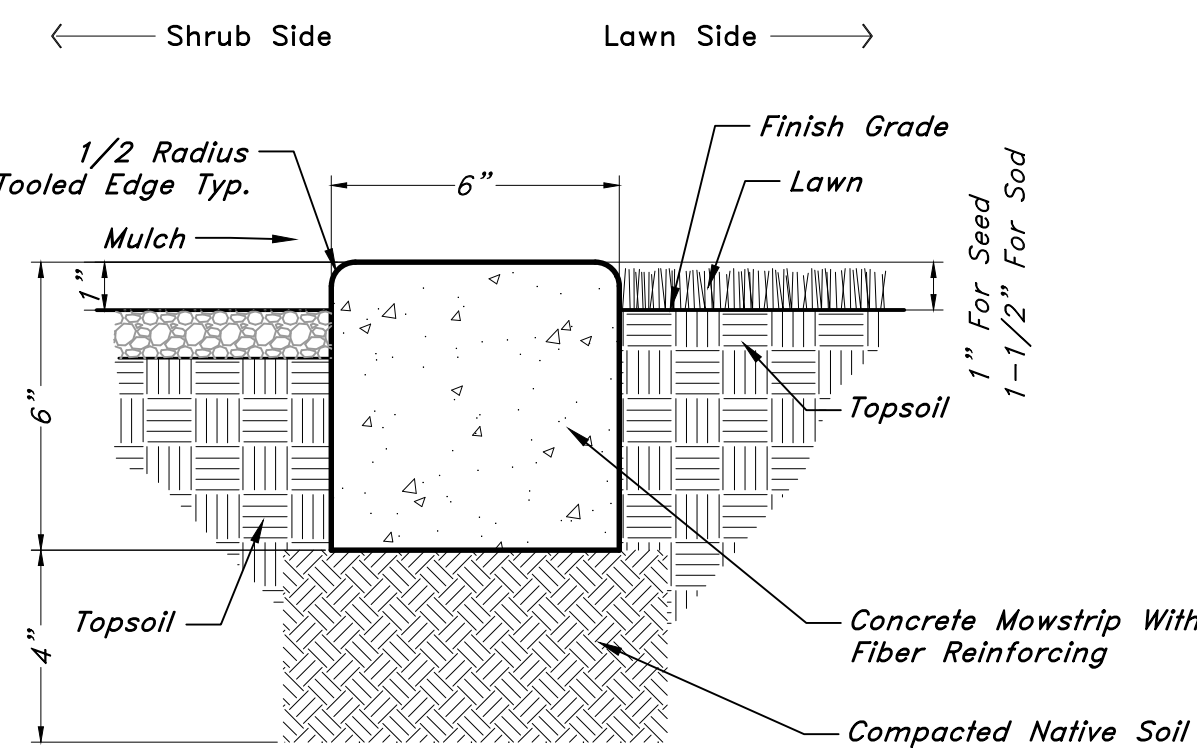
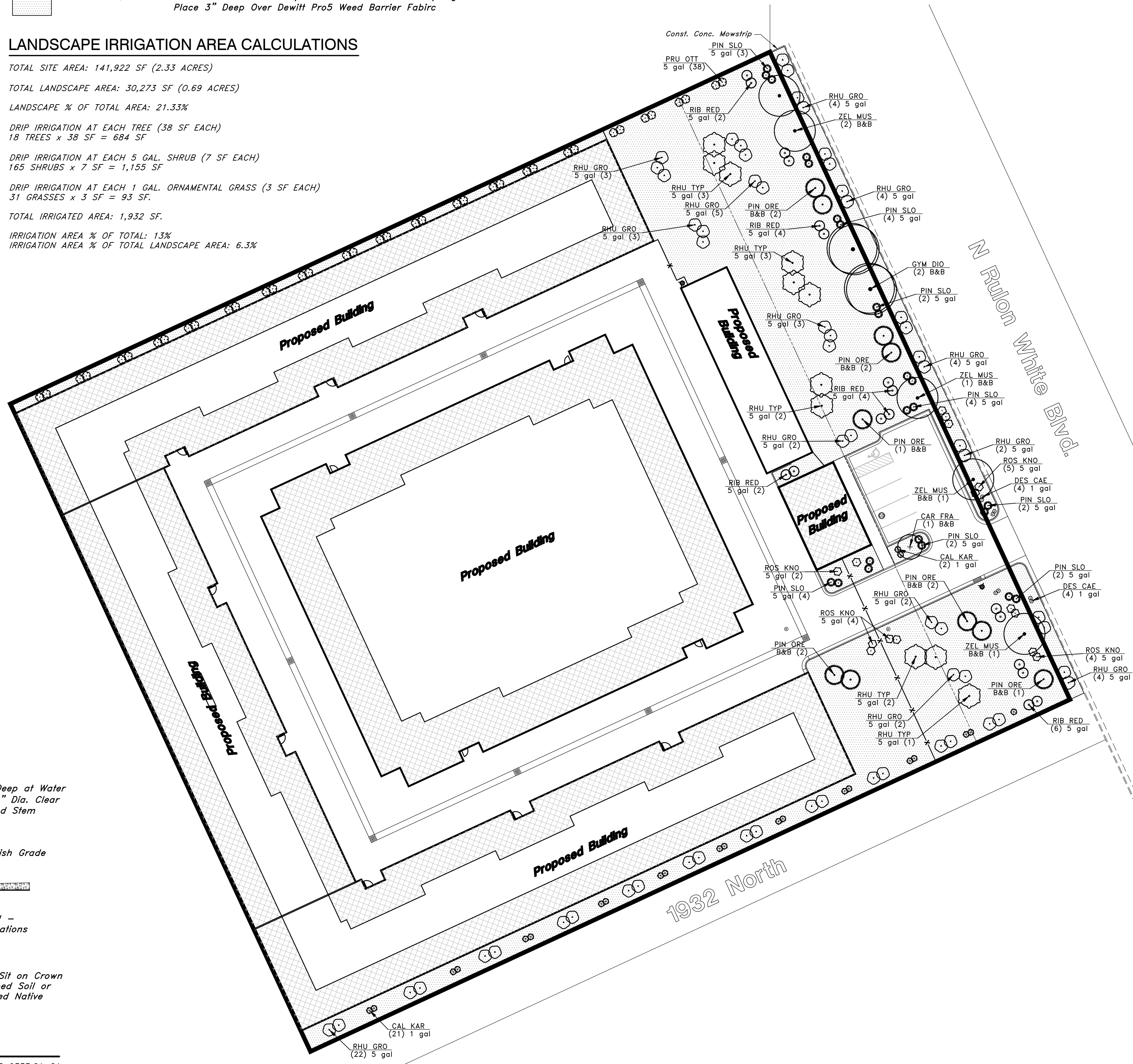
DRIP IRRIGATION AT EACH TREE (38 SF EACH)
18 TREES x 38 SF = 684 SF

DRIP IRRIGATION AT EACH 5 GAL. SHRUB (7 SF EACH)
165 SHRUBS x 7 SF = 1,155 SF

DRIP IRRIGATION AT EACH 1 GAL. ORNAMENTAL GRASS (3 SF EACH)
31 GRASSES x 3 SF = 93 SF

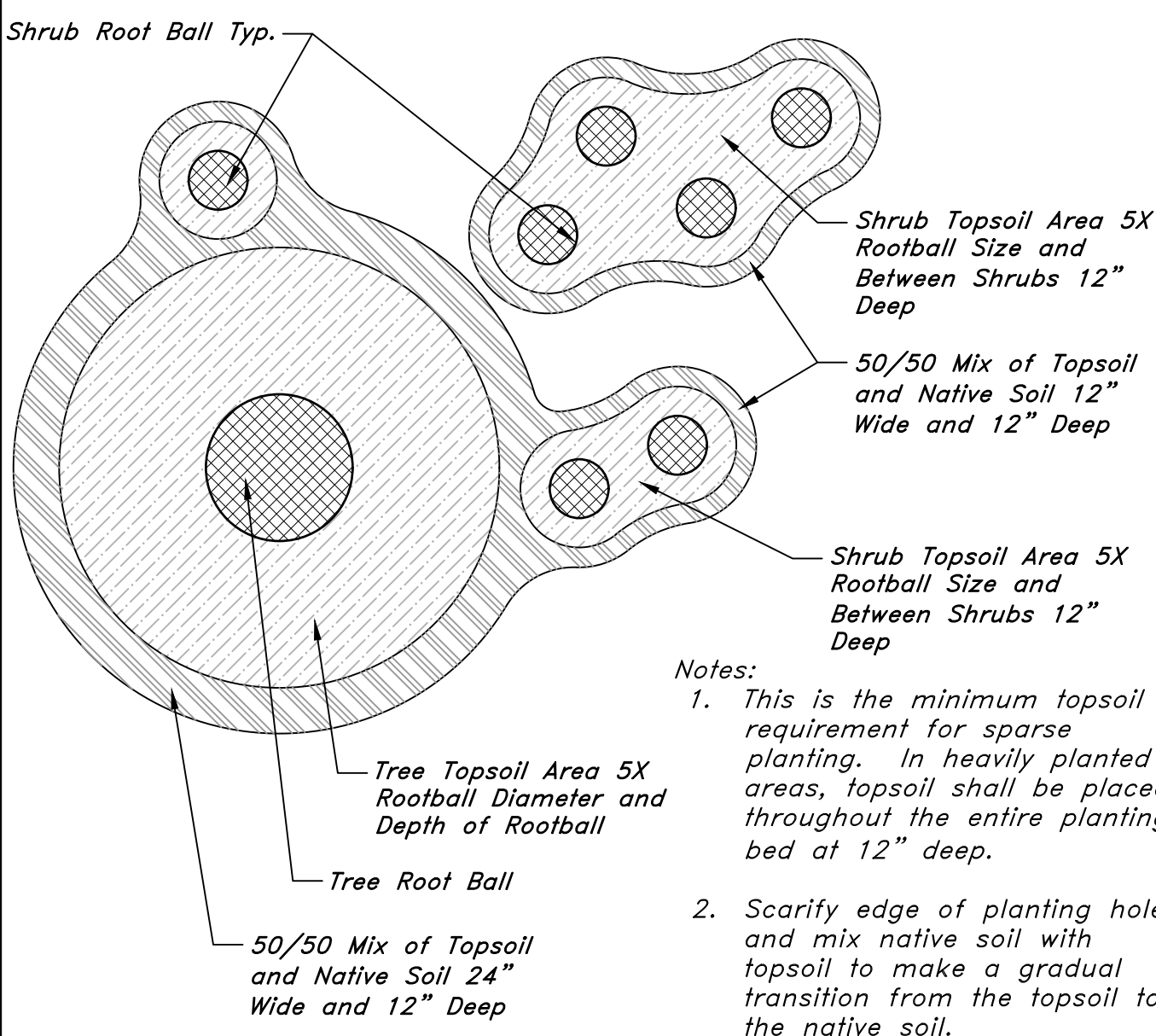
TOTAL IRRIGATED AREA: 1,932 SF.

IRRIGATION AREA % OF TOTAL: 1.3%
IRRIGATION AREA % OF TOTAL LANDSCAPE AREA: 6.3%



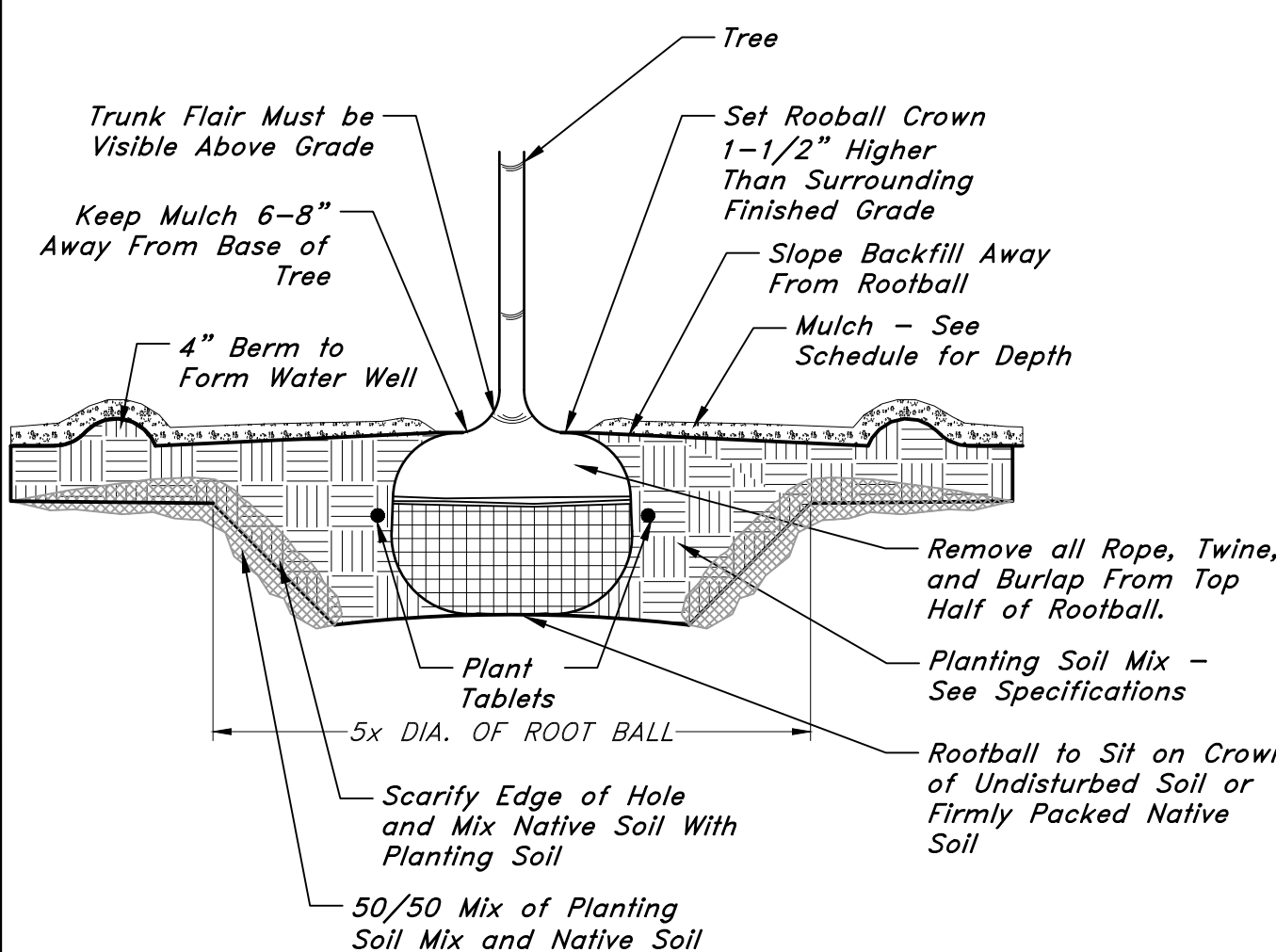
4 6" MOWSTRIP

3" = 1'-0" 329413.19-07



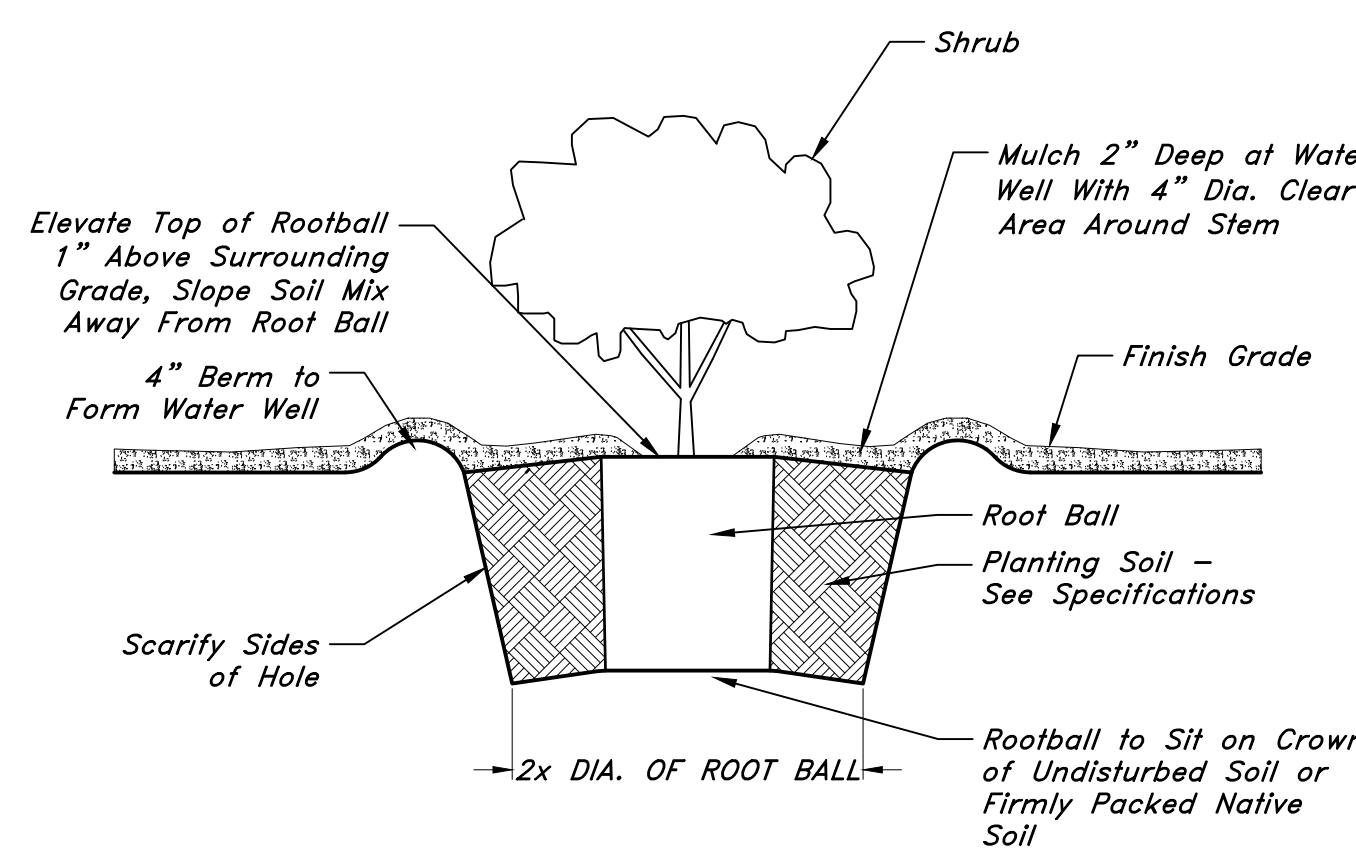
3 TOPSOIL PLACEMENT AT SHRUBS AND TREES

NTS 32 9406-01



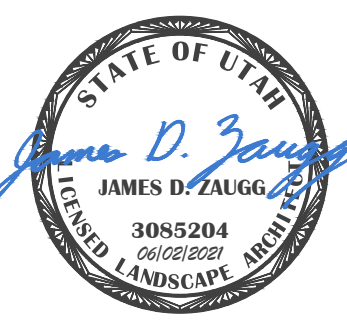
2 TREE PLANTING

NTS 32 9343.01-01



1 SHRUB PLANTING

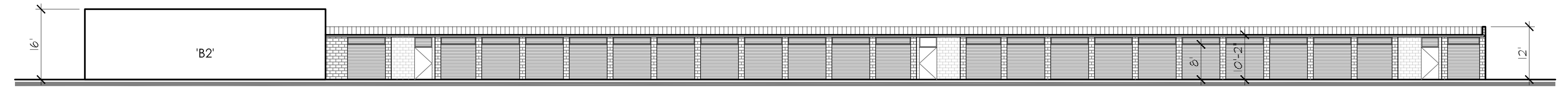
NTS 32 9333.01-01



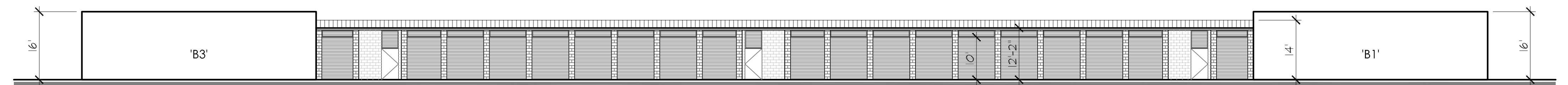
GREAT BASIN ENGINEERING
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 WWW.GREATBASINENGINEERING.COM

Landscaping Plan
Weber Storage Sheds
 1957 N. Rulon White Blvd.
 Ogden City, Weber County, Utah
 A part of Section ??, TPN, R2W, SLB&M, U.S. Survey

Exhibit A



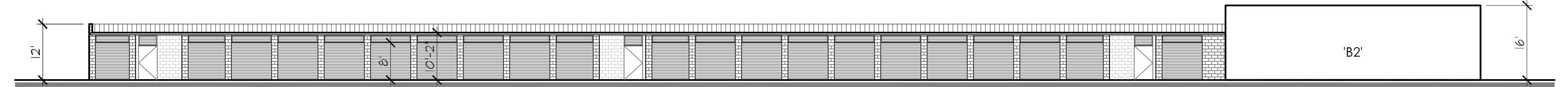
BLDG. 'B1' SOUTH ⑤



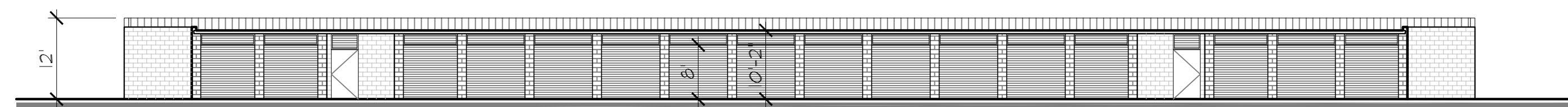
BLDG. 'B2' EAST ⑥



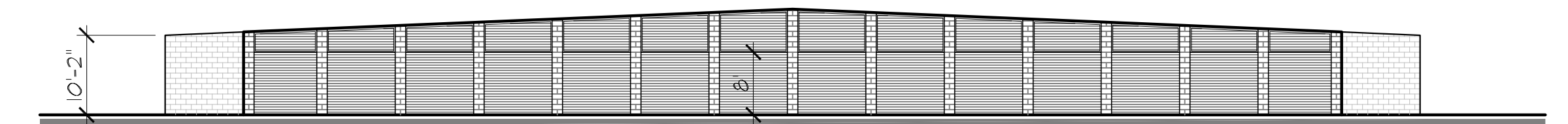
BLDG. 'A' WEST ⑧



BLDG. 'B3' NORTH ⑦



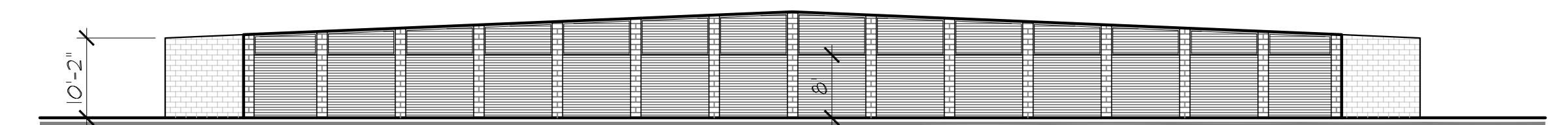
BLDG. 'C' NORTH ⑩



BLDG. 'C' EAST ⑨

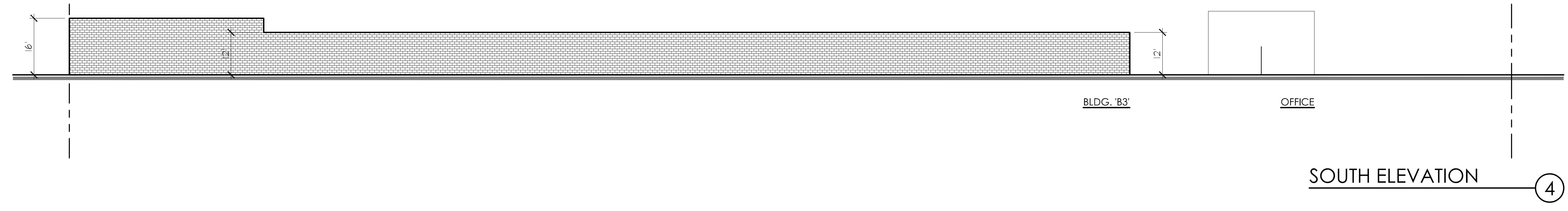
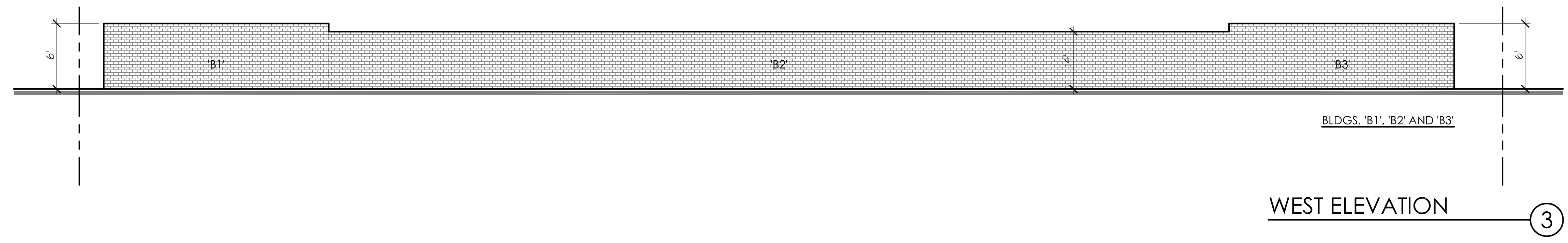
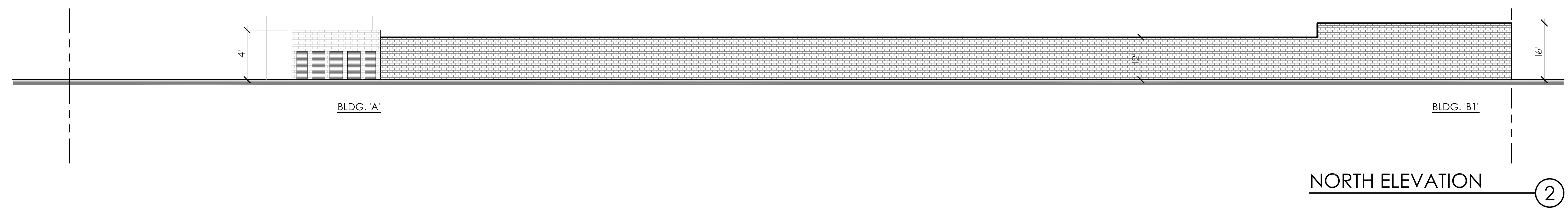
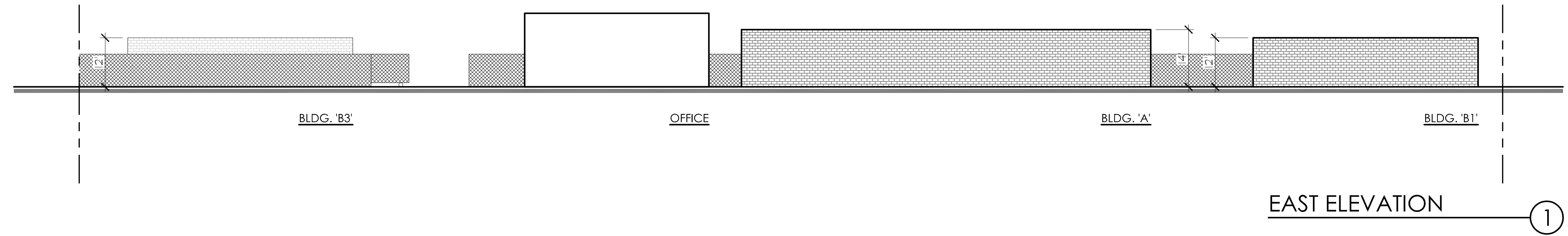


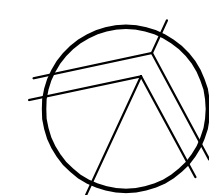
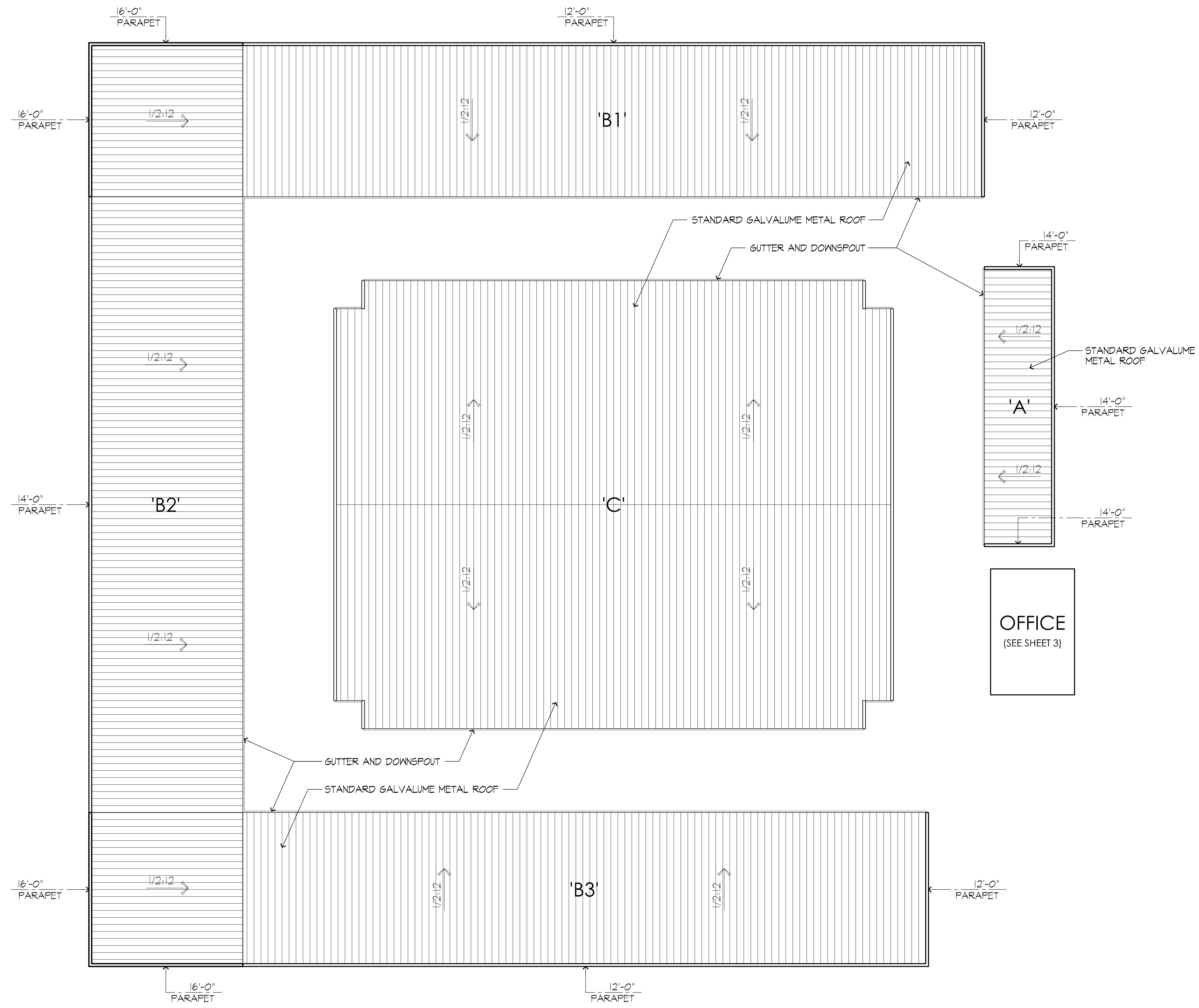
BLDG. 'C' SOUTH ⑫



BLDG. 'C' WEST ⑪

Exhibit A





Fencing and Exterior Building Details

Frontage:

- All fencing will be black wrought iron – including all entrance/exit gates.
- Exterior building material facing Rulon White Blvd. – decorative masonry stone to match project color design.

Sides:

- Existing six-foot chain link fence.
- Exterior building material will be metal to match project color design.

Back:

- Existing six-foot chain link fence.
- Exterior building material on the rear property line will be decorative masonry stone to match project color design.

*All interior-facing building walls will be metal to match project color design.