

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for October 28, 2025. Pre-meeting – 4:30 p.m./ Regular Meeting commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Jeff Barber (Vice Chair), Jeff Burton, Bryce Froerer, Heidi H. Gross, and James (Jim) Morgan.

**Excused:** Janet Wampler (Chair), and Commissioner Laura Warburton

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

- **Pledge of Allegiance**
- **Roll Call:** Vice Chair Barber conducted roll call indicated Chair Wampler and Commissioner Warburton were excused; all other Commissioners were present.

### 1. Training: Public Clamor – Courtlan Erickson

Legal Counsel Erickson provided training for the Planning Commission on the topic of public clamor and how it applies to decision-making. He explained that public clamor generally refers to public opinion and sentiment not tied to specific facts. Using a series of case examples, Mr. Erickson clarified the distinction between how public clamor can be considered in legislative versus administrative decisions. For legislative items (like rezones or development agreements), the Commission can properly consider public opinion as part of their decision-making process. However, for administrative items (like conditional use permits or subdivisions), decisions must be based solely on whether the application meets the requirements in the existing code. In these cases, public comments should only be considered if they relate directly to compliance with specific ordinance criteria. Mr. Erickson emphasized the importance of basing administrative decisions on substantial evidence in the record rather than on generalized concerns or opinions from the public. He advised that detailed findings are crucial when making administrative decisions to demonstrate that the Commission based its decision on the correct criteria.

### 2. Minutes: July 22, 2025, August 5, 2026, and August 26, 2025.

Vice Chair Barber introduced the minutes of July 22, August 5, and August 26, 2025 and asked if any member of the Commission had any suggested edits. He noted Chair Wampler has submitted some corrections to the minutes, and he asked for a motion to approve with those corrections.

Commissioner Morgan moved to approve the minutes as amended. Commissioner Froerer seconded the motion. All voted in favor.

### 3. Administrative items:

**3.1 CUP 2025-22: Request for approval of a conditional use permit for a public utility substation located at approximately 3980 N 3500 E, Liberty, UT, Applicant proposes to construct infiltration basins for treated wastewater. Treatment will occur off-site, on property located near Nordic Village, and transferred to this proposed site for infiltration. Applicant: Nathan Shel/Enberg; Staff Presenter: Tammy Aydelotte.**

Nathan Shellenberg, an engineer specializing in wastewater treatment, presented the application for Nordic's wastewater treatment infrastructure. He explained that Ogden Valley is designated as a Category 1 area by water quality regulators, which prohibits surface water discharge and significantly limits reuse options. The application proposed infiltration basins as the best available solution for disposing of treated wastewater. Mr. Shellenberg detailed that the facility would include three basins designed to be 30 times larger than technically necessary, allowing for rotation between basins and maintenance. He noted that the water would be treated to better than drinking water standards before reaching the basins. The basins would typically appear dry but would occasionally hold water up to two to three feet deep.

Mr. Shellenberg engaged in a discussion with the Commission about the facility's treated wastewater disposal. He highlighted that the wastewater treatment plant would integrate three infiltration basins, which are intentionally designed to be 30 times larger than technically required. This expanded capacity allows for the rotation of the basins, thereby enhancing their usage efficiency and facilitating necessary maintenance. Commissioners inquired further about future reuse possibilities, to which Mr. Shellenberg explained that current State regulations obstruct treated water usage for snowmaking, despite the high quality of treatment exceeding even drinking water standards.

Planner Aydelotte outlined the County's review process for public utility substations, confirming that the application met all conditional use standards. She noted that staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

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

Commissioners sought clarification on certain design standards, fencing/screening exemptions, and how the applicant would manage issues like noise and traffic.

Commissioner Froerer moved to approve CUP 2025-22, a conditional use permit for a public utility substation located at approximately 3980 N 3500 E, Liberty, UT, based on the findings listed in the staff report, and the additional condition of approval that appropriate fencing be installed around the facility to prevent unauthorized access. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.2 CUP 2025-19: Request for approval of a conditional use permit for a bed and breakfast dwelling, located at 2978 N 3500 E, Eden, UT, 84310. Applicant: Adam Madetzke; Staff Presenter: Tammy Aydelotte**

Adam Madetzke presented his application for a bed and breakfast dwelling at his home across from Nordic Valley Ski Resort. He explained that his five-bedroom residence would use two vacant bedrooms as guest rooms. Mr. Madetzke described having ample parking on his property, including spaces by the garage, a horseshoe driveway, and additional areas near a pole barn.

Planner Aydelotte explained that the application met all requirements for a bed and breakfast dwelling, which is a conditional use in the FV3 zone. She noted that the applicant would need to provide hard-surface parking rather than the gravel surfaces initially proposed. She confirmed that the septic system was already sized appropriately for a five-bedroom home, and the Health Department foresaw minimal additional impact. She concluded staff recommends approval of this conditional use application, as the applicant has shown compliance to necessary standards and requirements. This recommendation for approval is subject to the applicant meeting the conditions of approval listed in the staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

1. A business license is obtained prior to opening to the public.
2. No visitor parking allowed on the public right-of-way (3500 East Street) or within the front yard setback area.

The following findings are the basis for the Planning Division recommendation:

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

Vice Chair Barber asked if the applicant will be able to secure a permit before completing the required hard surface parking improvements, to which Ms. Aydelotte answered no; the applicant will need to apply for a business license as well and neither the CUP nor the business license will be issued until the parking improvements are completed.

There was brief discussion about the area of the property that is part of the front yard setback, after which Vice Chair Barber called for a motion.

Commissioner Froerer moved to approve CUP 2025-19, a conditional use permit for a bed and breakfast dwelling, located at 2978 N. 3500 E., Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report, and with the additional

requirement that parking for guests be hard-surface with concrete or asphalt and meet the appropriate setbacks as required by Weber County. Commissioner Morgan seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.3 DR 2025-15: Request for approval of a design review application for a residential accessory structure that is proposed to be more than twice the footprint of the existing residence. Per Weber County LUC 108-7-16(c) "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review." Located at approximately 7704 E 500 N, Huntsville, UT, 84317. Applicant: Paul Jeppsen; Staff Presenter: Tammy Aydelotte**

Paul Jeppsen presented his request to build a pole barn on his property at 7704 East 500 North in Huntsville. He explained that he needed the 64-foot by 80-foot structure to store equipment. The barn would be significantly larger than his existing home, which triggered the design review requirement. Mr. Jeppsen mentioned plans to eventually expand his home and to remove an existing garage on the property.

Brief discussion between the applicant and the Commission centered on the timing of the removal of the existing barn/garage structure, as well as the footprint and size of the structure.

Commissioner Burton noted that he lives near the subject property and knows the applicant personally, but he does not believe that relationship will prevent him from making a fair decision on this application.

Planner Aydelotte provided staff's analysis of the application, noting that the accessory structure meets all setback requirements, being positioned over 400 feet from the front lot line. She noted that due to the distance from the road, the structure was exempt from architectural requirements despite its size. She concluded staff recommends approval of this design review application to enable construction of a residential accessory structure, which proposed uses do not conflict with zoning ordinance, based upon all review agency requirements and the following findings:

- The proposed use is allowed in the AV-3 Zone
- All development standards have been met - proposed building does not exceed maximum height of 25', and site plan shows compliance with all minimum setbacks for a large accessory structure in the AV-3 Zone.
- With any imposed conditions, the proposed building does not impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

Alternatively, if the commission determines that additional review information is needed for adequate consideration, the commission could vote to table the application until such material is furnished for further review.

Commissioner Gross asked if the applicant would connect water and sewer to the accessory structure. Ms. Aydelotte clarified that water and sewer connections are not required at the design review stage of a residential use application. The applicant is welcome to include those improvements at the site plan stage of the project.

Commissioner Morgan moved to approve CUP DR 2025-15, a design review application for a residential accessory structure that is proposed to be more than twice the footprint of the existing residence. Per Weber County LUC 108-7-16(c) "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review." Located at approximately 7704 E 500 N, Huntsville, UT, 84317. Motion is based on the findings listed in the staff report. Commissioner Froerer seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.4 CUP 2025-20: A request for conditional use approval to expand the infrastructure and footprint of a public utility substation site. This proposal includes replacement of existing transformers, improving wildfire mitigation standards, and increasing overall reliability through upgrades to the existing site. Located at approximately 5700 E 2100 N, Eden, UT, 84310. Applicant: Utah Power and Light/Rock Mountain Power; Staff Presenter: Tammy Aydelotte**

Richard Bardauskas from Rocky Mountain Power (RMP) presented the request to expand RMPs existing substation fence to accommodate larger transformers and additional control equipment. He explained that the expansion was needed to improve wildfire mitigation standards and to meet growth demands in the Ogden area.

Commissioners asked about the timeline for the expansion, with the applicant explaining that the first transformer would be installed in 2027 and the second in 2028-2029, with the expanded capacity serving future development growth. Vice Chair Barber also asked how long into the future the larger substation will be able to meet power demands in the area. Mr. Bardauskas stated that he anticipates the substation being sufficient for the long term, but that will ultimately be dependent upon growth in the area. Vice Chair Barber asked about the noise generated by the larger substation. Mr. Bardauskas stated it will be no more than what is generated at the current facility.

Tammy Aydelotte explained the existing project area footprint is approximately 11,000 square feet. The proposal includes expansion of the project area by approximately 785 square feet. This expansion is required to replace the existing transformers with larger transformers to accommodate the growth in the area. The substation expansion will also allow for the substation to be updated to improve wildfire mitigation standards and provide overall reliability upgrades to the substation. She provided staff's analysis of the application to determine conformance with the General Plan, zoning standards, and conditional use review standards. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

- The proposed use is allowed in the AV-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.

Commissioner Froerer asked about fencing improvements associated with the expansion. Ms. Aydelotte stated public utility stations are exempt from the County's fencing requirements, but she understands that the applicant plans to move the existing fence to accommodate the expansion.

The Commission, Ms. Aydelotte, and Mr. Bardauskas reviewed the site plan to gain an understanding of the properties to be impacted by the expansion, all of which are currently owned by RMP.

Vice Chair invited public input regarding the application. There were no persons appearing to be heard.

Commissioner Froerer moved to approve CUP 2025-20, conditional use approval to expand the infrastructure and footprint of a public utility substation site. This proposal includes replacement of existing transformers, improving wildfire mitigation standards, and increasing overall reliability through upgrades to the existing site. Located at approximately 5700 E 2100 N, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Froerer seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.5. DR 2025-10: Request for design review approval for self-storage units located at 4690 E 2650 N, Eden, UT, 84310 in the CV-2 Zone. This is an allowed use per a Zoning Development Agreement recorded 12/15/2020 (see entry# 3110220). Applicant: Jeff Allan; Staff Presenter: Tammy Aydelotte**

Lance Anderson presented the request for design review approval for a self-storage facility at 4690 East 2650 North in Eden. He explained that the project had previously received design review approval, but it had expired. The current application included minor adjustments to the building colors (changing from brown, tan, and red to white with black accents) and modifications to the site entrance due to access constraints.

Commissioners and Mr. Anderson engaged in a discussion about the proposed changes to the self-storage facility, specifically focusing on the building colors. The Commissioner expressed concern that shifting from the originally approved color scheme of brown, tan, and red to white with black accents would make the buildings more visually prominent and stand out in the surrounding environment. Mr. Anderson explained that the color change was intended to better reflect agricultural design elements, and that the shift was made to align with other examples of nearby agricultural buildings.

Tammy Aydelotte explained the proposed development is subject to a previously approved development agreement that required muted earth tones for building colors. She noted that the applicant's proposed white and black color scheme might not comply with this requirement. She presented images of building elevations approved by the County Commission; the elevations are intended to give a barn appearance, with materials generally used on barns. She also explained that the development agreement required several infrastructure improvements, including potential participation in intersection improvements at Highway 162 and Clark Lane. She then summarized development standards for the site, per the recorded development agreement. She concluded Planning staff recommends approval of file# DR 2025-14, subject to all review agency requirements and the following conditions:

1. All exterior lighting, must comply, with the Outdoor Lighting requirements, as outlined in LUC§ 108-16, and will be verified at occupancy.
2. All proposed signage will be reviewed when a detailed signage plan is submitted for request of a land use permit. If no signage is proposed, then the developer needs to indicate this on the building permit application.
3. Development of this site shall conform to the recorded development agreement.
4. A perpetual maintenance agreement shall be recorded prior to c/o of the structure(s).
5. A business license shall be obtained prior to c/o of the structure(s).
6. The developer will provide a financial guarantee for all improvements including site and trail paving, landscaping, and fencing.

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project conforms to the Ogden Valley General Plan.

Ongoing high-level discussion among the Commission, Ms. Aydelotte, and Mr. Anderson centered on his proposed design/color palette adjustments; responsive to the Commission's concerns, Mr. Anderson indicated willingness to revert to a color palette more in keeping with the development agreement's stipulation for muted earth tones.

Vice Chair Barber invited public input regarding the application. There were no persons appearing to be heard.

Commissioner Froerer moved to approve DR 2025-10, self-storage units located at 4690 E 2650 N, Eden, UT, 84310 in the CV-2 Zone. This is an allowed use per a Zoning Development Agreement recorded 12/15/2020 (see entry# 3110220), based on the findings and subject to the conditions listed in the staff report, and the following additional conditions:

1. That the buildings use muted earth tones as required in the development agreement; and
2. A requirement for future considerations for adding curb and gutter to the adjacent parcel where the driveway will enter and to any required roadwork coming off of Highway 160.

Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.6 UVN102425: A request from Nordic Village Venture for preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310. Applicant: Ryan Christofferson; Staff Presenter: Tammy Aydelotte**

Ryan Christofferson presented the request for preliminary subdivision approval for Nordic Village Phase Three, an 80-lot subdivision with a mix of detached and attached single-family chalet-style homes. He showed how the development included a 100-foot buffer between existing neighbors and the new development, as well as trail corridors and a clubhouse.

Responsive to questions from Vice Chair Barber, an additional applicant's representative, Eric Langvardt, identified private alleyways, parking spaces, and snow storage areas incorporated into the development.

Planner Aydelotte summarized staff's analysis of the application to determine conformance with the General Plan, zoning regulations, infrastructure improvements, and protection of sensitive lands in the area. She also noted that the snow storage and parking areas will be reviewed by County Engineering and the Fire Marshall when engineering plans for the project are submitted. Additionally, staff will pay very close attention to the density of the project as it proceeds. She concluded staff recommends preliminary approval of Nordic Village Phase 3 Subdivision, consisting of 80 lots, located at approximately 3567 Nordic Valley Way, in the Form-Based (FB) Zone. This recommendation for approval is subject to all applicable review agency requirements, and is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with all previous approvals and the applicable County ordinances.

Discussion among the Commission and Mr. Christofferson arose regarding snow removal responsibilities, particularly for public roads within the development. The Commission discovered that the original development agreement allowed the HOA to supplement county snow removal services but did not require them to fully maintain public roads.

Vice Chair Barber invited public input.

Ron Gleason, Sunrise Drive in Eden, asked if the roads and alleyways in the project will be public or private and who will maintain them and perform snow removal.

Mr. Christofferson stated the main road is public, while all the alleyways will be private. The Homeowner's Association (HOA) will be responsible for snow removal and maintenance of the private roads, but the public road is maintained as per County regulations. Further discussion among the Commission and Ms. Aydelotte highlighted that the development agreement permits the HOA to remove snow from the public streets, but does not require them to fully maintain it, allowing the County to continue its standard maintenance services.

Commissioner Froerer moved to approve UVN102425, preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310, based on the findings and subject to the Conditions listed in the staff report, and the additional condition that staff confirm that the HOA will maintain and perform snow removal on the public and private roads.

Vice Chair Barber inquired as to the definition of the term 'maintain' as part of Commissioner Froerer's motion. Commissioner Froerer stated that he would rely upon the definition of the term in the development agreement. Vice Chair Barber suggested that the motion language be amended to state 'totally maintain'. Commissioner Froerer accepted that adjustment.

Commissioner Morgan seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

The Commission initially approved the subdivision with a condition requiring the HOA to fully maintain all roads but later reconsidered this motion after reviewing the specific language in the development agreement.

At a later point in the meeting, Planning Director Grover requested that the Commission revisit agenda item 3.6; he noted that Legal Counsel Erickson has reviewed the development agreement for the project and could not find a requirement for public street maintenance. Mr. Erickson suggested a motion to reconsider the action taken, and then reopen the discussion to address the condition of approval pertaining to maintenance of the public streets. Ms. Aydelotte referenced the snow removal terms included in the original development agreement approved in March of 2023; the agreement grants the project's HOA or management company the right to plow public streets within the project as well as those leading to it. The master developer comprehends that additional snow removal services from the County may not surpass the existing area's standard service levels. The HOA is responsible for snow removal of public parking and all hard-surfaced pedestrian corridors, although the County may opt to perform these services at its discretion. However, the issue of road maintenance still remains. The idea was that the HOA would supplement County efforts rather than take over full road maintenance. The original motion included a requirement for the HOA to assume full road maintenance responsibilities, both for private and public roads, and staff suggested that requirement be adjusted in a motion to reconsider.

Commissioner Burton moved to reconsider approval of UVN102425, preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310. Commissioner Morgan seconded the motion; all present voted in favor.

After reconsideration, Commissioner Burton moved to amend the previous motion to remove the requirement that the developer maintain public streets and plow public streets, based on the finding that such a requirement would be inconsistent with the development agreement. The motion stated that the development should follow the precise language in paragraph 9.1.3 of the development agreement recorded as entry number 3276351 on page 1 of book 42 in the office of the Weber County Recorder on March 14, 2023. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.7 CUP 2025-21: A request for approval of a conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan. Applicant: Victoria Garcia; Staff Presenter: Felix Lleverino**

Victoria Garcia, representative from 1884 LineCo., presented their request for a conditional use permit for a laydown yard supporting Rocky Mountain Power's wildfire mitigation plan. The work involves undergrounding existing distribution lines in Eden and Liberty, as well as replacing wooden poles with steel poles. Ms. Garcia explained that the yard contains materials, stores equipment, and includes a temporary office to support their crews. The applicant described their security measures, including a six-foot chain-link fence with gate and 24/7 surveillance. She explained that the yard operates daily from 5:30 am to 7:00 pm, with activities before 7:00 am limited to minimize noise disturbances. Approximately five employees work on-site daily, with additional traffic as workers arrive to pick up materials. For dust control, they water the yard regularly and use street sweeps.

Planner Lleverino explained that operation is permitted in the MV-1 zone within the 12-month time allotment. This proposal has been in operation for more than 12 months and is anticipated to operate for an additional 16 months, thereby requiring a conditional use permit. He summarized staff's analysis of the application to determine conformance with the General Plan, zoning regulations, conditional use standards, parking and loading space and vehicle traffic and access regulations, and design review considerations. He concluded staff recommends approval of this conditional use permit application, subject to the applicant meeting the following conditions of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission:

1. The traffic shall abide by the Storm Water Pollution Prevention requirements.
2. The site shall be kept and maintained for safety and good visual appearance
3. The site and the streets within the cul-de-sac shall be watered to mitigate dust.
4. Street sweeping shall take place on a daily basis.
5. All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.

The following findings are the basis for the staff's recommendation:

1. The proposed use is allowed in the MV-1 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Burton asked if there had been any reported conflicts between the school's students and the heavy equipment associated with the laydown yard on the site. Mr. Lleverino responded that he was not aware of any such issues and that this was a fresh application.

Vice Chair Barber invited public input.

Ron Gleason requested that the facility comply with the County's lighting ordinance, noting issues with unshielded lighting and a bright blue flashing security light visible from three miles away. He emphasized that the temporary building's lighting should abide by the ordinance, which covers all zones and prevents unshielded and non-compliant lighting. He also highlighted the light curfew and restrictions on flashing lights, advocating for the removal of such violations to align the site with the established regulations.

Christopher Cross, 4795 E. 2600 N., Eden, stated he owns a neighboring business – Louisville Distillery – and he expressed concerns that the operator had been conducting activities without a permit for 17 months, with impacts including dust pollution, noise from heavy equipment, non-compliant lighting, and truck congestion. He noted that allowing the applicant to apply for the CUP now will set a precedent that compliance is optional and delayed action is rewarded. Every additional day of non-permitted operation at the site is a separate violation per County Code. The impacts and nuisances are factual and documented and no business should be considered to be above the law. He urged the Commission to deny the application and issue a stop-use order.

There were no additional persons appearing to be heard.

Vice Chair Barber stated his observation is that it is not the Commission's role to get involved in code enforcement. He observed that, while enforcement might seem lacking in some visible areas, it is consistent with the commission's responsibilities to proceed according to the guidelines and instructions provided by staff. He acknowledged that there were certain areas where code

compliance is visually noticeable, but enforcement of those areas falls under a different jurisdiction than the Planning Commission. This led to high level discussion among the Commission regarding Mr. Cross's complaints about lighting issues on the site; Mr. Lleverino indicated that tying compliance with the lighting ordinance to the new conditional use permit was well within their authority. Legal Counsel Erickson agreed.

Commissioner Burton moved to approve CUP 2025-21 conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan, and the motion is based on the findings and subject to the conditions listed in the staff report, and the additional condition that the use comply at all times with the lighting ordinance in place for the County. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

#### **4. Public Comment for Items not on the Agenda:**

Jim Berg, 1052 Little Mountain Lane in Eden, spoke about trust and public service in Ogden Valley. He expressed concerns that Weber County's land use decisions were being made for developers rather than residents, despite the 2016 Ogden Valley General Plan calling for limited, village-centered growth. He noted that two-thirds of Ogden Valley voters approved incorporation, reflecting frustration with County governance. Mr. Berg urged the county to pause further development agreements and form-based zoning to ensure a fair handoff to the new city.

#### **5. Remarks from Planning Commissioners:**

There were no additional remarks from Planning Commissioners.

#### **6. Planning Director Report:**

Planning Director Rick Grover defended the County's Code Enforcement efforts, noting that the County has only two code enforcement officers covering a vast area. He expressed appreciation for their hard work and dedication. Vice Chair Barber noted that it is his opinion that Code Enforcement staff should not have missed an unapproved industrial storage yard being operated at Powder Mountain.

There was high level discussion among the Commission and Mr. Grover about the significant area that is covered by Code Enforcement staff with limited resources, such as one vehicle shared by two officers.

#### **7. Remarks from Legal Counsel**

Legal Counsel Erickson complimented the Commission on the manner in which they handled tonight's meeting.

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

*Cassie Brown*

Weber County Planning Commission