

Policy Analysis

Section 102-5-6 of the Land Use Code provides direction regarding the duties of the Planning Commission when taking action on legislative items such as rezones:

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the Planning Commission and County Commission are encouraged to consider the following factors, among other factors they deem relevant:

Each of the following sections is the staff's analysis of relevant factors when considering a rezone request. The following sections provide information to help the Planning Commission evaluate the request. Each subsequent section will be titled, County Rezoning Procedure (with its relevant factor).

County Rezoning Procedure (a)

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*

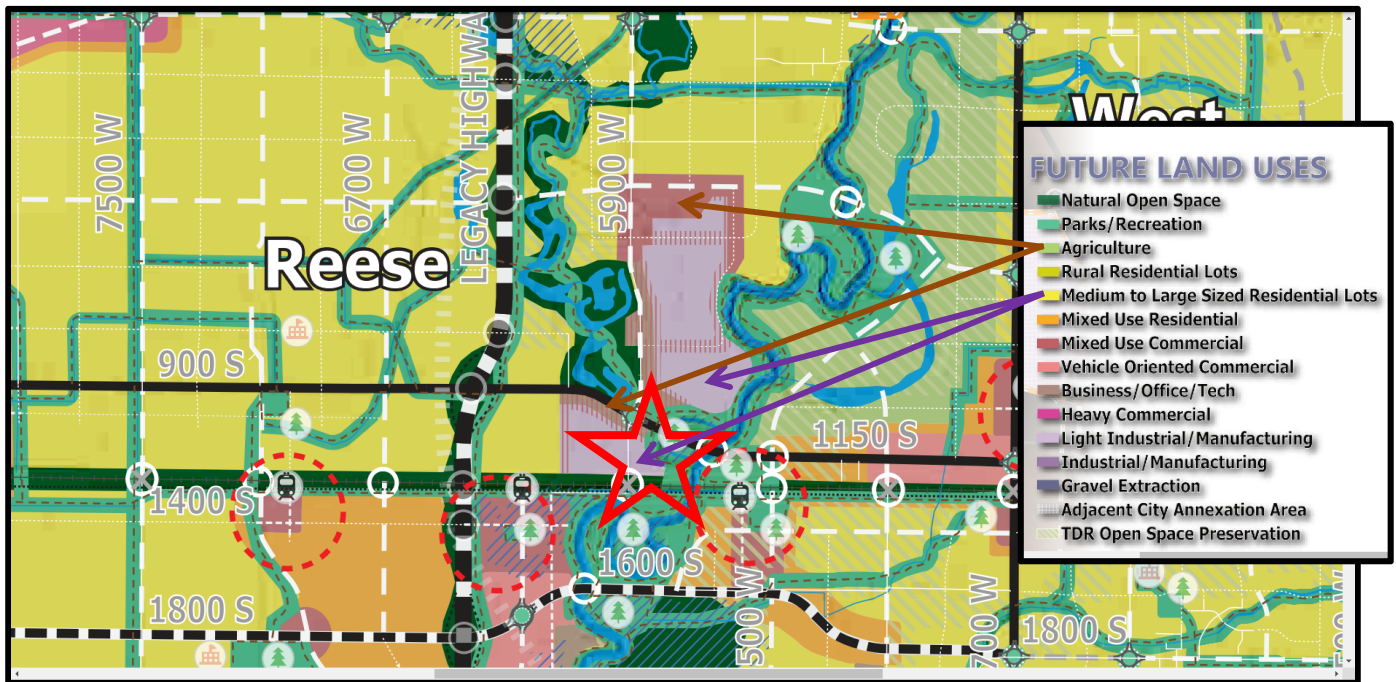
Western Weber General Plan: Below is an image of the property shown on the Future Land Use Map of the Western Weber General Plan. This map indicates that the property is indicated as areas allowing for Light Industrial/Manufacturing and Business/Office/Tech. The General Plan, page 58, states the following regarding these land use types:

GOAL 3 – BUSINESS, TECH, & INDUSTRY: As part of the County's economic growth strategy, the County will pursue options to bring basic sector jobs to the area. In appropriate locations, Weber County will strive to attract a diversity of basic sector jobs, including tech, innovation jobs, industrial, and manufacturing jobs.

Further, the General Plan goes on to explain that:

Land Use Action Item 3.1.2: Provide adequate locations for an office or tech park. As provided in Land Use Action Item 2.4.2, because of the quiet nature of an office or tech park, this use can buffer heavier commercial or industrial uses from residential or mixed-use village areas.

The proposed development of this property appears to comply with the spirit of the General Plan, providing for a transition from light manufacturing, office, and technology uses to lower density agricultural and residential lots.



County Rezoning Procedure (b)

b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.

The purpose and intent of the M-T zone is listed in 104-21-1 as follows:

The purpose of the Manufacturing and Technology (M-T) District is to provide for and encourage the development of well-planned and designed technological and manufacturing parks. These areas are characterized by uses such as research, development, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These areas are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses.

The surrounding area consists mainly of undeveloped and/or agriculture or residential lots. The proposed zoning map amendment would allow for some light manufacturing, employment-based development in technology or research-type uses. Limited in scope, these uses are not incompatible with the surrounding existing uses.

County Rezoning Procedure (c)

c. The extent to which the proposed amendment may adversely affect adjacent property.

The permitted and conditional uses listed in the M-T zone are primarily light manufacturing, indoor storage, and research and technology uses that are not expected to adversely impact adjacent properties. There are currently processes and ordinances that landowners in this area are required to follow during the county’s subdivision review and design review process for development of this land. The subdivision and design review process are intended to help mitigate adverse impacts of the allowed uses in each zone. The development will also be subject to a development agreement which will govern the layout, construction and design, and final uses of the project as well.

County Rezoning Procedure (d)

- d. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*

The subject properties are not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, or floodplain mapped on the property. The development will only take place outside of the river protection buffer agreed upon in the existing Development Agreement for the Promontory Commerce Center, adjacent to this property and developed to the north along the Weber River.

County Rezoning Procedure (e)

- e. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

Staff has not requested traffic mitigation plans at this point. The possible addition of 20 acres of manufacturing uses may have a significant impact on the existing public streets in the area. However, it is expected that the impact fees paid by the builders of new dwellings will help keep the existing streets at an acceptable level of service. If the Planning Commission and County Commission would like a traffic mitigation plan, it is recommended to request one before making a decision on the rezone.

County Rezoning Procedure (f)

- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, wastewater, and refuse collection.*

During the subdivision review process, the developer will be required to upgrade certain roadway infrastructure as a result of the increased impact to public streets in the area. Planning staff have not requested a traffic mitigation plan or traffic study. The Planning Commission and County Commission may request that information before making a decision on the proposed rezone.

Staff has not reached out to police, schools, and refuse collection to determine if adequate services exist for this rezone, however, the Planning Commission and County Commission may wish to consult these service providers if they feel it is warranted. The Developer has agreed to dedicate a portion of the land for the future construction of a Fire District station at this location.

Staff Recommendation

Staff recommends that the Planning Commission approve the requested zoning map amendment application, based on the following:

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

And with the following stipulation:

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

Model Motion

The model motions herein are only intended to help the planning commission provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

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

Example findings:

- The zone change is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table**:

I move that we **table** action on File # ZMA 2023-16, an applicant driven rezone application to amend the zoning map on 19.43 acres from A-2 to the M-T zone, property located at approximately 5900 W 900 S, Ogden, **to [state a date certain _____], so that:**

Examples of reasons to table:

- We have more time to review the proposal.
- Staff can get us more information on [_____ specify what is needed from staff _____].
- The applicant can get us more information on [_____ specify what is needed from the applicant _____].
- More public noticing or outreach has occurred.
- [_____ add any other desired reason here _____].

Motion to recommend **denial**:

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

Examples of findings for denial:

- The proposal is not adequately supported by the General Plan.
- The proposal is not supported by the general public.
- The proposal runs contrary to the health, safety, and welfare of the general public.
- The area is not yet ready for the proposed change to be implemented.
- [_____ add any other desired findings here _____].

Exhibit A - Application narrative.



SEPTEMBER 2023

Weber County Rezone Application

Hancock & Rafter K Parcels

Daniel Stephens

BlackPine

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Project Narrative

On August 16, 2022, the Weber County Commissioners approved a new Western Weber General Plan with considerable thought and foresight focused on community and economic growth to support the needs of Western Weber County. As part of the future vision of the Western Weber General Plan, the Planning Commission and Commissioners identified a 380+ acre area on 12th Street and 5900 W (currently known as the Wadeland Farm & Dairy and surrounding parcels) as a key contributor to the economic growth and employment for Weber County. Since that time, the County has begun to enact its vision by approving the rezoning of the majority of this area to the Manufacturing and Technology (M-T) land use. This application is requesting that 2 additional parcels (~20 acres), within this area, be rezoned to the same M-T land use.

How is the change in compliance with the General Plan?

BlackPine and Gardner are seeking to rezone the subject land from its current agricultural use to the Manufacturing and Tech (M-T) land use. This proposed change is in line with the land uses proposed for these parcels in the recently adopted West Weber General Plan. The proposed zoning change will greatly assist the County in achieving Land Use Goal 3 of the General Plan. The goal is as follows:

“Land Use Goal 3, Business, Tech, and Industry: As part of the County’s economic growth strategy, the County will pursue options to bring basic sector jobs to the area. In appropriate locations, Weber County will strive to attract a diversity of basic sector jobs, including tech, innovation jobs, industrial, and manufacturing jobs.”

The subject land would be included in a broader development of the area that has already been approved by the County, referred to as *Promontory Commerce Center*. As a part of this broader project, this rezone would facilitate the development of a blended business and industrial park that is projected to yield over **3,800 direct jobs and roughly 2,600 indirect jobs** per an economic impact study performed by Newmark. Rezoning the requested parcels would also foster continuity of a pleasant and harmonious look and feel throughout the broader area. The combination of size, location, proximity to both I-15 and the future Legacy Corridor, proximity to rail line, and access to one of the nation’s most qualified workforces makes this site a prime candidate for economic growth, job creation, and industrial land use in Weber County.

Why should the present zoning be changed to allow this proposal?

With the adoption of the new West Weber General Plan, the subject site is no longer planned for agricultural use. The zoning change requested is in line with what has been approved in the General Plan.



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How is the change in the public interest?

BlackPine and Gardner plan to donate approximately two acres to the Weber Fire Department for the future development of a new fire station. With the future growth anticipated by the West Weber General Plan, having a fire station with proximity to this area would greatly benefit the health, safety, and welfare of residents and businesses.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

Since the adoption of the General Plan, the County has created the Manufacturing and Technology zone to align with their vision for land use in this area. The County has already rezoned ~355 acres of land adjacent to this property to the new Manufacturing and Technology zone.

Weber County's employment base, location, and manufacturing specialty makes it an attractive market for potential Manufacturing and Technology tenants. Over the last 5 years, Ogden's population has grown by 8.3%, providing new businesses with available laborers to fill open positions. Even amidst a 7.4% job growth rate over the last 5 years, Weber County's unemployment rate remains historically low at 2.3%, which speaks to the quality of the local labor force. Weber County's cost of living is also approximately 4.4% lower than other nearby major metros, making it an attractive option for employees seeking refuge from inflated cost of living. Weber County's national connectivity through interstate and rail infrastructure makes it a natural candidate for large, national tenants who are looking to expand. Roughly 40% of Weber County's labor force works in industrial related industries, producing over \$3.2B of manufacturing exports annually. All these drivers suggest an opportunity and need for further development of space similar to what would be offered by the future development of this property.

How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?

Health: BlackPine and Gardner are exploring multiple environmentally conscious development initiatives that would promote the overall health of the surrounding geographic area (solar energy, environmentally friendly building materials, etc.). The approval of this rezone request would also facilitate major infrastructure improvements that would allow for easier and cleaner access to culinary water, secondary water, and sewer for the inhabitants of West Weber.

Safety: As previously mentioned, BlackPine and Gardner plan to donate approximately two acres along 12th street to the Weber Fire Department for the future development of a new fire station. This would greatly benefit the safety of individuals and businesses in this area.

Welfare: The development of this broader area is expected to create over 6,400 direct and indirect jobs, approximately \$1.4B in annual GDP, and over \$350M of annual employee compensation for the

area. This amount of economic growth and development will dramatically impact the inhabitants of West Weber County in a positive way.

Describe the project vision

The development of this land would be similar to that of *Promontory Commerce Center*, a development previously approved by the County. The details of the development are contained within a development agreement attached to this application.



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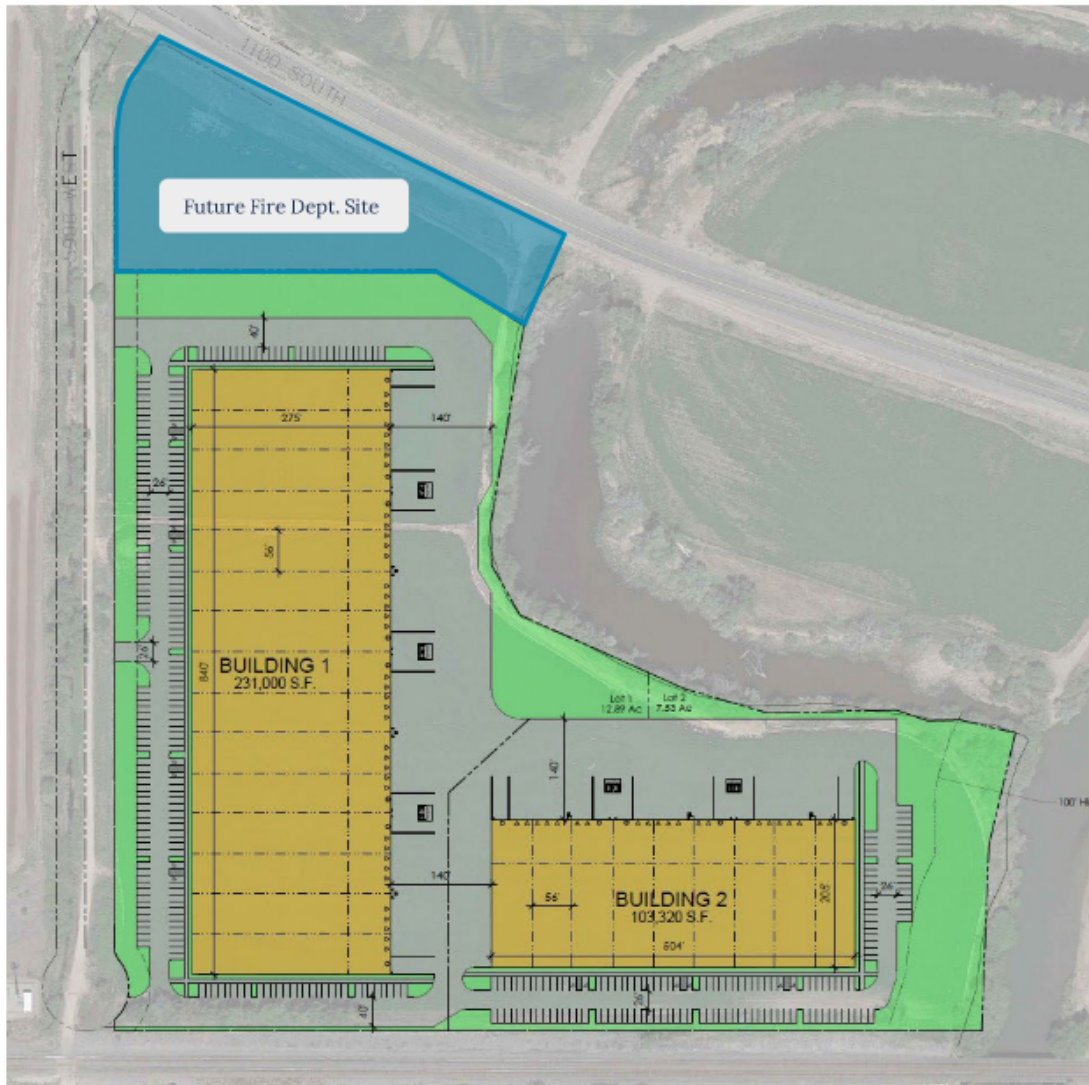
Concept Development Plan

- 1) Inventory of general land use types located within the project and the surrounding area
 - a) Current land use types are agricultural.
 - b) Per the West Weber General Plan, the land uses on this site are designated for Manufacturing and Technology (M-T) uses.
- 2) Approximate locations and arrangements of buildings, structures, facilities, and open space
 - a) See **Exhibit A: Preliminary Site Plan**
- 3) Architectural rendering of proposed buildings, structures, facilities, and open space within the project
 - a) See **Exhibit B: Preliminary Renderings**
- 4) Access and traffic circulation patterns and approximate location of parking
 - a) See **Exhibit A: Preliminary Site Plan**
- 5) Written description explaining how the project is compatible with surrounding land uses
 - a) See project narrative above
- 6) Existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.)
 - a) See **Map 1: Site Characteristics**
- 7) Existing and proposed infrastructure
 - a) Infrastructure for this property will be provided by the *Promontory Commerce Center* development.
- 8) Project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone
 - a) Current surrounding land uses are agricultural.
- 9) Legal Description of the property being proposed for rezone
 - a) See **Exhibit C: Legal Description**

Map 1: Site Characteristics



Exhibit A: Preliminary Site Plan*



*subject to change



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Exhibit B: Preliminary Renderings*



*Subject to change



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Parcel 1:

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT ON THE EAST LINE OF THE COUNTY ROAD, SAID POINT BEING SOUTH 606 FEET AND EAST 66 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH TO A POINT 90 FEET NORTH OF THE CENTER LINE OF THE RIGHT-OF-WAY OF THE SOUTHERN PACIFIC COMPANY; THENCE EAST PARALLEL TO SAID CENTER LINE 1180 FEET; THENCE NORTH 362 FEET TO THE CENTER OF WEBER RIVER CHANNEL; THENCE UP

SAID CHANNEL AS FOLLOWS: NORTH 58°4' WEST 572.7 FEET; THENCE NORTH 11°4' WEST 224 FEET; THENCE NORTH 62°20' WEST 185 FEET; THENCE NORTH 27°40' EAST 105 FEET; THENCE NORTH 62°20' WEST 605 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ANY PART THEREOF LYING NORTH OF CENTER OF OLD SLOUGH AND CONVEYED BY DEEDS IN [BOOK 546 PAGES 272 & 273](#).

LESS AND EXCEPTING ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE WEBER COUNTY BY QUIT CLAIM DEED RECORDED MAY 28, 2015 AS ENTRY NO. [2737798](#) OF OFFICIAL RECORDS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATE IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH, ALSO KNOWN AS PROJECT NO. LG_WC_1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER CONTROL LINE OF THE 1200 SOUTH STREET (1100 SOUTH STREET) ROAD WIDENING PROJECT (LG_WC_1200 SOUTH) AND AN EXTENSION OF THE GRANTORS WEST PROPERTY LINE, SAID POINT LIES 497.77 FEET SOUTH ALONG THE WEST LINE OF SAID SECTION 19 AND 66.00 FEET EAST FROM THE NORTHWEST CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 60°16'46" EAST 283.67 FEET ALONG SAID CENTER CONTROL TO A POINT OF CURVATURE ON CENTER CONTROL LINE OF SAID PROJECT; THENCE 371.88 FEET ALONG THE ARC OF A 4495.20 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE EQUALS 04°44'24" AND LONG CHORD BEARS SOUTH 62°38'58" EAST 371.78 FEET) ALONG CENTER CONTROL LINE OF SAID 1200 SOUTH STREET (1100 SOUTH STREET) PROJECT TO THE INTERSECTION OF AN EXTENSION OF GRANTOR'S PROPERTY LINE AND SAID CENTER CONTROL LINE; THENCE SOUTH 27°40'00" WEST 50.05 FEET ALONG AN EXTENSION OF SAID PROPERTY LINE TO A POINT ON THE PROPOSED SOUTH RIGHT OF WAY LINE OF SAID 1200 SOUTH STREET (1100 SOUTH STREET) PROJECT; THENCE ALONG SAID PROPOSED SOUTH RIGHT OF WAY LINE TWO (2) COURSES AS FOLLOWS: (1) 373.67 FEET ALONG THE ARC OF A 4545.20 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE EQUALS 04°42'37" AND LONG CHORD BEARS NORTH 62°38'05" WEST 373.56 FEET) TO A POINT OF TANGENCY, (2) NORTH 60°16'46" WEST 255.13 FEET TO A POINT ON AN EXTENSION OF SAID WEST PROPERTY LINE THENCE NORTH 57.57 FEET ALONG AN EXTENSION OF THE WEST PROPERTY LINE TO THE POINT OF BEGINNING. THE PRECEEDING DESCRIPTION NEEDS TO BE ROTATED 00°27'56" CLOCKWISE TO MATCH PROJECT ALIGNMENT.

Parcel 2:

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING IN THE CENTER OF THE WEBER RIVER 933 FEET



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SOUTH AND 745 FEET EAST OF THE NORTHWEST CORNER OF SECTION 19, RUNNING THENCE SOUTHWESTERLY ALONG THE RIVER 8 RODS; THENCE NORTHWESTERLY PARALLEL TO COUNTY ROAD 165 FEET; THENCE NORTHERLY PARALLEL TO RIVER 6.5 RODS TO COUNTY ROAD; THENCE SOUTH 74°1' EAST 142.6 FEET TO BEGINNING.
LESS AND EXCEPTING THEREFROM THE FOLLOWING LEGAL DESCRIPTION IN THAT CERTAIN QUIT CLAIM DEED TO WEBER COUNTY RECORDED OCTOBER 15, 2015 AS ENTRY NO. [2760800](#) OF

OFFICIAL RECORDS:

A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATE IN THE NW QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO. LG_WC_1200 S. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER CONTROL LINE FOR THE 1200 SOUTH STREET (1150 SOUTH STREET) ROAD WIDENING PROJECT (LG_WC_1200 S), SAID POINT LIES 818.09 FEET SOUTH 00°27'57" WEST ALONG THE WEST LINE OF SAID SECTION 19 AND 636.42 FEET EAST FROM THE NW CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTHEASTERLY 150.62 FEET ALONG THE ARC OF A 4495.20 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE EQUALS 01°55'11" AND LONG CHORD BEARS SOUTH 65°25'42" EAST 150.61 FEET) TO A POINT ON AN EXTENSION OF THE GRANTOR'S EAST PROPERTY LINE; THENCE SOUTH 17°45'24" WEST 50.26 FEET ALONG AN EXTENSION OF SAID PROPERTY LINE TO THE PROPOSED SOUTH RIGHT OF WAY LINE FOR SAID PROJECT; THENCE NORTHWESTERLY 159.28 FEET ALONG THE ARC OF A 4545.20 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE EQUALS 02°00'28" AND LONG CHORD BEARS NORTH 65°26'56" WEST 159.27 FEET) ALONG SAID PROPOSED SOUTH RIGHT OF WAY LINE OF 1200 SOUTH STREET TO A POINT ON AN EXTENSION OF THE GRANTOR'S WEST PROPERTY LINE; THENCE NORTH 27°40'00" EAST 50.3 FEET ALONG AN EXTENSION OF SAID PROPERTY LINE TO THE POINT OF BEGINNING.



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