

Minutes of the Work Session of the Ogden Valley Planning Commission for October 22, 2024. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/89622241014>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Janet Wampler (Chair), Jeff Barber (Vice Chair), Bryce Froerer, David Morby (via Zoom), Mark Schweppe, Trevor Shuman.

Excused: Jeff Burton

Staff Present: Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Wampler conducted roll call and indicated Commissioner Burton was excused and Commissioner Morby was participating via electronic means. All other Commissioners were present.

1. Minutes: September 24, 2024.

Chair Wampler offered typographical error corrections for the minutes; there were no additional changes to the minutes and Chair Wampler declared them approved as amended.

Chair Wampler called for declarations of conflicts of interest or ex parte communication. No declarations were made.

Chair Wampler reported that the work session item that was scheduled to be heard at the conclusion of tonight's business meeting has been removed from the agenda and will not be discussed this evening.

2. Administrative Items:

2.1 CUP 2023-10: Request for approval of a conditional use permit for an Agri-tourism operation called the High Mountain Orchard. Presenter: Felix Lleverino.

A staff memo from Planner Lleverino explained the applicant is requesting approval of a conditional use permit for an agri-tourism operation fronting on Highway 39. The operation would be centered around sustainable agricultural and community engagement. The long-term vision of the operation includes a u-pick field that grows fruits, berries, and vegetables. The u-pick operation would invite members to participate in the harvest. A health farm with a two-story pole barn will serve as an area for indoor produce processing and accommodations for seasonal workers. A motor-coach caravan area will offer visitors a place to park and sleep in recreational vehicles when visiting. Tree windbreaks will be planted in areas along the boundaries of the property to reduce evaporation, invite wildlife habitation and mitigate potential disturbances to the neighboring properties.

Mr. Lleverino reviewed his staff memo and used the aid of a PowerPoint presentation to summarize staff's analysis of the application to determine conformance with the following:

- General Plan;
- Zoning guidelines;
- Design review requirements;
- Agri-tourism applicability;
- Conditional use standards;
- Considerations relating to traffic safety and congestion;
- Standards relating to infrastructure, amenities, and services; standards relating to the environment;
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the General Plan;
- Standards relating to performance; and
- Review agency requirements.

Mr. Lleverino concluded staff recommends approval of file# CUP 2023-10, a conditional use permit for an agri-tourism operation identified as the High Mountain Orchard located at 9356 East 200 South, Huntsville, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The sign may be placed no closer than ten feet from the property line adjacent to a street.
2. Access construction requirements from UDOT must be followed
3. The owner shall obtain the appropriate permits.
4. The owner applies for and keeps a valid business license
5. All Weber County Engineering requirements are satisfied.
6. All Fire Marshal requirements are satisfied.
7. All Weber-Morgan Health Department requirements are satisfied before infrastructure-dependent uses shall commence.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will protect and preserve agricultural property in Weber County.
3. The proposed use will not be detrimental to public health, safety, or welfare.
4. The proposed use will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment or the general area to negatively impact surrounding properties and uses.

Commissioner Shuman asked Mr. Lleverino to expound on parking requirements. Mr. Lleverino stated that parking areas will be required, but there is no requirement for the parking areas to be made of a hard surface. If the applicant chooses to install hard surface parking, those improvements must comply with engineering standards.

Chair Wampler stated it is her understanding the applicant is in discussions with the Utah Department of Transportation (UDOT) regarding ingress/egress points on the site. She believed there would be one exit, but the staff report references two exits. Mr. Lleverino stated there is currently one ingress/egress point, but the applicant is allowed to have two. Chair Wampler asked who will pay for that improvement, to which Mr. Lleverino answered the applicant.

Commissioner Schweppe referenced conditions number six and seven; he asked Mr. Lleverino to expound on the requirements of the Fire Marshal. Mr. Lleverino stated that if a structure is built in the forest, the Fire Marshal will require a clear zone for fire protection purposes; if the applicant is going to be operating a farm school, the Fire Marshal will require maximum capacity limits to be advertised, as well as for the ingress/egress points to be clearly marked. The Health Department primarily requires further review of the lodging for seasonal workers and the caravan area. Commissioner Schweppe asked if the development plan contemplates a septic dump station or will the travel motorhomes be required to haul off their gray water and wastewater. Mr. Lleverino stated that issue could be addressed in a few different ways; if the applicant decides to build a permanent restroom facility, they could possibly include a septic dump station, but that would require approval from the Health Department. Commissioner Schweppe asked if that needs to be addressed before the Commission takes action on the current application. Mr. Lleverino answered no; it is his understanding the applicant is 'starting small and ramping up' and as they do so, the County will ensure they have all required approvals from review agencies.

Commissioner Froerer stated the staff memo addressed the seasonality of the operation; he asked if it is accurate that operations will not occur year-round. Mr. Lleverino stated it is his understanding the u-pick area of the property will be operated in spring, summer, and fall, but there are also greenhouses on site and that will make it possible for them to grow crops year-round. He deferred to the applicant to provide a more detailed answer to that question.

Chair Wampler invited input from the applicant.

Tyson Lloyd stated that he has been a farmer in Uintah and wants to expand his operation to the subject property with hopes to continue farming long term in Weber County. The purpose of this application is for him to be able to diversify his income and operate sustainably. He understands many of the applications the Planning Commission reviews are for very concise development projects, but his goal is to try to create a long term plan for his farm that can be nimble in an effort to comply with ever-changing regulations, or to give him flexibility to change course as dictated by demand without having to come back to the Commission for an amended approval or approval of different uses. He understands the hesitancy the Commission is experiencing due to the

imprecise nature of his application, but he is committed to working with Planning staff to develop a plan that will allow for future expansion if feasible. He understands there are regulations he will need to comply with if his operation changes.

Commissioner Shuman thanked Mr. Lloyd for his explanation of his plans for the property. He noted that there has been an issue in the County in recent years regarding the creation of short-term rental uses on agri-tourism properties. The Commission's goal is to incentivize the type of operation Mr. Lloyd has discussed, but there are concerns about accessory dwelling units on the property and parking areas for travel trailers and it would be his preference that those uses not be permanent in nature because the intent of the agri-tourism zone is not to provide for long term trailer parks. He would like to include conditions of approval that address matters of health/sanitation and noise associated with long term trailer parking and he asked Mr. Lloyd if he is willing to accept such a condition. Mr. Lloyd stated he understands those concerns.

Chair Wampler asked how many recreational vehicles/travel trailers will be parked in the RV parking area. Mr. Lloyd stated the code allows for 20, but he doubts that he will reach that maximum. Chair Wampler asked Mr. Lloyd how long he envisions the farming RVs to park on the site. Mr. Lloyd stated that the common practice is for a RV to stay on a farming site for just a few days, but if he chooses to one day invest in infrastructure to provide long-term parking, he expects that people will stay at the site for up to a week. He is comfortable with a condition that prohibits the use of generators for an RV and for RVs to be parked on site for no longer than a few days, but he would like some flexibility to expand those uses in the future if he installs permanent hook-ups for RVs. Commissioner Shuman stated it would be his preference for the Commission to approve a CUP that provides for RVs to park on site for just a few days at a time; if Mr. Lloyd made a change that would allow for long-term RV parking, he would like for him to resubmit an application for an amended CUP. Mr. Lloyd stated that his only concern is the potential for the County's agri-tourism code to change between now and then in a manner that would prevent him from expanding his operation. Commissioner Shuman stated he believes the new agri-tourism code is very similar to the agri-tourism code in terms of RV parking regulations.

Chair Wampler asked Mr. Lloyd his plans related to waste water and gray water from RVs. Mr. Lloyd stated that anyone parking an RV on the site will clearly understand they will not have access to power and water connections; additionally, they will need to contain their gray water and waste water and haul it from the site with them.

Commissioner Froerer asked Mr. Lloyd if he has applied for any agricultural grants or farming subsidies to assist him with growth. Mr. Lloyd answered yes.

Vice Chair Barber inquired as to Mr. Lloyd's current farming operations. Mr. Lloyd stated that he operates a farm near Valley Nursery in Uintah.

Commissioner Shuman stated the additional conditions he would recommend imposing on Mr. Lloyd would be that RVs shall not be parked on site for longer than four nights, that generators can only be operated during daylight hours, and that any changes to the CUP will require a new application.

Chair Wampler asked Mr. Lloyd about the structures he plans to build on the property; it is her understanding there will be a farm stand, a two-story pole barn, an RV caravan area, and a second home. Mr. Lloyd stated that the first area he will focus on is the u-pick site, next the RV caravan area, the second home and pole barn in five to 10 years, and the health farm in five years. All of these improvements are dependent on revenue generation at the site. Chair Wampler asked what type of structure the health farm will be contained in. Mr. Lloyd stated it is unplanned at this point, but he referred to the site plan that he provided to Planning staff to orient them to the location of each improvement/amenity. Chair Wampler stated that her understanding was that the health farm would be an area for special events. Mr. Lloyd stated that is correct and eventually he would like to build a structure to contain the health farm. Chair Wampler stated the packet materials do not address a structure to contain the health farm. Mr. Lloyd stated that initially he may consider a yurt for the health farm, but eventually it could be expanded into a second pole barn. Chair Wampler stated that the description of the initial pole barn is that it will potentially be used as housing for farm workers and as a processing area. She asked if housing for the farm workers will be seasonal or year-round. Mr. Lloyd stated that under his current operations, it will be seasonal. He currently does not employ year-round employees. Chair Wampler inquired as to the water/sewer infrastructure for the housing. Mr. Lloyd stated that he would need to dig a well to provide water to any additional structures. Commissioner Shuman stated that he would suggest a condition that addresses ADUs because he does not think that is an applicable use in the agri-tourism zone. He understands that farm workers will be needed at the operation, but there are development rights associated with the 90-acre parcel, and he does not believe ADUs are needed. Mr. Lloyd stated he understands that concern, but the agri-tourism code is specifically designed to help farmers generate income and he would like to have two

dwelling units for himself and farm workers. Mr. Lleverino stated that it is correct that Mr. Lloyd has several development rights based upon the size of the property, but he is only allowed to have one ADU according to the development code. He stated the main house will remain, and he is allowed one ADU for that home. Chair Wampler asked how Mr. Lloyd's development rights and density points are calculated based upon his proposed use of his property. Mr. Lleverino stated that if Mr. Lloyd decides to build an ADU, that will consume one of his development rights. Chair Wampler asked how many development rights he has. Mr. Lleverino answered that is based upon the property size, which is 96 acres in total. Chair Wampler asked if that is impacted at all by the proposed layout and use of the site. Commissioner Shuman stated he is not as concerned about the ADU, but he wants to ensure that the property is used as Mr. Lloyd is communicating and that is why he is trying to determine appropriate conditions that will ensure what Mr. Lloyd is committing to. This led to discussion among the Commission, Mr. Lloyd, and Mr. Lleverino regarding the intended use of the subject property and appropriate conditions to impose to ensure preservation of that use; Planning Director Grover clarified that the CUP, if approved, will run with the land and if Mr. Lloyd chooses to subdivide the property at some point in the future, it may be necessary to re-address the CUP and possibly require the operation to comply with the most current version of the agri-tourism ordinance.

Chair Wampler then addressed Exhibit C in the packet, titled "UDOT notes"; she asked for an explanation of the notes relating to the removal of existing access points and aligning new access points with one or both existing driveways across the highway. Mr. Lloyd stated that because Highway 39 is a major roadway as classified by UDOT, the attempt to minimize the number of access points to reduce restrictions on traffic flow. They asked him to move the driveways or access points on his property so that they align with the access points across the street. He noted he can add one or two new access points and eliminate the current driveway. Chair Wampler then asked Mr. Lloyd how many people he anticipates employing at the farm, to which Mr. Lloyd answered no more than six. Chair Wampler asked if they will be year-round employees. Mr. Lloyd stated they may eventually be employed year-round, but under the current scenario they will be employed seasonally, May through October. Mr. Lleverino stated that the agri-tourism ordinance does not provide a great amount of detail regarding how farm worker housing is to be constructed; he anticipates that basic necessities will be required, including kitchen and bathroom facilities. Chair Wampler asked how the County will know that the pole barn is being used for farm workers rather than as a short-term rental property. Mr. Lleverino stated the owner's past performance is a good indicator. Mr. Groer added that Code Enforcement can inspect the property if there is some believe that the property is not being used as intended under the CUP. Chair Wampler asked if it is necessary to include a condition that the pole barn is only to be used for farm workers. Mr. Grover stated the Commission could specify those types of conditions as part of their motion. The purpose of a CUP is to make the use compatible with its surroundings.

Commissioner Froerer stated that Section 108-21-6(b) of the old agri-tourism ordinance address use activity standards and limitations, and – more specifically – the number of guest rooms allowed in an agri-tourism operation. He stated that a bed and breakfast type of operation may bring more revenue to the operation, and he asked Mr. Lloyd if he has thought of that option. Mr. Lloyd answered no, and indicated it was his understanding that the old ordinance required a bed and breakfast to be attached to the primary dwelling. He stated he has considered 'glamping' cabins for the property, but it was not feasible to pursue that type of operation. He has chosen to pursue a smaller farming operation, with the understanding that some overnight guests would be allowed under his scenario.

There was brief continued discussion among the Commission and Mr. Lloyd regarding his long-term plans for the property and opportunities for including conditions of approval for the current CUP application that may prevent the need for him to come before the Commission again in the future for adjustments to the CUP.

Chair Wampler reviewed the current layout of the property and compared it with Mr. Lloyd's proposed site plan to determine the percentage of the land that will remain undeveloped and used for agricultural purposes.

Chair Wampler invited public input. There were no individuals appearing to be heard.

Commissioner Shuman moved to approve CUP 2023-10, conditional use permit for an Agri-tourism operation called the High Mountain Orchard, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, and the following additional condition:

1. Any trailer or mobile home stay on the property shall be four-nights or less and no generator use is permitted outside of daylight hours.

Commissioner Schweppe wondered if an appropriate friendly amendment to the additional condition would be to allow camping up to 14 days given that is the State of Utah regulation for camping on Bureau of Land Management (BLM) property. Chair

Wampler stated the four-day limitation was taken from the applicant's suggestion. Additionally, there is concern about the health and safety of camping in terms of dumping gray water and wastewater with no facilities on site. Commissioner Shuman asked Commissioner Schweppe if he is making a friendly amendment to the motion, to which Commissioner Schweppe answered no.

Commissioner Morby asked if there is some language or a clause that can be included in the motion to provide for some sort of revision if the business fails. Mr. Grover stated that if the business fails, the CUP will be valid for one year. If the business is not operated within one-year, the CUP will essentially be revoked.

Commissioner Schweppe seconded the motion. Commissioners Barber, Froerer, Morby, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 6-0).

3. Public Comment for Items not on the Agenda:

There were no public comments.

4. Remarks from Planning Commissioners:

Commissioner Froerer thanked Mr. Lloyd for his time this evening and for fielding the questions the Commission had about his application. Chair Wampler agreed and wished Mr. Lloyd success.

5. Planning Director Report:

Planning Director Grover indicated he had nothing to report.

6. Remarks from Legal Counsel

Legal Counsel did not provide remarks.

The meeting adjourned at 6:18 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission