

Minutes of the regular meeting of the Ogden Valley Planning Commission for July 30, 2024. To join the meeting, please navigate to the following weblink at, <https://webercountyutah.zoom.us/j/88954728808>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Jeff Burton (Acting Chair), Jeff Barber, David Morby,, Trevor Shuman, Janet Wampler.

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

- **Pledge of Allegiance**

- **Roll Call:** Chair Burton conducted roll call and indicated Commissioners Bryce Froerer and Mark Schweppe were not present; all other Commissioners were in attendance.

Chair Burton invited Commissioner Morby to introduce himself. Commissioner Morby provided a brief overview of his personal and professional experience, which contributed to his interest in this position.

1. Administrative Items:

1.1 CUP: 2024-07: Request for approval of a conditional use permit to install a 100K gallon water storage tank for culinary use by the Arrowleaf Subdivision, a small subdivision located at approximately 4675 N 2900 E, Liberty, UT, 84310. This proposal will be fed by two existing and approved wells, and will service all nine lots within this already approved subdivision.

Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte explained subdivision approval for the Arrowleaf Subdivision was granted on July 10, 2024, but the subdivision has not yet been recorded. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which require the Planning Commission to review and approve applications for conditional use permits and design reviews. Staff recommends approval of this conditional use application subject to the applicant meeting all review agency requirements and the following conditions:

1. CUP shall be issued once the Arrowleaf Subdivision has been recorded.
2. Any outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).

This recommendation is based on the following findings:

- The proposed use is allowed in the FV-3 zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Chair Burton asked if the lighting ordinance will apply to this application or if it is necessary to include conditions related to lighting of the structure. Ms. Aydelotte stated that it will apply, and additional conditions are not necessary.

Commissioner Barber inquired as to the water source for the tank. Ms. Aydelotte stated the applicant has drilled two wells and has shown sufficient water rights to supply all nine lots with culinary and secondary water. Commissioner Barber asked if any restrictions related to deforestation are imposed on projects such as this. He is familiar with another similar project where many trees have already been cut – more than seems necessary to install the road to serve the project.

Commissioner Wampler asked if approval of the subdivision was granted by the Planning Director. Ms. Aydelotte answered yes; it was classified as a small subdivision, the approval authority for which is the Planning Director.

Chair Burton referenced an aerial image of the subject property and identified a white line that runs diagonally through the property; he asked if that is an existing road. Ms. Aydelotte answered yes, it is an existing access road. There is a water tank within the boundaries of the property and the applicant is working with Liberty Pipeline to secure easements for their infrastructure. Vice Chair Burton asked if a portion of the subdivision is located on the ridge of the mountainside. Ms. Aydelotte stated a portion

of the subdivision is located on the ridge, but any construction to occur on or near the ridgelines must conform with County ordinances regarding any construction on ridgelines.

Commissioner Shuman moved to approve CUP 2024-07, conditional use permit to install a 100K gallon water storage tank for culinary use by the Arrowleaf Subdivision, a small subdivision located at approximately 4675 N 2900 E, Liberty, UT, 84310. This proposal will be fed by two existing and approved wells, and will service all nine lots within this already approved subdivision. Motion to approve is based on the findings and subject to the conditions listed in the staff report, and including a condition that the project comply with the County's exterior lighting ordinance. Commissioner Wampler seconded the motion.

Chair Burton asked what will happen if the exterior lighting ordinance changes. Ms. Aydelotte stated the applicant will be required to meet the conditions associated with approval of the CUP, even if the exterior lighting ordinance changes. Planning Director Grover added that the condition that was recommended by staff would be for the application to comply with the County's ordinance; if the ordinance changes, the project would comply with the ordinance at the time the building permit is obtained for the project. If the Planning Commission wants the project to conform with the current lighting ordinance, they should specify that in their motion. Vice Chair Burton suggested a condition regarding the lighting ordinance is not necessary because the application must automatically apply with the lighting ordinance.

The motion was not amended.

Chair Burton called for a vote. Commissioners Barber, Burton, Morby, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

2. Public Comment for Items not on the Agenda:

Jan Fullmer stated she would like to ask a general question of the Ogden Valley Planning Commissioners regarding the Form Based Zone; she asked them if they understand it. She asked if they have been able to read the entire zoning document and understand all of the specifications in the document.

Commissioner Shuman stated that he and Vice Chair Burton were members of the Commission when the document was created so they have read it in their entirety. Ms. Fullmer asked him if he comprehends it. Commissioner Shuman answered yes. Ms. Fullmer asked if that is true for all members of the Commission.

Planning Director Grover advised the Commission that they are not required to answer questions asked during the public comment period.

Chair Burton stated that Ms. Fullmer's question is very general in nature, and he is not sure how to provide a meaningful answer. Mr. Grover added that staff is available to the Commission to interpret land use ordinances and provide guidance.

Ms. Fullmer stated she has met with Principal Planner Ewert about the form-based zone, which has not been used for any recent project in the Western Weber County planning area. It was Mr. Ewert's understanding that the Ogden Valley Planning Commission understood the form-based zone and that is why she wanted to get an answer from the Planning Commission regarding that matter.

Jim Bird stated that during the last Planning Commission meeting, he expressed his concerns regarding the form-based zone because it is an 83-page document that is very hard to understand. When it comes to form-based zone applications, it is difficult for him to understand the requirements of the form-based zone and express his concerns regarding it. The Planning Commission and Planning staff may be able to understand the document, but the public does not. He proposed that the Planning Commission and the County Commission consider a moratorium on any form-based zone application for the Ogden Valley. He is concerned because there have been several form-based zoning applications over the past several months; Ogden Valley is moving in the direction of incorporation and according to Utah Law, if a property owner wants a zoning change, the responsibility rests with that property owner. Municipalities are not explicitly required by State Law to demonstrate why a property owner cannot have a zone change; however, if a property owner applies for a conditional use permit in the form-based zone, the municipality must display why a conditional use permit cannot be granted. If the municipality denies a conditional use permit, they must provide substantial evidence to show the detrimental effects cannot be mitigated. He is concerned that the Ogden Valley, if becomes a municipality, will be facing serious legal challenges from developers. He hopes the Ogden Valley Planning Commission and County

Commission will respect what the Ogden Valley residents are trying to do by way of pursuing incorporation; more form-based zoning could present problems to the Valley.

3. Remarks from Planning Commissioners:

Commissioner Wampler asked why the item relating to the selection of a Chair for the Planning Commission was removed from tonight's agenda. Planning Director Grover stated that Planning staff felt it would be most appropriate to take a vote on that item when a majority of Planning Commissioners were present. When staff attempted to schedule this meeting, it was not clear that there would be a quorum present. Commissioner Wampler responded that; in light of the new rules of order laid out by the County Commission, specifically the rules dissuading the use of electronic means to participate in a meeting, and limiting the number of meetings that Commissioners are allowed to miss, having a meeting with one agenda item that is administrative in nature is a bit of an unnecessary burden to the volunteer members of this body. She knows there is a work session scheduled for next week. She suggested that the Regular meeting and the work session be combined. Mr. Grover stated that a final decision has not been made regarding scheduling that work session and the next meeting may not be scheduled until the end of August. Staff did not feel it appropriate to delay action on the administrative item until that time. Commissioner Wampler then asked when the Cowboy Partner's proposal will be listed on a County Commission agenda. Mr. Grover stated he does not know; a work session was held on July 15 and staff is waiting for the applicant to address concerns raised by the County Commission during that meeting. Commissioner Wampler then asked if it is possible for the Planning Commission to receive a report from Planning staff regarding any application that is approved by Planning staff rather than the Planning Commission; she specifically wanted information regarding approval of applications that impact the number of density points in the Ogden Valley. Mr. Grover stated that he can send an email regarding applications that are listed on administrative meetings held by Planning staff; however, those meetings are public meetings that are advertised and minutes kept. Ms. Aydelotte pointed the Commission to the section of the County's website where agendas and minutes of Administrative meetings are located.

4. Planning Director Report:

Planning Director Grover stated Joe Paustenbaugh and Dayson Johnson have been replaced by David Morby and Bryce Froerer; Mr. Froerer was previously a member of the Board of Adjustment, and the County Commission has appointed someone to replace him in that capacity.

5. Remarks from Legal Counsel

Legal Counsel was not present.

Meeting Adjourned: The meeting adjourned at 5:29 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission