



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

September 11, 2018

5:00 p.m.

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

1. Approval of minutes for July 10, 2018

Petitions, Applications, and Public Hearings

2. Administrative items

a. New Business

2.1 LVJ07217: Consideration and action on a request for preliminary approval of Jacquelyn Estates Cluster Subdivision Phases 2 and 3.

2.2 LVF071318: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision (9 lots).

3. Legislative items

3.1 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zone M-1 to A-2.

a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan.

b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone.

Public Comment for Items not on the Agenda

Remarks from Planning Commissioners

Planning Director Report

Remarks from Legal Counsel

Adjourn to Work Session

WS 1: Discussion about setback requirements for alternative accesses.

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

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. 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.
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Minutes of the Western Weber Planning meeting of July 10, 2018 held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:30 p.m.

Members Present: Blake Hancock
Jennifer Willener
Jannette Borklund
Bren Edwards
Greg Bell
John Parke

Members Excused: Mark Whaley

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner/ Long Term Planner; Steve Burton, Planner III; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Approval of minutes for June 19, 2018.

Chair Hancock asks if there are any corrections to the minutes for the supplemental meeting. He notes that there is one correction. Commissioner Whaley was present at the last meeting and was not listed as a members present.

MOTION: Minutes approved with the noted correction.

Chair Hancock points out that there was no quorum for the unofficial meeting of June 12, 2018 meeting. Chair Hancock asks if there is a motion.

MOTION: Commissioner Parke moves to adopt the public comment from June 12, 2018, as a part of the record. Commissioner Willener seconds. Motion carries (6-0).

Chair Hancock states there are two new Planning Commissioners. Commissioner Greg Bell and Commissioner Bren Edwards.

Chair Hancock asks if Director Grover has an opening statement.

Director Grover states that the items for this meeting include an administrative item. Item 2.1 does not require public comment. He states that Chair Hancock can take public comment on the item if he chooses but it is not required. There are 4 legislative items that do require public comment. Items 3.1, 3.2, 3.3, and 3.4 require a public hearing to take public comment.

Petitions, Applications, and Public Hearings:**2. Administrative items a. New Business 2.1 LVD 061218: Consideration and action on a request for preliminary approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden.**

Director Grover states that this is an administrative item. Mr. Burton will give a short presentation to orient everyone with the site, and the developer will present the proposal.

Mr. Burton gives a brief overview of the proposal. He states that all the preliminary requirements have been received, including feasibility letters. A letter was received from Taylor West Weber water. A letter from the Health Department has also been received regarding the septic system. Staff recommends preliminary approval of the D.M. Hadley Subdivision based on the recommendations and conditions as listed on the staff report.

Jeff Hales 5355 W 2150 N states that he represents the family on the division of this property. It has been divided into three pieces earlier and is now just being divided into the other 2 pieces. He adds that there is an expansion in 3300. The process will begin to widen the road. This is shown in the plan. The acquisition of that property he believes has begun. He asks the Planning Commission and the Planning staff if this is correct. Chair Hancock states that he is not aware. Director Grover adds that he is not sure. Mr. Hales notes that when he came in for a meeting this was something that was discussed. The joining of the two properties and designed it so that if it did take place it would already be designed. This is the reason for requesting a wider right of way through there, it is wider than what the original plan was supposed to be.

Commissioner Edwards asks if there will be a secondary line? It just shows a proposed secondary service.

Mr. Hale states that they are not sure yet because there is a ditch that comes in behind it. He adds that they aren't sure if it will be that way or if they will need to run the line from 3300.

Chair Hancock asks if there are any more questions from the Planning Commissioners for Mr. Hales. There are none.

Chair Hancock opens the public hearing. There is no comment from the public.

Chair Hancock asks if there are any further comments from the Planning Commissioners. There is none.

MOTION: Commissioner Parke motions to grant preliminary approval of D. M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden. This recommendation is subject to all review agency requirements and the following conditions. Sidewalk, or walking path, is required to be installed and escrowed for, along with other required improvements prior to the recording of the final mylar, as outlined in LUC§106-4-3. The recommendation is based on the following findings: The proposed subdivision conforms to the West Central Weber General Plan. The proposed subdivision complies with applicable county ordinances. Commissioner Borklund seconds. Motion carries (6-0)

3. Legislative items

a. New Business

3.1 ZTA 2018-01: Public hearing for consideration and action on a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

3.2 ZTA 2018-02: Public hearing for consideration and action on a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.

Director Grover states that this is a legislative item and the Planning Commission will be making a recommendation to the County Commission on these items. Mr. Lleverino is going to explain and orient everyone present to this item. The developer Mr. John Price will then stand up and explain his request. Mr. Lleverino will then explain how it is or is not in compliance.

Mr. Lleverino gives a brief overview of the proposal.

John Price 400 S 6700 W states that he wants to clarify that his intention has never been to infringe on other people's properties. The proposal is to rezone from M-1 to A-2. A-2 is the current use of the land and likely the future use. It is being used as agricultural and residential. He states that when this was first made M-1 ground there were no houses in that the area. Recent developments have changed the landscape in the area and his land. He adds that in that M-1 zone there are roughly 60 acres that he owns which is basically worthless in the M-1 zone. There are 29 homes on 7900, and he doubts that industrial business would want to purchase land in the middle of that residential area. The best use for his land is A-2 and the north of his land is bordered A-2. The Hayes are the only ones that currently operate as M-1 in that M-1 area. He adds that they have no desire to change the Hayes land and they are an absolute asset to the community and all the farmers in the area. He indicates that they would like to see them stay M-1. A lot of the people in the area go the Hayes to get their equipment fixed. The frontage of their land is A-1 and when it was first looked at it was believed that their property was all A-1 and that they were operating under A-1. He adds that the current the frontage for their property is A-1 and part of the goal is to look at that and see if it can be changed so that it becomes all conforming. He states that there are a few problems with the zoning but he believes that they can make it work for everyone. When the General Plan was written the area looked a lot different than it does now, and at this point, it needs to be changed. He asks if the Planning Commissioners have any questions for him.

Commissioner Bell asks if the A-2 zone allows the Hayes to continue to operate. Mr. Lleverino states that with the rezone this is something that was taken into account. They would be able to continue to operate grandfathered and nonconforming. Commissioner Borklund adds they could continue to run their business but they could not expand. Mr. Lleverino states that this is correct they could not expand or change uses and if they use was abandoned for 12 months that uses would go away.

Commissioner Borklund asks if they wanted to grow their uses, would it be better for them to continue in the M-1 zone. Mr. Lleverino states that is part of the reason why it was included in some recommendations were provided specifically for the nonconforming. Chair Hancock points out that it was mentioned that as it is now the Hayes cannot drive large vehicles in the frontage area. Mr.

Price states that the whole frontage area needs to be changed to M-1. The best use for them would be M-1. He adds that it is important to protect them.

Mr. Lleverino goes over the differences between the current zoning and the proposed rezoning as listed in the staff report.

Chair Hancock asks if there any questions for staff from the Planning Commission

Chair Hancock asks if there is any residential on the Hayes property or is it just the welding facility?
Mr. Lleverino states that it is just the welding facility.

Commissioner Borklund asks what the difference between option 2 and 3 is.

Mr. Lleverino states that option 2 the zoning would change M-1 to A-2 as proposed by the applicant excepting protesting owners. M-1 would extend to 900 S, this would allow owners the full use of their parcel, but they would have to be willing to enter contractually limit their future uses to uses that would reasonably operate adjacent to future residential uses with limited intrusions. If the limits are not applied the expanded zone could stimulate more intense manufacturing uses and disharmony. The Hayes property would be zoned M-1, but they would have to enter a contractual development agreement that would limit their uses to avoid disharmony with the A-2 zone and future residential uses.

Option 3 would rezone as the applicant proposed excepting out the protesting owners. This would limit the M-1 zone creating islands, but it might be limit enough to limit disharmony with A-2 uses.

Director Grover states that the contract would be a part of the development agreement. The Planning Commission would be able to specify the uses that could or could not be allowed in the zone.

Mr. Crockett states that if option 2 the contractual obligation comes in the form of a convent. It would have to be recorded.

Chair Hancock opens the public hearing.

Randy Giordano 7852 W 900 S states that he is the chairman on the board for the West Warren and Water District. They purchased that land from him years ago, they plan on building a shed there to store items and make an office for meetings, and for patrons to pay the water bill. The long-term goal is to build a 2-million-gallon storage tank, right now the tank is being rented. He states that he believes this property should be kept M-1 also. He adds that he is not sure if that is what is required for this type of facility because they will likely have meetings once a month and they will need a secretary to process bills and the water tank. They don't manufacture anything. The property next door is his. He was one of the owners on the original application and he believes A-2 is better for him but, he does not want to be rezoned A-2 if it's going to infringe on other people's rights. He states that he believes that the Hayes should be able to stay M-1 because they are good neighbors.

Commissioner Bell asks how much land is owned for the Water District.

Mr. Giordano states that the Water District owns two and $\frac{1}{4}$ acres.

Mr. Lleverino states that within the A-2 zone a public utility is approved. It is allowed as a conditional use. Commissioner Bell asks if this would include an office building not just water storage. Mr. Lleverino states it includes a public utility building. Commissioner Willener asks with that piece of property being currently split between M-1 and A-1, would it apply to the A-1 portion as well? Mr. Lleverino states that it would.

Chair Hancock asks if there is any further public comment.

Laura Hayes 5489 W 560 N states that option two limits them. They have been there for 42 years working for the community. If her husband gets hurt and leaves the business vacant for a year while she is trying to sell the place, it would affect her options for selling it. She asks how many of the people present would like to have everything ripped out from underneath them? She states that she wants the Planning Commission to choose option three. She understands what is they are attempting to accomplish. She reiterates that they have been there 42 years.

John Price 400 S 6700 W states that regarding option three, he believes this option will work for him and his community. He states that they are a long way from the massive growth in West Warren. When the application was submitted there was never any intention to infringe on anybody else's rights. He really likes option three. He doesn't believe that it hurts the community, they are the ones that are affected by the change. He adds that everyone in the room would benefit from option three.

Bill Davis 7598 W 900 S states that part of the proposal is his ground. He doesn't understand why all of a sudden they want to rezone the M-1 that it is in the small square. They want to eliminate that for residential and if you go to the east there is a big spot that is M-1 that goes clear across the community. Why isn't that involved in this? Chair Hancock states that that is part of a different slide. Commissioner Borklund adds that it is not part of the petition. Mr. Davis states that in the beginning it was no big deal and it didn't make much of a difference to him. As time has gone on and he has spoken to staff he has more options in M-1 and A-2 is more limiting. He believes it would be better for him to stay under M-1. He adds that they have been there for over a hundred years, the County rezoned M-1, they have had to live with it and now they don't like that so they are changing it. His issue with this is if he stays in the M-1 he won't be able to build a house for his children. He doesn't like that they want to remove the residential uses from the M-1. He believes that anyone who wants to stay M-1 should be grandfathered for the present uses of when it was zoned that way. He doesn't like that they are being limited by the conditional uses. He has a construction business and they park a lot of their equipment there and it is allowed on the A-2 but if you read the one above it, it says no overnight parking other than an automobile no more than 24,000 lbs. Dumps trucks are 80,000, there is a conflict, he has some concerns regarding what he is allowed to do and what he is not allowed to do. Commissioner Borklund asks where his property is located. Mr. Davis states that it is right next to the Hayes property. Everyone keeps telling him that he is in violation. He feels that as long as he stays in M-1 he won't be in violation, but he is changed to A-2 he will lose a lot of his rights. He doesn't want to hinder Mr. Price or Mr. Giordano anybody else. He will likely sell his

property in the future as residential if things change. Another concern he has is there is no city center. At some point, it would be good to have a convenience store or a restaurant.

Eldon Davis 7090 W 900 S states that some items that are being brought up are not being appreciated. Some of the conditional uses like correctional facilities and limits on construction. The C-3 portion is what interests him, and it goes back to what Mr. Davis was referring, it would be good to add a restaurant, a bakery, or an assisted living home. The C-3 zone has about 90 uses. He states that he wants to keep his property as M-1 for that reason. He adds that he would rather have a bakery than a correctional facility next to his home. Director Grover asks where his home is located. Mr. Davis states that it is along 7900 W.

Joseph Havasi 695 W 4200 N regarding the effects slide there is an indication that a residence in the A-2 scenario would become a nuisance to M-3. Would there be a setback, and what would the setback be? Commissioner Bell states that it would be the opposite. The nuisance would be created by the M-3 zone to the residential. Commissioner Hancock states that there would have to be a buffer between the residential and commercial. Mr. Havasi states that there would be an erosion of the M-3 use and he is curious what the distance of the setback would be? Mr. Lleverino states that he would have to look at the zoning, but he will get that information for him.

Gary Hayes 5484 W 560 N states that he can understand why the other owners want to do it. He doesn't see any manufacturing coming to this area with all the homes. He states that they have been there 42 years and they have all the zoning around them. He gets what is being said about keeping the manufacturing but limiting certain things, but all it does for him is to cut potential buyers and he has maybe 15 years left. He is going to have to do something with the company. Either he is going to have to sell or let his son take it over. With the A-1 that is in the front, they don't have any options. There are almost 2 acres in the front of his property that is worthless. All the County is doing is taking away his ability to expand his company, to add another building. He states that the third option is what they want, take the A-1 and change it to M-1 and have his whole property be M-1. He adds that he doesn't understand why it's such a big deal to have his property be a purple dot on the map. It costing him money to attend these meetings. He states that it is his right to do the things that he is doing on his ground. He feels that his rights are being taken away and it's not fair. Why can't they just leave the purple dot in the middle of the map that's been there for 42 years? He wants to stay M-1 and he doesn't want to sacrifice his rights or options. He already has them and they are already in place. He doesn't want to have to hire a lawyer to figure out what his rights are. He explains that this is costing everybody. It's expensive.

Commissioner Bell asks if option three would also leave Mr. Davis property as M-1 also as well as the Hayes property? Commissioner Borklund states that the Planning Commission would be able to include any properties they see fit.

Eldon Davis states that if they are going do away with the housing as one of the permitted uses, is a dwelling unit for a night watchman or guard allowed? Is this going be removed as well? Chair Hancock states that he does not believe it would be wise to remove it. He states that he wants to make it clear to everyone that the Planning Commission is not trying to take anything away from

anybody. He adds that he does not want to do anything that is going to limit the Hayes. Whatever they decide to do it will be a recommendation to The County Commission. Commissioner Borklund adds that all they are doing at this point is responding to a petition.

Chair Hancock states that he understands that the other owner have their rights, but Mr. Price also has rights with his property to put in agriculture and someday the land is going to be subdivided. There is an opportunity to tackle something at this point and make the lines nice and straight. He knows it doesn't always work that way, and the Planning Commission isn't looking to tie any bodies hands. He understands their point of view, he is a small business owner and he wouldn't want people limiting him either. He adds that they aren't looking to take away anybody's rights.

Mr. Davis states that the manufacturing zone has a whole set of opportunities there, agriculture being one of them. Chair Hancock states that the problem with that is that at some point it becomes a nuisance. For example, there have been instances where there is agriculture such as chicken farms, the homeowners will sell their homes and the new homeowners will start to complain about the chicken smell. He adds that what the Planning Commission is trying to do to avoid these types of conflicts between the zones and keep the nuisance to a minimum. He states that it's not going to be perfect. Mr. Davis states that chickens, ducks, and the slaughtering are a permitted use on 5 acres in A-1, so it's important to keep that in mind as well.

Jessie Miller 2271 S 7500 W states that early on in the presentation there was mention of changing an area from A-3 to A-2. There is almost no real difference between the A-3 and A-2. He asks why this step is being taken. Mr. Lleverino states that he is not sure what the owner's intention is, but based on his own observation there is potential for density there and development rights. If you take that 15-acre piece and continue as A-3 the minimum lot size is 2 acres get 6 and ½ lots, but that same 15-acres in an A-2 zone would allow smaller lots. There would be 1-acre requirements there. Commissioner Borklund asks whether removing single family homes is in the ordinance or the plan? Is it amending the ordinance or the plan? Mr. Lleverino states that it would be amending the plan, the zoning ordinance and changing the map.

Commissioner Parke asks how many owners want their property changed other than Mr. Prices. Mr. Price goes over the owners on the application and points them out on the map. He wants to point out that farming is very expensive and it is important to think about the future, the point of this application to allow him more options. He adds that he has no immediate plans to develop.

Laura Hayes states it was brought up that the Planning Commission has to answer a petition, she points out that Mr. Price did not petition for their property. She adds that it was something the County jumped on. She supports Mr. Prices right to do what he wants with his property. Mr. Ewert has stated that if the farmer next door wants to subdivide his property, that is his right. She states that in the same sense if she wants to make a living and continue to do what they are doing and continue to fix farming equipment. She states that it is her right as the landowner as much as Mr. Price has the right. She wants to stay M-1.

Boyd Talbot 2163 S 7500 W states that the 15 acres that they are talking about rezoning, the whole road is 2 acre lots. It hasn't been farmed in the 30 years he's been there. He adds that he doesn't have any problem with 2-acre lots. They should not start splitting it up to 1-acre lots. He and his

neighbors who recently subdivided all had to have 2-acre lots. All the houses down that road had to have 2-acre lots. They should leave it how it is.

Commissioner Bell asks if the landowner who owns the 15-acre lot is present. Mr. Price states that he is the one who owns those 15-acres. Mr. Price states that his intention for the 15-acres is just to make it so it's all one zone. It's not to create more density.

Chair Hancock asks if there is any further comment. There is none.

MOTION: Commissioner Borklund moves to close the public hearing. Commissioner Parke seconds. Motion carries (6-0)

Commissioner Borklund states that if there needs to be M-1 there needs to be more than one parcel. It sounds like there are 2 or 3 parcels that would like to stay M-1. Chair Hancock asks would it would be beneficial to move the M-1 all the way to 900. Commissioner Willener states that is not part of the proposal. Commissioner Borklund agrees that it is not part of the proposal but they can make a recommendation. Commissioner Edwards states that he would like more information and he would like to see who wants to change to A-2 and who wants to stay M-1 on a map. Currently, there is an island over by the tracks, so there is already an island. He adds that he doesn't feel the need to change the Hayes property. He feels that another small island isn't going to be an issue there. He would like to table these items and see it on a map. If they want to as M-1 it should go to 900 S.

Commissioner Willener states that there are two or three action items tied together in the one presentation. This action is only addressing 2018-01 and 2018-02. Item 2018-1 sole addresses whether or not single family dwellings should be removed from the M-1 zone. This is a separate issue that would be effective for the entire zone. As an item, it needs to be addressed as a separate issue. ZTA 2018-02 comes down to the property owners and the concerns of the property owners. They need to be separated out and address them as individual issues. Commissioner Borklund states that the regarding changing the zoning from A-3 to A-2 it should be separated as well. They are so far removed from each other they should not be in the same action.

Director Grover states that when you look at the manufacturing area you look at how you want that area to grow. As the manufacturing grows in the area and there are single-family dwellings in the area eventually the single-family dwellings will be impacted by those manufacturing type uses. Going out to the Ogden City Industrial Park in a few areas there are some single-family homes, they are very much impacted. It's important when looking at the manufacturing zones to look at how you want it to grow ultimately and function. At this point, the current residents of the area don't see an impact, but the staff is trying to think ahead at future impacts and how the area should grow. As the Planning staff, they are offering advice and guidelines. The Planning staff is looking at how the area and residents could be impacted down the road. He adds that if the Planning Commission wants to they can handle them as separate items. If the Planning Commission doesn't feel comfortable with the rezone or the plan amendment they can table, it. He states that the can show the area more in detail on the map to clarify how the rezoning would take place. Commissioner Borklund asks if a watchman's quarters are a permitted use and it's different than a single family home. Director Grover states that this is correct. A watchman's quarter is an accessory use to the storage area or

the facility they are watching over. He adds that for clarification regarding any expansion to the water facility they would be allowed in either one of the zones. It would be a conditional use in the manufacturing zone and in the A-zones because it's a public facility. The only way it could be denied is if they can't provide safety issues such as water or sewer. Other than that the Planning Commission is bound to approve it with conditions.

MOTION: Commissioner Parke moves to reject the proposal to remove the language for single-family dwellings in the permitted uses and to reject the updating of the map. Chair Hancock asks if there is a second. There is not. Motion denied.

Mr. Crockett states that in this case, the questions open back up again.

Commissioner Bell states that Commissioner Borklund brought up a good point, it affects all of Weber County, not just that area. He asks is there currently residential dwellings in the M-1 area. Director Grover states that the residential dwellings would remain legal nonconforming use. This change would be for new residents that are built in the manufacturing area. Everything that is there right now is legal nonconforming. Commissioner Willener asks what type of notification was sent out to other residents in an M-1 zone, that is not directly impacted by the rezoning petition. Were they given the opportunity to speak on this issue? Director Grover states that typically on text amendments there is not a requirement to send out notification. There was a notice placed in the newspaper, it meets legal requirements. Commissioner Borklund states that since it is a Countywide it is impossible to notify everyone. Director Grover states that on this particular item notices were sent out within 500ft. The next item coming up notices will be sent out to people within 1000 ft. Chair Hancock states that he does not feel comfortable sending these items to the County Commissioners. He feels that the items should be tabled.

Director Grover states that he would recommend that the Planning Commissioners not approve the plan amendment, table it along with the rezone, come back with some clarification that includes mapping, if they see fit they can table the single-family dwelling portion, to have it all approved or denied at one time. He states that this is his recommendation to keep things concise and clear. If they want to break it up it's not a problem approving the single-family dwelling or excluding it.

MOTION: Commissioner Borklund moves to table the action on the General Plan amendment on item ZTA 2018-01 and rezone portion on a petition for item ZTA 2018-02, regarding the property along 900 S, not the A-3 portion. Commissioner Bell asks if the motion is to table everything except the rezoning of the 15 acres from the A-3 to the A-2 zone. Mr. Crockett asks if it would be to recommend that portion or to continue the discussion on that part. Commissioner Borklund states that it is to recommend that portion. Commissioner Bell seconds. Motion carries (6-0)

MOTION: Commissioner Bell makes a motion to approve the rezoning of 15.75 acres from A-3 to A-2 zone. The recommendation is based on the findings that the A-2 rezone is consistent with the General Plan. Commissioner Parke seconds. Motion carries (6-0)

MOTION: Commissioner Bell makes a motion to table the request to amend the General Plan Zoning Map, Future Land Use Map, M-1 zone text amendment to remove single-family dwelling from the

list of permitted uses, and to amend pages 2-2,2-6, and 2-15 of the General Plan. Commissioner Edwards seconds. Motion carries (6-0)

3.3 ZTA 2017-17: A public hearing to discuss, receive public comment, and take action on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

Mr. Ewert states that right now a PRUD is an administrative action. PRUD's are listed as a conditional use in many different zones as an administrative right. One of the challenges with PRUD code it allows developers to modify or amend any part of the Land Use Code and it leaves a wide open door of discretion for the Planning Commissioners and County Commissioners. An administrative item when it goes to court or an appeal, the court or the Board of Adjustments will determine whether or not the decision was arbitrary, or legal. When comes to administrative it either complies with the law or it doesn't. There has to be an objective criteria, reasonable findings, and facts. Sentences that say you can modify or waive any part of the code have to be interpreted in favor of the developer. If this administrative action is changed to a legislative action and called a rezone, there will be a wide open door of legislative decision making discretion. The Planning Commission can ask a question to make sure the decision is in the best interest of the community and how it's going to affect the General Plan. When it comes to appeals in a legislative decision the courts just want to know if there is a reasonable public purpose behind the decision. The intention here to change PRUD's from administrative to a legislative overview zone.

Mr. Ewert explains changes and gives an overview of the proposal as listed in the staff report. Mr. Ewert states the County Commission has established a resolution on March 20, 2018, for anyone that comes in after March 20th they have to comply with the final decision. There are 180 days to make the change. The change needs to be made by September. PRUDs that have been previously approved get to continue exactly as they are. The Planning Director or the Planning Commission determine de minimus revisions to the PRUD they maintain their entitlement under the grandfather rule. If it is a big enough issue that requires careful consideration Planning Director or Planning Commission can make a revision that is not de minimus, and it would need to go through the overlay zone process. There is a lot of control over how it gets to be applied.

Mr. Ewert asks if there are any questions.

Commissioner Willener states that as she understands it in the cluster subdivision ordinance there is no bonus density allowed above 50%. With the PRUD overlay, there is a table that if they were able to squeeze all of these elements in and get a bonus density over 50%. She states that she understands the PRUD overlay but she is not comfortable allowing the PRUD to exceed the 50% threshold. There needs to be a cap or a maximum that can be defined so that that particular piece of the subdivision ordinance could not be flexed out because of the PRUD overlay. Mr. Ewert states

that he believes this is fair and what is being requested there is an additional bridling of legislative discretion. The way that is written if it is adopted it doesn't have to be more than 50% it doesn't have to be 50% or they could do well over 50%, but what he is hearing is that they don't want to have that wide of decision making scope. Commissioner Willener states that based on the public comments when it goes above a 50% bonus density it starts to deviate from what the public wants and where they want the preservation to be. There could be exceptions, such as the Ogden Valley where they want large open spaces and small clusters in the corner, but it is a big exception. She adds that she's not sure if they want to be responsible for that decision, it would be better written as an ordinance. Mr. Ewert states that at this point the General Plan does not indicate what that limit should be. It does talk about bonuses and reasonable bonuses, but there is no limit. Commissioner Willener states that she's not sure if the Commissioners agree with her, but she feels that based on the public responses it is a concern. Mr. Ewert states that he started to write it that way but what if a developer comes in with a great location and a great development, and he wants double the density, but he wants to give a large amount of open space. He adds that he has spoken to people with this type of proposals. Commissioner Bell states that he agrees with the caps because there are still other uses for the property that they can still make significant money with and still minimize the amount of traffic from residents. 50% is reasonable considering it meets the same requirements as a cluster. Mr. Ewert states that if this favorable for the Planning Commissioners to make it part of the motion.

Commissioner Willener asks for clarification regarding the low income or affordable housing bonus, it says that the 10% additional density shall not be included when calculating other densities. Mr. Ewert states that it is abstract because the other bonus density calculations are guidelines anyway. If they are looking at 15% bonus and strictly following that guideline and there is a public offering that is exactly 15% and there are 100 they will be able to build 110 homes if they chose to do the affordable housing. Their 15% is only going to be calculated in the 100, so they are not doing 15% on the 110 just the 100. He asks the Planning Commissioners if they want it to be written differently. Commissioner Willener states that she is concerned that if they put a cap at 50% and if this doesn't count in the bonus density are they going to get 60%. Commissioner Bell asks if it could be included as part of the table. Mr. Ewert states that he could but when he wrote it, he wanted it to appear as a standalone item. Commissioner Bell states that he would suggest adding a description outside of the table to clarify. As long as it is included as a part of the table it will look like it was included as a part of the initial calculation. Mr. Ewert states that he will recraft the table.

Commissioner Bell asks regarding the definition of affordable housing. He states that he has not read the affordable housing act of 1990, he asks what the definition is and if it is relevant. Mr. Ewert states that it is relative to the community and it is based 80% of the median household income. Weber County's affordable housing threshold is around 40,000. Median household income is around 50,000.

Commissioner Bell states that regarding section 106.24 number 5 subsection B. there should be a big X on that. Mr. Ewert asks if the other Planning Commissioners agree or disagree. He adds that he feels that it fights against cluster code. People end up with a ½ acre behind them that just goes to waste. Commissioner Edwards states that he agrees and if there is a minimum lot width of 80 ft. there is going to be 250 ft. behind the house with most houses being built with setbacks it becomes tough to build a home with 80ft frontage. If that portion stays the lot width needs to be a minimum of 100. Mr. Ewert states that he will reserve striking it out until there is a motion.

Commissioner Borklund states that she has a question about processes, if somebody wanted to do a PRUD they would come to the Planning Commission with a plan, it would get approved by the Planning Commission and the County Commission. If they didn't have enough money to complete it, what happens then, is it set in stone. Mr. Ewert states that it is set in stone as much as the development agreement can be. It's still an overlay and the overlay is specific to the development agreement. A development agreement can be amended from time to time. It's still a legislative action and is amendable. If a developer decides the plan is no longer working the Planning Commission and the County Commission can look at the benefits of any changes. They have the option to go back to the negotiation table. Commissioner Borklund asks they can either apply with the underlying zone or do the development agreement. Mr. Ewert states that they won't be required to do the PRUD if the development agreement is negotiated in a way that they are entitled as A-1 or A-2 without doing the benefits. Director Grover states that if you look at Wolf Creek they weren't doing well and they came in and John Lewis took it over and the development agreement and now it's succeeding. Mr. Ewert adds that it is like a rezone or a text amendment, changes can be made to help the developer and the community be successful.

Commissioner Willener asks since the Ogden Valley Planning Commission has approved it as it stands if a motion is made does it need to go back to Ogden Valley. Mr. Ewert states that it won't need to go back to the Ogden Valley, and they have asked for some minor tweaks that are irrelevant to Western Weber. He adds that if the Western Weber Planning Commission does make changes that have a significant effect on the Ogden Valley, he could send it back to them, but with the County Commission requesting it, he might just send it their way first.

Commissioner Edwards asks regarding the bonus density, given the land that the County for emergency or recreational services say that development is required to install detention basin and it's fully landscaped. They call it a detention basin/park, is there anything in the code that would say they get half of the bonus instead of getting it all because it is a requirement outside of the park. Mr. Ewert states that he had not thought about that, because its legislative there is a lot of flexibility. He states that they need to tie whatever their decision is to whatever is reasonable to the public interest. If could give more density because they have efficiently combined land uses or could give less because they should be separate it just depends on what they feel is reasonable. Commissioner Willener states that they have run into some issue with the old cluster subdivision directly around detention basins and not seeing it addressed brings up some concerns.

Commissioner Bell states the given the extreme flexibility in granting bonus density in the PRUD it feels reasonable that there is no need to specify because as the Planning Commission it's discretionary. The difference with the cluster code was that it was required. Mr. Ewert points out that the cluster code was specific to combining agriculture animals to a detention facility.

Chair Hancock opens the public hearing

Jill Hipwell 585 S 3600 W asks for clarification regarding the ½ acres. If they do away with that is 9,000 sq. ft. the minimum lot size? Commissioner Bell states that it would be in a cluster subdivision. Mrs. Hipwell asks what the minimum is a for a PRUD. Mr. Ewert states that it is not listed. Mrs. Hipwell states that her main concern is that there is going to be another 5000 sq. ft. subdivision

come up. She asks if they really want the lockouts and overnight rentals in West Weber. She adds that if they are going to do that they might want to put a cap on it. There might be certain developers out there that might advocate that. She asks regarding bonus density. If she understands correctly, they go in to get approval and then they have to get a title search, and they go in per phase. Director Grover states that when they go for the title search if it's just for a standard subdivision they have to go in for the whole subdivision if they choose to phase it the Planning staff looks at the phases. Mrs. Hipwell asks if it is done when they go in for conditional use permit or for preliminary approval. Director Grover states that it is done when they go in for subdivision approval, as part of the conditional use it's not a requirement. Mrs. Hipwell states that her concern is that it's not being looked at as a whole.

Brent Hipwell 585 S 3600 W states that he wants to touch up on the overnight rentals. The regarding the village that is planned and has been approved in West Weber, they have agreed that the owner of the home adjacent to or on the property had to be present in that home, it was one of the conditional uses. He believes this is an excellent idea. This way developers don't won't be able to buy every third home and rent them, and also advertising the lockout rental. He states that the community doesn't really like people coming and renting out the houses, they like to get to know their neighbors. He states that he has seen it done in Ogden, where a developer buys every third home, they rent them out until they are five years old and then they sell them. It's not a good way to get to know the neighbors. He adds that he believes that it was a good idea that the conditional use was out on the lockout.

Chair Hancock asks if there are any more public comment. There is none

MOTION: Commissioner Borklund moves to close the public hearing. Motion carries (6-0)

Commissioner Bell states that this has been a huge step forward in the PRUD allowing flexibility as a legislative action. He adds that he does have some question regarding the bonus density that was discussed. He states that he understood that lockouts were only allowed in the Ogden Valley. Mr. Ewert states that the current PRUD code allows nightly rentals in any PRUD. He adds that with these change would allow some discretion to say no nightly rentals in the PRUD.

Chair Hancock asks if there are any further questions. There are none.

MOTION: Commissioner Bell motions to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density with the following stipulations: the affordable housing bonus density be clarified, and that section 106.2-4 subsection B5 be removed and add a cap of the bonus density at 50%, and the requirement that owners be must be present for overnight rentals and lockout. Mr. Ewert states that regarding the nightly rentals and lockout he will separate The Ogden Valley and

Western Weber because the Ogden Valley has an area that specifically wants it. Commissioner Parke seconds. Motion carries (6-0).

3.4 ZMA 2018-03 and ZDA 2018-03 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following:

- **2003 West Central Weber General Plan, to support a rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West.**
- **Rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West, from A-1 to a zone that will support a small-scale commercial village. The purpose of the general plan amendment and rezone is to enable a small-scale commercial village, with a development agreement that limits the commercial uses and controls the site's layout and architectural design better than existing ordinances.**

Mr. Ewert gives an overview of the proposal as listed in the staff report.

Commissioner Borklund asks if in order to support the petition, they would need to amend the plan to include the language. Mr. Ewert states that that is correct and the petitioner would have to request a General Plan amendment. He adds that he is not suggesting that the General Plan be changed but it does go along with some of the comments being voiced during the public process. It is important to keep in mind that it was not a formal process intended to change the General Plan. However, the information was used to inform this item.

Commissioner Willener states that this addresses some of the concerns voiced. In terms of where the vision of the County is going, the amendment would have to be made for this to be something that landowners could consider. Mr. Ewert states that the Planning Commission by ordinance is required to follow the general plan and make a recommendation that is keeping with the General Plan. The County Commission can make any decision; they have the Planning Commission and Planning Staff to give them recommendations. He states that for him to be able to offer it as a recommendation, there would have to be a rezone. The first step would be an amendment of the General Plan; the second step would be the approval of the rezoning. At this point, he is only requesting a public meeting to discuss the potential of the rezone and the General Plan amendment and what it would mean for the community. He states that one thing that is clear for the public process it doesn't seem like there is a lot of support for that side of the street to be changed. If the General Plan is changed to allow the owner of that area to change the zoning map. That would just help them in the future there would not be any mandatory requirement, no nonconforming, and no grandfathering. Commissioner Borklund notes they would be able to amend the plan without rezoning. Mr. Ewert agrees and states that as some of the landowners are not part of the petition they are just offering some guidance. Commissioner Willener asks if the North East corner has something on it. Mr. Ewert states that it has a Country Corner and it is currently zoned C-2. Commissioner Willener asks if the petition is only for the 21 acres. Would the proposed changes to the General Plan impact those changes as well or just the Southeast corner with the 21 acres? Mr. Ewert states that the petition is for the rezone which includes the request to amend the plan, the intent of this is for the plan to be fixed so that rezones can be changed. The reason the 4 corners are

the way they are, is because of the way the plan is written. Commissioner Bell asks what is the zoning on the Southeast corner. Mr. Ewert states that it is A-1 with entitlements of 20 homes, agriculture, or anything else allowed. Chair Hancock states that there is a need to be proactive when it comes to commercial development in the community in a specific area and the area in question might not have any other use than what is being proposed. Commissioner Borklund asks if both 4700 and 12th streets are arterial. Mr. Ewert states that they are both connector streets and they are currently working on that street, replacing the concrete.

Mr. Ewert continues the overview of the proposal. He states that he wants to get the Planning Commissioners take on this and hear how the public feels regarding this item.

Tammy Baugh 4441 S. 4300 West Haven states that she owns the property in question for 20 years. She states that they have tried to have it rezoned 2 other times. It was proposed to break it down to pieces, the only use to the property to anyone out there is commercial. Partial use renders the rest of the land unusable. With the discussion that they have had with potential buyers they would like to see a grocery store, a farming equipment store, there is a huge interest in a convenience store. Based on the community wishes they would like to see a bank, a clinic, a dry cleaner, and possibly a sports facility. She adds that if they use 2 acres for retention, it could be a soccer field or retention there could be a walking track around it. She states that they would like to see a restaurant. They want to give the community more variety, but they don't want to change the feel of it. She states that they would like to see it developed appropriately they want to see things that will enhance, they want to sell it to somebody but with the condition that it needs to be developed appropriately.

Chair Hancock asks if anyone has any question for Tammy Baugh. There are none.

Chair Hancock opens the public hearing.

Kerry Gibson 5454 W 1150 S states that he is also a principle in the Country Corner across the street from the rezoning. He states that a Master Plan revision is an important process. It is an extensive process. It's important to know the difference between a zoning change and a Master Plan amendment. It's confusing to the public. This process requires extensive public input, and it's an opportunity for everyone in the community to be a part of what they want their community to look like. The challenge is that once a Master Plan is adopted, there is a perception that the Master Plan be followed, that doesn't mean it can't be changed. Dramatic changes are very concerning because people see it as some type of a protection, they do not think that someone is going to show up at a Planning Commission meeting and change the Master Plan. He states that it may be time to change the Master Plan it's been sixteen years since the last revision. As that gets done it's important to keep in mind that it takes time, and it's an extensive process. Regarding this change, it is a dramatic change from what is in the Master Plan. There are three or four acres of commercial ground in all of West Weber unincorporated area and the development is concerning 21 or 22, that is a major change and it could be a shock to their system knowing what the Master Plan says now. He states that he agrees with Commissioner Hancock, it's an opportunity to think forward. There is a responsibility to the constituents to do that. When it comes to Master Plan revision there is an expectation that there will think forward as well, and offer guidance in what they think is important. He states that regarding the changes that were proposed he can't see any changes that he couldn't

handle in one way or another if it was done in accordance with a well thought out Master Plan. His main concern is making a significant change to the Master Plan without looking at the entire masterplan in the community as a whole. If they are ready and willing to make changes of this magnitude, then they need to step back and go to the County Commission and request that they fund a Master Plan update. Regarding the Dark Sky ordinance, he does not believe it is a good idea in a commercial area. It's important to have proper lighting in livestock operations and for safety purposes in commercial and residential areas.

Brent Hipwell 585 S 3600 W states that he wants to back up what Mr. Gibson stated. He states that curb and gutter will come and if you allow 21 acres on one side of state highway and have 21 acres on all four corners, not only are you going to be writing a General Plan to accommodate the 30 acres there is going to be 80 to 100 acres on that corner will be commercial. There will be amendments in the future because even though right now the public says no, it's a possibility and just be aware that 21 acres on 1 corner will equal 30 on the other 3.

Brian Opheikin 644 South 4700 W states that he has been trying to build a home in Western Weber County for over a year. He states that this proposal is a good one. He states that the Master Plan goes along with the community and he has had to follow it in building his home and it has taken a year to make adjustments and changes to comply. If it's as easy as having Mr. Ewert propose the changes in the planning developments and it gets voted on and it makes it okay. It makes the public question what the Commission really stands for. He states that he feels this is a good plan but they need a new beginning as a County and the people. He states that he knows it isn't a PRUD but the whole time that it was being discussed he thought about what he can offer to the County for his lot to be developed. He asks what would it take to get his lot approved. He also feels that if he as a one lot development has to follow numerous requirements and regulations big developers should have to follow the same regulation even though they might have more to offer.

John Price 400 S. 6700 W states that he gets where everybody is coming from but growth is upon Western Weber. When the amendment was made in 2003 the community doubled in size. There has been a lot of changes that nobody anticipated. He states that they need to plan for the growth. It's nice to talk about what everyone would like it to be but the reality is they need to accommodate for growth. The changes are positive.

Dan Baugh 4441 S 4300 W states they have tried to zone it commercially before. If you live in West Weber nobody wants any change. He states that if the public is thinking it's going to be something big. There 21.9 acres but nobody wants to build on there but them. It's not about common sense, for them it's about they bought it as a farm it's going to stay a farm. He notes that they need to think about what's best for the community. He states that they need to drive 8 miles to go to the grocery store or to get a hamburger. There could be an emergency care for farmers, in case they get hurt. There are services out there that are needed and wanted. It's important to keep in mind that getting a grocery store out there is not going to happen overnight. It might start off as a convenience store and possibly a fast food place and develop from there. Right now the focus is on getting the zone changed, and he is hoping they can come to an agreement somewhere in the middle. He states they there are some things that need to be adjusted, but they are not against all the changes proposed. He states that they would like the aesthetic changes because he disagrees

with the Dark Sky, but he also doesn't want it flooded with light. He states that they are amenable to changes, they are not going to be difficult.

Tammy Baugh 4441 S 4300 W states that if they can see the zone changed the changes will be sooner rather than later. The big box stores biggest hold up has been the zoning. They don't want to go through the process. She states that this is something that they need. Please consider the reasons why they may need to want these changes. She adds that they are willing to work with the Planning Commission so that the changes can be sensible and responsible.

Chair Hancock asks if there any other public comments. There are none.

Chair Hancock asks if there are any further questions from the Planning Commissioners.

Commissioner Bell asks on the east side bordering 4300 W that road from the South dead ends on the tracks. Would this allow for this to continue through? Mr. Ewert states that it is a possible ask. It is one of the challenges when dealing with Union Pacific. It was closed for a reason, but it's not the first time the question has come up. It could be added into the development agreement that the resulting owner and the master developer will foster and provide improvements as long as the merits it and it's reasonably related.

Commissioner Willener states the proposed language for the adjustment says the General Plan the zoning for the village should limit large commercial uses and uses that are heavy dominated by automobile-oriented commercial uses. She states that she has heard people requesting a convenience store and to her, that sounds like a gas station and this would be the vehicle traffic. She states that she needs clarification on whether it's being envisioned as retail or a gas station on every corner. Mr. Ewert states that one thing in talking to the developer and understanding their desires for the corner, the market would dictate a gas station it doesn't mean that corner has to be reserved for a gas station. He states that he wants to be supportive to the applicant's desires for a bit of automobile-oriented commercial is to make sure that the drive-thru windows the stacking lanes, and the canopies are on the backside. He would also like to see a ton of pedestrian facilities that have crosswalks.

Commissioner Borklund asks what would be involved in the plan amendment process. Mr. Ewert states that it depends on the type of end product they want; it is something they will talk to the County Commission during the budget session. He states that the Ogden Valley General Plan cost 150,000 and the State threw in 50,000 for County resource fund. The Ogden Valley plan was slated for a year and it took two years, they had a very active and vocal public. It didn't cost more money but it took more time. Commissioner Borklund asks how the public would be notified. Mr. Ewert states that as far notices go there is no mandatory requirement. He states that sending out postcards is expensive. He adds that the expectation is that the public is paying attention to what is going on in their community and that is why they are not required to send notices. He notes that a postcard, in the beginning, will help the public along. Commissioner Borklund asks what is the turnout usually like. Mr. Ewert states that with the Western Weber Future Visioning the first meeting there was eighty people, the second there was forty or fifty, and thirty or so in the last few. It dwindles down and planning fatigue happens.

Chair Hancock asks if these kinds of general items were discussed in those Visioning meetings. Mr. Ewert states that they weren't specific but the deliverable was a map of desired future land uses in the area, it also focused on the potential creation of the Western Weber Corridor out West. He adds that he will provide maps and a full detailed report of the Planning staff's recommendation to the County Commission.

Director Grover states that it might be good to compare that map to this proposal to forward the Planning Commission's recommendation to the County Commission. It can be used in aiding the amendment to the General Plan. Right now the Planning Commission needs to decide if a full-blown plan is needed in order to look at this request or a text amendment without looking at a full-blown plan. Commissioner Parke asks how realistic a revision to the General Plan is. Director Grover states that it not likely to be on this budget cycle but the one after that, a year and a half to two years out. There is a warrant for that especially after the Visioning that happened out there. He states that they have a few options they can table the request and give staff some direction, they could forward a recommendation of denial to the County Commission pending a plan amendment, or they can recommend approval. There are some different options.

Chair Hancock states that at this point he doesn't feel he can make a good judgment especially after hearing the public comment.

Commissioner Edwards states that he doesn't disagree there have been some great comments, everyone has to follow a process. He states that it would be a possibility to offer the 14 acres as the plan says, it does restrict the other corner maybe it goes as a first come first serve, it at least wouldn't sting this applicant along for two and half years everyone has property rights. They have the right to do with their property what they would like. It would allow them to move forward. He states that he agrees with the dark sky comments from the public it might not be a good idea for the area.

Commissioner Bell states that this is the second thing that was brought up this evening that there was mention of amending the General Plan. He states that they can be too quick to amend the General Plan. He adds that if these type of items keep surfacing there is no reason to keep putting off peoples requests if there is not going to be an update. There has been a lot of public comment that he wants to mull over.

MOTION: Commissioner Bell motions to table item 3.4 ZMA 2018-03 and ZDA 2018-03 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following:

- 2003 West Central Weber General Plan, to support a rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West.
- Rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West, from A-1 to a zone that will support a small-scale commercial village. The purpose of the general plan amendment and rezone is to enable a small-scale commercial village, with a development agreement that limits the commercial uses and controls the site's layout and architectural design better than existing ordinances to consider public comment. Commissioner Edwards seconds.

Motion carries (6-0)

Commissioner Willener states that she believes it would be helpful to see the results from the Western Weber Visioning Project specifically regarding the feedback from the village concept. In lieu of having to amend the entire General Plan that could be a resource where public comment has already been gathered.

Director Grover states that as they table the item there is a statutory right for due process, they will need to make a recommendation to the County Commission at some point because there is a paid application. Commissioner Bell asks if there is a timeline. Director Grover states that it can be argued but as long as it is reasonable, preferably in the next couple meetings as long as there is justification on giving staff direction on what to look at. Commissioner Bell states that they would like to see what is proposed in the next meeting based on the public comment.

4. Public Comment for Items not on the Agenda. There are none

5. Remarks from Planning Commissioners- Commissioner Borklund asks whether the ex parte rules apply with regard to legislative items. Director Grover states that they don't. He adds that he encourages them to engage with the public if they ask a question about a legislative item. Commissioner Borklund states that she believes this could be a tool to get input and information.

6. Planning Director Report- Director Grover states that the Planning Commissioners need to get with Planning Staff regarding the APA conference October 3rd and 4th in Sandy. It is the State Conference good training and dialogue is offered.

7. Remarks from Legal Counsel- There is none.

8. Adjourn-8:52pm

Respectfully submitted

-Marta Borchert



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary approval of Jacquelyn Estates Cluster Subdivision Phases 2 and 3.
Type of Decision:	Administrative
Agenda Date:	Tuesday, September 11, 2018
Applicant:	Craig and Julie Standing
File Number:	LVJ071217

Property Information

Approximate Address:	4900 W 2200 S
Project Area:	8.05 acres
Zoning:	A-1
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	15-079-0113
Township, Range, Section:	Township 6 North, Range 2 West, Section 29

Adjacent Land Use

North:	Residential	South:	Residential
East:	Agricultural	West:	Residential

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Applicable Ordinances

- Title 104, Zones, Chapter 5, Agricultural (A-1) Zone
- Title 106, Subdivisions

Development History

- Jacquelyn Estates Cluster Subdivision Phases 1 and 2 received preliminary approval from the Western Weber Planning Commission on July 11, 2014.
- Jacquelyn Estates Cluster Subdivision Phase 1 was recorded with the Weber County Recorder's Office on March 29, 2016.
- A onetime extension for final approval of Phase 2 was granted on August 15, 2017.
- Jacquelyn Estates Cluster Subdivision Phase 2 received a recommendation for final approval from the Western Weber Planning Commission on September 12, 2017.
- The applicant submitted a revised phasing plan on August 24, 2018 requiring the subdivision to get a new preliminary approval from the Planning Commission.

Background

The applicant has submitted a revised phasing plan of the Jacquelyn Estates Cluster Subdivision. The previously approved phasing plan included Phase 1 (which has already been recorded), consisting of six lots and Phase 2 (which has received final approval from the Planning Commission), consisting of 13 lots; a total of 19 residential building lots.

The revised phasing plan will consist of Phase 2 (five lots) and Phase 3 (eight lots), still resulting in a total of 19 residential building lots between three phases. The layout of the lots will be the same as previously approved, with the exception of the new phasing line. The purpose of the revised phasing plan is to reduce the cost of infrastructure in each phase so that the developer can provide a cash escrow to the County to ensure the installation of improvements.

Another reason for the revised preliminary plan is to extend the timeline for final subdivision approval, as the current approvals under the old cluster subdivision ordinance will expire on September 12, 2018. If the subdivision application expires the applicant will be required to comply with the cluster subdivision ordinance that is currently in effect, which would require a completely revised lot layout.

Because the subdivision has not yet expired, preliminary approval of Phase 2 is subject to the provisions of the cluster subdivision code that existed at the time the original phasing plan was approved (2014). With the recommended conditions the proposed subdivision is in compliance with the previous cluster subdivision code, known as Chapter 22B.

LUC §106-1-5 states that a phasing plan of a subdivision must be approved as part of preliminary approval. As such, the applicant is requesting preliminary approval of the revised Phase 2 and overall phasing plan, including Phase 3.

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 and by encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agriculture (A-1) Zone. The purpose of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

Cluster subdivisions, in accordance with the Land Use Code, are permitted in the A-1 Zone.

The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. The following is a brief synopsis of the review criteria and conformance with the Uniform Land Use Code of Weber County (LUC).

Open Space Requirements: Section 22B-3 requires that a minimum of 30% of the overall subdivision (all three phases) shall be preserved as permanent open space. The overall subdivision consists of 12.169 acres. Phase 1 contains 3.496 acres of permanent open space. Phase 2 is proposed to contain 0.914 acres of permanent open space. Phase 3 is proposed to contain 1.58 acres of permanent open space. 5.99 acres, or 49 % of the overall subdivision, is proposed as permanent open space.

Open Space Preservation: Section 22B-7 states the following regarding open space preservation:

Open Space shall be maintained in accordance with an open space preservation, maintenance and improvements plan submitted by the developer and approved plan by the Planning Commission and County Commission. The plan shall detail the intended use of the open space and any proposed improvements to be placed in the open space.

The applicant has provided an open space preservation plan, but it is insufficient. A more detailed plan, providing for more amenities and maintenance of amenities, such as trails and lawn grassed common areas with landscaping will be required prior to final approval from the Planning Commission.

Cluster subdivision design and layout standards: Section 22B-3 allows a minimum lot area in a cluster subdivision to be 10,000 square feet. Each lot within Phases 2 and 3 is not less than 14,000 square feet in area.

Section 22B-4 requires the minimum lot width of cluster subdivision lots in the A-1 zone to be 100'. Each lot within Phase 2 has a minimum width of 100', as measured from the front yard setback of 20'

Additional Design Standards and Requirements: Section 22B-5 requires that lots in cluster subdivisions be clustered into contiguous groups of not less than five lots and no more than three clusters per sixty lots. All 19 lots of the overall subdivision are clustered into one cluster of lots.

Section 22B-5 also requires a minimum of 3 contiguous acres of open space in the A-1 zone. The overall subdivision (all three phases) provides the required 3 contiguous acres as shown on Phase 1.

Bonus Density Requirements: 22B-6 states that cluster subdivisions in the A-1 Zone may be granted up to 50% bonus density. During the original preliminary approval, the entire subdivision as a whole, including both phases, was granted a 50% bonus density based on the following criteria:

1. 15% for developing a cluster subdivision that meets the intent of the standards.

22B-1. Intent. The intent of this chapter is to encourage the creation and permanent protection of open space, to preserve the rural character and natural beauty of Unincorporated Weber County, as called for by the County's General Plans. It is not the intent of this ordinance to create open space subdivisions with lots sprawled over large areas, or strung out along roadways.

2. 19% for additional open space in excess of the minimum 30% open space.

22B-6. For each five (5) percent of open space preserved in the subdivision in excess of the minimum required by this ordinance up to a five (5) percent bonus density may be granted.

3. 16% for providing two lots (ten percent of the lots) permanently set aside for affordable housing.

Ten (10) percent of the lots and homes are permanently set aside for affordable housing (as outlined by the affordable housing act of 1990) - up to a twenty five (25) percent bonus density may be granted.

As part of the final approval of Phase 1, only 1 lot was set aside for affordable housing. One lot from Phase 2 or 3 must also be set aside for affordable housing. A deed restriction shall also be recorded on the lot, limiting the sale, or rental of the homes to a household with incomes at or below eighty (80) percent of the County median income. A condition of approval has been added to the staff recommendation to ensure that this standard is met prior to the recording of the final Mylar.

Bonus Density Request: Due to changes in the cluster subdivision ordinance, the remaining phases (2 and 3) are considered nonconforming (grandfathered), as long as the time limitations for approvals are met. The Land Use Code regulates nonconforming phases as follows (LUC §106-1-7(c)):

Nonconforming. Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

Due to the request to revise the phasing plan, the Planning Commission has the ability to re-consider and grant bonus densities for the remaining phases, based on the old cluster subdivision ordinance, 22-B. The applicant is requesting that the previously awarded bonus density remain, so as not to result in a loss of lots.

Culinary water and sanitary sewage disposal: Will Serve letters have been provided by the Taylor West Weber Water Improvement District and the Central Weber Sewer Improvement District regarding culinary water and sanitary sewer disposal. Hooper Irrigation Company has also provided a Will Serve letter regarding secondary water. A Capacity Assessment letter from the Utah Department of Environmental Quality Division of Drinking Water has been provided for the entire 19 lot project. A construct permit from the Utah Department of Environmental Quality Division of Drinking Water will be required prior to the subdivision receiving final approval from the County Commission.

Additional design standards and requirements: The proposed cluster subdivision will have a 50' width dedicated county road extending from 2200 South to the stubbed 50' width road in Phase 1.

As stated in 22B-8, *the subdivider shall cause to be formed prior to the recording of the final plat, a Lot Owners Association and shall establish articles of incorporation of the Association, by-laws and covenants outlining the purpose, organization and operation of the Association.*

This requirement has been added to the staff recommendation as a condition of approval.

Review Agencies: A condition of approval has been added to ensure that all conditions of the Review Agencies, including the Engineering Division, Surveyor's Office, and the Fire District will be addressed prior to submitting the final Mylar for signatures and the recording of the final plat.

Staff Recommendation

Staff recommends preliminary approval of Jacquelyn Estates Cluster Subdivision Phases 2 and 3, consisting of 13 building lots and 2 common areas. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A more detailed open space preservation plan, providing for more amenities such as trails and lawn grassed common areas with landscaping will be required, including a maintenance plan, prior to final approval from the Planning Commission.
2. The applicant will be required to establish a Lot Owners Association and establish articles of incorporation, by-laws and covenants, as outlined in 22B-8, Cluster Subdivision Provisions, prior to receiving final approval from the County Commission.
3. A guarantee of Improvements will be required as outlined in LUC § 106-4-3, prior to receiving final approval from the County Commission.
4. One lot from Phase 2 must be set aside for affordable housing, and a note must be placed on the plat, indicating which lot is set aside for that purpose. A deed restriction shall also be recorded on the lot, limiting the sale, or rental of the homes to a household with incomes at or below eighty (80) percent of the County median income. This standard must be met prior to recording the final Mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. 15% for developing a cluster subdivision that meets the intent of the standards.
4. 19% for additional open space in excess of the minimum 30% open space.
5. 16% for providing two lots (ten percent of the lots) permanently set aside for affordable housing.

Exhibits

- A. Previous Phase 2 plat
- B. New Phasing Plan Proposal
- C. Current Open Space Preservation Plan
- D. Recorded Phase 1 plat

Map 1



JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 2

A PART OF THE NORTHWEST QUARTER OF SECTION 29, T. 6 N., R. 2 W., S.L.B. & M.

WEBER COUNTY, UTAH MARCH 2018

Exhibit A
Original Phase 2 proposal

- Legend**
- - - - - EXISTING FENCE
 - - - - - EASEMENTS
 - - - - - STREET CENTERLINE
 - - - - - ADJACENT PROPERTIES
 - ◆ FND SECTION CORNER
 - ◆ FND STREET MONUMENT INSIDE RING AND LID MATCHING WEBER COUNTY STANDARDS
 - ◆ STREET MONUMENTS TO BE SET ACCORDING TO WEBER COUNTY STANDARDS
 - FND CURB NAIL
 - FND REBAR AND CAP
 - SET #5x24" REBAR AND CAP STAMPED LANDMARK
 - ▨ ROAD/STREET DEDICATION

NOTE:
LOWEST FINISH FLOOR ELEVATION ON PROPOSED HOMES IS TO BE ABOVE 1.0 FEET BELOW TOP BACK OF CURB ELEVATION AS MEASURED AT THE CURB LOCATED AT THE CENTER OF THE FRONT LOT LINE, UNLESS APPROVED BY THE WEBER COUNTY ENGINEERING DEPARTMENT.

NOTE:
1. Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision. [Amd. Ord. Sec. 106-1-8(c)(5)]

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	63.87	80.00	45°44'25"	N66° 42' 18"W	62.18
C2	62.55	80.00	44°47'50"	N21° 26' 10"W	60.97
C3	43.00	55.00	44°47'50"	N21° 26' 10"W	41.92
C4	43.91	55.00	45°44'25"	N66° 42' 18"W	42.75
C5	73.52	105.00	40°07'11"	N69° 30' 54"W	72.03
C6	10.30	105.00	5°37'13"	N46° 38' 42"W	10.30
C7	62.94	90.00	40°04'15"	S66° 12' 02"W	61.67
C8	81.00	90.00	51°33'59"	N67° 58' 51"W	78.29
C9	85.00	90.00	54°06'46"	N15° 08' 28"W	81.88
C10	53.80	90.00	34°15'00"	N29° 02' 25"E	53.00
C11	282.74	90.00	180°00'00"	N43° 50' 05"W	180.00
C12	17.10	105.00	9°19'43"	N39° 10' 14"W	17.08
C13	65.00	105.00	35°28'07"	N16° 46' 19"W	63.97
C14	204.20	65.00	180°00'00"	N43° 50' 05"W	130.00

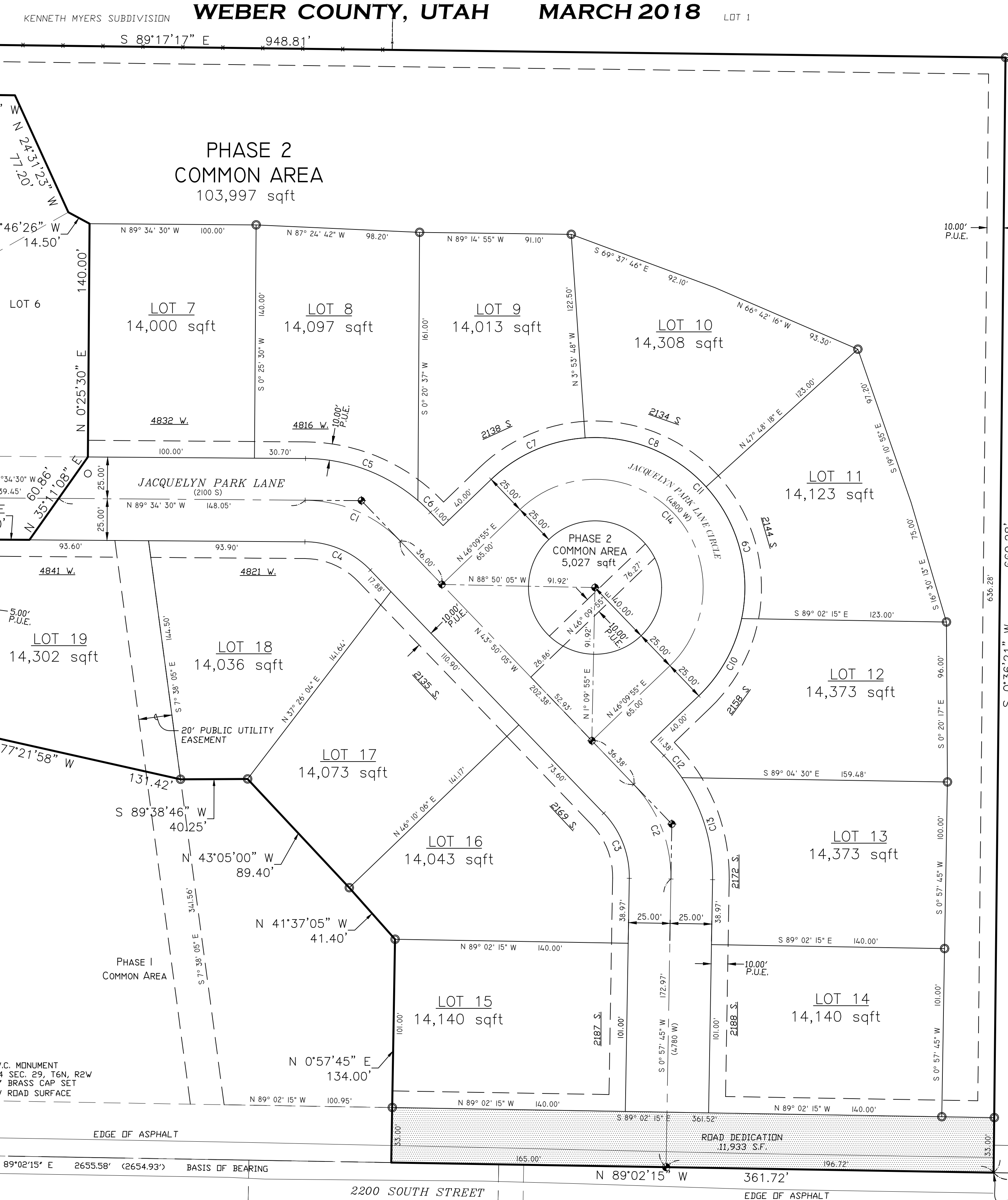
WEBER COUNTY ENGINEER
I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.
Signed this ___ day of _____, 20__.

WEBER COUNTY PLANNING COMMISSION APPROVAL
This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ___ day of _____, 20__.

Chairman, Weber County Planning Commission
WEBER COUNTY ATTORNEY
I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this ___ day of _____, 20__.

WEBER COUNTY SURVEYOR
I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this ___ day of _____, 20__.

Chairman, Weber County Commission
WEBER COUNTY COMMISSION ACCEPTANCE
This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ___ day of _____, 20__.



FOUND. W.C. MONUMENT
WEST 1/4 SEC. 29, T6N, R2W
1980, 3" BRASS CAP SET
1" BELOW ROAD SURFACE

FOUND. W.C. MONUMENT
CENTER SEC. 29, T6N, R2W
1983, 3" BRASS CAP SET
6" BELOW ROAD SURFACE

OWNER'S DEDICATION
We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets and Private Streets as shown hereon and name said tract JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 2:

We hereby dedicate to the Weber County for the purpose of public use all those parts or portions of said tract of land designated as street(s) and/or road(s), the same to be used as public thoroughfares. And further dedicate grant and convey said street(s) or and/or road(s) as public utility corridors as may be authorized by the Weber County.

We hereby grant and convey to Jacquelyn Estates HOA Inc. Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each member of Jacquelyn Estates HOA Inc. in common with all others in the subdivision and grant and dedicate to the Weber County a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to the Weber County that the Common Areas remain open and undeveloped except for recreational, parking and open space purposes as may be approved by the Weber County.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the Weber County and as may be authorized by the Weber County, with no buildings or structures being erected within such easements.

We hereby grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, a perpetual easement over such land drains for the purpose of maintenance and operation.

Signed this ___ day of _____, 20__.

Craig L. Standing - President CJ Homes Development Inc.

Julie Standing - VP CJ Homes Development Inc.

CORPORATE ACKNOWLEDGMENT

State of Utah)
County of _____)
On this ___ day of _____, 20__, personally appeared before me _____, whose identity is _____ (name of document signer) personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ (Title or Office) (Name of Corporation) and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution) of its Board of Directors, or (Resolution) acknowledged to me that said Corporation executed the same.

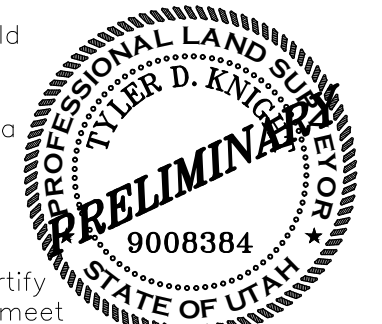
Notary Public

BOUNDARY DESCRIPTION
A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING NORTH 89°02'15" WEST 381.06 FEET ALONG THE QUARTER SECTION LINE FROM THE CENTER OF SAID SECTION 29, RUNNING THENCE NORTH 89°02'15" WEST 361.72 FEET; THENCE NORTH 0°57'45" EAST 134.00 FEET; THENCE NORTH 41°37'05" WEST 41.40 FEET; THENCE NORTH 43°05'00" WEST 89.40 FEET; THENCE SOUTH 89°38'46" WEST 40.25 FEET; THENCE NORTH 77°21'58" WEST 131.42 FEET; THENCE NORTH 7°38'13" EAST 116.20 FEET; THENCE SOUTH 89°34'00" EAST 22.10 FEET; THENCE NORTH 55°11'08" EAST 60.86 FEET; THENCE NORTH 0°25'30" EAST 140.00 FEET; THENCE NORTH 61°46'26" WEST 14.50 FEET; THENCE NORTH 24°31'23" WEST 77.20 FEET; THENCE NORTH 89°17'17" WEST 45.60 FEET; THENCE SOUTH 60°42'02" WEST 104.10 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 142.06 FEET (DELTA = 65°07'00" LONG CHORD BEARS NORTH 57°09'00" WEST 134.54 FEET; THENCE NORTH 89°34'00" WEST 104.86 FEET TO THE EAST R.O.W. LINE OF 4900 WEST STREET; THENCE NORTH 0°25'30" EAST 10.76 FEET TO THE SOUTH BOUNDARY LINE OF KENNETH MEYERS SUBDIVISION; THENCE ALONG SAID SUBDIVISION SOUTH 89°17'17" EAST 948.81 FEET; THENCE SOUTH 0°36'21" WEST 669.28 FEET TO THE POINT OF BEGINNING.

CONTAINS 350,716 Sqft = 8.05 ACRES.

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber county.



NARRATIVE
The purpose of this survey is to plat Phase 2 of a nineteen (19) lot cluster subdivision that was approved through the preliminary process on July 11, 2014 under the County's prior "Cluster Subdivision Ordinances".

- Documents used to side in this survey:
1. Weber County Tax Plat 15-079-3 & 15-599
 2. Plats of Record: Jacquelyn Estates Cluster Subdivision Phase 1 (79-013), Kenneth Meyers Subdivision (55-080).
 3. Deeds of Record as found in the Weber County Recorders Office for parcels 15-079-0107, 15-079-0107

Boundaries were established by deeds and plats of record.
Basis of bearing is State Plane Grid from monuments as shown.



DEVELOPER: CJ Homes Development Inc.
Craig Standing PH: 801-540-4989
5337 Ridgedale Dr., Ogden UT, 84403
Part of the NW 1/4 of Section 29, Township 6 North, Range 2 West, Salt Lake Base and Meridian.

Revisions
DRAWN BY: ATB
CHECKED BY: TK
DATE:
FILE: 3010phs2-v5.dwg

4646 South 3500 West - #A-3
West Haven, UT 84401
801-731-4075

Weber County Recorder
Entry no. _____
Fee paid _____ 2016.
Filed for record and recorded _____ day of _____ at _____ in book _____ of official records, on page _____ County Recorder: Leann H Kilts
By Deputy: _____

JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 2

A PART OF THE NORTHWEST QUARTER OF SECTION 29, T. 6 N., R. 2 W., S.L.B. & M.

WEBER COUNTY, UTAH MARCH 2018

Exhibit B
Proposed new
phasing plan

- Legend**
- EXISTING FENCE
 - - - EASEMENTS
 - STREET CENTERLINE
 - - - ADJACENT PROPERTIES
 - ◆ FND SECTION CORNER
 - ◆ FND STREET MONUMENT INSIDE RING AND LID MATCHING WEBER COUNTY STANDARDS
 - ◆ STREET MONUMENTS TO BE SET ACCORDING TO WEBER COUNTY STANDARDS
 - FND CURB NAIL
 - FND REBAR AND CAP
 - SET #5x24" REBAR AND CAP STAMPED LANDMARK
 - ▨ ROAD/STREET DEDICATION

NOTE: NO BASEMENTS ALLOWED IN THIS DEVELOPMENT.

NOTE: 1. Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision. [Amd. Ord. Sec. 106-1-8(c)(5)]

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C2	62.55	80.00	44°47'50"	N21° 26' 10"W	60.97
C3	43.00	55.00	44°47'50"	N21° 26' 10"W	41.92
C4	43.91	55.00	45°44'25"	N66° 42' 18"W	42.75
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C6	10.30	105.00	5°37'13"	N46° 38' 42"W	10.30
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C8	81.00	90.00	51°33'59"	N67° 58' 51"W	78.29
C9	85.00	90.00	54°06'46"	N15° 08' 28"W	81.88
C10	53.80	90.00	34°15'00"	N29° 02' 25"E	53.00
C11	282.74	90.00	180°00'00"	N43° 50' 05"W	180.00
C12	17.10	105.00	9°19'43"	N39° 10' 14"W	17.08
C13	65.00	105.00	35°28'07"	N16° 46' 19"W	63.97
C14	158.69	65.00	139°52'41"	N23° 46' 26"W	122.11

WEBER COUNTY ENGINEER
I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.
Signed this ___ day of _____, 20__.

WEBER COUNTY PLANNING COMMISSION APPROVAL
This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ___ day of _____, 20__.

WEBER COUNTY ATTORNEY
I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this ___ day of _____, 20__.

Signature _____

WEBER COUNTY SURVEYOR
I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this ___ day of _____, 20__.

WEBER COUNTY COMMISSION ACCEPTANCE
This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ___ day of _____, 20__.

Signature _____
Chairman, Weber County Commission
Attest:
Title: Weber County Clerk

FOUND. W.C. MONUMENT
WEST 1/4 SEC. 29, T6N, R2W
1980, 3" BRASS CAP SET
1' BELOW ROAD SURFACE

FOUND. W.C. MONUMENT
CENTER SEC. 29, T6N, R2W
1983, 2" BRASS CAP SET
6" BELOW ROAD SURFACE

SURVEYOR'S CERTIFICATE
I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.



NARRATIVE
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Boundaries were established by deeds and plats of record.
Basis of bearing is State Plane Grid from monuments as shown.

OWNER'S DEDICATION
We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets and Private Streets as shown hereon and name said tract JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 2:

We hereby dedicate to the Weber County for the purpose of public use all those portions of portions of said tract of land designated as street(s) and/or road(s), the same to be used as public thoroughfares. And further dedicate grant and convey said street(s) and/or road(s) as public utility corridors as may be authorized by the Weber County.

We hereby grant and convey to Jacquelyn Estates HOA Inc. Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each member of Jacquelyn Estates HOA Inc. in common with all others in the subdivision and grant and dedicate to the Weber County a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to the Weber County that the Common Areas remain open and undeveloped except for recreational, parking and open space purposes as may be approved by the Weber County.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the Weber County and as may be authorized by the Weber County, with no buildings or structures being erected within such easements.

We hereby grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, a perpetual easement over such land drains for the purpose of maintenance and operation.

Signed this ___ day of _____, 20__.

Craig L. Standing - President CJ Homes Development Inc.

Julie Standing - VP CJ Homes Development Inc.

CORPORATE ACKNOWLEDGMENT

State of Utah)
County of _____)
On this ___ day of _____, 20__, personally appeared before me _____, whose identity is _____ (name of document signer) personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ (Title or Office) (Name of Corporation) and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution) of its Board of Directors, and said _____ (name of document signer) acknowledged to me that said Corporation executed the same.

Notary Public _____

BOUNDARY DESCRIPTION
A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING NORTH 89°02'15" WEST 381.06 FEET ALONG THE QUARTER SECTION LINE, NORTH 0°36'21" EAST 669.28 FEET TO THE SOUTH BOUNDARY LINE OF KENNETH MEYERS SUBDIVISION, AND NORTH 89°17'17" WEST 312.41 FEET FROM THE CENTER OF SAID SECTION 29; RUNNING THENCE SOUTH 0°20'37" WEST 109.27 FEET; THENCE SOUTH 89°14'55" EAST 52.34 FEET; THENCE SOUTH 3°53'48" EAST 172.50 FEET; THENCE ALONG A 40.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 64.38 FEET (DELTA = 92°13'19", LONG CHORD BEARS SOUTH 40°17'28" WEST 57.65 FEET; THENCE NORTH 88°50'05" WEST 82.71 FEET; THENCE SOUTH 37°26'04" WEST 141.64 FEET; THENCE SOUTH 89°38'46" WEST 40.25 FEET; THENCE NORTH 77°21'58" WEST 131.42 FEET; THENCE NORTH 7°38'13" EAST 116.20 FEET; THENCE SOUTH 89°34'30" EAST 22.10 FEET; THENCE NORTH 53°11'08" EAST 60.86 FEET; THENCE NORTH 0°25'30" EAST 140.00 FEET; THENCE NORTH 61°46'26" WEST 14.50 FEET; THENCE NORTH 24°31'23" WEST 104.10 FEET; THENCE NORTH 89°17'17" WEST 45.60 FEET; THENCE SOUTH 60°42'02" WEST 104.10 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 142.06 FEET (DELTA = 65°07'00" LONG CHORD BEARS NORTH 57°01'00" WEST 134.54 FEET; THENCE NORTH 89°34'30" WEST 104.86 FEET TO THE EAST R.O.W. LINE OF 9900 WEST STREET; THENCE NORTH 0°25'30" EAST 10.76 FEET TO THE SOUTH BOUNDARY LINE OF KENNETH MEYERS SUBDIVISION; THENCE ALONG SAID SUBDIVISION SOUTH 89°17'17" EAST 636.39 FEET; THENCE TO THE POINT OF BEGINNING.

CONTAINS 127,532 SqFt = 2.93 ACRES.

 A Complete Land Surveying Service www.LandmarkSurveyUtah.com 4646 South 3500 West - #A-3 West Haven, UT 84401 801-731-4075	Weber County Recorder Entry no. _____ Fee paid _____ 2016.
	Filed for record and recorded ___ day of _____ at _____ in book _____ of official records, on page _____ County Recorder: Leann H Kilts By Deputy: _____
DEVELOPER: CJ Homes Development Inc. Craig Standing PH: 801-540-4989 5337 Ridgedale Dr., Ogden UT, 84403 Part of the NW 1/4 of Section 29, Township 6 North, Range 2 West, Salt Lake Base and Meridian.	Subdivision DRAWN BY: ATB CHECKED BY: TK DATE: _____ FILE: 3010phs2-v5.dwg

**JACQUELYN ESTATES CLUSTER SUBDIVISION – 19 RESIDENTIAL CLUSTER LOTS
and 6.83 acres minimum Agricultural Parcels (see attached plat)**

Agricultural Preservation Plan

The best use of the common area is open space, as it will allow for the preservation of historic context and agricultural feel of the land. This action would allow for open space to be preserved and allow for the continued productive use of livestock and crops.

Open Space in the Jacquelyn Estates Cluster Subdivision is divided into two types: Common Area and Individual Owned Agriculture Preservation Parcels. Details, permitted uses, and ownership are outlined below.

1.Common Areas (6 Parcels) OS-1 to OS-6

Common Area Parcels within the Jacquelyn Estates Cluster Subdivision are located throughout the subdivision. The two Common Area Parcels are accessible by road and total 6.83 acres.

Permitted Uses

Public Pathways: There are to be public pathways installed throughout the common areas that will be open to the public and maintained by the HOA.

Storm Drainage Detention Basins: Common Area Parcels can be used for storm drainage detention basins serving the Jacquelyn Estates Cluster Subdivision. No crops or animals are permitted in the HOA owned common areas.

Ownership: The parties agreeing that the Common Area Parcels shall be owned by the Jacquelyn Estates, HOA.

The Common Area Parcels are required always to conform to the use restrictions stated above.

DATED this _____ day of _____, 20__

Jacquelyn Estates, HOA

INDIVIDUAL OWNED PRESERVATION PARCELS (7) A TO NN

2. Individual Owned Agriculture Preservation Parcels (7) A to G, minus the .83(G)

Individual Owned Agriculture Preservation Parcels within the Jacquelyn Estates Cluster Subdivision area located throughout the subdivision. Agriculture Preservation Parcels have letter designations A-G and are 1-acre minimum.

Structures: Individual Owned Agriculture Preservation Parcel: no structures permitted within storm drainage retention ponds. The integrity of storm drainage retention ponds serving the Jacquelyn Estates Cluster Subdivision must be preserved.

All other Individual Owned Agriculture Preservation Parcels: Structures for agricultural or associated purposes may be built on the Agriculture Preservation Parcels, but are limited to 5 percent of each parcel. This includes but is not limited to structures used for housing crops, no animals, equipment, vehicles, tools, feed, and implements to support agricultural endeavors. Structures shall not be used for permanent or residential purposes only.

Crops and Animals: Individual Owned Agriculture Preservation Parcels: No crops permitted within storm drainage retention ponds. The integrity of storm drainage detention basins serving the Jacquelyn Estates Cluster Subdivision must be preserved. No animals are permitted in accordance with Weber County Land Use Code currently in force.

All other Individual Owned Agriculture Preservation Parcels: Crops are permitted in accordance with Weber County Land Use Code currently in force.

Waste & Maintenance: No animal or agricultural waste is allowed, if this happens it removed from the Individual Owned Agriculture Preservation Parcels. Waste may not be used as fertilizer, provided the waster is tilled, churned, or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.

Agricultural Uses: Except for items stored in appropriate containers or buildings, the Individual Owned Agriculture Preservation Parcels shall be maintained such that no trash, no refuse, no rubbish, no inoperable or abandoned equipment, no dead animals, no scrap lumber, no building materials, no scrap material, no grass clippings, no plant waste, or other unsightly waste are permitted, from the streets nearest to the residential lots.

Exhibit C
Current Open Space
Preservation plan

Storm Drainage Detention Basins: Agriculture Preservation Parcels can be used for storm drainage detention basins serving the Jacquelyn Estates Cluster Subdivision. No crops are permitted in the common areas. Only in the garden box areas. Easements will be established for the construction and maintenance the detention basins.

Public Pathways: There are to be public pathways installed throughout the Individual Owned Agriculture Preservation Parcels that will be open to the public and maintained by the HOA. These pathways will be installed in easements within the Agriculture Preservation Parcels.

Ownership: Ownership of Individual Owned Agriculture Preservation Parcels within the Jacquelyn Estates Cluster Subdivision is restricted to individuals owning a residential lot within the Jacquelyn Estates Cluster Subdivision. Land-locked Agricultural Lots without road access are restricted to being owned only by individuals also owning a residential lot which shares a property line with the landlocked Agricultural Lot.

The Individual Owned Agriculture Preservation Parcels are required always to conform to the use restrictions stated above.

(STATE OF UTAH)

ss:

(COUNTY OF WEBER)

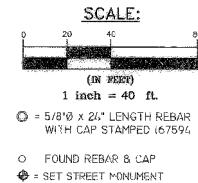
On the _____ day of _____, 20____ personally appeared before me _____, _____, _____, and _____ the signer of the within instrument and who duly acknowledged to me that they executed the same.

Notary Public

Residing at:

Exhibit D
Recorded
Phase 1 Plat

JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 1
A PART OF THE NORTHWEST QUARTER OF SECTION 29, T. 6 N., R. 2 W., S.L.B. & M.
WEBER COUNTY, UTAH
MARCH 2016



WEBER COUNTY SURVEYOR
I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSEE LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS 20 DAY OF March 2016
[Signature]
SIGNATURE

WEBER COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.
SIGNED THIS 25 DAY OF March 2016
[Signature]
SIGNATURE

WEBER COUNTY ATTORNEY
I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.
SIGNED THIS 28 DAY OF March 2016
[Signature]
SIGNATURE

WEBER-MORGAN HEALTH DEPARTMENT
I HEREBY CERTIFY THAT THE SOILS, DECONTAMINATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.
SIGNED THIS DAY OF 20
DIRECTOR, WEBER-MORGAN HEALTH DEPARTMENT

WEBER COUNTY PLANNING COMMISSION APPROVAL
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS FULLY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE DAY OF March 2016

WEBER COUNTY COMMISSION ACCEPTANCE
CHAIRMAN, WEBER COUNTY COMMISSION

WEBER COUNTY COMMISSION ACCEPTANCE
TITLE: CHAIRMAN, WEBER COUNTY COMMISSION
ATTEST: *[Signature]*

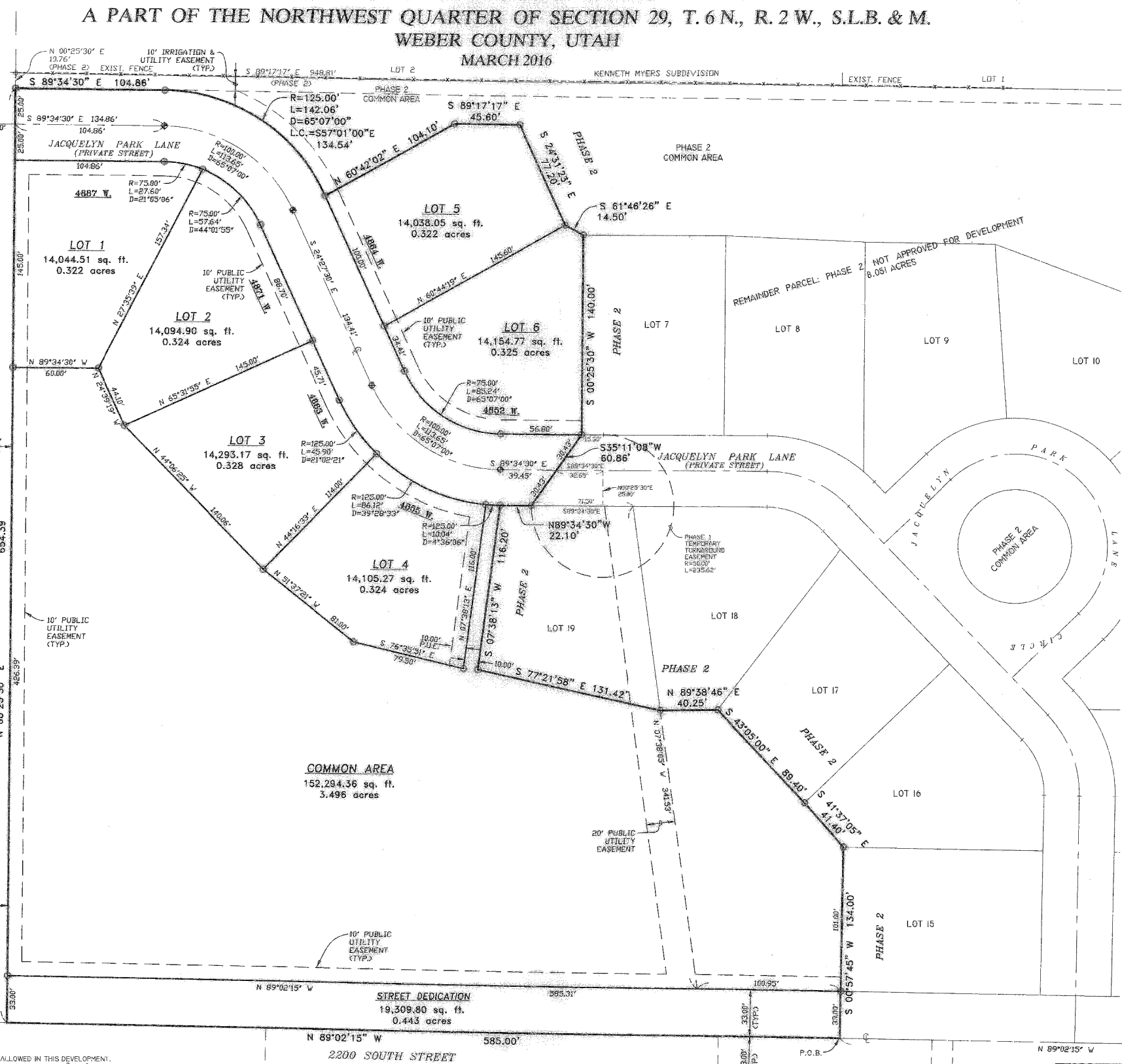
NOTE: NO BASEMENTS ALLOWED IN THIS DEVELOPMENT.
Lot 1 has been identified for Modern Income Housing.

AGRICULTURAL NOTE
AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONES. AGRICULTURE OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURE USE SHALL BE SUBJECT TO RESTRICTION ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

SURVEYOR'S CERTIFICATE
I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008394-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-25-17, verifying measurements, and have placed monuments as represented. That this plat was prepared from field notes of this survey and from documents and records as noted hereon. I do hereby certify that this plat of JACQUELYN ESTATES CLUSTER SUBDIVISION in Weber County, Utah, has been correctly drawn to scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office, Weber County Surveyors Office and of a survey made on the ground. I further certify that, to the best of my knowledge and belief, all laws meet the current requirements of the Zoning Ordinance of the county.



NARRATIVE
THE PURPOSE OF THIS SURVEY WAS TO CREATE A SIX (6) LOT CLUSTER SUBDIVISION AS SHOWN.
SURVEY'S USED TO AID IN THIS PLAT:
STEVENS WEST SUBDIVISION, HOLTGATE SUBDIVISION AND HOLTGATE SUBDIVISION - AMENDED LOT 4 AS FOUND IN THE WEBER COUNTY RECORDERS OFFICE.
BASIS OF BEARING IS UTAH STATE PLANE BEARING AS SHOWN.



OWNERS DEDICATION
We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots, streets and Private Streets as shown hereon and name said tract JACQUELYN ESTATES CLUSTER SUBDIVISION.
We hereby dedicate to public use all those parts or portions of said tract of land designated as street(s) and/or road(s), the same to be used as public thoroughfares. And further dedicate grant and convey said street(s) and/or road(s) as public utility corridors as may be authorized by the governing entity.
We hereby dedicate and reserve unto ourselves, our heirs, our grantees and/or assigns, an easement(s), and/or right(s)-of-way as shown hereon to be used in common with all others within said subdivision and those adjoining subdivisions that may be subdivided by the undersigned owners, successors, and/or assigns on, over and across all those portions or parts of said tract of land designated as Private Streets as access to the individual lot(s), common area(s), open space(s), agricultural parcel(s), park(s), or other property or uses granted, and/or assigns, to be maintained by Jacquelyn Estates HOA Inc. Owners Association whose membership consists of said owners, their grantees, successors, or assigns.
We hereby grant and convey to Jacquelyn Estates HOA Inc. Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each member of Jacquelyn Estates HOA Inc. in common with all others in the subdivision and grant and dedicate to the governing entity a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to the governing entity that the Common Areas shall remain open and undeveloped except for recreational, parking and open space purposes as may be approved by the governing entity.
We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation, maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetuity preservation of water channels in their natural state whichever is applicable and as may be authorized by the governing authority, with no buildings or structures being erected within such easements.
We hereby grant a Temporary Turnaround Easement as shown hereon, said easement shall terminate at such time as Jacquelyn Park Lane street is extended. The extension of said street shall constitute evidence of the termination of the easement and shall terminate, relinquish and/or extinguish without further documentation. Furthermore, the easement may be terminated at any time by the governing entity without the approval or acknowledgment of the underlying fee owner(s), whichever may occur first. The granting of this easement is intended for authorized use only in accordance with the governing entities needs or requirements and for the use of owners within this subdivision. No use by the general public shall constitute a statutory dedication to the public of the Temporary Turnaround Easement.
Signed this 29 day of March 2016
[Signature]
CJ Homes Development, Inc.
CJ Homes Development, Inc.

CORPORATE ACKNOWLEDGMENT
State of Utah)
County of Weber)
On this 29 day of March 2016, personally appeared before me *[Signature]*, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who is duly sworn/affirmed, as President of CJ Homes Development, Inc. and *[Signature]*, as Secretary of CJ Homes Development, Inc. and both of whom acknowledged that they are duly authorized officers of CJ Homes Development, Inc. and that the foregoing instrument was signed by them/her in behalf of said Corporation by authority of its Board of Directors, or (Resolution) *[Signature]* of its Board of Directors, and said *[Signature]* acknowledged to me that said Corporation executed the same.
[Signature]
Notary Public

BOUNDARY DESCRIPTION
A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT ALSO BEING NORTH 89°34'30\"/>

RECORD OF SURVEY 5442
LANDMARK SURVEYING, INC.
A COMPLETE LAND SURVEYING SERVICE
4845 S. 3000 W., #4-3, WEST HAVEN, UTAH 84401
PHONE: 801-731-4075 FAX: 801-731-8596
LANDMARKSURVEYING.COM
CLIENT: CRAIG STANDING PH: 801-540-1989
LOCATION: A PART OF THE NORTHWEST 1/4 OF SECTION 29, T.6N., R.2W., S.L.B. & M. WEBER COUNTY, UTAH
SURVEYED: JAN 2014
WEBER COUNTY RECORDER ENTRY # 2785494 FEE \$37.
FILED FOR RECORD & RECORDED THIS 19 DAY OF March 2016 AT 1:10 IN BOOK 19 OF PAGE 13
LEANN PILLS WEBER COUNTY RECORDER DEPUTY
FILE: 3010-IN-PLAT-MYLARDWG

N 1/4 COR. OF SEC 29, T.6N., R.2W., S.L.B. & M. FOUND WEBER CO MONUMENT DATED 1963, FAIR CONDITION
BASIS OF BEARING STATE PLANE GRID BEARING PER WEBER COUNTY 2666.88' MEAS. S 00°36'21\"/>



Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision, a nine lot subdivision.
Type of Decision: Administrative
Agenda Date: Tuesday, September 11, 2018
Applicant: Kenny Palmer, Representative
File Number: LVF071318

Property Information

Approximate Address: 560 N 5500 W, West Warren, UT, 84404
Project Area: 25.78 acres
Zoning: Agricultural (A-2)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 15-024-0015, 15-024-0016
Township, Range, Section: T6N, R2W, Section 07 SE

Adjacent Land Use

North: Agricultural	South: Agricultural
East: Agricultural	West: Residential

Staff Information

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

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (A-2 Zone)

Background and Summary

The applicant is requesting preliminary approval of Fenster Farms Subdivision Phase 2, consisting of 9 lots, including continuation of a county, dedicated road (560 North St) located at approximately 560 N 5500 W in the A-2 Zone. 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 following is a brief synopsis of the review criteria and conformance with LUC.

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. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed phase of Fenster Farms meet this requirement.

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 § 104-7. The proposed subdivision will not create any new public streets, but continue a previously dedicated public street (dedicated in Phase 1).

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for both culinary (West Warren-Warren Water) and secondary (Mt. View Irrigation). Weber-Morgan Health Department has performed the necessary testing to recommend design requirements for on-site septic systems for each lot.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends preliminary approval of Fenster Farms Subdivision Phase 2, a nine lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements. This 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

Exhibits

- A. Subdivision plat
- B. Feasibility letters

Area Map

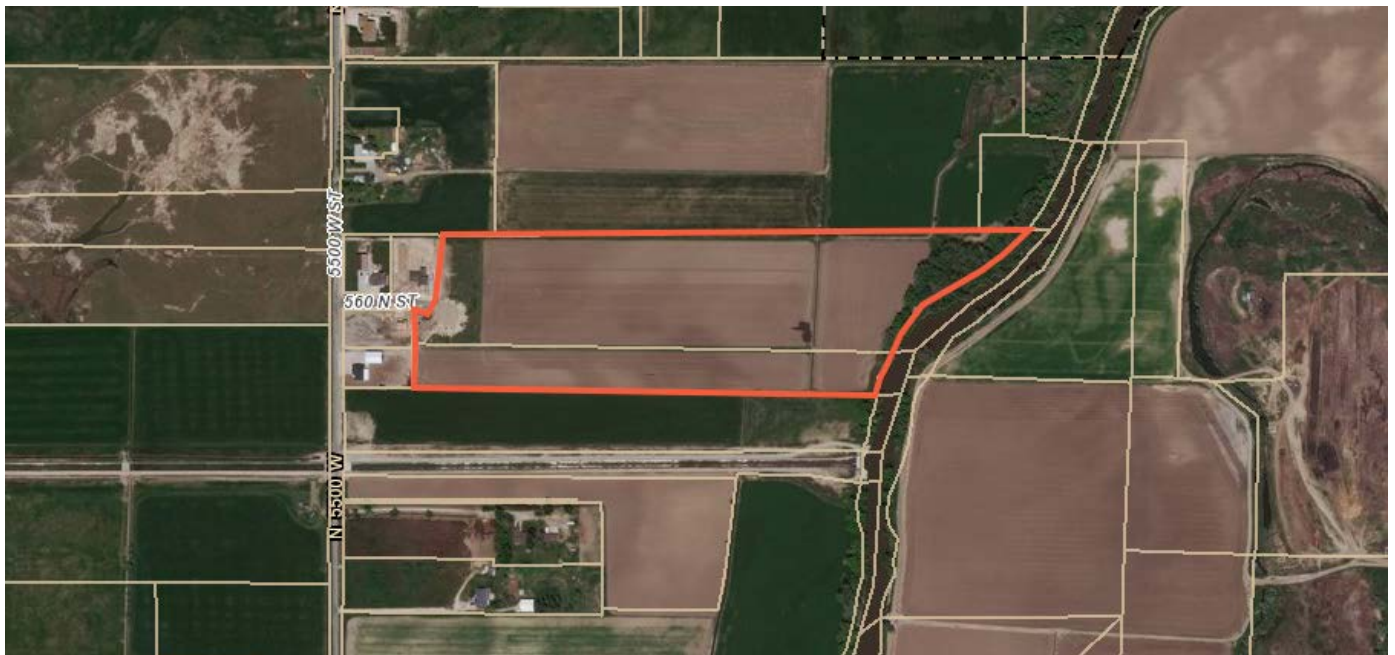
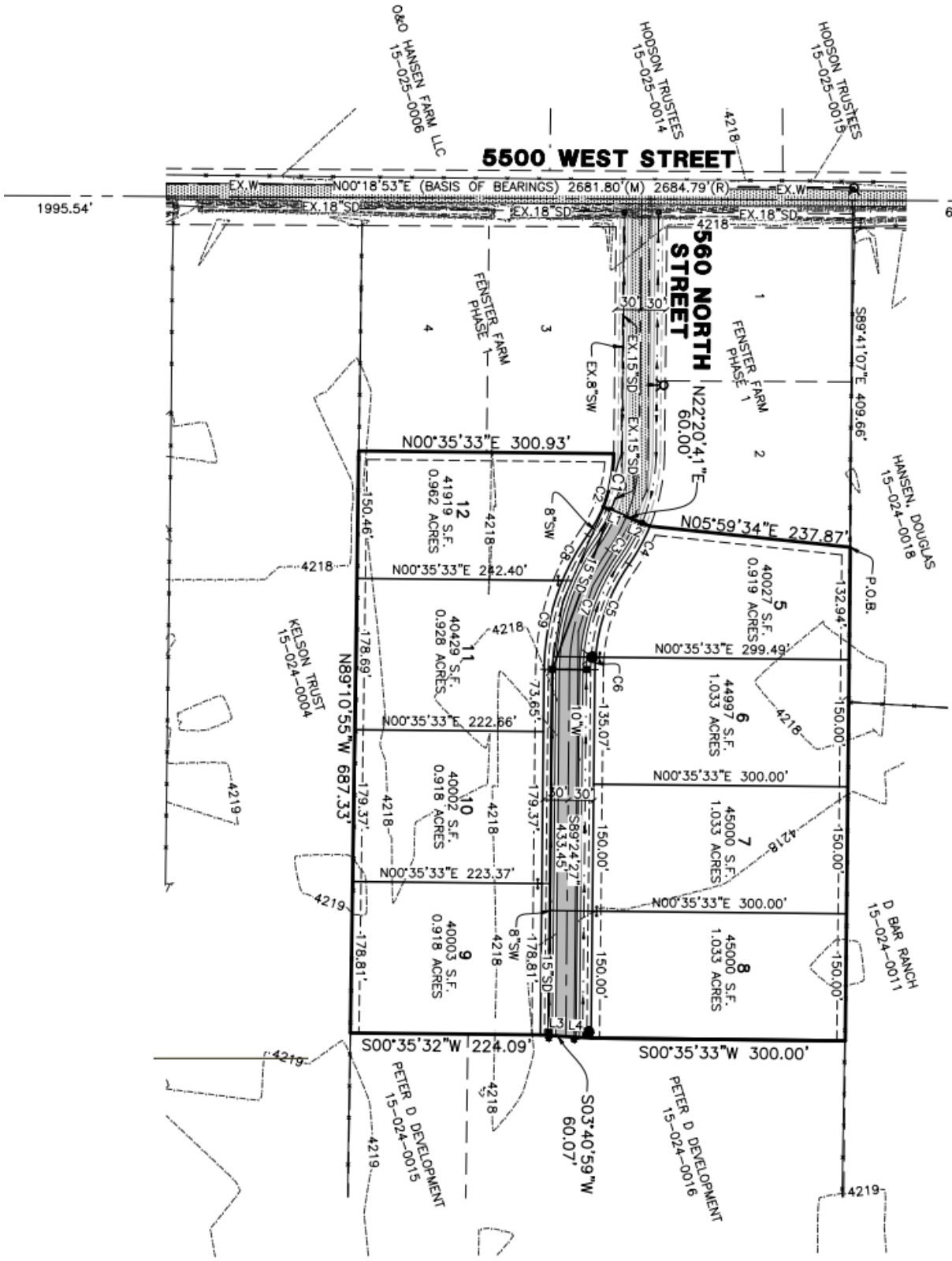


Exhibit A - Subdivision Plat



WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT
5783 W 950 N
WARREN, UTAH 84404
801-731-1702
www.westwarrenwtr@gmail.com

July 9, 2018

One Behalf of Kenny Palmer for the Fenster Sub Division

The West Warren and Warren Water Improvement District will supply culinary water to the Fenster Sub Division (phase two) located on 5500 West in Warren, Utah. This letter of **intent to supply** applies to only the eight lots included in the phase two plot plan.

Installation of culinary water and meter placement is also contingent on the second water line installation and proof that it is working at the time the culinary water meter is installed to the residence.

The water is available upon payment of current meter installation and impact fees at the time of construction and is to be paid prior to the beginning of construction.

Should you have questions or comments, please contact the district clerk at the phone or e-mail listed above.

Sincerely,

Connie S. Judkins
District Clerk
West Warren and Warren Water Improvement District.

RLG/csj

Mt. View Irrigation
5238 W 150 N
Ogden, Utah 84404

7-6-2018

To: West Warren – Warren Water District & Weber County Planning

Dear Sirs,

This is to confirm that Mt. View Irrigation has the capacity to serve secondary water to the 8 Lots in Fenster Farms Subdivision Phase 2. The owner of the subdivision has completed a development agreement with the company which includes providing the applicable water shares sufficient to provide water to the project, completion and approval of the pipelines, service laterals and payment of applicable connection fees. Upon completion of these items, Mt. View Irrigation will deliver pressurized secondary water to the project. Each lot owner will become a shareholder in the company and be bound by its by-laws.

Signed

A handwritten signature in cursive script, appearing to read 'Kami Marriott', written in black ink.

Kami Marriott
Secretary

June 26, 2018



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

RE: Preliminary Subdivision **Determination**
Fenster Farm, Phase 2, Lots 5-12
Parcel #15-024-0016
Soil log #13996

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 extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lot 7, 8, 9, 10, 11 Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media System followed by an At-Grade 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 0.25 gal/sq. ft./day for a Wisconsin Mound absorption area, or 0.40 gal/sq. ft./day for the At-Grade absorption area as required for the fine sandy loam, massive structure to clay loam, blocky structure soil horizon, with documented percolation rates of less than 60 minutes per inch.

Lot 5, 6, 12: Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Packed Bed Media System followed by an At-Grade absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.35 gal/sq. ft. /day as required for a clay loam blocky structure with a documented percolation rate of between 96-120 minutes per inch.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

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

EDUCATE | ENGAGE | EMPOWER



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on GP 2018-02, a request to amend the General Plan Future Land Use Map to change some of the proposed manufacturing area along 900 South near the Little Mountain manufacturing area to a future Agricultural and one acre residential area.

Agenda Date: Tuesday, August 14, 2018

Applicant: John Price

File Number: GP 2018-02

Property Information

Approximate Address: 7900 West 900 South

Project Area: Approximately 372.58 Acres

Zoning: The area is currently Manufacturing (M-1).

Existing Land Use: Agricultural/Residential

Proposed Land Use: Agricultural/Residential

Parcel ID: 10-037-0009, 10-037-0010, 10-037-0032, 10-037-0037, 10-037-0041, 10-037-0042, 10-043-0010, 10-066-0001, 10-048-0027, 10-048-0029.

Township, Range, Section: T6N, R3W, Sections 15, 22

Adjacent Land Use

North:	Residential/Agricultural	South:	Residential/Agricultural
East:	Residential/Agricultural	West:	Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert
cewert@webercountyutah.gov
801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-2-4 – Powers and Duties of the Planning Commission

Proposal History

This proposal was presented at public hearing to the Western Weber Planning Commission on July 10, 2018. It was combined into a bigger decision regarding a rezone of the area and other general plan and zoning text administrative cleanup. This report only addresses an amendment to the general plan's future land use map.

On the evening of June 12th, 2018, this proposal was on the agenda for consideration and action. Due to there not being a quorum, a final decision was not made. Instead, the planning division held an informal public comment meeting to discuss the proposal's concerns with the public that were present.

This proposal was also discussed by the planning commission in a work session on the evening of Tuesday, May 8, 2018.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Background and summary

This application is concerning a change to the West Central Weber County General Plan. It has previously been packaged as a bigger decision regarding not just a change to the general plan, but also a change to the zoning map. In their July 10, 2018 meeting, the planning commission pulled apart the packaged decision in favor of making a decision on each item individually.

A favorable decision on this item from the county commission will offer better support for a pending rezone application for this same area. The rezone application is on the same meeting agenda, in which staff has offered three alternatives with several other alternative variants. The planning commission should be familiar with that in order to make an effective decision regarding this application. In order to support the various alternatives of the potential rezone, staff has provided three alternatives to this decision as well.

The general plan's future land use map currently has a finger of area denoted as an "industrial" area projecting from the main "industrial" area eastward along the north side of 900 South. This proposal would effectively change that projected finger to reflect the "residential/agricultural" designation that is currently adjacent to it.

See **Figure 1** for graphic reference.

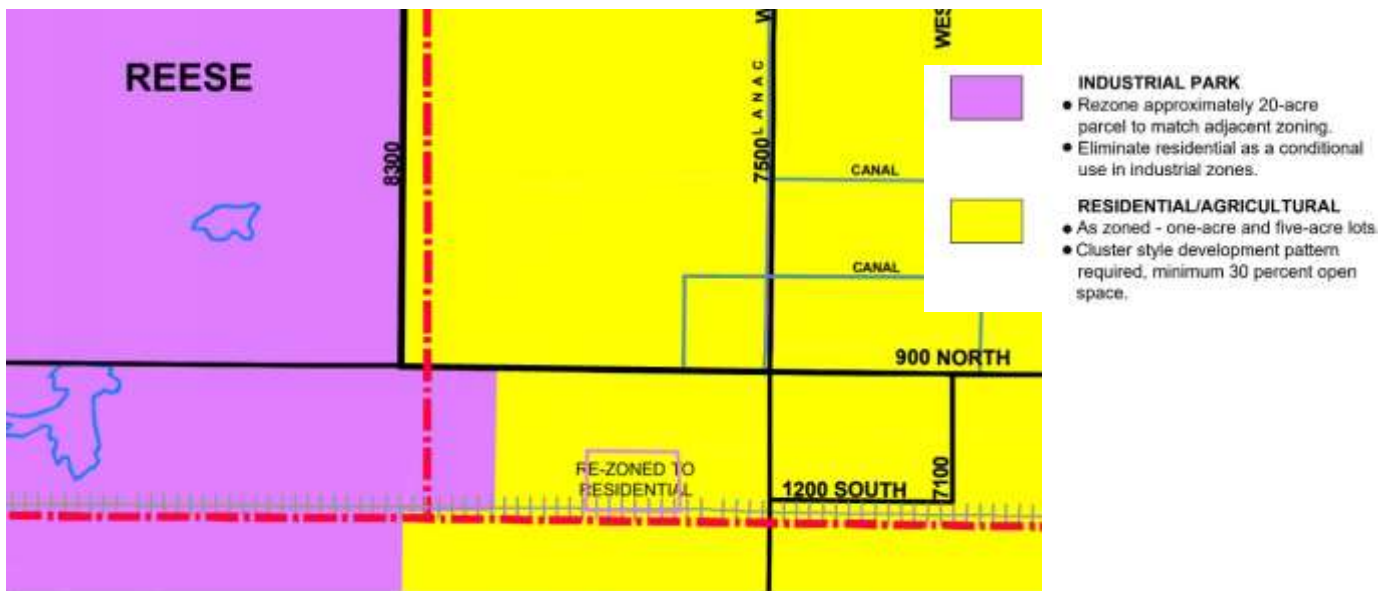
Image 1: Zoom of affect area showing the plan's existing "future land use map."



Alternative One.

This alternative one supports alternative one of the applicant's rezone. This alternative would change the "industrial" area on the map as it extends eastward along the north side of 900 South to "residential/agricultural." This change enables a rezone of this entire area to the A-2 zone. See **Figure 2** for graphic reference of this change. Please see the staff report for the rezone application for a list of pros and cons for this change. In order to support this change, the planning commission should consider the needs and desires of the community regarding their desired future development outcomes.

Figure 2: Zoom of affected area showing proposed change to the "future land use map."



Alternative Two.

This alternative two supports alternative two of the rezone application staff report. In it, this application and the rezone application are recommended to be denied due to lack of adequate public support and the disruption of the adopted plans that are currently in place for the area.

Alternative Three.

Like alternative three of the rezone application staff report, this alternative has variants. In it, the planning commission may find that part of the land included in the rezone application merits a zone change (and therefore, a future land use map change) but other parts do not. The rezone application has four variants that staff have prepared for the planning commission to choose from. This is not a finite list, but offers clear direction. If the planning commission would like to explore other variants this should be discussed with the applicant and staff in the meeting.

For a decision on this alternative, though, staff are only recommending two variants. Both give the ability for the planning commission to make any of the four rezone decision presented in alternative three of the rezone staff report. See **Figures 3-4** to review the two.

Variant one offers more future residential land uses for the subject area than manufacturing uses. It offers a future land use map that shows a greater amount of the land currently zoned M-1 to be rezoned [at a later time of the county's or landowner's choosing] to a large lot residential/agricultural zone. The future changes from the M-1 zone could then occur as a result of a landowner's rezone application, as is the case with this applicant's current rezone application, at any time in the future, and have the full support of the general plan. The future zone changes could also occur by the county taking the initiative to rezone in compliance with this new map at any time in the future. Changing this map in this manner does not rezone the property – but it offers a direction for future action.

Variant one also extends the “industrial” designation southward along 900 South to include all of the parcel in the area that is currently used for manufacturing purposes, as well as the local water company property. Both property owners expressed concern that they needed the front of their lots currently zoned A-1 to be rezoned to M-1 for their anticipated future uses of their property. This enables those future uses. This new configuration of the future “industrial” area also includes a few parcels that currently contain single family dwellings currently in the A-1 zone. Changing this map in this manner does not change the A-1 zone of the properties, but it does offer a directive for the future should those landowners or the county ever choose to do so.

Variant two offers more future manufacturing uses for the subject area than future residential land uses. It removes the eastern most end of the “industrial” finger from the “industrial” designation and changes it to “residential/agricultural.” Like variant one, it also extends the “industrial” future land uses southward to 900 South and eliminates the strip of “residential/agricultural” land that currently buffers that street.

Figure 3: Variant 1 – More Future Residential than Future Manufacturing

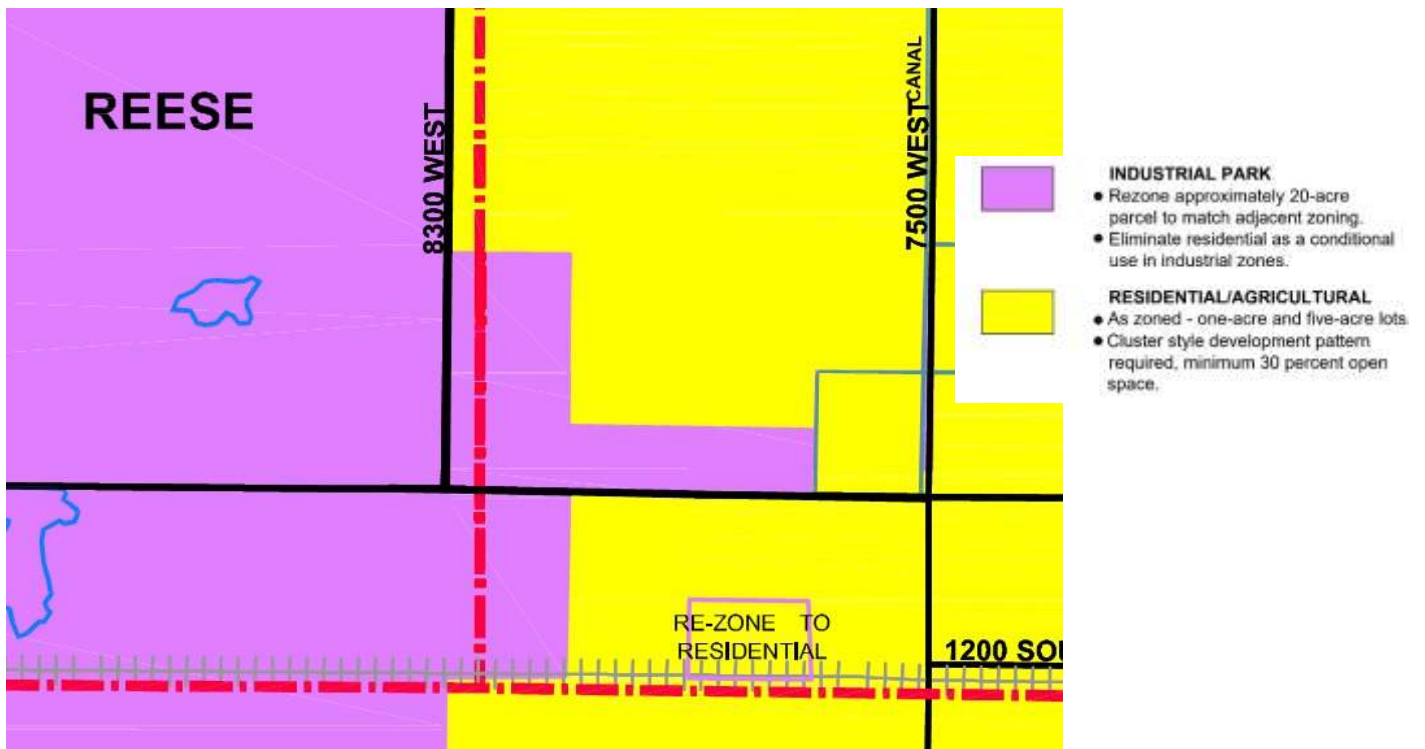
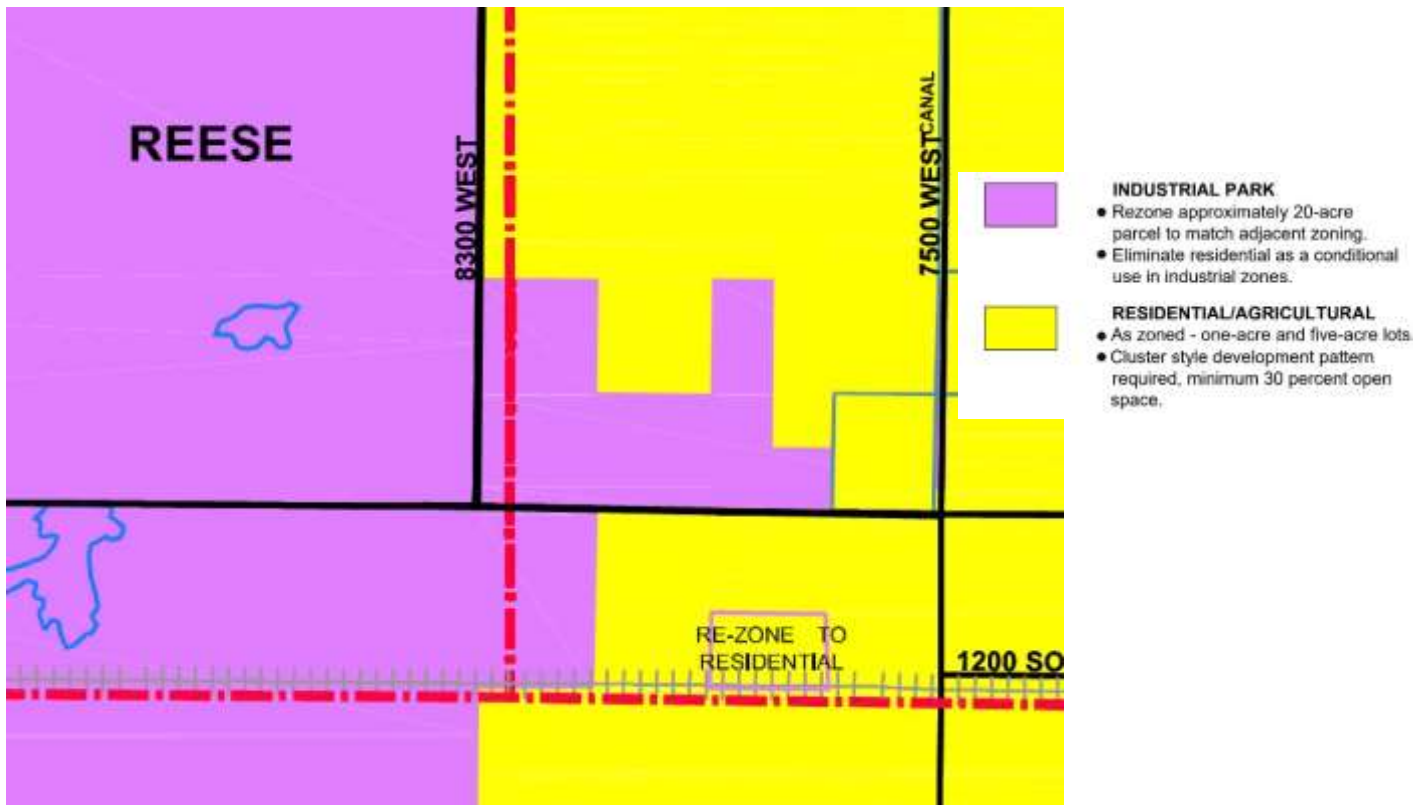


Figure 4: Variant 2 – More Future Manufacturing than Future Residential



Summary of Planning Commission Considerations

The County Code specifies very little process regarding a modification to the general plan. §102-2-4, “powers and duties of the planning commission,” specifies that the planning commission “shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with the changing conditions, trends, and planning needs of the county.”

Given this, the criteria for making a decision regarding changes to the general plan are whether or not there are changing conditions, trends, and planning needs. To make a favorable recommendation on this application to the county commission the planning commission will need to be able to make these findings.

The question can really be boiled down to whether or not the proposed modification to the future land use map, if implemented through zoning, will produce desirable community outcomes.

Staff Recommendation

If the planning commission finds that the land uses in this area are better suited for large lot residential or agriculture rather than industrial uses, then the planning commission should offer the county commission a favorable recommendation of amending the West Central Weber County General Plan, specifically citing either alternative one or three of this staff report as the recommendation.

This recommendation may come with the following findings, or any additional as the planning commission sees fit:

1. Public opinion regarding the future land uses of the area have changed since the 2003 adoption of the West Central Weber County General Plan, and residential and agriculture are deemed more desirable land uses in this subject area.
2. Current development trends will make the property more useful as residential than industrial.
3. The changes are not harmful to the health, safety, or general welfare of the public.

If the planning commission is desirous to deny this application to amend West Central Weber County General Plan, they may choose to do so with the following findings:

1. That changed or changing conditions are not present sufficient enough to merit an amendment to the plan.
2. That the amendment does not have sufficient community support.
3. That the amendment is not found to be in the best interest of the public health, safety, or general welfare.

Exhibits

- A. Application and project narrative
- B. Future Land Use Map (Current)
- C. Alternative One Future Land Use Map
- D. Alternative Two Future Land Use Map

Weber County Zoning Map Amendment Application											
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401											
Date Submitted	Received By (Office Use)	Added to Map (Office Use)									
Property Owner Contact Information											
Name of Property Owner(s) <i>JP Farm Ranch Randy Giordano Barbara Hogg</i>		Mailing Address of Property Owner(s) <i>400 S. 6700 W West Warren 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>400 S. 6700 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									
Property Information											
Project Name	Current Zoning <i>M-1</i>	Proposed Zoning <i>A-1 or A-2</i>									
Approximate Address <i>650 S. 7900 W. Ogden 84404</i>	Land Serial Number(s) <table border="1"> <tr> <td><i>100370030</i></td> <td><i>100370014</i></td> <td><i>100370004</i></td> </tr> <tr> <td><i>100370028</i></td> <td><i>100370013</i></td> <td></td> </tr> <tr> <td><i>100370003</i></td> <td><i>100370011</i></td> <td></td> </tr> </table>		<i>100370030</i>	<i>100370014</i>	<i>100370004</i>	<i>100370028</i>	<i>100370013</i>		<i>100370003</i>	<i>100370011</i>	
<i>100370030</i>	<i>100370014</i>	<i>100370004</i>									
<i>100370028</i>	<i>100370013</i>										
<i>100370003</i>	<i>100370011</i>										
Total Acreage <i>140</i>	Current Use <i>Farm/Residential</i>	Proposed Use <i>Farm/Residential</i>									
Project Narrative											
Describing the project vision. <i>Desire to change our M-1 zoning to A-1 or A-2. Currently there is far greater advantage for us having A-1 or A-2. There is no realistic opportunity for manufacturing to ever purchase our property.</i>											

Project Narrative (continued. .)

How is the change in compliance with the General Plan?

change

opportunity for manufacturing '.....'

Why should the present zoning be changed? How does this proposal?

Current zoning has no logical reason for this particular M-1 location.
It would be far better for county and property owners to have this
A-1 or A-2. Also all current residents
favor of this change

Project Narrative (continued...)

How is the change in the public interest?

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Project Narrative (continued....)

How does this proposal promote the health, safety and welfare of the Inhabitants of Weber county?

Keep residents home well and safe.

Property Owner Affidavit

I (We/Us), [Name], of the County of Weber, State of Utah, do hereby depose and say that I (we/are) the owner(s) of the property described 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 knowledge.

Subscribed and sworn to on this _____ day of _____, 20____.

(Name)


ANGELA MARTIN
Notary Public State of Utah
Commission No. 63566
5 Yr. Exp. 11-24, 2019

Authorized Representative Affidavit

I (We), David J. G. [unclear] [unclear] the owner(s) of the real property described in the attached application, do authorize as my (our) agent (s) [unclear] [unclear] to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County concerning this application and to act in all respects as our agent in matters pertaining to the attached application.



(Property Owner)



(Property Owner)

On this day of [unclear] 20____ personally appeared before me _____ J the
[unclear] (s) of the recipient to live Authorized Representative Affidavit who acknowledged to me that they (e) (v)ted the same.





(Notary)


WEST CENTRAL WEBER COUNTY GENERAL PLAN


PROPOSED LAND USE MAP 2-4

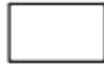
LEGEND


-  **INDUSTRIAL PARK**
 - Rezone approximately 20-acre parcel to match adjacent zoning.
 - Eliminate residential as a conditional use in industrial zones.

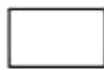
-  **RESIDENTIAL/AGRICULTURAL**
 - As zoned - one-acre and five-acre lots.
 - Cluster style development pattern required, minimum 30 percent open space.


-  **EXISTING STATE/ FEDERAL LAND WATERFOWL MANAGEMENT AREA**


-  **COMMUNITY VILLAGE CENTER**
 - Commercial node of 7 to 14 acres of supportable neighborhood services.
 - First response emergency service.


-  **EXISTING AGRICULTURE PROTECTION AREAS**
 - Unchanged

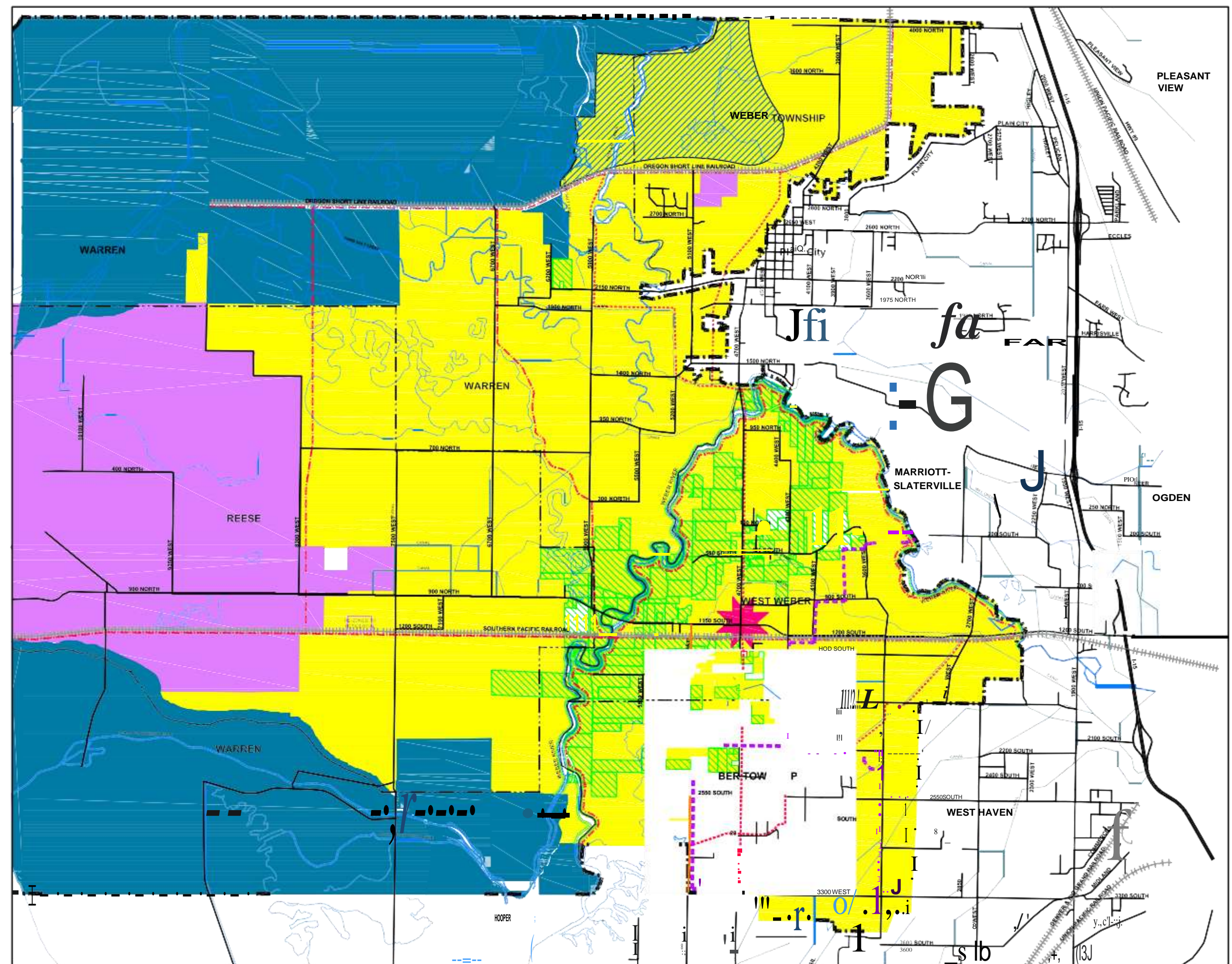
-  **EXISTING SEWER**

-  **PROPOSED 100' WIDE SETBACK ALONG RIVER**

-  **SCHOOLS AND PARKS**
 - New High School as planned by Weber School District.
 - Adjacent 20-acre park.

-  **TRAILS**
 - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
 - Equestrian trails.


-  **TOWNSHIP BOUNDARY**





WEST CENTRAL WEBER COUNTY GENERAL PLAN


PROPOSED LAND USE MAP 2-4

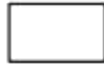
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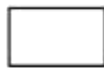
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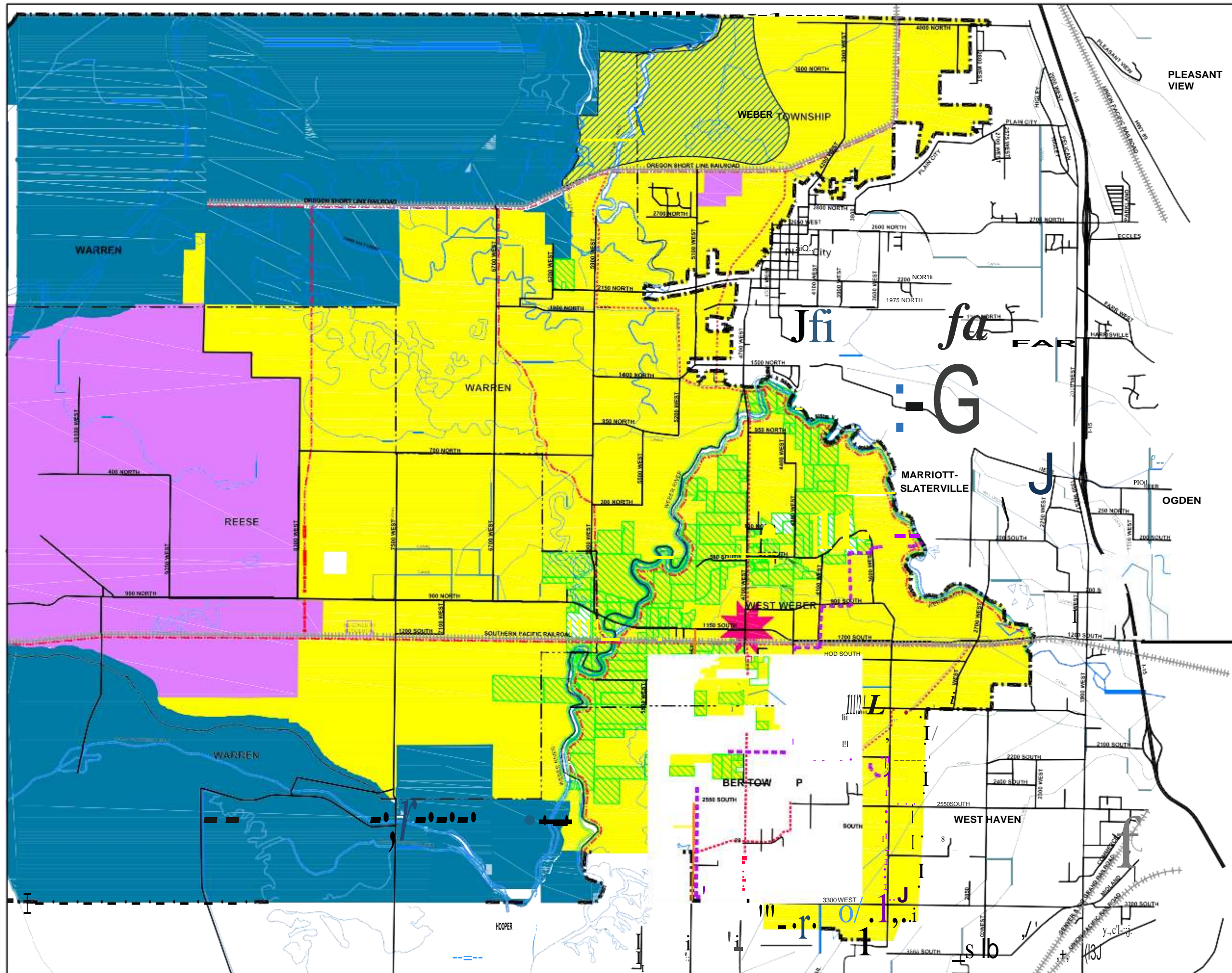
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- 
TOWNSHIP BOUNDARY




Map amended on





LANDMARK UNISCAPE ARCHITECTURE AND URBAN PLANNING
 DESIGN ZHUJI GUO NODIUV L-SALT LAKE CITY UTAH 84103
 IN COOPERATION WITH THE UTAH DEPARTMENT OF HERITAGE AND ARTS


WEST CENTRAL WEBER COUNTY GENERAL PLAN PROPOSED LAND USE MAP 2-4

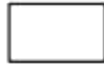
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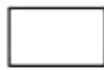
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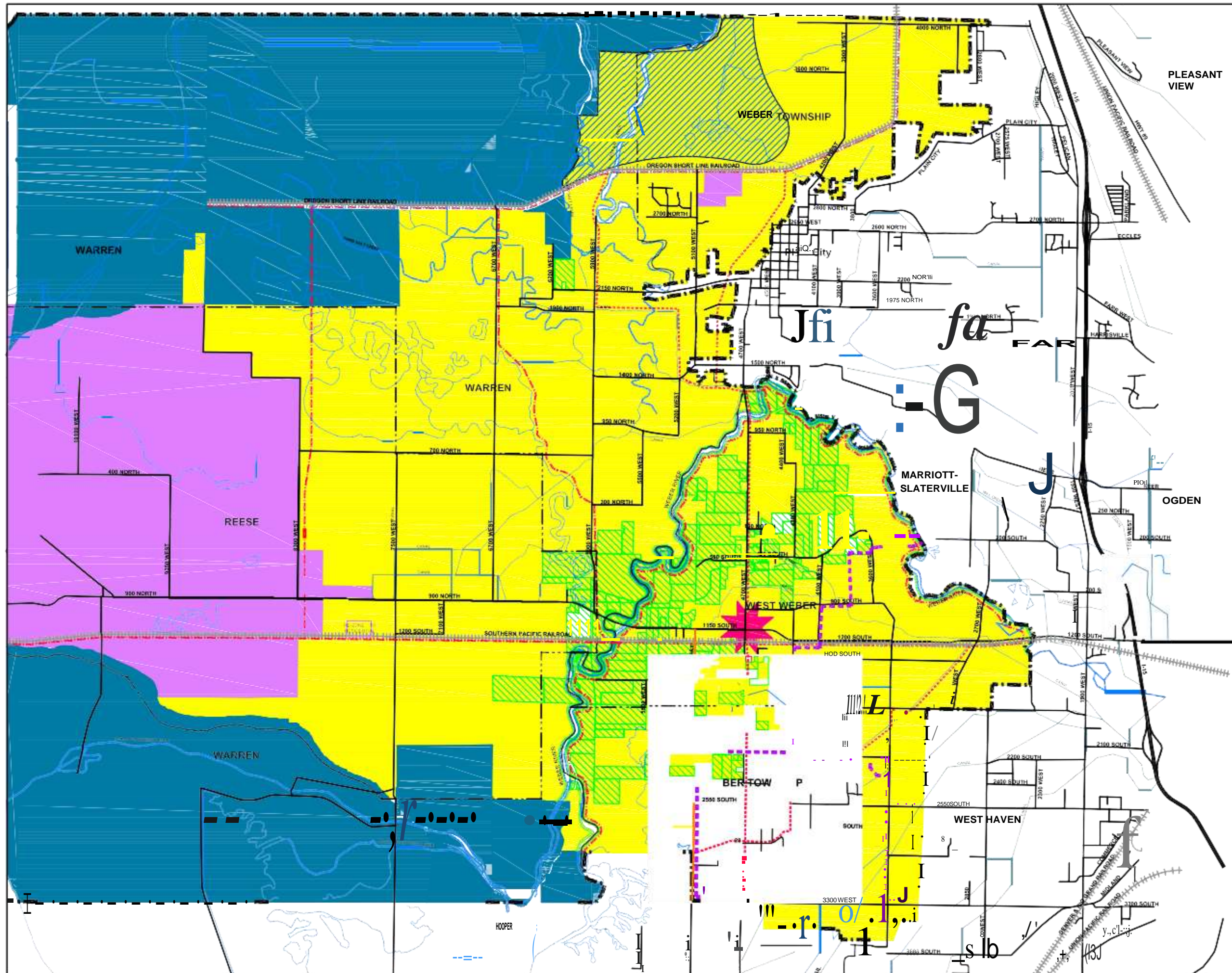
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- 
TOWNSHIP BOUNDARY




Map amended on






LANDMARK UNISCAPE ARCHITECTURE AND URBAN PLANNING
DESIGN ZHUJI GUO NODDURY SALT LAKE CITY UTAH 84103 FAX (801) 437-3800
 IN COOPERATION WITH
 September 23, 2003


WEST CENTRAL WEBER COUNTY GENERAL PLAN PROPOSED LAND USE MAP 2-4

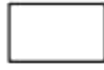
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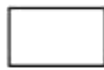
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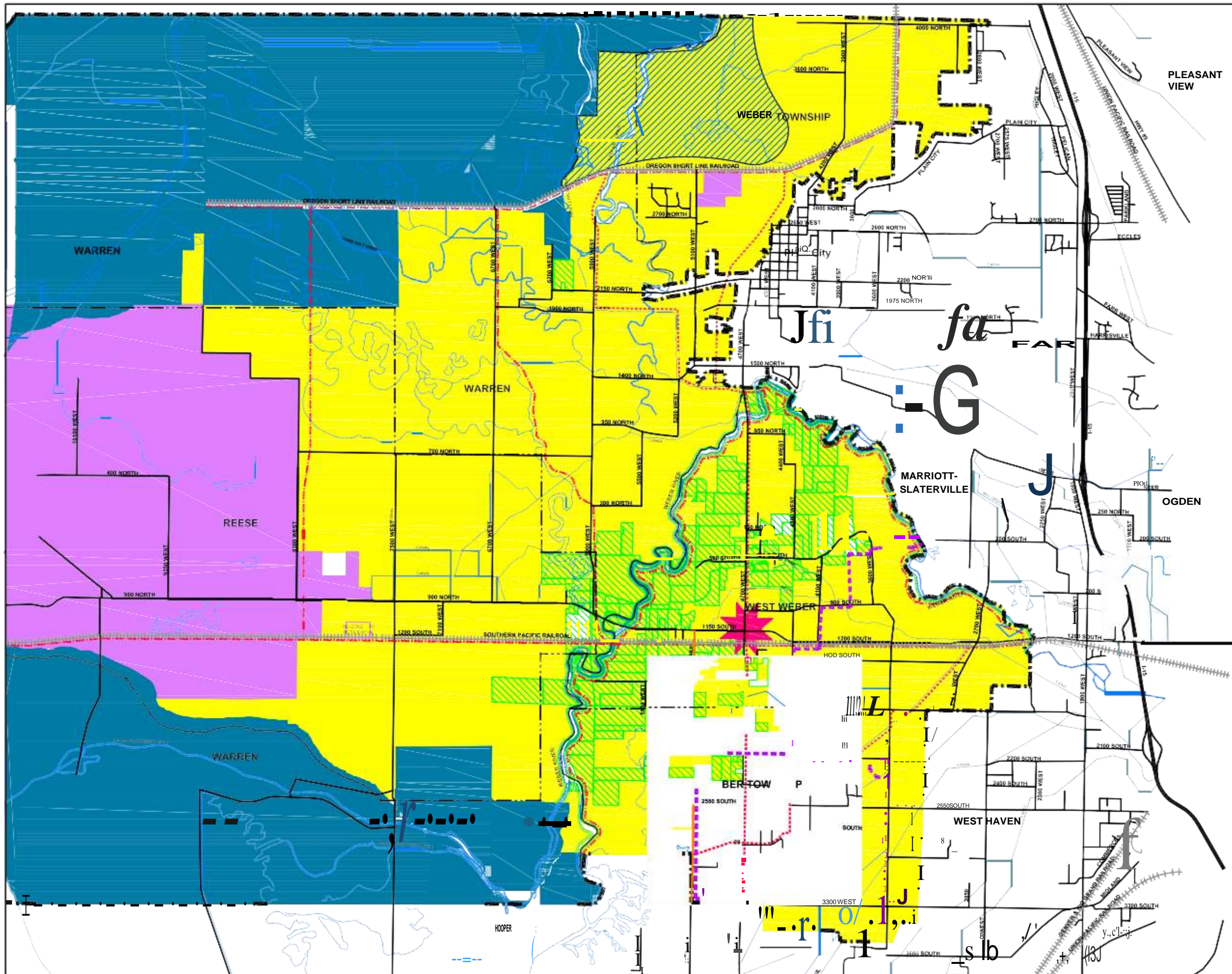
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LANDMARK
DESIGN

UNSCAPE ARCHITECTURE
AND URBAN PLANNING

ZHU WU GROUP
SALT LAKE CITY
UTAH 84103
PACIFIC ARCHITECTURE



0' 2100'
1" = 500'



September 23, 2003

Map amended on



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on ZMA 2018-02, a request to amend the zone map to change parcels currently zoned M-1 near the Little Mountain manufacturing area to A-2.
Agenda Date: Tuesday, August 14, 2018
Applicant: John Price
File Number: ZMA 2018-02

Property Information

Approximate Address: 7900 West 900 South
Zoning: The area is currently Manufacturing (M-1).
Existing Land Use: Agricultural/Residential
Proposed Land Use: Agricultural/Residential
Township, Range, Section: T6N, R3W, Sections 15, 22

Adjacent Land Use

North:	Residential/Agricultural	South:	Residential/Agricultural
East:	Residential/Agricultural	West:	Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert
cewert@webercountyutah.gov
801-399-8767
Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Proposal History

This proposal was presented at public hearing to the Western Weber Planning Commission on July 10, 2018. At the time it was combined into a bigger decision regarding a rezone of the area and other general plan and zoning text administrative cleanup. The planning commission requested that decision to be broken into smaller components. This report only addresses an amendment to the zone map.

On the evening of June 12th, 2018, this proposal was on the agenda for consideration and action. Due to there not being a quorum, a final decision was not made. Instead, the planning division held an informal public comment meeting to discuss the proposal's concerns with the public that were present.

This proposal was also discussed by the planning commission in a work session on the evening of Tuesday, May 8, 2018.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Background and summary

This application is concerning a change to the weber county zone map. It has previously been packaged as a bigger decision regarding not just a change to the zone map, but also a change to the general plan. In their July 10, 2018 meeting, the planning commission pulled apart the packaged decision in favor of making a decision on each item individually.

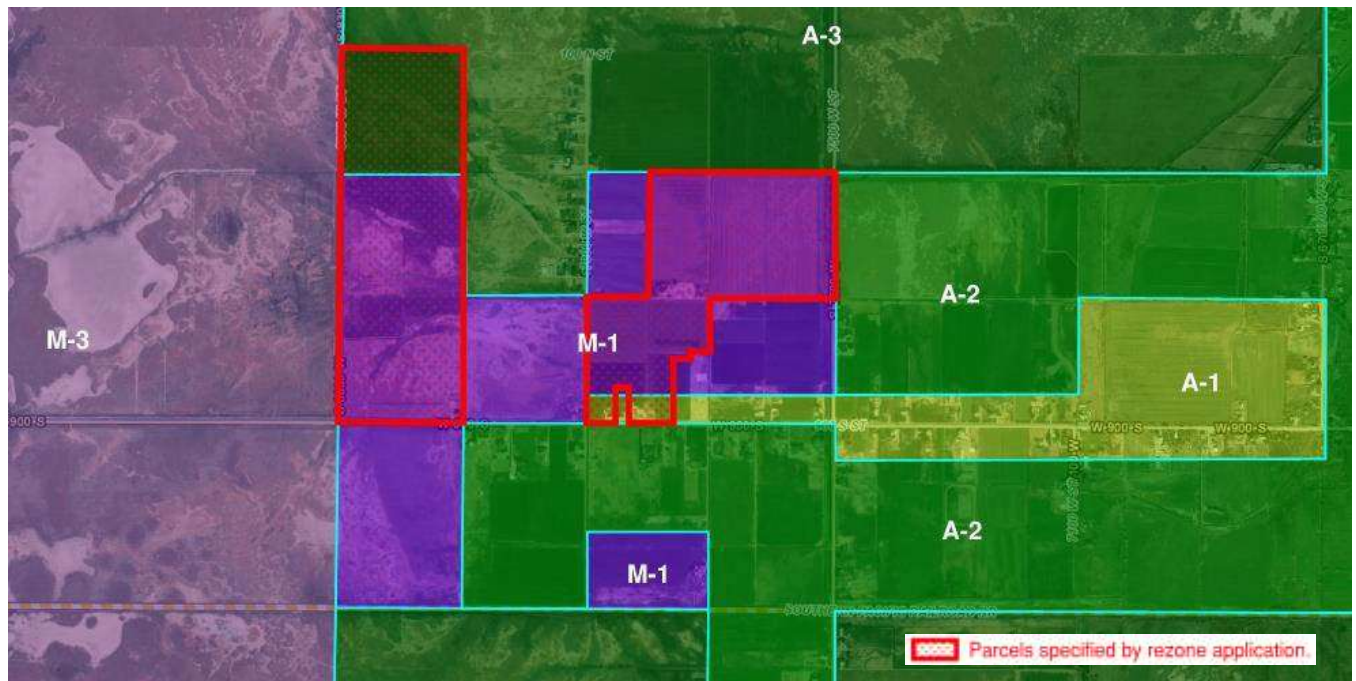
§102-5-2 requires a change to the zone map to comply with the general plan. The analysis herein offers a number of options and option variants for rezoning the property. Regardless of the planning commission's decision, it should be found to comply with the general plan. The proposed zone change does not comply with the current general plan's future land use map. That map should be changed in accordance with the planning commission's desired outcome for this item prior to making a decision on this item.

Summary of Planning Commission Considerations

In order to streamline decision making and in an attempt to keep the infinite options narrow enough to make a reasonable decision, staff are offering three different alternative recommendations at this time and an analysis of each. There are certainly more possible outcomes and if the planning commission would like to consider more it can be discussed in the meeting or in future meetings.

First, an understanding of the applicant's request is important. **Figure 1**¹ offers a graphic representation of the parcels included in the rezone application. It overlays those parcels onto the existing zone map. These parcels are those the applicant desires to rezone from M-1 to A-2 (excepting out the area already zone A-1).

Figure 1: Existing zoning with application parcels.



As can be seen, if *only* the parcels that are the subject of the application are rezoned then the contiguity of the existing M-1 zone is interrupted. This leads to an increased risk of future A-2 oriented uses (primarily single family dwellings on 40,000 square feet of land) being interspersed amongst future manufacturing uses².

As the current zone map is configured, there are a few areas where single family residential uses could be located adjacent to manufacturing uses. Perpetuating this practice may have future unforeseen land use consequences that should not be underestimated at this time³. The purpose of different and distinct zoning designations with

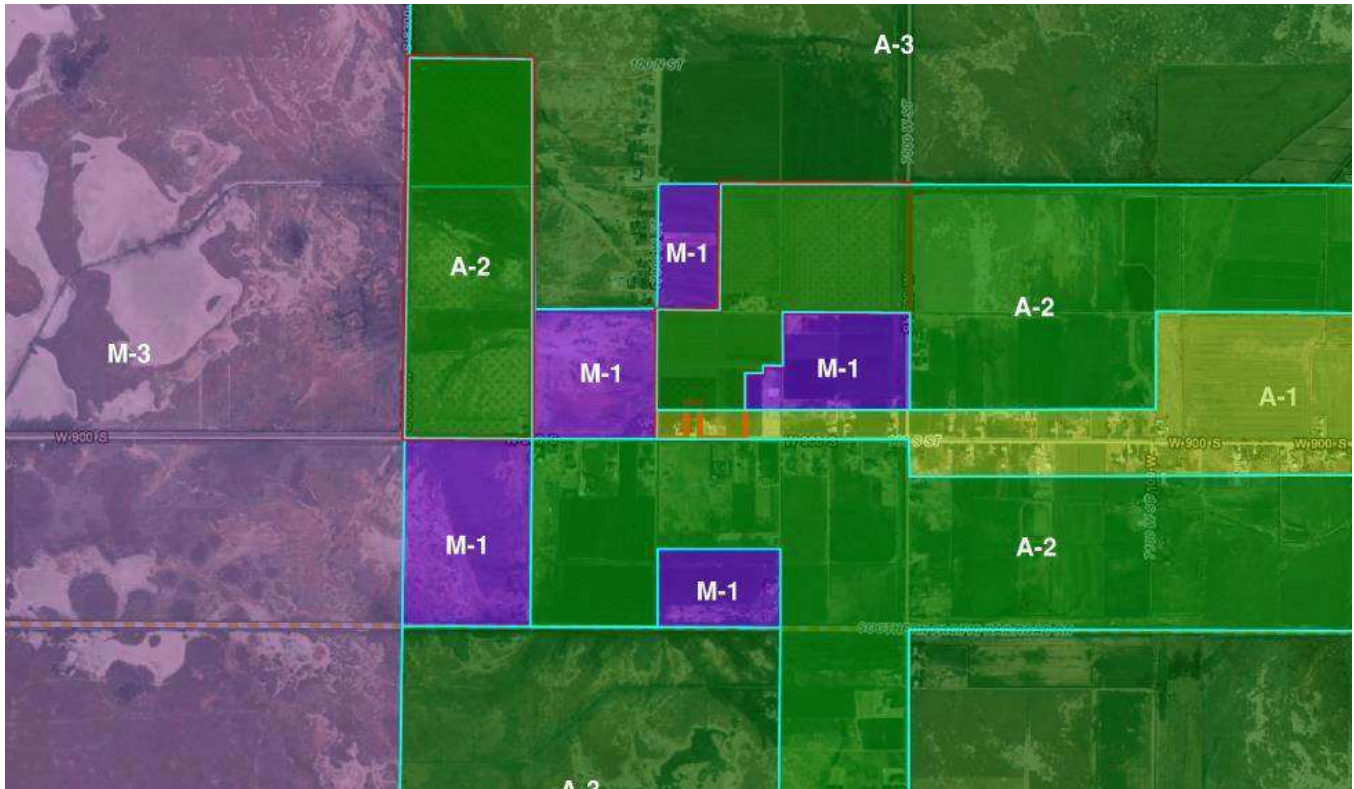
¹ See also Exhibit B

² See Exhibit G for a non-exhaustive list of manufacturing or commercial uses that are currently allowed in the M-1 zone that are generally incompatible with single family dwelling neighborhoods.

³ Exhibit H offers a local NPR article explaining the risk of rezoning without properly considering potential land use conflicts. While Weber County's M-1 zone does not allow a medical waste incinerator (the subject of the article), a review of the uses allowed in the M-1 zone (see Exhibit G) might offer a compelling reason why allowing future residential areas to buffer M-1 areas would result in unnecessary land use conflict.

allowances or prohibitions for different uses, also known as “Euclidean Zoning”⁴, is to offer a separation of conflicting uses in order to establish a more harmonious community and enhance community character. The outcome that best supports a separation of incompatible uses will be one that minimizes the abutting of A-2 (and A-1) zones to the M-1 zone. **Figure 2**⁵ shows how the zoning map would appear if *only* the applicant’s requested parcels are rezoned.

Figure 2: Appearance of zoning map if only application parcels are rezoned.



Alternative one.

In staff’s original recommendation, parts of the area currently zoned M-1 would be rezoned to A-2. All parts currently zoned A-1 would remain the same. **Figure 3**⁶ shows how that would appear on the zoning map. In order for this proposal to merit consideration, the general plan would need to be amended to show that there is general plan support for agricultural and residential land uses in this area.

This recommendation was, at the time, based on staff’s understanding that there would be little to no opposition. During the public process staff has become aware that there is opposition to this proposal. See **Figure 4**⁷ to review the parcels that have owners who have expressed opposition in one form or another. Please note that some of this opposition may already be resolved.

⁴The term “Euclidean Zoning” comes from the landmark case that occurred at the height of the industrial era (*Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926)) in which a real estate company wanted to build industrial uses on property in the Village of Euclid (just outside Cleveland, Ohio), but the Village of Euclid wanted to protect its residential suburban character. The Village protected the residential uses from industrial uses through zoning designations with land use exclusions. It was the first case in which using zoning to separate conflicting uses was upheld by the courts.

⁵See also Exhibit C.

⁶See also Exhibit D.

⁷See also Exhibit E.

The following are the pros and cons of this alternative:

Pros:

- Keeps opposing land uses separated.
- Enhances the area for rural residential uses, enhancing existing community character
- Protects local agricultural uses.
- Existing manufacturing uses, as currently established, will be protected through nonconforming rights.

Cons

- Requires a change to the general plan.
- Changes the anticipated/expected and planned future uses of the area.
- Prohibits existing land owners from expanding or adding new manufacturing uses.
- Abuts the A-2 zone to the M-3 zone – creating potential for future land use conflicts.

The primary concern expressed in the opposition revolves around a removal of manufacturing rights. Concerned landowners have expressed that they acquired the land in the M-1 zone with the uses of the M-1 zone in mind. One of them developed the land in accordance with the requirements of the M-1 zone. By no fault or action of their own, their expected rights in the land might change if this alternative is the preferred alternative.

For the single parcel that is currently used for manufacturing uses, this change will make the uses nonconforming (also known as a “grandfathered use”) that are entitled to continue in accordance with its current operations in perpetuity (even if the property changes hands). The land owner has expressed concern over the limiting of *future* manufacturing uses on the land and desires any and all uses allowed in the M-1 zone to be available for future use.

However, under Utah law, no land owner has explicit entitlement to the uses of the zone being available in perpetuity unless or until the use becomes *vested*. Vesting occurs either when an application for approval of the use has been submitted, or for those uses that do not require a land use permit, when the use is actually initiated. This allows the legislative authority to make changes to development laws, including changes to zoning designations, based on their legislative duties and obligations to shaping a quality community. As uncomfortable as it may seem, nonconforming rights preserve the rights as they are currently being used, but allow for sufficient flexibility for the legislative body to plan *around* those rights in order to shape the community according to the need, with the hopes that the future will offer sufficient motivation for those nonconforming rights to be retired in favor of surrounding land uses (which occasionally does not happen).

One idea put out about this proposal was to avoid rezoning the parcel currently used in accordance with the M-1 manufacturing uses to the A-2 zone, but instead to change the zoning of the front of this parcel to M-1 so that manufacturing uses can expand or change on the property. If the community character of the area is intended to change to rural residential uses over time, staff discourages this and instead suggests resting this decision on the entitled nonconforming rights of the property owner that would exist if this proposal is approved. This will ensure that, regardless of property ownership, manufacturing uses on the parcel will be not likely expand to the extent that it creates an overwhelming burden on surrounding (future residential) property owners.

Otherwise, if the planning commission desires to assist this particular land owner in rezoning the front of the property to M-1, staff recommends a different alternative.

Figure 3: Staff's initial proposal.

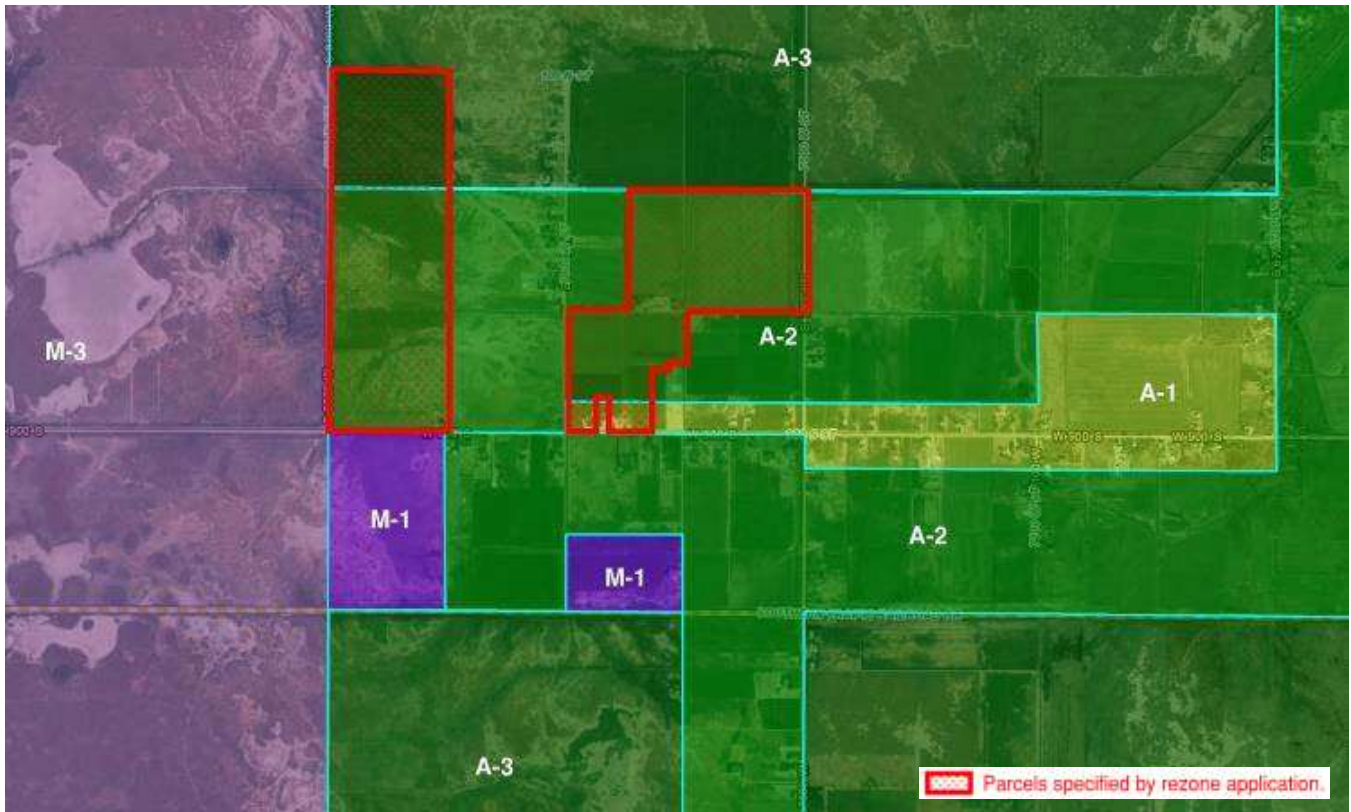
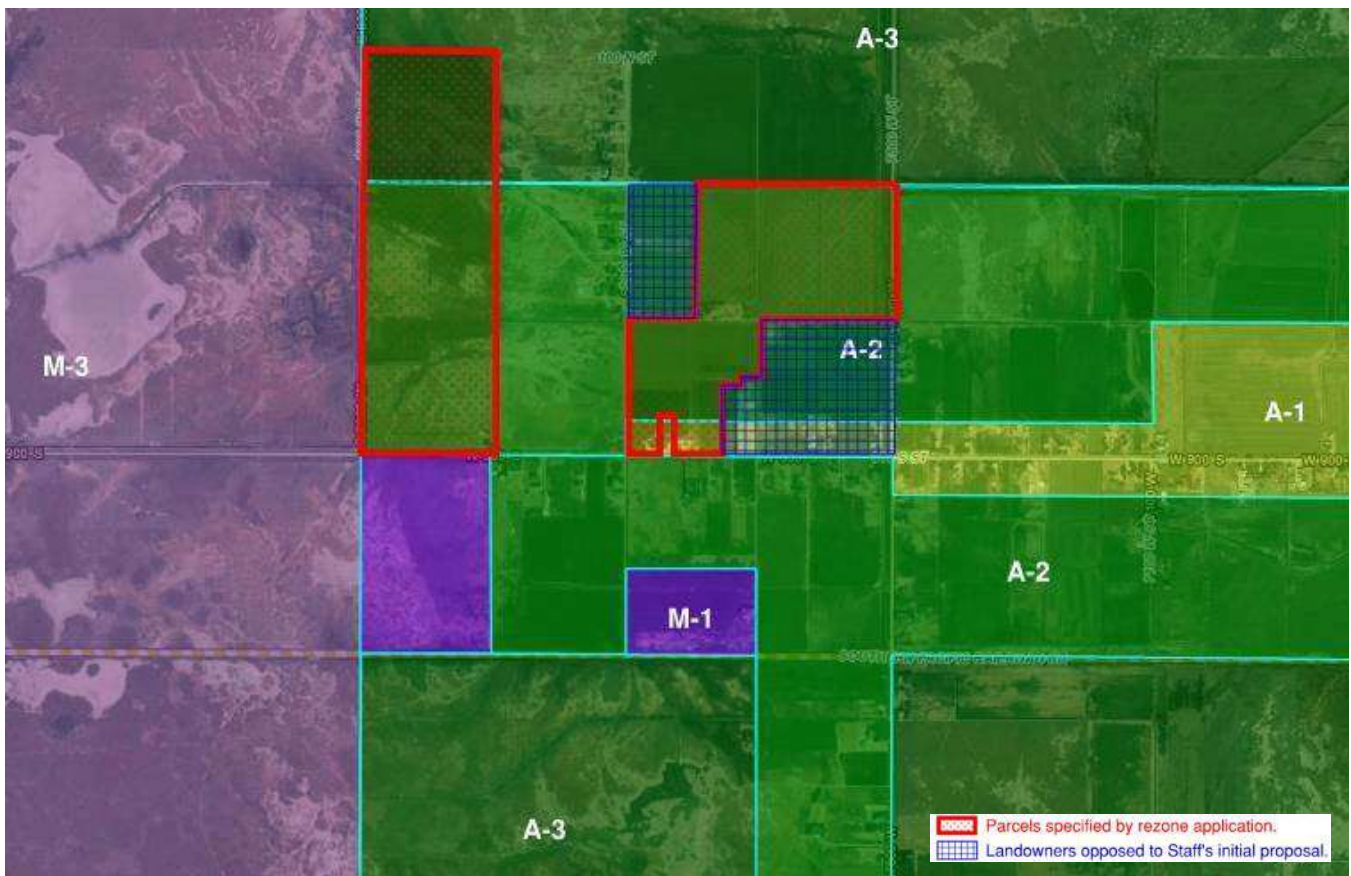


Figure 4: Parcels owned by those opposed to staff's proposed rezone.



Alternative Two.

The alternative that is supported by the current general plan is a recommendation for denial of the application. The planning commission can make a finding that the consequences of the rezone – and the general plan amendment that it would require – are too great to overcome at this time and do not have sufficient community support.

The following are the pros and cons of this alternative:

Pros:

- Requires no change to the general plan.
- Keeps future land uses in accordance with the communities currently planned future.
- Protects existing manufacturing uses – and enables expansion to new manufacturing uses.
- Does not employ nonconforming rights.

Cons

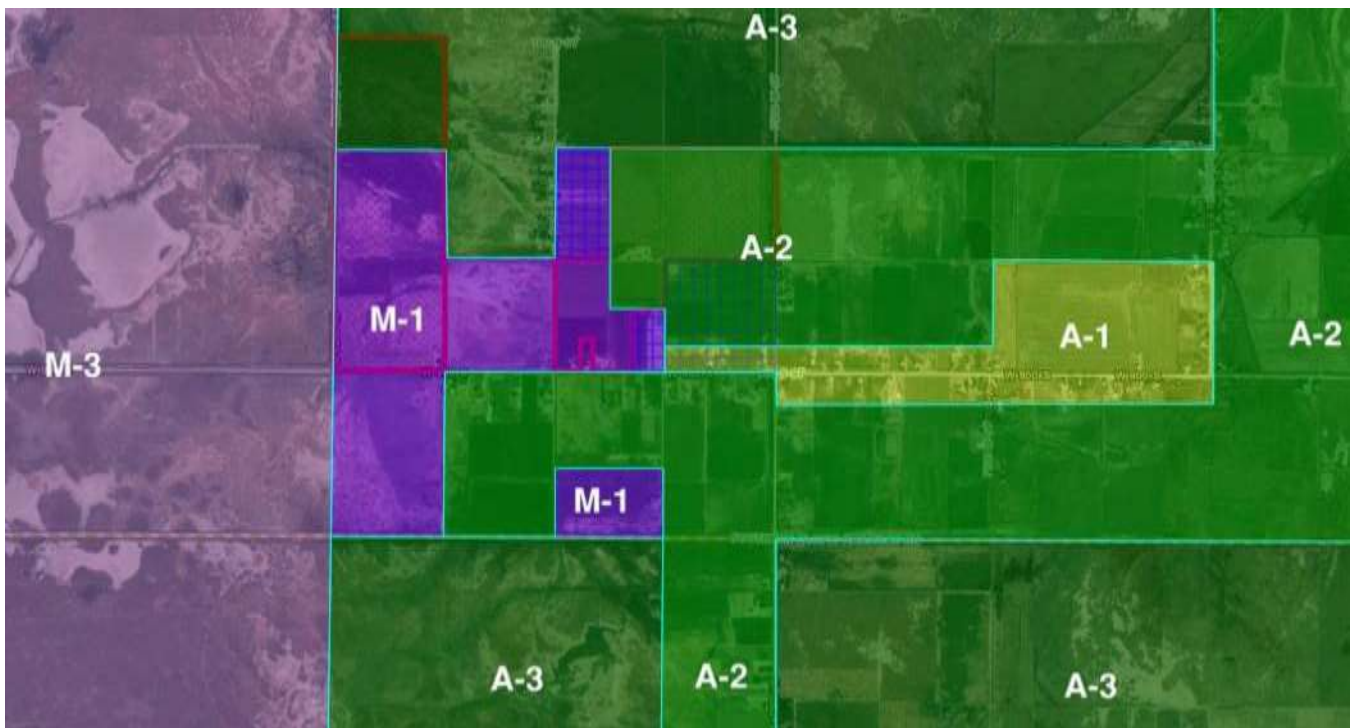
- The applicant does not get the change desired.
- Landowners will likely need to continue to wait until a market for manufacturing uses exists in the area to get the highest and best use of the land.

Alternative Three (The Compromise).

In an effort to find a solution that may best serve the most amount of people, staff and the applicant have devised a series of possible rezone options that could be mutually beneficial to all involved. In each, the entire rezone area of the application is not considered, but rather parred back to allow some of the A-2 rezone but still preserve the M-1 zone to some effect. Each would extend the A-2 zone westward in some fashion, and extend the M-1 zone to 900 South in some fashion. See **Figures 5-8⁸** to review each variant.

If the planning commission desires to execute one of these variants, either variant one or variant four is staff's preferred variants, as variant two bisects the A-1 zone with the M-1 zone along 900 South, and variant three intermingles A-2 uses and M-1 uses a little more than comfort calls. However, any of these four variants may prove to offer the best case compromise for all land owners involved. In order for any of these variants to be executed, the general plan's future land use map will need to be changed proportionately.

Figure 5: Compromise Variant 1.



⁸See also Exhibit F.

Figure 6: Compromise Variant 2.

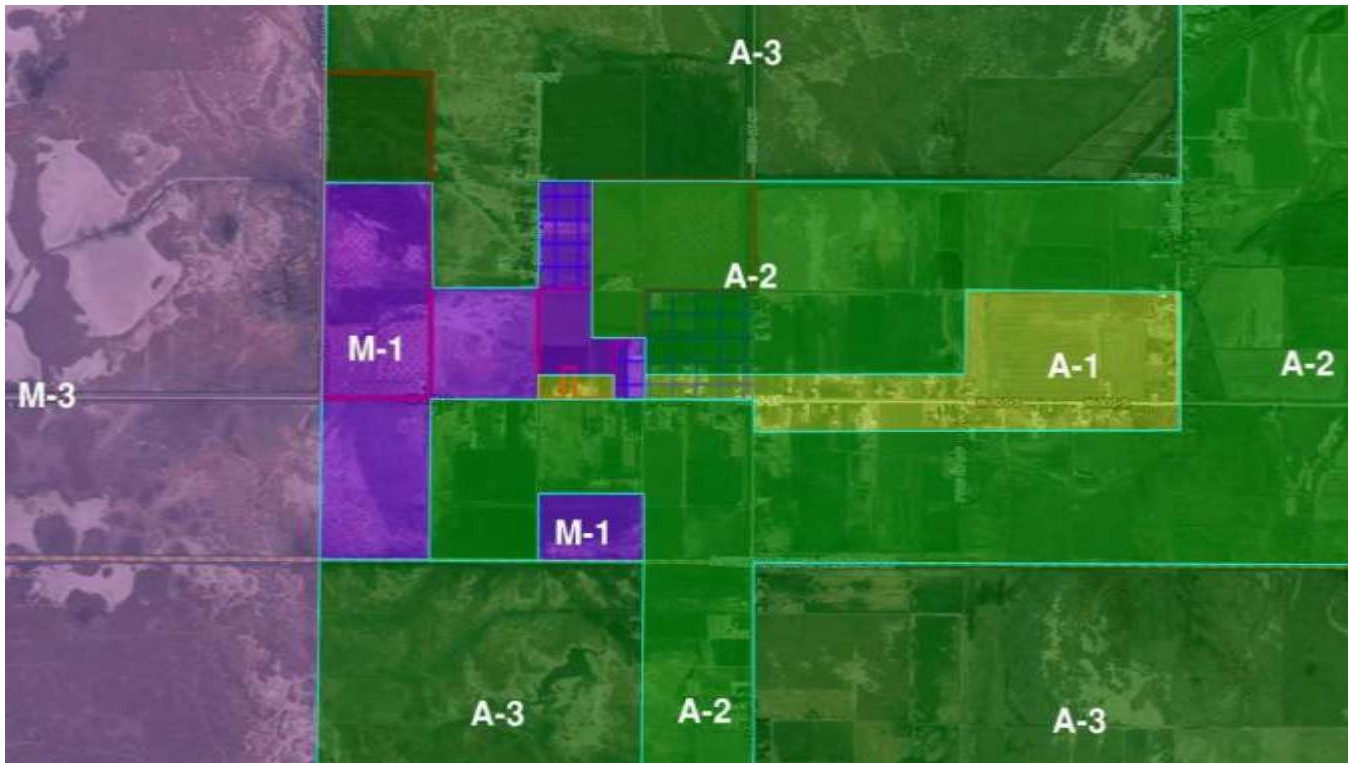


Figure 7: Compromise Variant 3.

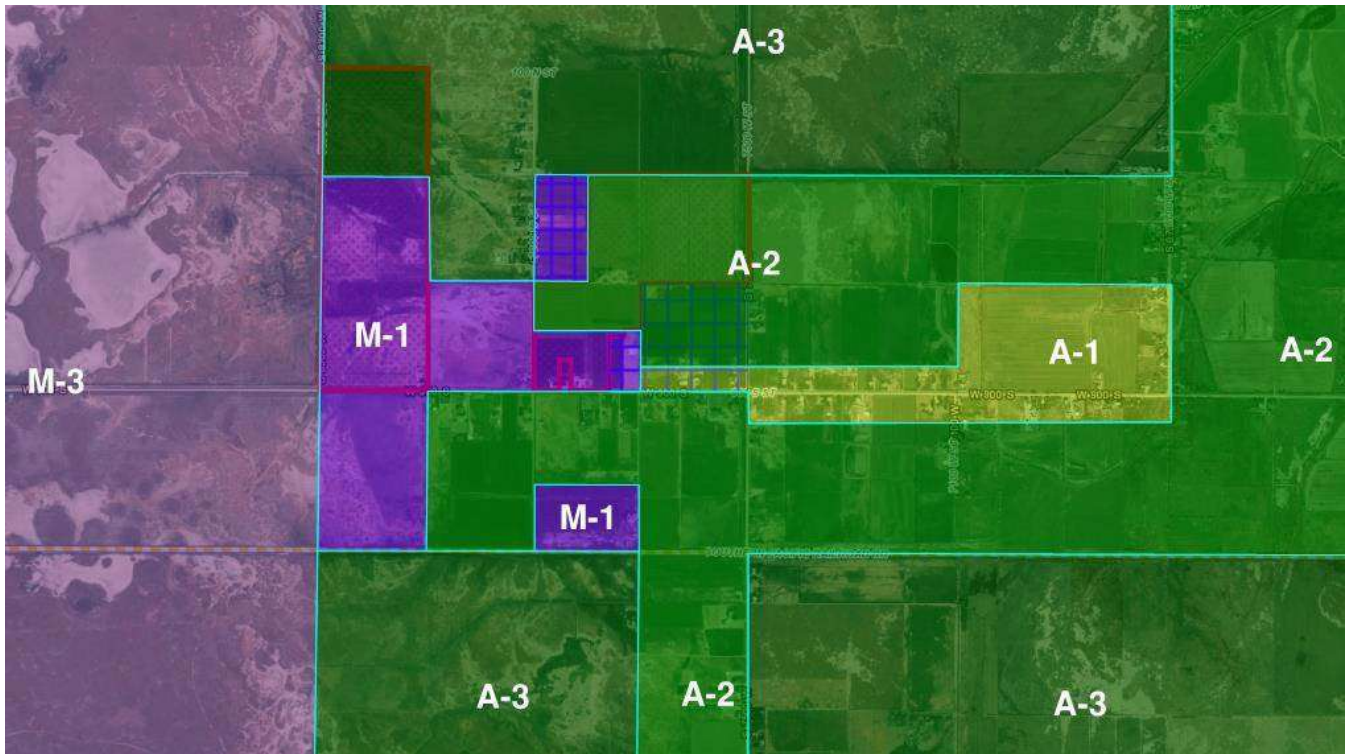
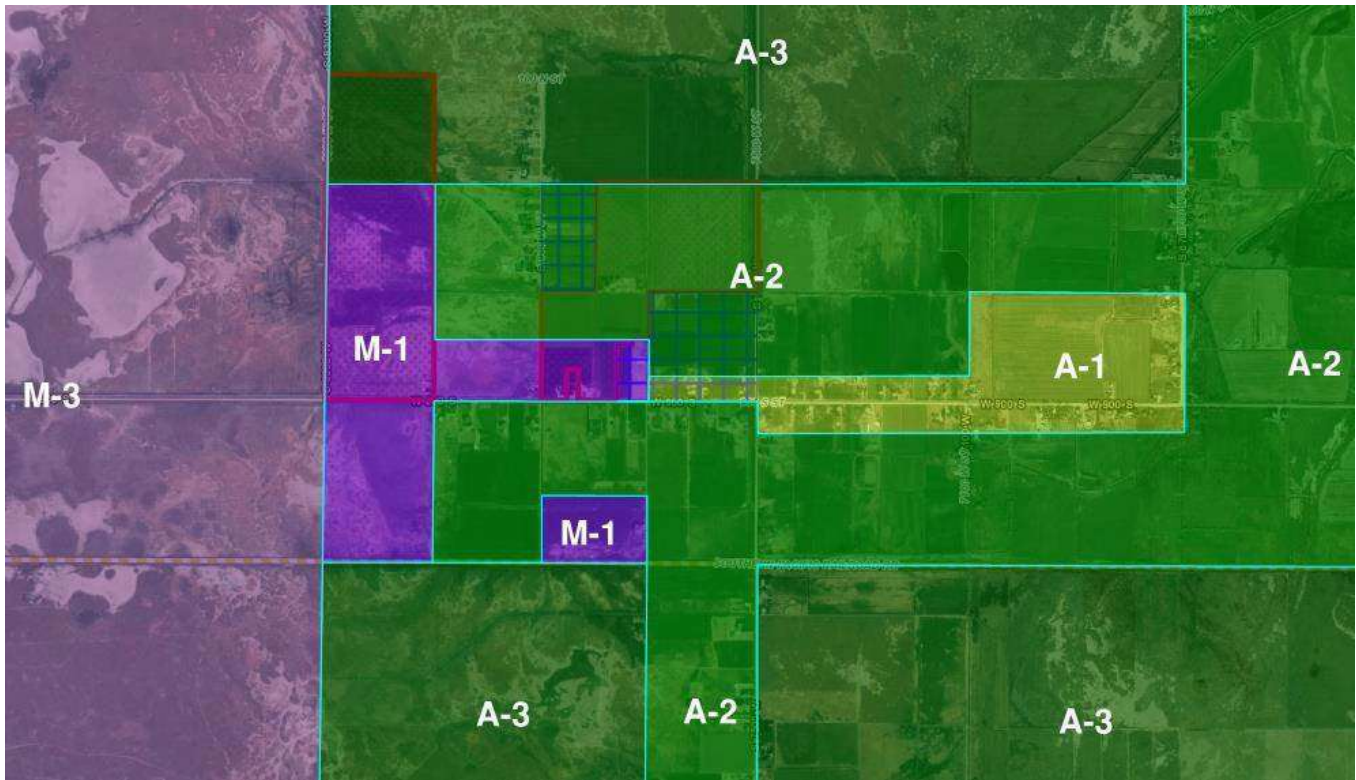


Figure 8: Compromise Variant 4.



Staff Recommendation

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative one, staff recommends doing so with the following findings:

1. That after changes to the general plan's future land use map, the rezone complies with general plan.
2. That the rezone better supports the majority desires of the local community.
3. That the rezone will still protect the existing manufacturing uses through nonconforming rights.
4. That the rezone is not detrimental to the health, safety, or general welfare of the public.

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative two, staff recommends doing so with the following findings:

1. The proposed rezone is not in compliance with the general plan.
2. There is insufficient public support for the rezone.
3. The rezone would not be in the best interest of the health, safety, or general welfare of the public.

If the Planning Commission desires to forward a positive recommendation to the County Commission on one of the variants of alternative three, staff recommends doing so with the following findings:

1. That after changes to the general plan's future land use map, the rezone complies with general plan.
2. That the rezone better supports the majority desires of the local community.
3. That the rezone offers better buffering between zones that have conflicting uses
4. That the rezone is not detrimental to the health, safety, or general welfare of the public.

Exhibits

Exhibit A: Parcels specified by rezone application.

Exhibit B: Current zoning and parcels specified by rezone application.

Exhibit C: Result of proposed rezone.

Exhibit D: Staff's initial proposal for rezone from M-1 to A-2.

Exhibit E: Landowners opposed to Staff's initial proposal.

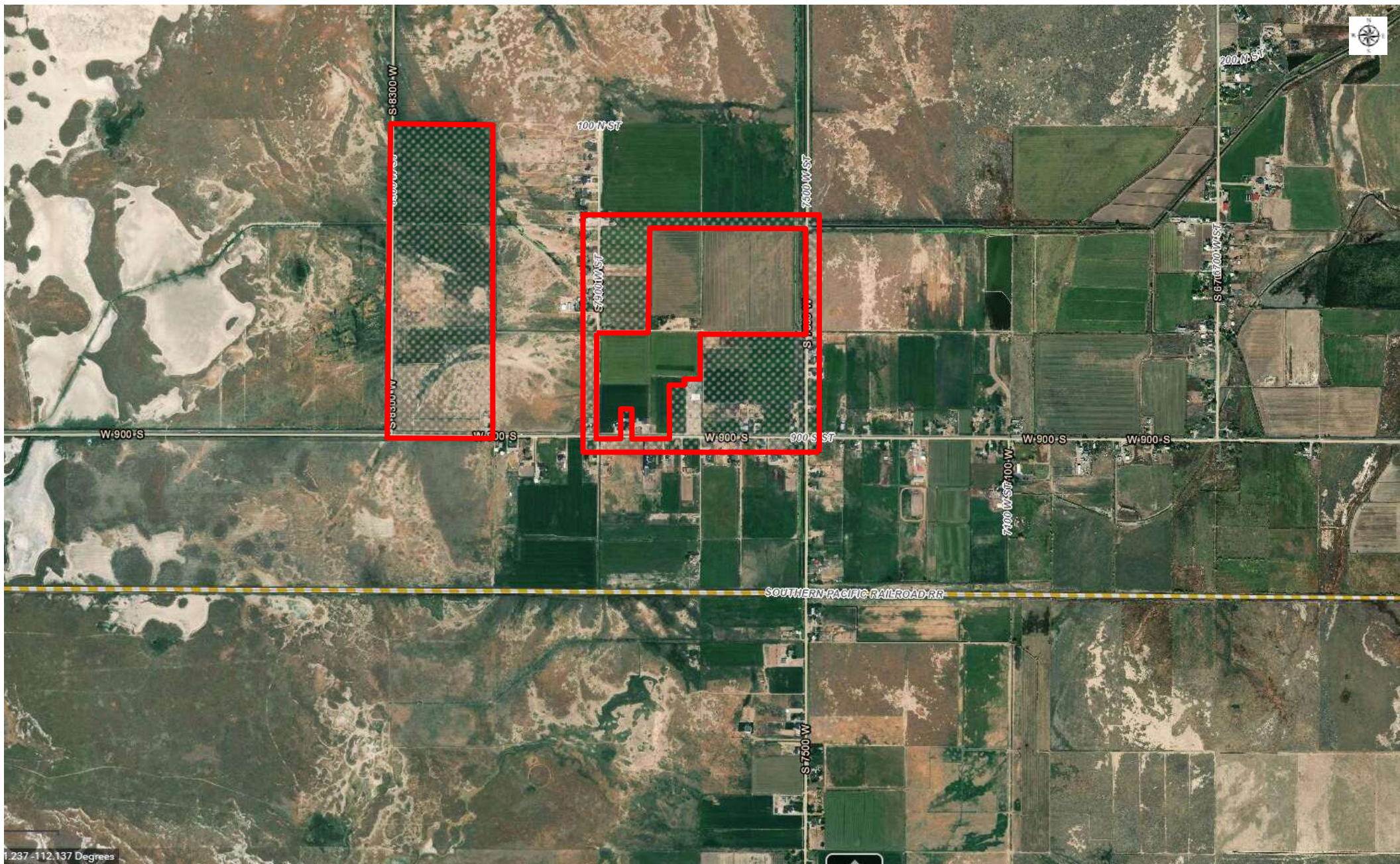
Exhibit F: Alternative 3: Extend A-2 westward, extend M-1 to 900 South.

Exhibit G: List of uses allowed in M-1 zone that are specifically incompatible with adjacent residential uses.

Exhibit H: 2013 NPR article "What's Burning in the Backyard: Stericycle and the Foxboro Neighborhood."

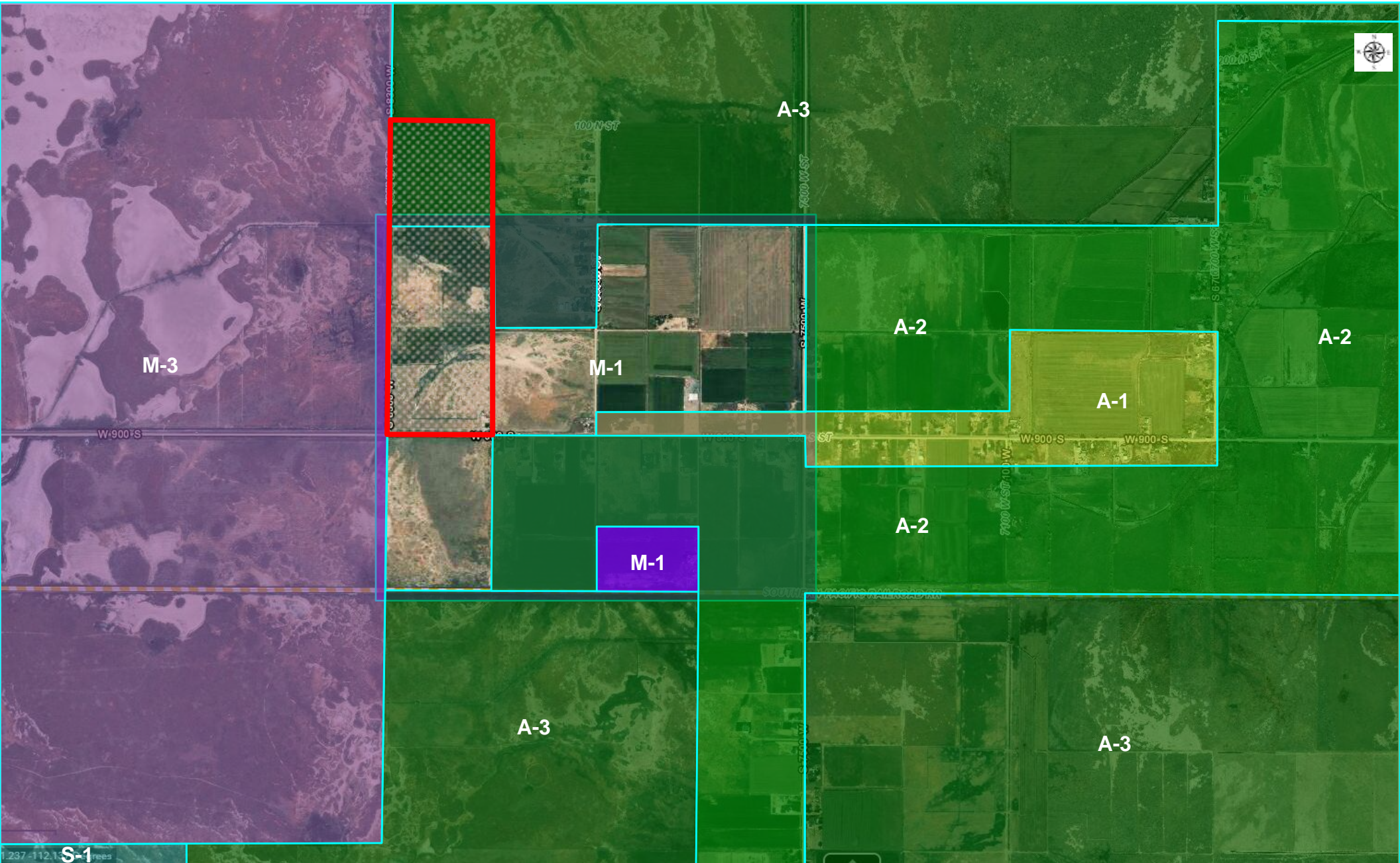
Exhibit I: Application.

Exhibit A: Parcels specified by rezone application.

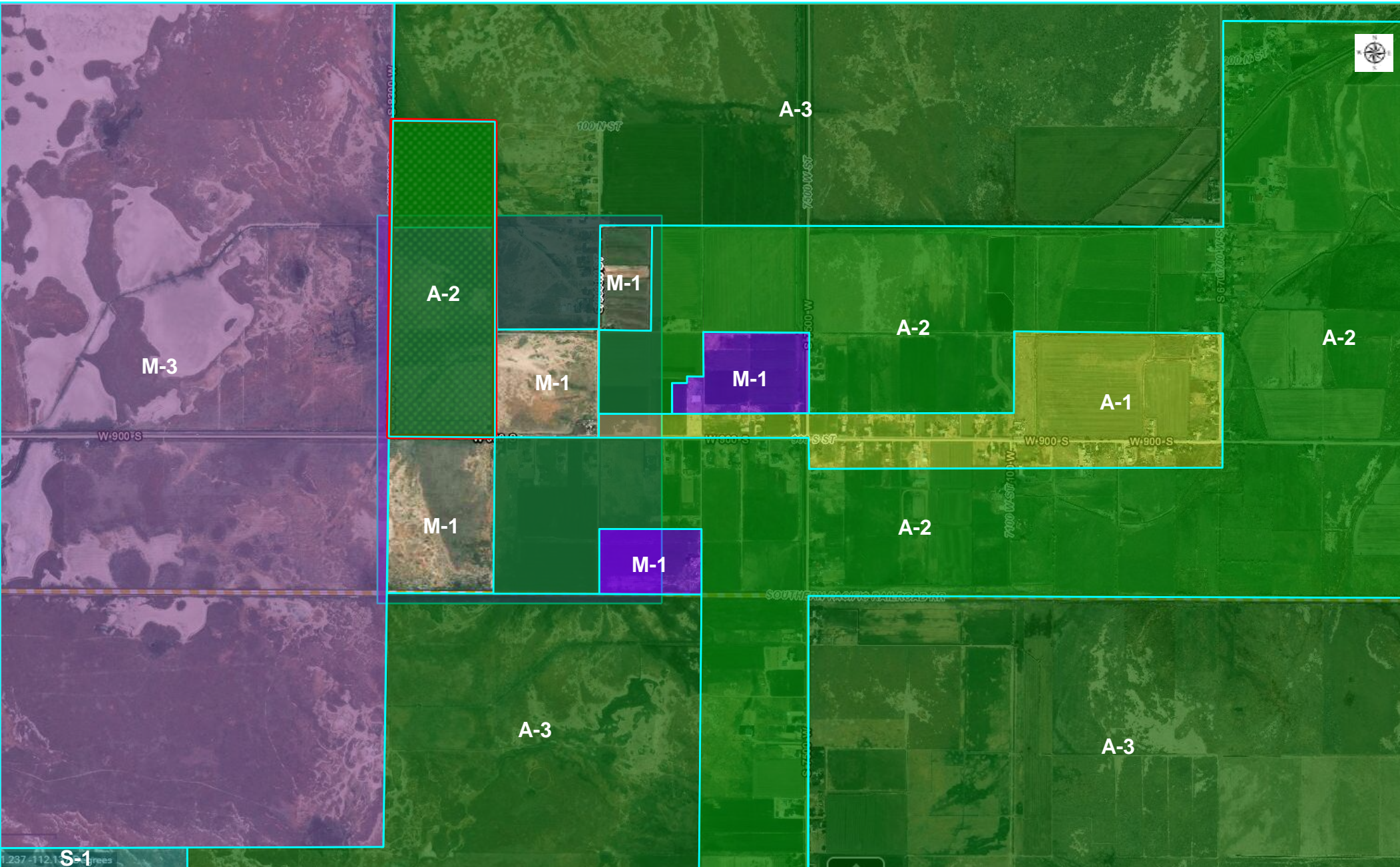


Parcels specified by rezone application.

Exhibit B: Current zoning and parcels specified by rezone application.

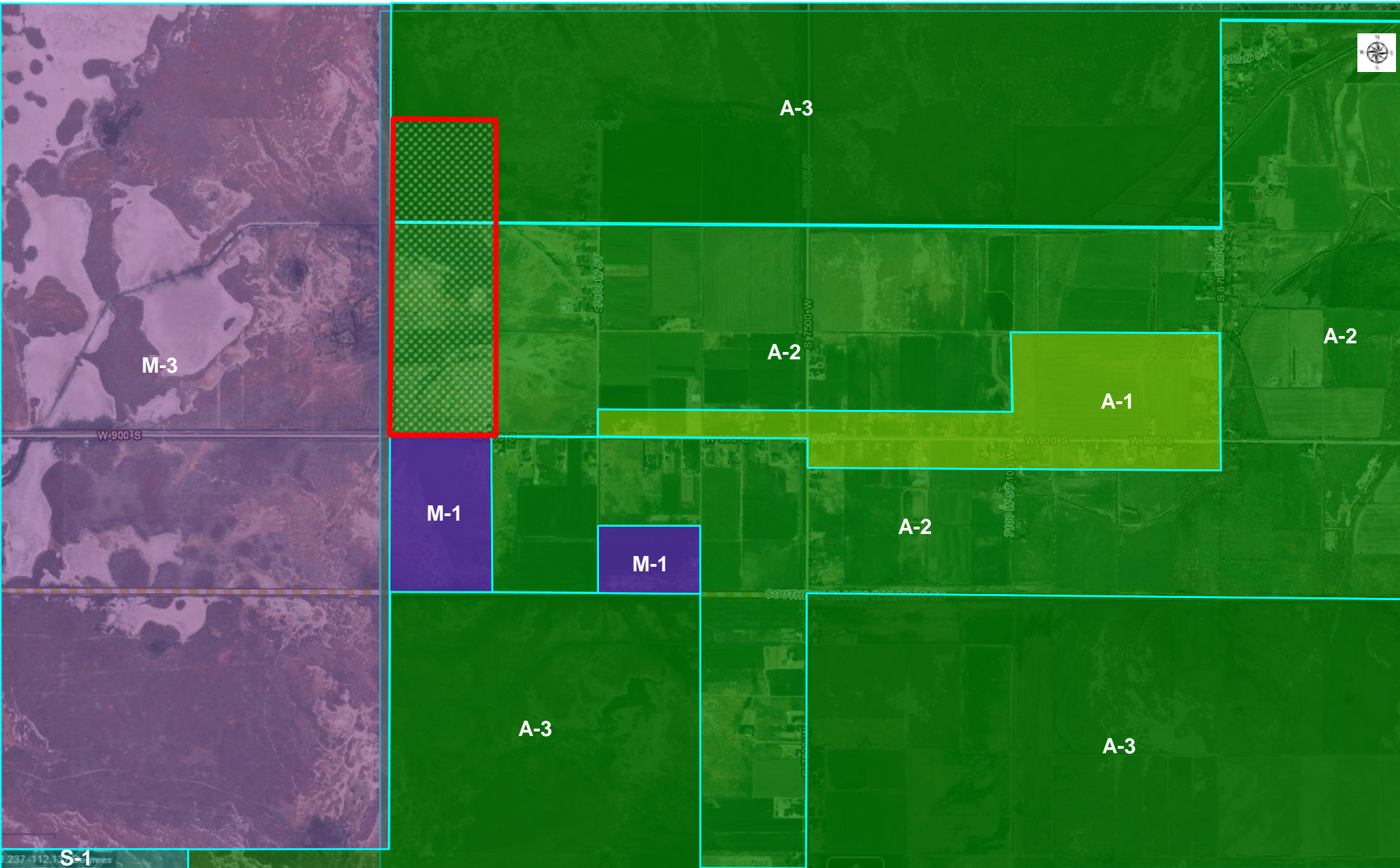


Parcels specified by rezone application.



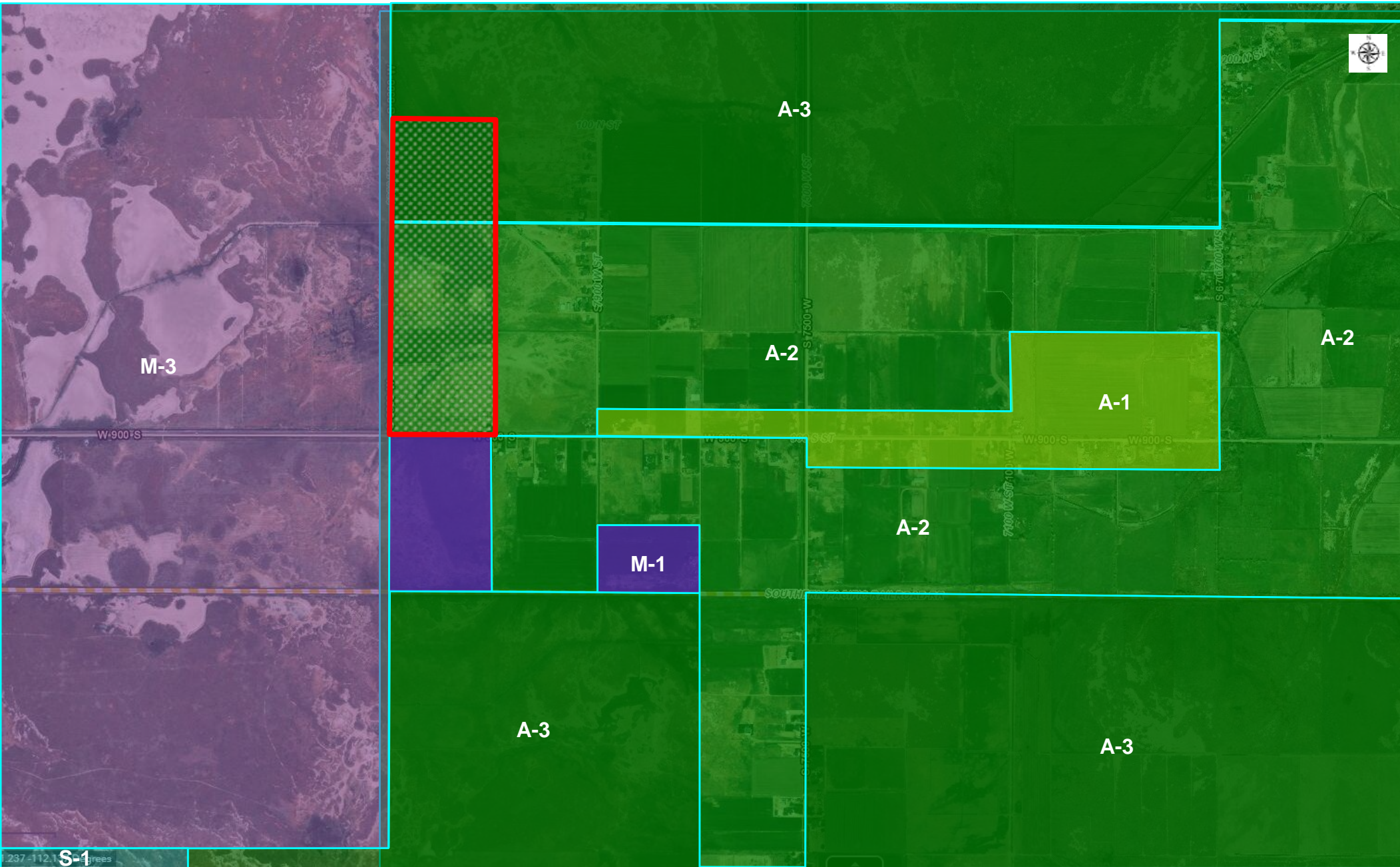
Parcels specified by rezone application.

Exhibit D: Staff's initial proposal for rezone from M-1 to A-2.



Parcels specified by rezone application.

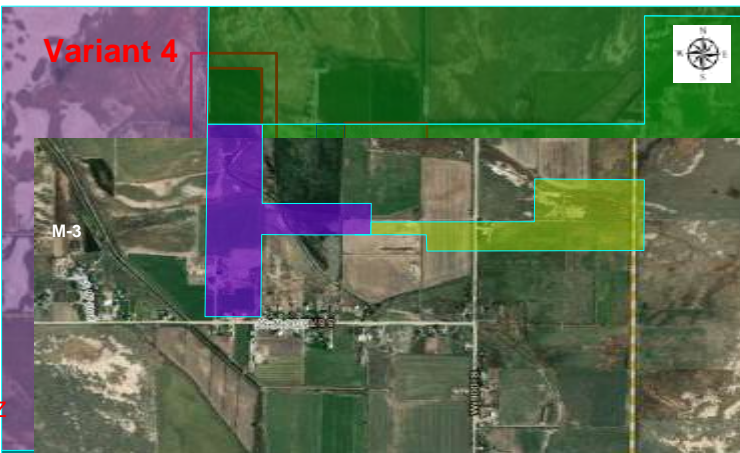
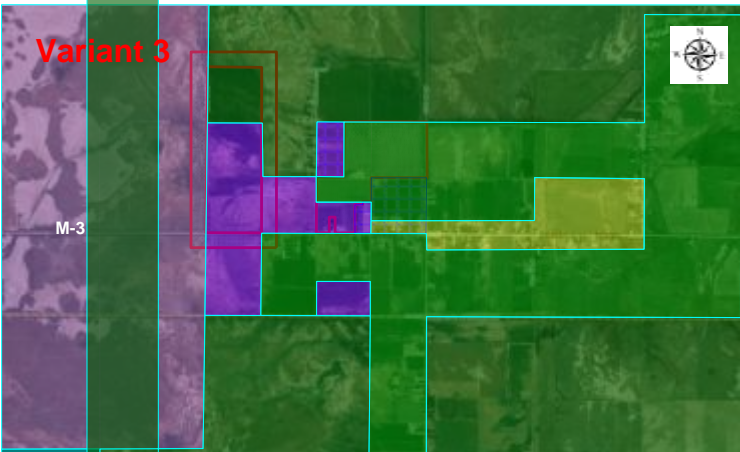
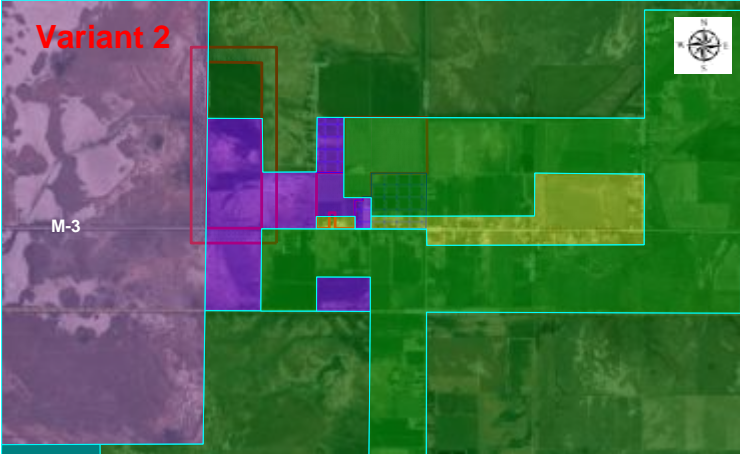
Exhibit E: Landowners opposed to Staff's initial proposal.



Parcels specified by rezone application.

ZMA 2018-02 Staff Report - Appendix 20 - Proposed Staff's Initial Proposal. Landowners opposed to Staff's initial proposal.

Variant 1



Z

Uses Generally Incompatible with Single Family Dwelling 40,000 Square Foot Lots

Manufacturing or processing plant (various materials and products, but not ferrous metals).

Animal services

- Pest Control
- Pet and pet supply

Transportation Facilities

- Bus terminal
- Trucking terminal

Rubber Works

- Rubber welding
- Tire retreading and/or vulcanizing

Metal works

- Welding shop
- Gunsmith
- Machine shop

Vehicle Service and Repair

- Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning
- Truck (Semi) service station
- Auto body shop
- Car wash
- Boat building or service
- RV Storage
- Trailer service

Vehicle sales

- New car lot
- Used car lot
- Boat and other motorsports sales
- Trailer sales

Amusement businesses

- bowling alley
- Boxing arena
- Motion picture studio
- Cabaret
- Circus
- Dance and social hall
- Lounge (AKA night club)
- Pool hall

Rec center
Roller skating rink
Shooting range/club/gallery
Indoor theater
Outdoor theater

Alcohol establishment

Beer parlor/tavern/bar
Liquor store
Lounge (AKA night club)
Private liquor club (AKA: bar; "private club" is an archaic reference)

Commercial Lodging

Boarding/lodging house
Hotel or motel

Building material yard

Construction of buildings to be sold and moved off the premises.
Sales of build materials (outdoor)

Wood work

Cabinet shop
Lumber mill
Lumber yard

Textile work

Dry cleaning plant.
Dyeing

Medical and Health

Medical or dental clinic or offices
Gym (public and private)
Medical or dental laboratory

Retail and stores (allows big-box)

Various retail establishments
Department store
Furniture sales
Grocery store
Hardware
Pawnshop
Supermarket
Tobacco shop
Variety store

Wholesale

Hospital supply

Greenhouse/nursery

Air travel

Heliport/helipad

Food or food processing

Custom meat cutting, but not slaughtering
dairy processing
Bottling works, soft drinks
Restaurant (all types)

Other

Reception center
Mortuary
Trade school
Mobile home manufacturing, sales, and service
Sand blasting

(L)

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All Things Considered and KUER's Local 9-JobWi



What's Burning in the Backyard: Stericycle and the Foxboro Neighborhood

By BRIAN GRIMMETT & ANDREA SMARDON • OCT 30, 2013

[Tweet \(http://twitter.com/intent/tweet?\)](http://twitter.com/intent/tweet?)

[url=http://www.tinyurl.com/2Fv7g3crtl&text=What%27s%20Burning%20in%20the%20Backyard%3A%20Stericycle%21](http://www.tinyurl.com/2Fv7g3crtl&text=What%27s%20Burning%20in%20the%20Backyard%3A%20Stericycle%21)

Listen

9:35

North Salt Lake is home to one of the last medical waste incinerators in the country. Stericycle (<http://www.stericycle.com/>), the company that operates the incinerator, came under scrutiny this summer after state officials cited it for violating emissions standards. Residents of the Foxboro neighborhood became concerned about this plant operating next door. Many bought homes there without knowing that pollutants were being released into their neighborhood. In the first of a two-part series, What's Burning in the Backyard, we tell the story of how Foxboro grew up around a medical waste incinerator.

We start our story with some Foxboro residents, who live just across the street from Stericycle's medical waste incinerator, Dan and Becca Hubrich and their three children just home from school, bouncing on a trampoline in the backyard.

Just behind those bobbing blonde heads, there's a white plume of smoke that kind of looks like steam. When Dan and Becca decided to build a home in Foxboro more than six years ago, the new neighborhood seemed ideal for a young family.

"We really were drawn to the community," Becca says. "We knew this would be a community with a lot of young families. There was a lot of appeal, they have a lot of parks, there was a lot of togetherness, the homes are kind of close knit."

Becca's husband Dan liked the location - the convenience of being right between 1-15 and Legacy Parkway. The Hubrichs say their neighborhood is all that they had hoped for, but they did wonder why they would sometimes see black smoke coming from the plant across the street.

"You know our kids would say mom, the building's on fire again," Becca says. "And we would always say that can't be good, but we had a meeting, and they had a team of doctors telling us - telling us what a medical incinerator was, what

they were burning, and what that was polluting our air with."

City leaders held this meeting because the state division of air quality cited

(<http://www.airquality.utah.gov/Public-Interest/Current-Issues/stericycle/novintro.htm>) Stericycle (<http://www.airquality.utah.gov/Public-Interest/Current-Issues/stericycle/novintro.htm>)

in May (<http://www.airquality.utah.gov/Public-Interest/Current-Issues/stericycle/novintro.htm>) this year for exceeding permitted levels of pollutants like dioxins and for falsifying the results of stack tests. Becca and Dan learned that dioxins are a highly toxic byproduct of burning plastic -that they can cause cancer, and affect human fertility and development.

"You know our kids would say mom, the building's on fire again." - Becca Hubrich

The Hubrichs' learned that even when operating the incinerator legally, Stericycle is allowed to release limited amounts of these dioxins, as well as lead, mercury, and nitrogen oxide. They also learned that the black smoke they saw a few times a year was an emergency bypass incident ([http://www.airquality.utah.gov/Public-Interest/Current-Issues/stericycle/docs/2013/April/Stericyclewebupdate%20\(1\).pdf](http://www.airquality.utah.gov/Public-Interest/Current-Issues/stericycle/docs/2013/April/Stericyclewebupdate%20(1).pdf)). That means waste is released directly into the air without any of the usual filters.

"I was upset, I felt deceived," Dan says. 'The two things I was upset with was why was I not told this from the beginning? And the second things that made me upset, how did they get a permit to build right next door to this thing in the first place?'"

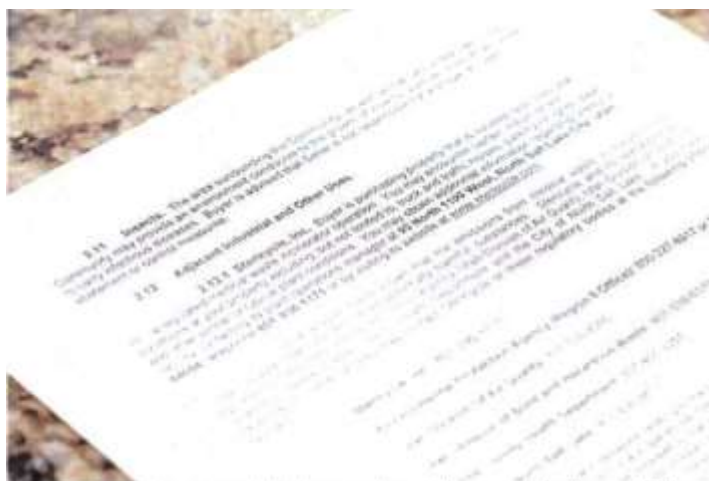
Looking back at the closing documents they signed when they bought their house, Becca and Dan were warned about truck and traffic noises, parking lot lights, and steam, but nothing about pollutants.

Stericycle's corporate office did not respond to our request for an interview. In a statement, the company claims to be operating under the parameters of its permit.

Even if that's the case, Dan and Becca say they don't feel safe in their home.

"Had I known what was actually coming out of that thing. I would never have built a home right next to it," Dan says.

"We are moving," adds Becca.



<http://mediad.RUublicbroadcasting.net/P-/kuer/files/styleE>

Clause in the Hubrich's closing documents in regards to Stericycle.

CREDIT BRIAN GRIMMETT

But moving might not be so easy. Dan happens to be a loan officer and is concerned about property values in the neighborhood.

"I've definitely seen a big increase in people wanting to sell their homes, and a lot of it because of Stericycle. It's a very real possibility that values could be affected."

We talked to a number of families who say they were not aware of what actually went on at the incinerator until after they bought their home. They all say that information may well have influenced their decision whether or not to buy.

The question is, how did thousands of people come to live near a medical waste incinerator?

That story begins in 1990 when a company called Browning Ferris Industries - or BFI - wanted to buy some land over on the west side of North Salt Lake to operate an incinerator. When city officials reviewed BFI's permit, there were no residents within a mile of the facility. But even then, locals at the time were concerned about public safety and medical waste in their community.

We looked back at the planning commission meeting minutes (<https://www.documentcloud.org/documents/802493-stericycle-cup-timeline-5-9-89-10-2-12.html#document/p43/a127599>). One resident asked what the restriction would be for building residential homes near the proposed plant. The Chair of the planning commission Jerald Seelos said, "residential plans would be rejected because they would not comply with the overall intent of the West District."

Stericycle bought the incinerator in 1999. Fast forward to 2002 - city leaders amended the general plan (<https://www.documentcloud.org/documents/803870-general-plan-1991.html#document/p30/a125520>) and rezoned the land for residential development.

Some prominent families in Utah owned the land next to the incinerator, and wanted to develop it. They hired Bill Wright who worked as a consultant for a company called Sear Brown. Wright saw an opportunity.

"At that time the bulk of the land was vacant, and it was large in size," Wright says. "It was an opportunity to envision a future that was not just typical industrial development."

They made a deal with developer Woodside Homes (<http://www.woodside-homes.com/>) to build a mixed-use development. But in order for all of this to work, they needed city officials to rezone the land to build residential homes. As it happens, consultant Bill Wright was on the city's planning commission. And you know who else was on the planning commission? The current mayor of North Salt Lake Len Arave. At the time, Arave was the Chief Financial Officer for Woodside Homes. We asked Mayor Arave if that was a conflict of interest.

"There were concerns on the council that there would be conflicts of interest," Arave says. "We all understood that. I had to recuse myself. I didn't participate in any debate, discussions, and I was very careful to keep myself out of it."

Bill Wright said the same thing. And neither of them voted on this rezone issue.

As far as we can see in the meeting minutes , Arave really did stay out of it. But in a May 2002 Planning Commission meeting



<http://mediad.publicbroadcasting.net/p/kuer/files/style14-2004.jpg>

The beginning of the Foxboro residential development.

CREDIT GOOGLE EARTH

(<https://www.documentloud.org/documents/802338-nsl-planning-commission-minutes-2002.html#document/p56/a129462>), Bill Wright presented the initial plan for a mixed use community. In the presentation, he described it as a premier development with mixed income homes, some commercial businesses, and a wonderful view.

We asked Mayor Arave if he thought it was appropriate for Wright to advocate for his plan while also serving as a commissioner.

"It probably isn't a decision I would have been made if I were him, but it's not my job to criticize people. I hate to throw rocks because we all live in a glass house. If it were happening under my administration, it would be my job to try and make sure it was fixed."

We also asked him if, as mayor now, if that situation were happening, would you have something to say about it?

"Yeah, I think so. I realize people have to make a living, but I think at that point they should probably make a choice to serve on the planning commission or make a living doing that kind of stuff."

Wright says he believed in the plan amendment that was proposed, but doesn't think he had any undue influence on its approval. He says there was a healthy debate on the proposal. Other commissioners we talked to said they made up their own minds, and were not influenced by Wright.

What about public safety concerns? Well, there were concerns about the noise from trucks and visual disturbances from lights. But not a word in the planning commission meeting minutes about air pollution in relation to Stericycle. All the city leaders we interviewed say they had no reason to suspect that the incinerator's emissions would be unsafe. The State Division of Air Quality assured them that the company was in compliance with their permit.

There was really only one commissioner who had serious concerns - Jim Gramoll, president of a construction business close to Foxboro. Gramoll was worried that the residents would force the existing businesses out. In fact, there were a number of businesses in the area who objected to the rezone for this reason. Stericycle did not object, but Gramoll says it wasn't hard to foresee that there would be problems with neighbors next to a medical waste incinerator.



<http://mediad.P-ublicbroadcasting.net!P-/kuer/files/style>

Stericycle Medical Waste Incinerator

CREDIT BRIAN GRIM METT

"We did know what was going on at Stericycle, and the risk involved in that type of work," he says. "We certainly could have and should have been aware that there is a potential for problems."

An Internet search shows that there were medical waste incinerators around the country at that time that were coming under intense public pressure to close in California, Missouri, and Arizona. But all of the city leaders we spoke to say they were not aware of these conflicts at the time.

It took about six months from the time the idea was introduced to when the city leaders gave final approval of the re-zone. Gramoll's term ended before a decision was made. Today, he says there is a lesson to be learned.

"We did know what was going on at Stericycle, and the risk involved in that type of work. We certainly could have and should have been aware that there is a potential for problems." - Former Planning Commissioner Jim Gramoll

"We shouldn't rush and push the development of those areas and make exceptions to good land planning just for the sake of making it profitable for an entity," he says. "Let's do our homework. That's the area we could have done a better job."

City residents are watching their leaders closely to see how they handle this situation. Local elections are coming up, and residents like Dan Hubrich say Stericycle's incinerator is their number one issue.

"It's a big enough issue now, Erin Brockovich came out here," he says. "It's gotten a lot of attention. Whoever is leading in the city, needs to have this at the forefront of their priorities."

For more on how the city's leaders are planning to respond to the situation check out part two of **our series, What's Burning in the Backyard**

Weber County Zoning Map Amendment Application		
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401		
Date Submitted	Received By (Office Use)	Added to Map (Office Use)
Property Owner Contact Information		
Name of Property Owner(s) [Illegible]		Mailing Address of Property Owner(s) [Illegible]
Phone [Illegible]	Fax [Illegible]	Preferred Method of Written Correspondence Email <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/>
Email Address [Illegible]		
Authorized Representative Contact Information		
Name of Person Authorized to Represent the Property Owner(s) [Illegible]		Mailing Address of Authorized Person [Illegible]
Phone [Illegible]	Fax [Illegible]	Preferred Method of Written Correspondence Email <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/>
Email Address [Illegible]		
Property Information		
Project Name [Illegible]	Current Zoning M-	Proposed Zoning A-1 O A-t..-
Approximate Address [Illegible]	Land Serial Number(s) [Illegible]	
Total Acreage to	Current Use I [Z&S 1...]	Proposed Use [Illegible]
Project Narrative		
Describing the project vision. [Illegible text]		

Project Narrative (continued ...)

How is the change in compliance with the General Plan?

change Doesn't change opportunity for manufacturing growth

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

current zoning has no opportunity

it would be far better for county and property owners to have this

Pr. 1 A-2. Also «. L(residents community care

in favor of this change

Project Narrative (continued ...)

How Is the change In the public interest?

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What conditions and circumstances have taken place In the g neral area since the General Plan was adopted to WJrrant such a change?

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Project Narrative (continued ...)

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

"I'r

and safety.

Property Owner Affidavit

I (We), _____, do hereby 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

Subscribed and sworn to me this _____ day of _____, 20__.

Barbara Sigurd

(Property Owner)

Nancy Sigurd

Angela Martin

(Notary)



Authorized Representative Affidavit

I (We), [Signature] & [Signature], the owner(s) or the real property described in the attached application, do authorize as my (our) representative(s) [Signature] to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Dated this Jr day of ---, 20--- personally appeared before me _____, the signers of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature]

(Notary)





Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

WEBER COUNTY

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Exhibit Location Page	
Receipt Number	74759

Receipt Date
04/19/18

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John Price

Time: 15:58
Clerk: tbennett

<u>Description</u>	<u>Comment</u>	<u>Amount</u>
<u>Zone and General</u>	Zone and General Ame	<u>\$2,352.00</u>
	Payment Type	Quantity
	CHECK	1
	Ref	Amount
	AMT TENDERED:	\$2,352.00
	AMT APPLIED:	\$2,352.00
	CHANGE:	\$0.00