

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for January 24, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/81920125209>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Justin Torman, and Janet Wampler.

Absent/Excused: Commissioners Dayson Johnson and Jared Montgomery

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Planning Director Grover introduced the newest member of the Planning Commission, Jeff Barber. He feels Commissioner Barber will be a great addition to the group; he has great experience that will complement the current membership of the Commission. He invited Commissioner Barber to address the Commission. Commissioner Barber provided a brief overview of his personal and professional background.

Chair Shuman conducted roll call and indicated Commissioners Johnson and Montgomery were excused; all other Commissioners were present.

1. Vote on new Chair and Vice Chair for 2023.

Planning Director Grover indicated that the Rules of Order for the Planning Commission indicates that a member can serve as Chair or Vice Chair for two terms; Chair Shuman has served one term.

Commissioner Burton nominated Trevor Shuman to serve as Chair of the Ogden Valley Planning Commission for 2023. Commissioner Wampler seconded the nomination. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Chair Shuman nominated Jeff Burton to serve as Vice Chair of the Ogden Valley Planning Commission for 2023. Commissioner Torman seconded the nomination. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

2. Approve Rules of Order.

During the pre-meeting, Legal Counsel Erickson reviewed the proposed changes to the Rules of Order and discussed the purpose for some of the changes, specifically the section of the Rules document that deals with conflicts of interest and reasons for recusal. Commissioner Burton stated there is a section of the Rules document that indicates that the Rules of Order can only be amended if notification of such amendment is given 14 days in advance. Mr. Erickson stated he overlooked that section and suggested that the Commission delay action on the Rules document until a future meeting in order to satisfy the 14-day noticing requirement.

Chair Shuman invited Commission discussion of the Rules document. Commissioner Burton addressed the section dealing with ex-parte contacts; the document indicates that the rule only applies to ex-parte contacts for administrative actions. Mr. Erickson stated that is correct, it does not relate to ex-parte contacts for legislative matters. Commissioner Burton stated he interprets the rule to mean that ex-parte contacts are allowed for legislative matters and, in fact, may even be encouraged. Mr. Erickson stated ex-parte contacts are permitted for legislative matters. Commissioner Burton stated the document indicates that Planning Commissioners shall reveal any 'pre-meeting' or ex-parte contacts, but the term 'pre-meeting' is not defined. Mr. Erickson stated that may be a poor choice of wording, and could be considered redundant. He stated he interprets the language to mean that a Commissioner should disclose any contact relating to an administrative matter that occurs prior to a public meeting of the body. Commissioner Burton asked Mr. Erickson to amend the language to make it more clear. He then read the following statement from the document: "pre-arranged, private meetings between a Planning Commissioner and applicant, their agents, or other interested parties are prohibited". He asked if that is only in connection with an administrative item. Mr. Erickson answered yes. Commissioner Burton asked that Mr. Erickson adjust the language to clearly communicate that the rule only applies to

administrative items. He then read another statement from the document: "partisan information on an application received by a Planning Commission should be made part of the public record" and he asked what that statement means. Mr. Erickson stated that any information submitted to a Planning Commission by someone in favor of or opposed to an application should be made part of the public record. The wording is not ideal and he will adjust that language as well. Commissioner Burton asked if the intent was to cite any email or other form of communication received by a Planning Commissioner from someone supporting or opposing the application. Mr. Erickson answered yes; he noted that much of the content of the Rules of Order document has likely been in place for several years as the document predates his employment with the County.

Commissioner Wampler cited the mention of emails received by the Planning Commission; if the communication relates to an administrative item, Commissioners should not respond to the sender, but should disclose receipt of the email and make it part of the public record. Mr. Erickson stated that is correct; or the Commissioner could forward the email to staff before the public meeting and they will make it part of the record. Chair Shuman noted that staff is commonly copied on those emails. Commissioner Wampler asked if it is not necessary to disclose the receipt of the email if staff is also copied. Mr. Erickson answered yes. Commissioner Burton stated that more explicit direction within the actual Rules.

Commissioner Burton then cited the section of the Rules document that indicates meetings of the Commission shall be held in the Commission Chambers; he stated this makes it difficult for the Commission to hold meetings at other locations. Mr. Erickson stated it would be appropriate to broaden that language to allow the Commission to hold meetings at alternate locations. Commissioner Burton cited paragraph e.2: "all parties shall have an opportunity to be heard to present and rebut evidence before an impartial tribunal". He asked which body is considered the 'impartial tribunal'. Mr. Erickson stated that wording is intended to refer to the Planning Commission; the intent is to give applicants access to a fair and impartial decision making body and the language can be adjusted to simplify and clarify the intent.

The Commission then discussed language contained in paragraph six relating to a Commissioner speaking in favor or against an application; there is a requirement that they make their statement from the audience rather than the dais and that they are then required to leave the room after making their statement. Chair Shuman stated the language is odd and should be adjusted given the Commission makes comments about applications at each meeting. Mr. Erickson stated he feels it is implied that the language relates to an instance when a Commissioner is recusing themselves or has declared a conflict of interest and will not be participating as a voting member, but would still like to make a comment. Chair Shuman stated that makes more sense and if that is the intent, the language should be clarified. He is not in favor of completely rewriting the language relating to conflicts of interest as he feels that some of the language was appropriate and he is unsure it is appropriate to defer entirely to the State of Utah rules regarding conflicts of interest. Mr. Erickson stated that the County Commission was concerned about the requirement for a member of the body to leave the room after they have declared a conflict of interest. He stated that meetings of the Planning Commission are open and public and anyone should be able to be physically present and forcing them to leave the room may be improper. Chair Shuman agreed; it may not be appropriate to require them to leave the room, but they should excuse themselves from the discussion on a matter for which they have a conflict of interest. Commissioner Wampler agreed; there has been discussion in the public about conflicts of interest and now it appears that the rules are being relaxed and she feels that this looks bad. She would be uncomfortable making the rules more lenient. Commissioner Burton disagreed; he feels there will always be conflicts, but the Planning Commission is charged with deliberating and providing input from different perspectives. Conflicts can be declared openly, but bringing all perspectives to the table for discussion is appropriate and will help to lead to the best decisions that include all points of view. Chair Shuman wondered if the rules can be adjusted to require a disclosure of a potential conflict of interest and then a vote of the Commission as to whether the member should participate in discussion or recuse themselves. Mr. Grover stated that each Commissioner will be required to sign a form declaring any potential conflict of interest or private business interest and that was one reason he felt more comfortable adjusting the Rules of Order responsive to the requirement to sign the form. Mr. Erickson reviewed the purpose of the conflict of interest form and agreed with Mr. Grover. The Commission then discussed and debated situations or relationships that could be perceived as conflicts of interest; Commissioner Wampler stated that she is uncomfortable with the adjustment to the conflicts of interest section in that each Commissioner is left to solely determine if they can be impartial in their consideration of an application, even if they have a conflict of interest. The old rules allowed for discussion amongst the entire Planning Commission; she feels the changes provide for subjectivity. Commissioner Burton stated that over the past several months he was criticized by the public and the claim was made that he should not be allowed to vote on land use issues because he has practiced property law for the past 40 years. He stated that is an unreasonable opinion; he noted Commissioner Johnson is a developer and he has appreciated his input and opinion based on his expertise and it would be unfortunate to discount that opinion based upon a perceived conflict of interest. It is appropriate for the Commission to trust each Commissioner to exercise good judgement. Mr. Erickson added that if a matter is litigated, a court will consider the findings upon which a decision was based; the court may or may not consider a conflict of interest because the

most important factor for a decision of the body is the findings upon which the decision was made. A decision can be perfectly valid even if a Commissioner had a conflict of interest and participated in discussion or voting. He is not saying that conflicts of interest should not be declared, but he is saying that the most important thing is basing a vote on proper factors/findings. Commissioner Burton agreed; the focus of the Commission should be on the facts surrounding an application and the findings supporting the decision.

Chair Shuman asked if the current version of the Rules of Order will apply until a new or updated version can be voted upon. Mr. Erickson answered yes. Chair Shuman asked Mr. Erickson to adjust the language in the Rules responsive to the feedback from the Commission and present them in a future meeting for action. Mr. Erickson stated he will work to clarify and simplify the document. Mr. Grover noted there have been two positions expressed regarding declaring a conflict of interest and participation in a meeting after the declaration is made; he asked the Commission if they would be comfortable with staff providing two options for consideration and action in a future business meeting. The Commission answered yes.

3. Minutes approval – none.

4. Consent items:

4.1 CUP 2023-01 Request for approval of a conditional use permit for a public utility substation that will house a well pumping facility for Wolf Creek Water and Sewer Improvement District. Planner: Steve Burton

Commissioner Burton moved to grant approval of CUP 2023-01, conditional use permit for a public utility substation that will house a well-pumping facility for Wolf Creek Water and Sewer Improvement District, based on the findings and subject to the conditions listed in the staff report. Commissioner Wampler seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

5. Petitions, Applications, and Public Hearings (Administrative):

Commissioner Wampler declared a conflict of interest relating to both Administrative items and indicated she will recuse herself from discussing and voting on the applications.

5.1 UVT112822 Request for preliminary approval of The Ridge Town homes PRUD Phase 5, consisting of 12 town homes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310. Planner: Tammy Aydelotte

Planner Aydelotte explained the Planning Division recommends preliminary subdivision approval of The Ridge Townhomes PRUD Phase 5. The proposed subdivision is zoned FR-3 and is part of the master planned community within the Wolf Creek Resort known as "The Ridge Townhomes at Wolf Creek PRUD" which consists of five phases (48 units) over 14.46 acres and approximately 10.11 acres (63%) of open space/common area. The proposed subdivision phase will consist of 2.90 acres with 12 townhomes in three 6,792 square foot 4-plex buildings and approximately 2.51 acres (87%) of common area. The PRUD received the required Conditional Use Permit, Design Review, Ogden Valley Architectural, Landscape and Screening Design Standards and Preliminary Subdivision approval from the Weber County Commission on December 10, 2013, after receiving a positive recommendation from the Ogden Valley Planning Commission on November 11, 2013. Phase four was recorded on November 13, 2019. The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for preliminary subdivision. The proposed subdivision exceeds the number of lots that can be administratively approved as part of a phasing process; therefore, the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; lot area, frontage/width and yard regulations; the phase five subdivision plat layout; architectural renderings; review by pertinent districts; culinary water, irrigation water, and sanitary sewage disposal; additional design standards and requirements, and tax clearance. She concluded the Planning Division recommends preliminary subdivision approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
2. Prior to recording, a note will be added to the final subdivision Mylar to provide notice that the final geologic and geotechnical report is on file with Weber County Planning Division.
3. A "Natural Hazards Disclosure" document will be required to be recorded with the final subdivision Mylar to provide

adequate notice of any geotechnical and geological recommendations for future property owners.

4. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County Planning Division prior to forwarding the application for approval by the County Commission
5. If the applicant desires, a note must be added to the final Mylar to provide notice of the approved short-term rental option.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision conforms to the approved Zoning Development Agreement.
3. The proposed subdivision conforms to the approved PRUD.
4. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Commissioner Torman asked if this is the last phase of the subdivision, to which Ms. Aydelotte answered yes.

Chair Shuman invited input from the applicant; the applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Chair Shuman invited public input. There were no persons appearing to be heard.

Commissioner Torman moved to grant approval of application UVT112822, preliminary approval of The Ridge Town homes PRUD Phase 5, consisting of 12 town homes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Barber seconded the motion. Commissioners Burton, Barber, Shuman, and Torman all voted aye. (Motion carried 4-0).

5.2 UVG080922 Request for a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. Planner: Tammy Aydelotte

Planner Aydelotte reported a conditional use permit for The Bridges PRUD was approved on July 19, 2016 and preliminary approval of The Groves Cabins PRUD Phase 1 was granted on September 27, 2022. The applicant is requesting a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision in the RE-15 Zone. The proposed development consists of 11 lots with common area, four private drives, and public road dedication. The Grove Cabins PRUD Phase 1 is part of the master planned community within the Wolf Creek Resort known as "The Bridges PRUD" which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision "The Grove Cabins PRUS Phase 1" is one of the several phases (97 units) in the Grove Cabins community. The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for final subdivision approval. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process; therefore the subdivision plat must go through a final approval by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; lot area, frontage/width and yard regulations; the phase five subdivision plat layout; architectural renderings; review by pertinent districts; culinary water, irrigation water, and sanitary sewage disposal; additional design standards and requirements, and tax clearance. She concluded the Planning Division recommends the Planning Commission forward a positive recommendation for final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. This recommendation is subject to all review agency requirements and the following conditions:

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.
3. The dedication language on the final Mylar will need to include language to grant ownership of the common area to the applicable ownership.
4. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.

5. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
6. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission.
7. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Commissioner Burton stated that during the Commission's last discussion of this application, he disclosed that his wife owns a lot a few blocks from the subject property; the Commission took a vote and decided that he did not have a conflict of interest that would require him to recuse himself. He then cited recommended condition of approval number two and asked who determines if adequate notice has been given. Ms. Aydelotte stated that adequate notice is defined as language being included on the dedication plat so that anyone performing due diligence regarding a lot in the subdivision can see the note on the plat. The intent of the language is to inform a potential buyer that the County is trying to limit interruption of the wildlife corridor and fencing is generally not allowed in those areas. Commissioner Burton asked if development standards are the same as adequate notice. Ms. Aydelotte stated development standards are more specific and will address matters such as required setbacks or use of a unit for nightly rentals. The fencing requirements will also be included in development standards. Commissioner Burton asked if property owners would be allowed to install fencing around their trees; he has noticed that plats are becoming more complex, and they include several pages of notes that people will likely never read. His experience is that wildlife will go where it wants to go, and many people place fencing around ornamental trees to ensure their survival. He asked if people will be allowed to plant trees, but not appropriate fencing to protect them. Planning Director Grover stated that he does not believe that the regulations will be that specific; the LUC requires preservation of the wildlife habitat area and provide adequate notice and placing the note on the plat informs a property owner of the standards they must adhere to. He does not envision the County disallowing fencing around trees, but placing a fence around a large riparian area would likely be prohibited. Commissioner Burton asked if there is any area of the Valley that is not defined as wildlife habitat. Mr. Grover answered yes and indicated that there is a map that identifies Wildlife Habitat areas to which this type of language would apply. The best way the County has found to communicate certain types of regulations to prospective landowners is to include notes on the recorded plat. Commissioner Burton asked if the ordinance to which the notes refer is specific enough to communicate fencing regulations. Mr. Grover answered yes but noted that staff will have some discretion in helping a landowner determine the areas that fencing can be placed on their property. Commissioner Burton asked if the draft copy of the CCRs for the project will be submitted to the County Commission. Mr. Burton answered yes; the County's legal counsel will also review the CCRs to determine they are appropriate; a final copy will eventually be submitted to the County to be attached to the plat at the time of recording. Brief discussion centered on the time at which a draft copy of the CCRs will be considered a final version.

Commissioner Burton then referenced the final condition of approval dealing with nightly rentals. He asked if nightly rentals are allowed in this project. Ms. Aydelotte answered yes and stated that approval was given with the original approval of the CUP. Placing a note on the plat would inform future owners that nightly rentals will be allowed. Chair Shuman asked why the applicant has the ability to determine if that note will be placed on the plat. Ms. Aydelotte stated that if the applicant still wants the allowed use to be known, they should include a note on the plat. Mr. Grover added there are still zones in which short term rentals are allowed; they are also allowed in PRUDs and if the applicant chooses to allow the use in their project, placing the note on the plat will help staff to monitor where the use is allowed. Commissioner Burton asked if the applicant could add such a note to their plat without this type of condition of approval. Mr. Grover answered no; such a note must be approved by the County and the property must be included in a zone or project where nightly rentals are allowed.

Chair Shuman invited input from the applicant; the applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Commissioner Burton moved to forward a positive recommendation to the County Commission for approval of application UVG080922, final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Barber seconded the motion.

Chair Shuman asked for a friendly amendment to condition of approval number four to change the term ‘draft’ to ‘final’ relating to the CCR document to be submitted to the County Commission.

Commissioner Burton asked if the County is charged with approving a final version of the CCRs. Mr. Grover stated that the County Commission will consider approval of the final plat and the CCRs would be attached to the final version of the plat. He suggested that the language be changed to refer to a copy that has been reviewed and approved by the Legal Department to address Chair Shuman’s concern.

Commissioner Burton amended his motion to change condition number four by adding language requiring review and approval of CCRs by the Legal Department before they are submitted to the County Commission. Commissioner Barber seconded the friendly amendment.

Chair Shuman called for a vote on the amended motion. Commissioners Burton, Barber, Shuman, and Torman all voted aye. (Motion carried 4-0).

Legal Counsel Erickson stated that he wants to be clear that the County does not review CCRs for the purposes of accepting a document that the County will enforce; rather, the County is reviewing to determine if anything included in the CCRs is non-compliant with County ordinances. He stated the Planning Commission should not be expecting a broad review and approval of the CCR document; rather, the County will only be checking for compliance with County ordinances.

Commissioner Burton stated this is a great opportunity to highlight an issue with the Rules of Order; a motion was made, and a friendly amendment requested, but it would be helpful to clarify in the Rules document that CCRs are only reviewed by the Legal Department to ensure no conflicts with the County LUC. He wondered if it would be appropriate to adjust the motion that was approved by the Commission. Mr. Erickson stated that he did not feel the need to correct the motion that was being acted on by the Commission because he has an understanding of the intent of the legal review before the application is submitted to the County Commission. However, if the Commission feels a need for additional clarification, the body can make a motion to reconsider by someone who voted on the prevailing side. Approval of a motion to reconsider would open the matter for continued discussion and a new motion. He does not feel that is necessary in this instance because he feels the motion was clear enough and the intent of the amendment was understood.

Commissioner Wampler rejoined the meeting.

6. Petitions, Applications, and Public Hearings (Legislative):

6.1 GPA 2022-03: An amendment to the Ogden Valley General Plan adding an addendum to the General Plan addressing Moderate Income Housing reporting requirements per HB 462. Planner: Bill Cobabe

Planner Cobabe explained House Bill (HB) 462 requires cities and counties in Utah to adopt a Moderate-Income Housing plan that addresses strategies as outlined in State Code. Staff went through the existing General Plans for Western Weber and Ogden Valley and pulled out those portions of the respective General Plans to prepare a reporting document to report to the State. These strategies must be adopted with implementation plans that show goals and targets that can be used to demonstrate progress towards completion of the plans and adopted strategies. He noted no substantive policy changes accompany this addendum. All of the policies that are listed were already adopted by the County in the respective General Plans. He concluded staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file GPA 2022-03, amending the adopted General Plan and adding Addendum 1, as shown in Exhibit A; the recommendation is supported with the following findings.

1. The proposals will meet the anticipated needs and goals outlined in the General Plan;
2. The proposals reflect the requirements of State Code;
3. The proposals demonstrate a continued orderly progression to development in the area; and,
4. The proposals are in the best interest of the health, safety, and welfare of the general public.

Commissioner Burton asked if Weber County has a General Plan that is considered to be an umbrella over the Ogden Valley General Plan. Mr. Cobabe answered yes; the title should be amended to reflect that the Ogden Valley General Plan and Western Weber General Plan are independent of one another. Commissioner Barber asked if both plans are equal with respect to their quest for moderate or low-income housing. Mr. Cobabe stated there are different strategies and policies in each Plan; the Ogden Valley has very different needs and concerns with regard to housing that are not shared in the Western Weber area, but there is a regional concern along the Wasatch Front relating to moderate-income housing. Commissioner Barber asked if the different

needs for each area are spelled out in each Plan. Mr. Cobabe answered yes; each Plan has general policies specific to the respective area.

There was brief discussion about the background of the development of the moderate-income housing element of the General Plan, with Chair Shuman summarizing the work done by the Commission to identify strategies that align with the direction the Planning Commission was already moving in. There was also a focus on the penalties for non-compliance with HB 462 and the reporting requirements associated with the legislation.

Commissioner Wampler asked Mr. Cobabe if the document that was presented for action tonight is the same as the document that was last reviewed by the Commission. Mr. Cobabe answered yes. Commissioner Wampler stated that she has compared the document to the version that was presented to the Commission in October of 2022, and they are not the same. Mr. Cobabe stated they are some in the policies and strategies that were identified in the document. Commissioner Wampler stated the October 2022 version includes seven policies and the version before the Commission tonight includes 11. Chair Shuman stated that the Commission originally identified seven policies, but upon further consideration, 11 policies were identified as reflecting the goals of Ogden Valley. Commissioner Cobabe accepted that explanation but stated that she finds it confusing and she believes others will be confused by the fact that there are items included in the document that have nothing to do with the Ogden Valley. Attaching the document to the Ogden Valley General Plan will create confusion. Mr. Cobabe stated the problem is that the State of Utah does not recognize the Ogden Valley General Plan; rather, they require Weber County to present a report for the entire County and not Ogden Valley or Western Weber as independent planning areas. The Planning staff must create a unified document to report on subsequent years activities and progress towards compliance with the legislation. Commissioner Wampler stated that makes sense to her, but the confusion comes from attaching it to the Ogden Valley General Plan. Chair Shuman asked if the County is required to attach the document to the Ogden Valley General Plan. Planning Director Grover answered yes; the State has required the process that has been presented to the body tonight. He has spoken with County Commissioner Froerer about pushing for legislative amendments that would address the confusion and difficulties created by HB 462 and its reporting requirements. He stated there are other counties that have multiple Planning Commissions and areas with independent General Plans, and it is difficult to comply with reporting requirements without creating confusion.

Commissioner Torman moved to open the public hearing. Commissioner Burton seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Craig Laurem, Eden, stated that he has seen a map of some roads being built near or through his property at approximately 2550 North; allowing high density housing around his and other properties on Highway 158 will force people to move from their homes.

Chair Shuman stated that this particular proposal is not something that would make anyone more from their property; the State Legislature passed a law that requires counties to assemble a moderate-income housing plan. The Ogden Valley Planning Commission and Planning staff examined the Ogden Valley General Plan to identify existing goals and plans that would align with the State's requirements for a moderate-income housing plan. He cited transfers of development rights (TDRs) as an example of a strategy that can be used to provider for moderate-income housing. The action before the Commission tonight is to consider whether to add an addendum to the General Plan addressing the reporting requirements for HB 462; the action would not create any roads or change zoning.

Mr. Laurem asked if existing uses near Wolf Creek would meet the definition of moderate-income housing. Chair Shuman stated that moderate-income housing is hard to define, but the moderate-income housing plan will not make any changes to what currently exists at Wolf Creek.

Commissioner Burton moved to close the public hearing. Commissioner Wampler seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Commissioner Wampler moved to forward a positive recommendation to the County Commission for application GPA 2022-03, an amendment to the Ogden Valley General Plan adding an addendum to the General Plan addressing Moderate Income Housing reporting requirements per HB 462, with the change to the title of the document to identify the Ogden Valley General Plan and Western Weber General Plan as independent of one another. Commissioner Burton seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Chair Shuman referenced the discussion of the Rules of Order that took place earlier in tonight's meeting; he suggested that Legal

Counsel Erickson add language to that document to provide sample motions for the Commission to review and use in future meetings.

7. Public Comment for Items not on the Agenda.

There were no public comments.

8. Remarks from Planning Commissioners.

Commissioner Barber referenced the agenda item dealing with the moderate-income housing plan and he asked if the Commission has a full discussion and accepted public input on that matter recently. Mr. Grover stated that the General Plan is considered to be a guiding document and during past reviews of the General Plan, there has been a focus on opportunities for incorporating moderate-housing into certain development areas. The Commission can consider comprehensive amendments to the entire General Plan, or just to a section, and the action taken by the Commission tonight was to add a section or addendum to the Plan. Commissioner Barber stated he was around when the General Plan was amended in 2016 and he picked it up again recently to read through it and he feels that it should be updated; it contains projections that are outdated. He asked if there is a plan to update that data and to consider more substantive issues, such as moderate-income housing. Mr. Grover stated that if the Planning Commission wants to move in that direction, Planning staff can discuss the recommendation with the County Commission. He stated that staff recently completed their work on the Western Weber General Plan and would like to begin working on a full update of the Ogden Valley General Plan in the next year. He stated that some smaller amendments have been considered and changes have been implemented, but more work needs to be done.

Chair Shuman stated that the Commission did accept public input when they were working to develop the moderate-income plan that became part of the General Plan.

There was brief discussion among the Commission regarding a few data points included in the General Plan and the steps that must be taken to update that data.

9. Planning Director Report.

There were no additional comments from the Planning Director.

10. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session

WS1: Discussion regarding amendments to the Form Based Zone adding clarifying provisions related to street frontage, verbiage, consistency, adding pedestrian pathway requirements, adding street cross-section options, refining mid-block accessway requirements, reconfiguring certain streets in the Nordic Valley Area Street Regulating Plan and New Town Eden Street Regulating Plan, and adding a new 4700 West Village Street Regulating Plan (Western Weber Planning Area), and amending provisions related to transferable development rights. Planner Charlie Ewert.

Planner Ewert facilitated a review the proposed amendments to the Form Based Zone, which included adjustments to definitions of certain terms included in the document and the addition of new terms specific to transfers of development rights (TDRs); short term rentals; the creation of village areas; permitted versus conditional uses; zoning designations and opportunities to assign certain zoning to specific properties or areas in the Valley; lot sizes and maximum density in various zones; development/impact fees that appropriately cover actual costs associated with improving a property in order to mitigate any impact to taxpayers; street types and street designs; pedestrian pathways/sidewalks; and intersection designs/alignments and mid-block crossings.

Focus shifted to a specific property in the Ogden Valley for which a zoning change, zone-text amendment, and TDR action has been applied; Mr. Ewert suggested that the Commission not discuss that specific application given that it has not been noticed on the agenda and the public was not given opportunity to participate in or hear this discussion. The Commission indicated they would like to see a conceptual development plan for the proposed project along with the zoning application. They concluded to discuss the matter in greater detail during the February 7 work session meeting.

**Meeting Adjourned: The meeting adjourned at 9:02 p.m.
Respectfully Submitted,**

Weber County Planning Commission