

## WESTERN WEBER PLANNING COMMISSION MEETING

### MEETING AGENDA

**April 6, 2022**

**Regular meeting 5:00 p.m.**

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

**1. Minutes:** March 1, 2022

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

**2. Administrative items:**

**2.1 DR 2022-01:** Consideration and action on a design review application for a medical cannabis cultivation operation, located at approximately 1901 S 5100 W, Ogden. **Presenter Steve Burton**

**3. Public Comment for Items not on the Agenda:**

**4. Remarks from Planning Commissioners:**

**5. Planning Director Report:**

**6. Remarks from Legal Counsel**

**Adjourn**

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

*Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.*

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8374*

## 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

**Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.**

### 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.

**3-1-2022 Minutes**

Minutes for Western Weber Planning Commission meeting of March 1, 2022, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm.

**Members Present:** Andrew Favero—Chair  
Wayne Andreotti  
Jed McCormick  
Sarah Wichern  
Cami Clontz

**Pledge of Allegiance**

**Staff Present:** Rick Grover, Director; Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; June Nelson, Secretary

1. **Minutes were approved for February 8, 2022. 5-0**
2. **Approval of Rules of Order; Commissioner Wichern motioned to approve Rules of Order. Commissioner McCormick seconded the motion. Motion passed 5-0 all in favor.**
3. **Administrative items:**
  - 3.1 **LVS042621** - Consideration and action on preliminary and final approval of Phase 2 of Smart Fields Subdivision (24 lots) located at 1740 S 4300 W. **Presenter Felix Lleverino.**

The applicant is requesting preliminary and final approval of Smart Fields Subdivision Phase 2 (24 lots) at approximately 1740 S 4300 West. The A-1 Zone requires a minimum of 40,000 square feet in area and a lot width of 150 feet per dwelling. However, the recently adopted subdivision code section called Connectivity Incentivized Subdivision (106-2-4), incentivizes the developer to follow the Planning Division recommendations regarding road alignments and connectivity. The incentive to the developer would allow them to retain the gross acreage calculations to determine the number of lots allowed within the subdivision. Up to ten percent of the gross developable acreage is not required to be omitted from the net developable acreage of the subdivision.

The Weber County Planning Division has posted final comments that will be addressed by plat revisions. Weber County Engineering comments are related to subdivision improvements for which the civil plans are under review for final construction requirements. Engineering would prefer to see one large retention area rather than several individual basins within each lot. The County Surveying Department will conduct a formal review of the final subdivision plat. The Weber Fire District requires that the civil plans include the existing and new fire hydrants.

Many of the Commissioners had questions about retention areas in each lot. Commissioner Clontz asked how big the retention areas are. Commissioner Wichern also wondered if they would be at the back or side of lots and if they would all be the same size.

Josh Wiscombe (Representative for developer Pat Burns), He stated that the size of the retention areas on each lot will be according to lot size. Their engineers felt that this would be a good plan. The Commissioners felt that they should have a requirement by the County Engineers. Commissioner Wichern asked if we can have 1 retention pond instead of many small ones. Commissioner McCormick asked if this was up to code. Planner Felix Lleverino stated that the Engineers will make a recommendation for the storm water.

Commissioner Favero calls for a motion. **Commissioner Wichern motions to table LVS042621 until engineering is satisfied with drainage and retention. Commissioner Clontz seconded the motion. Commissioner McCormick, yes; Commissioner Clontz, yes, Commissioner Wichern yes, Commissioner Favero, no; Commissioner Andreotti no. Motion passes 3-2 to table.**

**3-1-2022 Minutes****3.2 LVB110921 - Consideration and action of final approval of Buffalo Run Subdivision (18 lots) located at 2400 S 4700 W. Presenter Felix Lleverino**

On December 14<sup>th</sup> 2021 the West Weber Planning Commission granted preliminary approval of Buffalo Run Subdivision with the conditions listed below. The Planning Division has provided descriptions for each condition that describes fulfillment of each:

- A final subdivision plat and civil plans are under review by all applicable County review agencies.
  1. The final civil plans are under review by applicable County review agencies.
- An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor's Office.
  - The annexation plat is under review by the Weber County Surveyor's Office.
- Before Buffalo Run may return for final approval, Taylor West Weber Water District and Hooper Irrigation shall provide a final will-serve letter.
  - A final will-serve letter from the culinary water district is attached as exhibit B.
  - A final will-serve letter from the Hooper Irrigation District is attached as exhibit C.
- Curb, gutter, and sidewalk are considered by Weber County Planning and Engineering. If applicable, the civil drawings shall include curb, gutter, and sidewalk.
  - 1) Curb, gutter, and sidewalk are required for all ROW's within the Buffalo Run Subdivision. The final civil plans included as Exhibit D display fulfillment of this requirement.
- Under the direction of the County Engineer, a deferral for curb, gutter, and sidewalk is recorded for frontage on 4500 West.
  - The County Engineer will allow a deferral agreement for curb, gutter, and sidewalk fronting 4500 West.
- The final plat and civil plans are submitted to Hooper Irrigation.
  1. The developer has fulfilled this requirement.

Commissioner Andreotti asked about the east end of the property. Will there be a road? Also is the irrigation ditch that runs through the middle of the property used or abandoned. Commissioner Favero says that it is abandoned.

**Commissioner Favero called for a motion. Commissioner Andreotti motioned for the following: to follow staff recommendations and findings with the addition of an HOA to administer the retention pond.**

**Staff recommends final approval of Buffalo Run Subdivision, a proposal to create 18 residential lots. This recommendation is based on the following conditions:**

1. All subdivision improvements are complete or escrowed for before the subdivision plat is recorded.
2. The developer enter into a Monument Improvement Agreement with the County Surveyor's Office.
3. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is approved by the County Surveyor's Office. The annexation plat shall be recorded before the subdivision plat is recorded.
4. A signature block for Taylor West Weber Water District is added to the dedication plat.
5. All Hooper Irrigation conditions of approval are satisfied.
6. The developer shall enter into a deferral agreement for curb, gutter, and sidewalk for improvements on 4700 West.

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 the applicable County codes.
3. The subdivision conforms to zoning and subdivision ordinances.

**The motion was then withdrawn.**

A representative for the owner said that they really don't want an HOA. There is someone who says that they will take care of the retention pond. The Commissioners were concerned about the legality of this and if that would be best for all the lot owners. In the end, the representative said that they would work out an HOA to handle the retention pond.

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Commissioner Favero called for a motion. Commissioner Andreotti motioned to follow staff recommendations and findings with the addition included below:

Staff recommends final approval of Buffalo Run Subdivision, a proposal to create 18 residential lots. This recommendation is based on the following conditions:

1. All subdivision improvements are complete or escrowed for before the subdivision plat is recorded.
2. The developer enter into a Monument Improvement Agreement with the County Surveyor's Office.
3. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is approved by the County Surveyor's Office. The annexation plat shall be recorded before the subdivision plat is recorded.
4. A signature block for Taylor West Weber Water District is added to the dedication plat.
5. All Hooper Irrigation conditions of approval are satisfied.
6. The developer shall enter into a deferral agreement for curb, gutter, and sidewalk for improvements on 4700 West.

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 the applicable County codes.
3. The subdivision conforms to zoning and subdivision ordinances.

HOA Documents are created for the retention basin are included and recorded with the final plat.

Commissioner McCormick seconded the motion. Motion passed 5-0.

#### Petitions, Applications, and Public Hearings:

#### 4. Legislative Items:

- 4.1 ZMA 2021-05:** A public hearing for consideration of a requested rezone from A-2 to C-3 located at approximately 1941 S 5100W, Ogden. **Presenter Steve Burton**

On December 14, 2021, the Planning Commission denied a proposal on this same property for a rezone to the M-2 zone to allow outdoor storage, contractor's equipment storage yard including rental of equipment used by contractors, and warehousing. The reason for denial was because the proposal to M-2 was not in compliance with the West Weber General Plan.

The applicant has now submitted a request for a rezone to C-3. The purpose for this zone is for the future owner to have a contractor shop, provided the work is conducted within a completely enclosed building. The owner is also requesting that the county allow limited outdoor storage, through a development agreement, on this property because the C-3 zone does not allow outdoor storage of materials or contractor equipment.

Staff recommends that the Planning Commission forward a recommendation to the County Commission to deny the proposed rezone of approximately 5.08 acres from A-2 to C-3, File #ZMA 2021-05.

This recommendation may come with the following findings:

1. The proposed rezone does not conform to the current general plan, by proposing manufacturing zoning within an area shown to be agriculture within the Future Land Use Map of the West Central Weber County General Plan.
2. The county is in the process of amending the general plan, and it is unknown what this parcel's future land use designation will be in the general plan.

Commissioner Wincher states that she agrees with the Planning Department that this item should not be voted on until the new General Plan is in place. The Commissioners asked the owner, Mr Ropelato if it would be better for him if the item was tabled or

**3-1-2022 Minutes**

voted on. Mr Ropelato states that he would just like to get this passed and resolved.

**Motion was made by Commissioner Wichern to open the Public Hearing. Commissioner Andreotti seconded the motion. Motion passed 5-0.**

There was no public comment.

**Commissioner Andreotti motioned to close the Public Hearing. Commissioner Clontz seconded the motion. Motion passed 5-0.**

**Commissioner Favero called for a motion on the item. Commissioner Wichern motioned to table the item ZMA 2021-05, until after the General Plan for Western Weber is established and passed by the County Commission. Commissioner McCormick seconds the motion. Motion passed 5-0.**

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

**6. Remarks from Planning Commissioners:** Commissioner Andreotti speaks about an article in the Deseret News about housing. People want their kids to be able to live close by. Small lots are on the horizon. Housing is so expensive. More people want to live in Utah. Planning needs to embrace everyone's needs. People want neighborhoods and communities. Other Commissioners agree stating that we need homes for Utah not California. The Master Plan is the key.

**7. Planning Director Report: no remarks**

**8. Remarks from Legal Counsel: no remarks**

**9. Training by Legal Council:** County Attorney Keogh spent some time talking about Public Clamor, Legislative and Administrative items.

**10. Adjourn to Work Session to discuss General Plan. Commissioner McCormick made the motion to adjourn to work session. Commissioner Wichern seconded the motion. Motion passed 5-0.**

Respectfully Submitted,

*June Nelson*

Lead Office Specialist



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a design review application for a medical cannabis cultivation operation, located at approximately 1901 S 5100 W, Ogden.

**Agenda Date:** Wednesday April 6, 2022

**Applicant:** Mark Gold

**Representative:** Ryan Arrington

**File Number:** DR 2022-01

### Property Information

**Approximate Address:** 1901 S 5100 W, Ogden

**Project Area:** Parking lot expansion area: 1.07 acre

**Zoning:** Agricultural 2 (A-2 Zone)

**Existing Land Use:** Commercial Greenhouse

**Proposed Land Use:** Commercial Greenhouse, and Cannabis Cultivation

**Parcel ID:** 15-081-0031

### Adjacent Land Use

<b>North:</b> Agricultural	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Agricultural

### Staff Information

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

**Report Reviewer:** RG

## Applicable Ordinances

1. Title 104 Zones Chapter 2 Agricultural Zone (A-2)
2. Title 104 Chapter 1 (Design Review)
3. Title 108 Standards Chapter 7 (Supplemental and Qualifying Regulations)
4. Title 108 Standards Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations)

## Background

The applicant is requesting approval of a design review to operate a medical cannabis cultivation operation. The proposed use will take place in three separate greenhouses. The applicant states in their narrative, that they anticipate minimal impact on adjacent properties. The narrative explains that the cultivation will operate under the existing facility's hours of operation, 6:30 am through 8:30 PM Monday through Friday, with some Saturdays during harvesting. Twenty employees are anticipated to participate in this operation. The following is a synopsis of the proposal's compliance with the County's land use codes.

## Synopsis

**General Plan:** The proposed use is allowed in the Agricultural zones and expands the use of agriculture on the property. If reasonable conditions are imposed on the project, the proposal is in line with the General Plan for this area.

**Zoning:** The A-2 Zone allows a Cannabis production establishment as a permitted use. There are further requirements for this use in 108-7-34.

108-7-34 states the following:

### **Sec 108-7-34 Cannabis Production Establishment**

In addition to any other site development standard or use regulation, a cannabis production establishment, where allowed by the zone, is governed as follows:

- a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- b) In the M-1 and M-2 zones, a cannabis production establishment shall not include cannabis cultivation, as defined by state code.
- c) In the A-2 and A-3 zones, the following standards shall apply to the cannabis production establishment:
  - 1) In the A-2 zone, a cannabis production establishment is restricted to only a cultivation facility, as defined by state code.
  - 2) In the A-2 and A-3 zones combined, no more than one cannabis production establishment is allowed to be in operation at any one time.
  - 3) The minimum lot area required is 20 acres.
  - 4) The minimum setback from any lot line is 100 feet.
  - 5) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are applicable to the use.
  - 6) The establishment shall be located on land that has access from a street that meets currently adopted street standards.
  - 7) As defined by state code, if a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.
  - 8) Outdoor cultivation of plants, as defined by state code, is prohibited.

The proposal meets, or can meet with conditions, the above listed requirements. The proposal falls under the Utah State Code definition of a cultivation facility (4-41a-102) and cannabis will not be processed or manufactured on this site. This proposal would be the only cultivation facility in the A-2 and A-3 zones combined. The parcel area is 75 acres. The existing greenhouses, in which the operation will take place, are located at least 100 feet from any property line.

The site landscaping requirement of 20 percent is met with the existing plantings and landscaping on site. There is also an existing berm, adjacent to the residential uses, as required by 108-7-34. Currently, the existing buildings are not exposed to public streets. The existing buildings are made of polycarbonate siding. The site is accessed from a portion of 1900 S that meets, or can meet the public works standards through a deferral agreement, or financial guarantee, this will depend on what the County Engineering division requires for conditions of approval.

**Design Review:** As a permitted use, this operation is allowed in the A-2 Zone. The purpose and intent of design review by the Planning Commission is to secure the general purposes of the design review code and the general plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

See the comments below for all applicable design review considerations for the Western Weber area:

- *Considerations relating to traffic safety and traffic congestion.* The applicant's narrative explains that there are 25 parking spaces provided for this operation. The Parking chapter of the land use code allows the Planning Commission to assign an appropriate number of spaces, where this specific use is not listed in the parking table (108-8-4).



- *Outdoor advertising.* There are no signs proposed as part of this operation.
- *Landscaping.* The site contains several landscaped areas, including outdoor plantings for the nursery and xeriscaped areas around the green houses. The existing landscaping meets the minimum requirement of 20 percent of the site area.
- *Buildings and site layout.* The grow operation will take place in the existing buildings that were originally for the normal greenhouse operation. The existing buildings meet the building setback requirements.
- *Utility easements, drainage, and other engineering questions.* Weber County Engineering will have storm water runoff, drainage, and other requirements that will need to be met, as part of the conditions of approval.
- *Prior development concept plan approval associated with any rezoning agreement planned commercial or manufacturing rezoning or planned residential unit development approval.* The proposal does not conflict with any previous design review approvals.

Review Agencies: The County review agencies have not yet reviewed the proposal. Approval of this project is subject to all review agency requirements.

## Staff Recommendation

Staff recommends approval of Design Review Application 2022-01 for a medical cannabis cultivation operation located at 1901 S 5100 W, Ogden. This recommendation is based on any review agency comments and the following conditions:

1. The cultivation operation must follow all applicable county and state regulations.

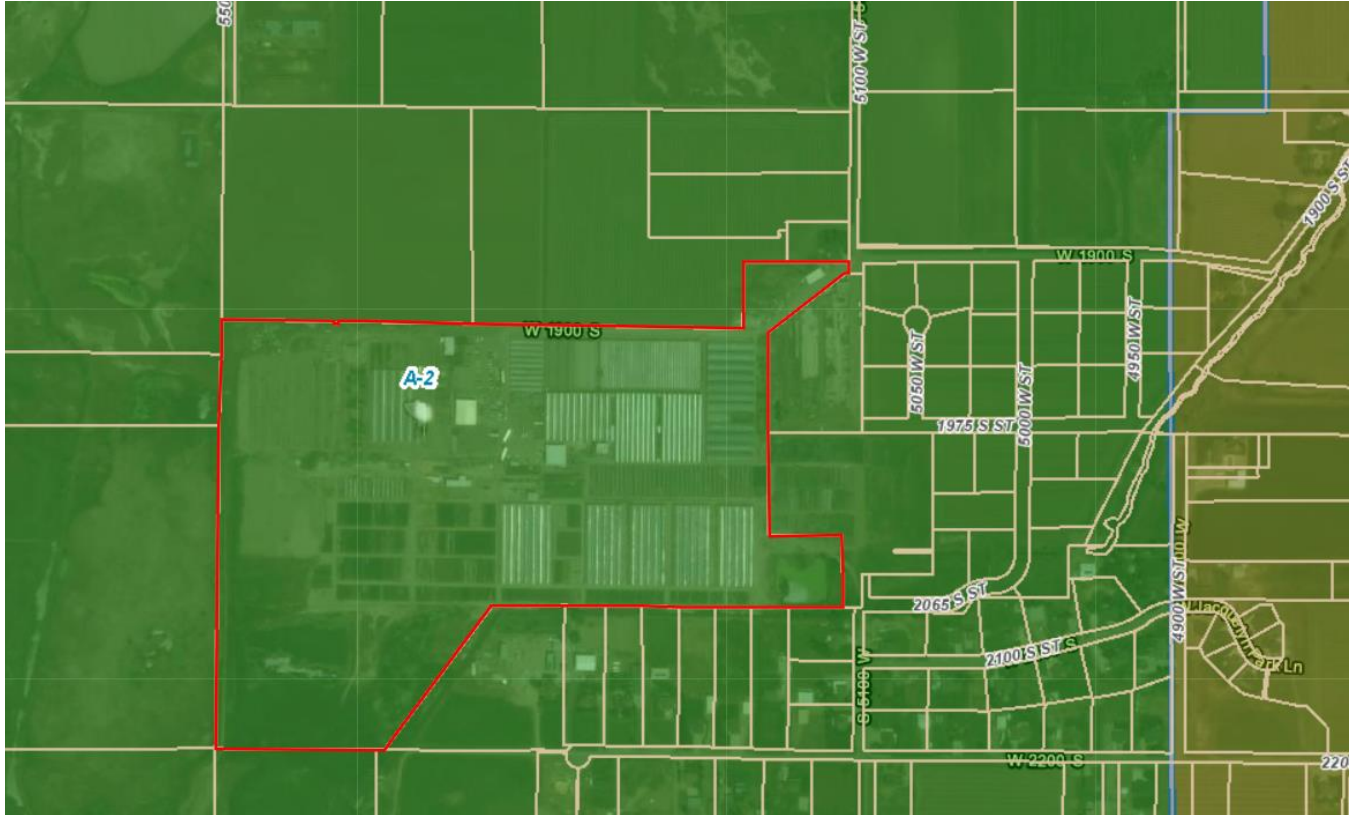
This recommendation is based on the following findings:

1. The proposed use conforms to the Western Weber General Plan.
2. The proposed use is not anticipated to be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, is not anticipated to deteriorate the environment or negatively impact surrounding properties and uses.

## Exhibits

- A. Application narrative
- B. Site Plans
- C. Building Elevation

## Area Map



**PINEAE GREENHOUSES, INC.  
NARRATIVE MEDICAL CANNABIS**

Since 1952, Pineae Greenhouses, Inc. (Pineae) has been a Utah family-owned premium quality regional grower of wholesale annuals, perennials, nursery products, and holiday plants. In March 2019, the company was granted a license by the Utah Department of Agriculture and Food to produce industrial hemp cannabis starter plants at its 83-acre property west of Ogden, Utah. Pineae's state-of-the-art automated greenhouse and nursery operation is comprised of 25 acres of greenhouse and 20 acres of nursery production. Pineae has worked closely with Utah State University and many other greenhouse growers from across the country to develop low impact, yet effective, production techniques for industrial hemp cannabis.

As a regional leader in industrial hemp greenhouse and nursery plant production, Pineae is extremely well positioned to use its techniques to assist the State of Utah in meeting the growing patient demand for medical cannabis. While the program continues to develop and mature, licensed medical cannabis cultivators need established and responsible partners like Pineae to meet the medical needs of Utah's patients.

Pineae's staffs between 100-200 full-time employees depending on growing season. During the peak season, from mid-March to early June, Pineae is fully staffed. Hours of operation will vary as well depending on the season. During the peak season, hours will be from 6:30am through 8:30pm. During the off-season, hours will be from 8:00am to 5:00pm.

Pineae's proposed plan to cultivate medical cannabis will have minimal impact on adjacent properties. The three greenhouses (S-3, S-4 and S-4 Extension) proposed to cultivate medical cannabis are self-contained, fully enclosed operating greenhouses with an 8-foot fence along the inside perimeter of each greenhouse. The fence situated inside the greenhouses adds an element of discreetness.

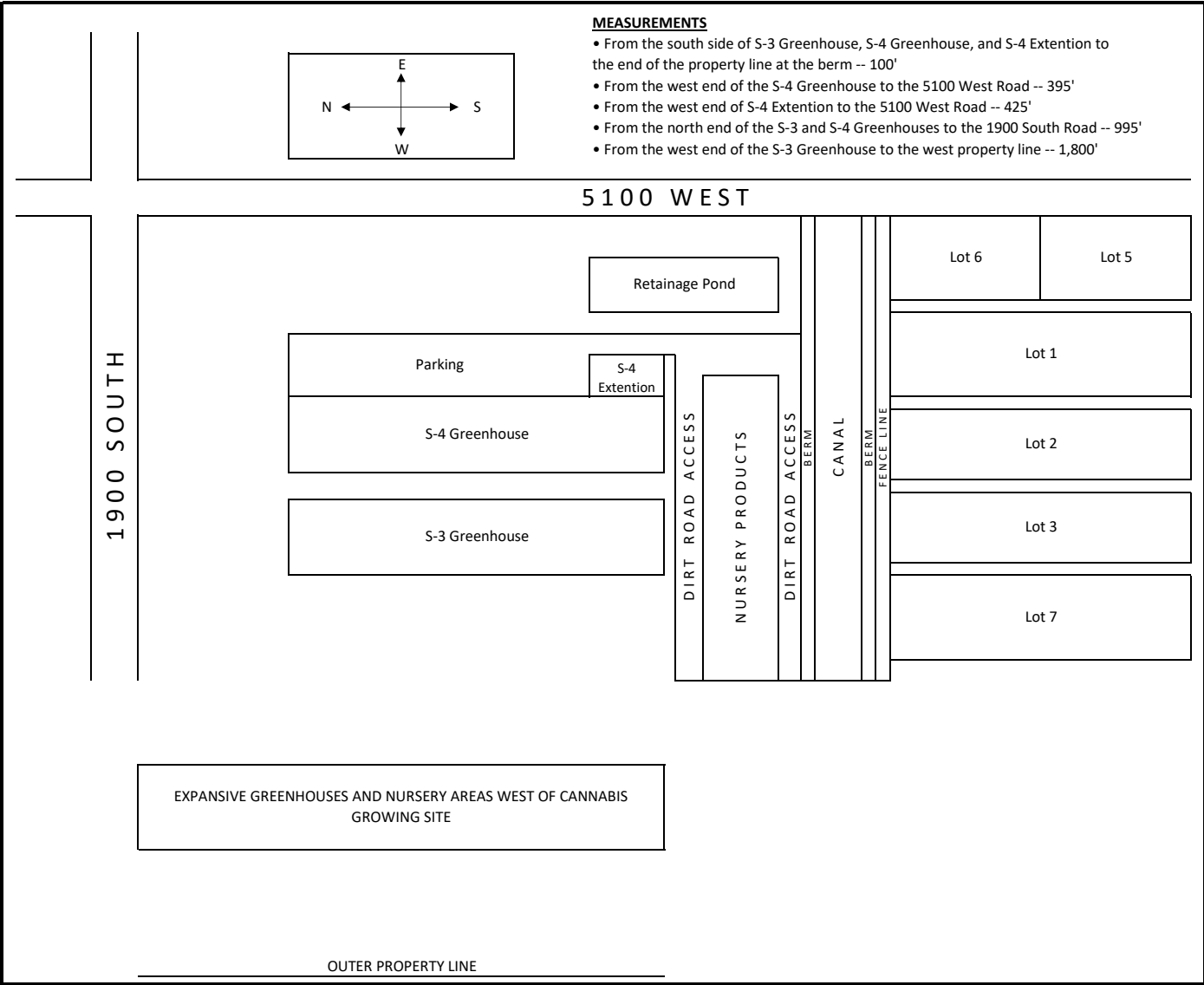
There are two parking areas. The first is next to the Office building. There are 25 parking spaces at that location. The other location is just east next to the S-4 greenhouse. There are 10-15 parking spaces available at that location.

NOTE: please note that we will be working under one of the eight licensees in Utah to cultivate medical cannabis, Standard Wellness. We are requesting that when the approval process is finalized that our site be approved with the official name as the **Standard Wellness/Mountain West Hemp Farms site**, or **Standard Wellness/Pineae Greenhouses, Inc. site**. Mountain West Hemp Farms is owned by common ownership as with Pineae Greenhouses, Inc. However, the contract signed with Standard Wellness is with Mountain West Hemp Farms. This is so that the operations between greenhouse and medical cannabis cultivation is separated. The location is the same as Pineae.

# PINEAE GREENHOUSES, INC.

## SITE PLAN

1901 SOUTH 5100 WEST  
 OGDEN, UT 84401



**PINEAE GREENHOUSES, INC.  
BUILDING ELEVATION PHOTOS**

**S-3 and S-4 GREENHOUSES – OUTSIDE FRONT VIEWS**



**S-3 and S-4 GREENHOUSES – OUTSIDE SIDE VIEWS**



**S-4 EXTENTION GREENHOUSE – OUTSIDE FRONT/SIDE/BACK VIEWS AND CONNECTED TO S-4 GREENHOUSE**



**S-3, S-4, and S-4 EXTENTION GREENHOUSES PHOTO**





**S-3 and S-4 GREENHOUSES – INSIDE VIEWS**



**S-4 EXTENTION GREENHOUSE – INSIDE VIEWS**

