OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

January 28, 2020
5:00 p.m.

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

1. **Minutes: Approval of the May 28, 2019, July 2, 2019, and July 30, 2019 meeting minutes**
2. **Training: Open and Public Meetings Act – Courtlan Erickson**
3. **Approval of the 2020 Planning Commission Rules of Order:**

   Here is the language that we would propose to be added as a new paragraph to the end of section D.3 of the Rules of Order (Approval of Minutes from Prior Meetings):

   As an alternative procedure, the Commission may approve minutes through email communication, when requested by staff or by any member of the Commission. When such a request is made, the secretary shall send the draft minutes to all Commission members. After all members who were present at the meeting have responded, and after a majority of those members have given their approval, the Chair may declare the minutes approved. Otherwise, the minutes shall be placed on the next meeting agenda for approval. If minutes get approved through email communication, the approval shall be stated on the record at the next meeting.

4. **Public Comment for Items not on the Agenda**
5. **Remarks from Planning Commissioners**
6. **Planning Director Report**
7. **Remarks from Legal Counsel**
8. **Adjourn**

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

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

NO PRE-MEETING IS SCHEDULED FOR THIS MEETING
In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Minutes of the Ogden Valley Planning Commission meeting May 28, 2019 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: John Lewis, Chair; John Howell, Bob Wood, Chris Hogge, Shanna Francis, Steve Waldrip
Absent/Excused: Jami Taylor
Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner III, Iris Hennon, Code Enforcement Officer; Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

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

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. There was none.

1. Minutes:

1.1. Approval of the May 7, 2019 meeting minutes:

Commissioner Waldrip so moved to approve the meeting minutes as written. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, and Chair Lewis voting aye. Commissioner Francis abstained. Motion Carried (5-1)

MOTION: Commissioner Waldrip moved that we move Item 1. ZTA 2019-01 from Item 1 to Item 4. Commissioner Wood seconded the motion. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye to move Item 1. Motion Carried (6-0)

2. Petitions, Applications and Public Hearings

2.1. Legislative Items

a. New Business

2. ZTA 2019-04: Public hearing to consider and take action on a proposal to amend Titles 101 and 108 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same. Applicant: Hooper Irrigation Company. Agent: Greg Seegmiller. Staff presenter: Charlie Ewert.

Director Grover said this item is a public hearing so you will need to open and close for a public hearing. This is a legislative item and you will be forwarding a recommendation on to the County Commission; and Mr. Ewert will be presenting this item.

Charlie Ewert said we have an application to amend the secondary water provisions of our subdivision code. The applicant is Greg Seegmiller from Hooper Irrigation Company out west. The change does affect the Ogden Valley and the Western Weber; so both Planning Commissions will review the change. The Hooper Irrigation Company has asked for a higher level of review of the secondary water of provisions in subdivisions. I have reached out to the attorney's office, the Property States Ombudsman, and others to find out what exactly do we mean by Department Agency or Public Entity. Under the rules of the Health Department or under the Department of Environmental Quality Division of Drinking Water; they are public water entities because they provide connection to a certain amount of residences. The culinary system can then go on as the culinary water authority, and condition their service on secondary irrigation existing to the site. When the culinary authority under state law, has full authority to approve a subdivision plat based on their ability to serve. This wouldn't be retroactive, and requiring everyone with wells to hook in. It would just be new subdivision lots; if you have 100 lots going in that would be 30,000 ft. If your subdivision is within 30,000 ft. of an existing secondary water company that functions and is willing to serve, you've got to extend that line out there.

Charlie Ewert said as you can see is a big burden especially when that developer was planning on providing that secondary water through private well onsite. We have to figure out whether we're comfortable with that new requirement. To illustrate the problem that we are trying to avoid here; Summit County some years ago, they had an issue over the Jeremy Ranch area. They had the Army Corp of Engineers up there to bring water; and eventually that issue rose right up to their County Commission level, and they had to create a special district.

MOTION: Commissioner Wood moved to open public hearing. Commissioner Francis seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

Doug Wilson, resides in Eden UT said if you have a pipe system; and you have someone hook up a pipe to another pipe with a valve on it and you can turn it on. You can move water all over the place; but if you're an open ditch system that is a secondary water provider, this doesn't work. The only thing that Eden Water Works requires if you want to get a share of culinary water, you have to show that you have a share of secondary water. You don't have to prove that water can run to your lot or that you're going to use it; it's a lot easier to go out turn the faucet on, and you just have to show that you have that share. I didn't even know you had that ordinance; that you have to have storage and prove that it's a viable system. You need to have a system with a regulation for a pipes system, and a regulation for open ditch system.

Kirk Langford, resides in Eden UT complimented the Planning Commission for trying to figure out a solution and take the pressure off of the water companies; force people to sign off if they have forwarded a bond. There is a lot of unintended consequences here; and this is something that shouldn't be passed. This needs to be looked at very carefully as this would affect our town in Eden, because we have the open ditch system with shares. Nobody is guaranteed a certain amount of water; what's in the ditch share converts to time, and that time is how you water your place. Based on how many shares you have, depends on how much time you have, and how much you are able to get. If you have a hayfield and you need to irrigate that; with 5-6 inches of water a year, that's quite bit of water. If you kill this water company and you make things so difficult and costly; then nobody can operate that open space. That is part of the rural community that we live in. With the amenities that brings in the resorts, and the economic development, that will go away. All that green space that you like is because somebody is out there taking care out there. That 30,000 ft. that Mr. Ewert talked about is five miles. That expense that those lots are going to be paying for is five miles of waterline for that subdivision. I understand when they float these bonds that they need some assurance; so that people are going to hook up they can pay the money back. I fully agree with Mr. Wilson that this is not always going to work for Ogden Valley.

Ron Lackey, President of Eden Waterworks, said the one thing that's important to understand; we're a non-profit all volunteer board, so anytime somebody comes in and tells us there are some new tasks, it's going to cost somebody time and money. I agree with the two previous gentlemen; and as a shareholder of secondary water, I think that the Ogden Valley is very different from where these big tracks are going out west. I don't think that Eden Waterworks is legally liable if somebody says, I have secondary water and few months later they don't.

Commissioner Howell asked Mr. Lackey if there was any way that you know of that Eden Water could supply people with secondary water. There are some people that are on the canal, but it's not feasible to even get the canal. Mr. Lackey replied that about 10% of our customers do use our water for secondary water. For the first time in the history of the company we were asking our customers, on a voluntary basis to not water their lawns. We are getting worried that we're running out of culinary water.

Doug Wilson, President of the Eden Irrigation Company, said I was on board of the Eden Waterworks for quite a few years. We had a situation where a person had a culinary share with Eden Waterworks. They had a secondary share with Wolf Creek. They thought it would be a great idea since Wolf Creek was looking for more water. Someone approached and asked to sell their share of Wolf Creek water which they did; then Eden Waterworks sent out a letter and told them they had to get that back.

Ron Gleason, resides in unincorporated Huntsville, said currently I get secondary water from the Huntsville Irrigation Company, which 9 or 14 ditch companies that are on the south end of the valley. This system was pressurized 5 possibly 6 years ago; and when it was designed, it was designed with a geographic delivery area in mind. I support what the people have been saying; because I think you need to look at pipes versus ditch systems separately. I talked to a number of state agencies and government agencies; have there been any discussions with the actual ditch companies. I think it would be really important to talk to those people who are actually doing the work trying to deliver the goods.

Kirk Langford, said we were talking about secondary water, we talked about wells, and the delivery systems from the companies that are delivering the culinary water. There are some terms in there that need to be discussed and we need more time to get into groups together and have some discussions with some stakeholders and come up with some solutions. There is language in there that talks about drilling a well; and none of this language would help the situation that we had on top of the mountain with the drilling; and wondering if after a million dollars was spent that was never made clear to everybody. My second issues goes back to the wells, and is it possible for people to share their wells and hook to other

homes so their family can stay on the ground? There are people in the valley who have lived there a very long time that cannot afford to live there anymore.

Commissioner Howell this petition that we have before us; this is just a start, we have not been dealing with water, and there's a lot more to this, and as you pointed out that have to be considered. It has not been considered and this is just to get it started. We have never had a petition that really dealt with water.

MOTION: Commissioner Hogge moved to close public hearing. Commissioner Wood seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

Chair Lewis said I have heard some great comments, questions, and points tonight; and it's really good that we get started on this, and I would like to talk more about what unintended consequences might be there. Some of the things I heard tonight were what do you do if you have an uphill situation and how would a ditch work. If you have a nice system for exactly this geographic area and you're 300 feet further, how does that work? I am curious what minimum subdivision would trigger something like this that is literally second or third lot. So basically what are some unintended consequences that we need to be thinking about here.

Charlie Ewert said I think there is some fundamental things in understanding what this ordinance does. If we're talking about allowing or requiring extension 300 feet per lot, that is definitely a policy shift. Weber County does not require secondary water everywhere. We require secondary water when the culinary water requires it and that's it. The question is if we're requiring it or is it the culinary water requiring it; and who is responsible for enforcing that and ensuring that it happens. That's the question and if you look at the strike-outs here, there are very long and confusing paragraphs here, and we think based off of legal review, that it says, "when a culinary water company requires a secondary water system, in order for them to serve that culinary system to serve the subdivision: then these certain things need to happen.
1. That culinary company, in order for them to impose any kind of requirement for secondary system, under our current ordinance, has to prove to the County, that subdivision is within their service area.
2. They have to prove to the County, that they've passed a policy that they will not provide water. Also their boards has passed a policy that shows they will not provide a culinary water unless a secondary water exists. It even says they've got the minutes from whatever meeting at adoption occurred. This was an attempt to be a one size fits all; but it failed to address one fundamental thing, what happens when that secondary system is just by the well onsite.

Commissioner Waldrip asked Mr. Ewert are you aware of any culinary water companies in the valley that require secondary water? Mr. Ewert replied that was something I was going to jump into, but I wanted sure this was clear first. The answer is no, I am not aware.

Charlie Ewert said the secondary water when acting as the culinary water authority, according to State Code, and we just read what that is. A culinary water service provider may require the secondary water systems to serve some or all lots within a subdivision as a condition of committing to serve culinary water. So this is not putting any extra burden on the culinary water company at all. Its allowing them to ask certain questions, that they might not have otherwise been asking. We are trying to address bigger issues that's happening out west. The culinary water service provider shall be responsible for notifying the county in writing of the requirement that their culinary water service is conditioned on the secondary service existing. The secondary water shall comply with the following:
1. Private Well: If your secondary water is going to be provided by private well; unless otherwise required by Part 2, of this Section 106-4-2-M, secondary water may be provided by private well. The first thing you need to provide the county if it's going to be by private wells is past assessment. Someone needs to verify that you can actually get water and access to the water on the property.

Charlie Ewert said as Mr. Langford mentioned, it does talk about water logs of three wells within the area that has similar hydro geologic conditions, just to verify that flow exists. Secondary water is only important to the effect of the culinary water provider feels that it is important. Another question that I heard was about zero scaping when there is no vegetation. Weber County doesn't have a requirement and it still won't with this proposal; have a requirement for a certain amount of irrigation to go to the property. If the culinary service company is comfortable with the secondary water being there or not being there; none of this matters and all of this is irrelevant. For example, you've got Eden Waterworks saying we have the ability to serve the people within our area with culinary and secondary water; and says we're fine to the county.

Chair Lewis asked for clarification, as soon as Eden Water says we don't want anybody else to use culinary for irrigation, now they are responsible for that other persons system. Mr. Ewert replied not necessarily, if Eden Water says we don't want anyone using our culinary water for secondary, but they don't say that a secondary system is required, they are just willing to self-police and make sure that people aren't connecting their sprinkler systems to their infrastructure, that's their prerogative and this doesn't effect this.

Charlie Ewert said if you're going to be irrigating by private well but you haven't drilled your well; you've basically got a dry subdivision there. This language that you see here in Part B, Unimproved Well Notice is the same language that is in the culinary well section. If you haven't drilled a well in your property at the time the subdivision is being approved; then you haven't proven to the county that you have access to water. The question is do we require that $30,000 well to be drilled and pump tested before we sign that plat? If we say we're not going to sign your plat, you're not going to get your subdivision recorded. I am not sure how that perspective lot owner can get a construction loan to actually sink that well; or get a construction loan against the new subdivision lot; it has to be recorded prior to that point.

Charlie Ewert said Existing Water Service Provider - Part A. A connection to an existing secondary water provider system is required; or subdivision is situated within 300 feet multiplied by the number of lots in the subdivision, of any part currently operating secondary water service provider system. If the water is not able to flow uphill, then they are not able to service the subdivision, then it's mute, it's irrelevant.

Chair Lewis said one point I would make, if you did have 100 lots and you would calculate that out by the 300 feet, that 30,000 feet would cost a million dollars. So you would spend a million dollars, so they would charge you to connect to their system and that could be difficult. Mr. Ewert replied conversely 100 wells at $15,000 to $30,000 a pop, so the question is who is responsible for making sure the water is there. Maybe it makes sense for sewer, which is our current requirement 300 feet per lot. So if you have a 100 lot subdivision, and you are within a certain distance of sewer and that sewer service provider can serve you, you have to hook in 30,000 feet away from that and that's five miles away.

Charlie Ewert said if the culinary water provider is conditioning their service on the secondary system. I think it's fair to fully expect that culinary water provider to verify that secondary system exists and is functional. What I am hearing from a lot of culinary water providers, they are saying we don't have the administrative capacity to go verify these secondary lines coming in. My response is not to issue a conditional will serve in that case. If you are worried about the folks who are out there using your culinary water for their secondary irrigation, and you don't have the ability to police them from doing that, then don't offer a commitment to serve. I know when we talked about this in the General Plan, that was a sensitive subject in the Ogden Valley.

Charlie Ewert said there is no teeth in enforcement if somebody sells a water share. In fact recently we had a number of neighbors protesting a subdivision because a developer said we've got this secondary water, here are the certificates, it's a part of that subdivision application that gets approved. The houses get started being built, the developers hear two pieces of land trying to subdivide using the exact same certificates of water, saying that he has secondary water. There are county laws that says if you are going to take this water out after you've told us you are going to provide it, then you have some pretty serious issues. So who is liable if secondary water or any kind of water right isn't assigned to the land anymore; so it's whoever owns the property now. In this particular case, how do we protect the culinary water company who is committed to serve, or the secondary water company who is committed to serve, and no irrigation rights have been assigned. A lot of these companies require the transfer to come over to them; and that's the easiest way, they are in control and are in charge of those rights or those shares. Some of them allow them especially if there's a private well or secondary water to stay with the property.

Charlie Ewert said this section where talks a lot about the Home Owner Associations (HOA), is completely rewritten. When an HOA doesn't exist I simplified it so it's not specific and if it's not there, let it be committed to the developer. The culinary water authority is in the business of water and the county is not. Culinary service provider has the best ability to determine what they can serve or what they cannot serve. When they say we're going to give you culinary service, and we're going to give you this much secondary service. That's just an allowance and I would advocate that should stay there. Question about liability and secondary water goes away. As far as legal liability goes, I am not sure you're going to find a big problem, if the secondary system fails even through the culinary company says we will serve provided that there is a secondary system.

Commissioner Waldrip asked let's assume that we say, we need more input from valley secondary and culinary irrigation water providers. What form is there to solicit that input? Mr. Ewert replied in the Ogden Valley General Plan; it says that the county will create a water advisory group. One of the reasons why we haven't done that yet, is because the Hydrogeology Report which was supposed to be done two years ago is still not out. What I've done up to this point; I've reached to all of the irrigation and culinary water companies, for whom I have phone numbers and emails for, and I regret to admit that there are not a ton of them that have that information out there.

Commissioner Waldrip said I can see a situation in a scenario where a landowner is held hostage, and this water company says you have to do this, and the secondary water says you can't do that. So you have this sort of impasse because there's no real mechanism to make it work. Mr. Ewert replied these are private water companies, and the government does get involved. If both culinary and secondary water providers; if multiple systems are available, connection to the system that yields the best organization of secondary water structure in the area as determined by the County Engineer. The County Engineer in a quasi-judicial position to say, here's all the infrastructure and have the water companies decide why they are more important for them to be here. If this is adopted the way it is and within a certain distance; they will be required by our ordinance. Not by the water company policies, nor by the Health Department policies, but by the county policies to hook in and that's really the big policy shift.

Commissioner Waldrip said I know in the subdivision where we currently live on, it's just a tiny seven lot, we were adjacent to the Wolf Creek pressurized secondary system. I don't have the expertise to even know what the questions really are. I really do appreciate this, this has been on everybody's radar for a number of years. Everybody knows this is an issue, everybody knows it's a pain, and it's a problem that needs to be addressed. We haven't done it yet because we nobody really knows how to tackle it. I think this is a great effort to start to tackle this issue because it will become more and more critical.

Charlie Ewert said I agree, if everywhere there is developing as regularly as Ogden Valley and out west, they could create their own cities and their own utilities, then this wouldn't be a problem. Part of the way I tried to answer part of your question here is through Part E, Actions and Denials. What happens if the culinary water company essentially tries to extort you. The state code says that they have to justify everything that they charge you. So you as a landowner are asked to pay a $15,000 hookup fee; you are entitled to find out why it costs so much. They have to show you their study that shows why their system infrastructure is as expensive as it to tie into. If these companies come in and ask for things they are not entitle to; and the county is strapped to deny a subdivision because they won't approve it, if it is based on conditions they told us have to be applied. We get sued because we have something from the developer that is not appropriate and essentially related to their development. We want some protection, and what I have proposed here.

Chair Lewis said this is obviously a very important topic, and there's no question that in the near future that we can use culinary for irrigation forever. But I just feel that there are too many parts missing for me to make an educated decision. So I am curious if the other commissioners have more comments or would like to pursue in trying to improve this; or whether we should entertain a motion to table at this point until we hear more about it.

Commissioner Hogge said I am in favor of tabling this tonight; I know that the request was made by Hooper Irrigation; which is an existing pressurized secondary system that has its set of challenges. In Eden there not a pressurized secondary system that's ditches. We need to look to all of the 80 plus culinary water providers in the valley and the secondary or irrigation providers. This that raises a lot of questions and concerns in my mind. Mr. Ewert replied I echo your concerns and if you would talk to the Health Department; they've got pretty strong feelings about the state's role and where the state should be. The state is no longer doing subdivision reviews; they used to verify that system.

Commissioner Francis asked there are some specific issues if some of those more specific idiosyncrasies or problems could be addressed upfront and move out from there. Mr. Ewert replied I think if we go through a yearlong process and making sure that all the dots are in the right places; I am more than happy to split it apart; and address the issues that we saw with that particular development from a couple of months ago and leave some of the secondary issues.

Director Grover reminded as you look at these options out on the table, one thing you need to remember is we do have an active petition that is before you at this time. You do have a due diligence to look at that petition. So if you do consider

tabling, you probably need to look at giving us guidance such as a time and certain date as we do need to act on this petition. Whether denying or approving it with conditions; then forwarding that on to the County Commission, because there is a due diligence time period. Charlie Ewert added which by the way is exactly why this hasn't gone through an exhaustive work session vetting process. It's an applicant; and we're trying to get him to answer whether it's yes or no, with some changes within a reasonable time.

Chair Lewis asked why we have jurisdiction if it's in Hooper. Mr. Ewert replied Hooper Irrigation provides services in the unincorporated area, that is within a subdivision code. Chair Lewis asked is there a way to pass this down there but not up in Ogden Valley? Mr. Ewert replied yes, and that was one thing that I thought about. Whatever your motion is, it would be nice if it was over enough that a hearing with Western Weber next Tuesday. If they are okay with this and they want to push forward, then maybe it's just Western Weber.

Chair Lewis asked if we just tabled it on the Ogden Valley side of it, and have Western Weber determine their own interpretation of it. Mr. Ewert replied if that's the way to go; my suggestion would be for the Ogden Valley to recommend denial of executing this in the Ogden Valley. Director Grover added I would recommend to deny it in the valley, with the caveat that you encourage staff to look at formatting the language to fit the valley better.

MOTION: Commissioner Waldrip moved that we deny ZTA 2019-04 on a proposal to amend Titles 101 and 108 of the land use code to update provisions related to culinary and secondary water requirements for subdivision lots based on the findings in the Ogden Valley, based on the findings that have been discussed in our meeting with concerns that have been expressed by both the public, the Planning Commission, and staff. Perhaps this application is not germane to Ogden Valley issues; but doing so allowing staff to continue to pursue this application With the Western Weber Planning Commission as they see fit. We encourage staff to begin to assemble a body of water providers in the valley; so that we can get a better picture of what would work in the Ogden Valley, to deal with some of these issues that we know are out there and need to be dealt with. Commissioner Wood seconded it. There was a vote to deny this application with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

3. **ZTA 2019-05: Public hearing to consider and take action on a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments. Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe. Staff presenter: Charlie Ewert.**

Director Grover said this proposal is to amend title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and Master Planned Development. You may want to have the agent Steven Fenton explain a little bit more on what they are requesting. Mr. Ewert can provide more information on the proposal in detail. This is a legislative item, and we will need to have a public hearing for public comments on this.

Charlie Ewert said the application that is before us, is to amend the subdivision standard. This is another code change specifically §Title 106-2-8, and this language with our prior subdivision code; is a requirement to reduce slopes over a certain amount based on the zone as being considered developable. One of the challenges is that you can still put a subdivision lot in an area that has these slopes; it's just they are not considered developable, even though you can develop it. In a traditional subdivision, the developer is going to calculate what their net developable acreage is. So they are going to be subtracting streams, areas that can't be developed, and then they are going to layout their subdivision based on that. If it's a steep slope they are going to find their way to configure the road system, to ensure there is adequate slope on that road so the fire truck can get on there. Our code says no more than 15%. In many of these situations; a developer will find a way to gain access to as much of the property as possible. So reducing all that area, a steep slope is actually is incentivizing clustering in the cluster developments, and PRUD's in a master plan communities. This is not a new policy, this is just cleanup work that those slopes don't need to be as heavily weighted as they seem to be. When we created the cluster code, I didn't realize that this language was in the subdivision code, so I am proposing that we remove it.

Charlie Ewert said when we talked about this in the work session; we talked about the new calculations for net developable acreage area. The new calculation factors in 10% for roads space. So if you've got completely flat property and its 100% developable; then you would need to subtract out at least 10% of your gross area for roads when you are doing to density calculations. The idea here is if the developer does plat out the land as a traditional subdivision; on average you will see

about 10% of the land encumbered by road space. So we just grab that 10% and adopt it by code, and it would be a constant forever. What you see before you shows that it is not a constant for everyone, so I ran some calculations to try and figure out how to maximize your net developable acreage, and minimize that space in the right-of-ways, so you can get the most density as much as possible. In looking at the table in the AV-3 Zone; if you've got a million square feet of gross developable acreage; which is about 23 acres and that's 100% of the land. Your street area if you maximize the density; you're going to get this perfectly rectangular property, hypothetically your street area is going to be 36,496 sq. ft., approximately .84 acres or 3% area and not the 10% that we adopted. If you get a different zone the A-1 Zone or the AV-3, the only difference is the acreage. The A1 is 40,000 sq. ft. and the AV-3 is 3 acres; the width is still the same, the width of the right-of-way is the same, the amount of acreage is all the same except the number of the lots. What I've proposed here is essentially to just reduce the area and make it as simple as possible; and just reduce the area that is actually going to be encumbered by roads. The example I gave you is based on 23 acres which yields about seven lots; so we're not talking about a ton of variance here. If you like all of it pass it all; if you hate it all, table it and we will talk about it next time.

Commissioner Waldrip said I thought about this and if you think about net developable area and what it means in the real world, it's the actual area that you can develop. So this simply codifies what is real and not an artificial that could benefit some and penalize others and that's issue, but with this it's all real. It can be a game changer in some circumstances that it impacts our desired goal of creating cluster subdivisions and preserving more open space, and maximizing the use of the land. So net developable land is net developable land based on what it actually functions as.

MOTION: Commissioner Francis moved to open for public hearing: Commissioner Hogge seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

Kirk Langford, resides in Eden said Commissioner Waldrip I agree with everything you said; and I totally agree with the right-of-way and the roads; and that first couple of sentences where it says subtracting acreage unsuitable for development. I don't think anybody's come before you looking for more density over the period of years; and I would caution that we don't change the meaning of what is developable acreage; by including cliff phases, and 40-50 degree slopes and those are avalanche slopes and it's unlikely somebody is going to build on those slopes. I concur with that top paragraph, but that second paragraph is counter to what is developable acreage to simplify it because it isn't developable acreage. Cluster subdivisions are less expensive for the developer to build. They go way back to even Wolf Creek, Eden Hills, and Green Hills where all those people clustered without any bonuses. We've gone through giving bonuses out, and making it easier for cluster subdivisions, and then we pulled it back again; there's no more bonus density for cluster subdivisions.

MOTION: Commissioner Waldrip moved to close for public hearing. Commissioner Wood seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

Steven Fenton, representing BH Investments, located in Centerville said Mr. Ewert did a great covering the issues here. We are not increasing or decreasing density; we just want to be treated with the same rules when calculating the open space that we get to apply under the cluster subdivision. Right now it's actually a pretty big hurdle to cross in our case because we lose a lot of lots. The only other option we've got is to go with a standard subdivision ordinance as its currently written, and I think that would be a mistake and it wouldn't do the valley justice. We want to cluster as much as we can and minimize the visual impacts up there.

Chair Lewis asked we want to encourage clustering, so if we don't change, will that make it possible. Mr. Fenton replied if we don't change it, then we have some slopes that are greater than 30/40%, and none of those would be allowed for our open space towards density calculations.

Chair Lewis asked Mr. Ewert currently if you are over 30%, it doesn't count towards net developable area or density. Mr. Ewert replied basically before looking at this section of the Code 106-a; it says that slopes over 30% or 40% depending in what zone area are undevelopable. If you look at net developable acreage, it says you have to subtract all the areas that are unsuitable for development as defined by that section and anywhere where it says it's unsuitable. Incidentally, as we were looking at this particular project; when it comes to defining what is unsuitable for development is, other than when it explicitly says that 30/40% is unsuitable for development. The definition of that falls on the applicant; to show us they bear the burden of proof to show us that they can develop it. What we look for is a concept plan that shows a standard subdivision; with slopes with any kind of other environmental constraints or issues, and a layout that shows exactly how

that standard subdivision can happen and how many lots. Including the space for drainage; and if they can show a standard subdivision with 20 lots, then the motivation for that developer will go towards the standard because they can maximize their income on that.

Chair Lewis said the standard doesn't have a 30/40% slope issue. Do we have any idea in the valley if we change this all the 30/40% that the PRUD might add to the density? That would be my biggest hang-up; everyone says no more density but if we change this; are we opening up the door that adds other things or something. Mr. Ewert replied no, and we did not run that calculation. I'd go back to the base density study to find out exactly how it works. I ran that formula several different ways, including standard subdivisions and cluster subdivisions; with the cluster ordinance at the time which allowed bonus density. I can rerun some calculations if that is the desire.

Commissioner Waldrip asked asked Mr. Ewert if we don't make this change, then the applicant can come back with a non-cluster application with a maximum of 45 lots as indicated in their narrative. It's designed to have approximately 45 lots on 135 acres; and the cluster subdivision would change that to 33 based on the slope calculations. So the incentive then to the developer would be to come back with a standard subdivision at that point. It would be a calculation that the developer would make as to whether or not the additional cost of a standard subdivision relative to the revenue of those 12 lots is viable as an alternative. To me that's sort of what we're looking at here as far as dealing with this; my suggestion would be looking at the 30/40% slope issues in the valley. We need to deal with this uniformly across the board, otherwise we're going to be stuck back with this situation over and over again.

Commissioner Francis said it seems again that has been the concern with water, pollution, and everything with density levels, water and sewer are centralized, and that's why we went with the three acre minimum to begin with. I think there is an incentive to cluster. So I do think that by taking this out the areas that are designated as undevelopable; would allow them to recalculate and increase the density in Ogden Valley. It seems intuitive, but I would like to table this or even deny this because that goes against everything, the General Plan, and what we're trying to accomplish.

Commissioner Waldrip asked Mr. Fenton if we were to deny application, and not allow cluster subdivision to utilize those, would you still come back with a 45 lot subdivision. Mr. Fenton replied we would, because economics do weight in favor of going through a standard subdivision with the number of lots you can get. The lots up there are selling for $200,000 each, so more lots make it viable even with the increase infrastructure to go with the standard subdivision.

Chair Lewis asked Mr. Ewert how is it you have a feasibility under one system; if we're talking about undevelopable acreage. If it's feasible to get 45 under the standard, we would still rather see them cluster it. It's more economic to cluster and just wondered why we have two different things going instead of one consistent. Mr. Ewert replied I believe that the standards would put in place to try and help avoid development on the steeper slopes. However, when I originally suggested that clusters, even with bonus densities back before the general plan was adopted, aren't going to create more density. At least a certain number of them and ran calculations to find out how many additional bonus densities were even being offered; through different periods of time that we had different cluster subdivision ordinances. My assumption here is that to maximize your development potential, you're going to give the maximum number of lots. The only reason you wouldn't is if the infrastructure costs outweighs the benefits of getting those extra lots. Where we're looking at this particular development with 7 or 8 lots; in other developments we're looking at 12, and other developments we're looking at more than that. The General Plan does have a couple of different ideologies; one is to cluster and keep as much space open, one is to not increase density above that which has already been allocated. This thing came to the forefront in my mind prior to meeting the applicant.

Chair Lewis asked was your overall valley density based on the maximum you were predicting standard subdivisions all the way around it, that would be the highest number. Mr. Ewert replied we did both bonuses at that time; if you remove all the slopes and give a bonus, and run the calculations it is almost the same if you just do a standard traditional subdivision everywhere. Then we remove the bonus, so that density is gone. I see this in favor of the traditional subdivision. It's not just this applicant, we have other applicants who are looking at the possibility of clustering. Just to clarify; if you've got a three acre requirement, and 2-1/2 acres of your 3 acre traditional subdivision is encumbered by a lake, you still have a 3 acre lot.

Chair Lewis said it just seems like we should be addressing one system you can build the whole thing you feasibility couldn't, and yet the PRUD we currently say it doesn't happen. Mr. Ewert replied what is being proposed, is eliminating the different systems; and the new system is essentially if the applicant can show us through the traditional subdivision layout, that they can get the number of lots they claim they can get. They would get the number of lots clustering, so it's a one for one trade which incentives the cluster.

Commissioner Waldrip asked if we were to look at the definition of not going forward of what is developable; have you put into thought into discount 40% slopes. I just feel uncomfortable opening up more density, based on everything that we've gone through and what we've heard from our neighbors. Mr. Ewert replied we could, in the traditional subdivision apply a rule that says if you have slopes over a certain percent, none of that can count towards your lot acreage. If you have a three acre requirement; but half of it is on a lake, half of it is on a steep slope, half of it unsuitable for development, and then you are going to another 1.5 acres in your lot area in order to make it a buildable lot.

Commissioner Wood said the benefit from my point of view; when someone says are you going to increase density, and the response is no and there's proof that they are not going to increase density. Mr. Ewert replied in that particular case, if we're looking at this definition here, because this says whatever road area would otherwise exist in a cluster as opposed to a traditional. So your area is going to be reduced, and that could bump density a little bit. I could readdress this to verify and modify the language to make it very clear.

Commissioner Waldrip would you use as the road calculation the standard subdivision road footprint. Are you are going to change the definition so that acreage calculation was the standard definition road. Mr. Ewert replied I would, which probably means we need to go into the process statute and make sure we add in a few extra requirements so that we can show they go through the design process. We knew there would be a little bit of variance depending on what zone you're in. Apparently in the AV-3 Zone it hits the developers a lot harder than it would otherwise in the A-1 Zone out west, because it would only encumber 3% for that formula we just made.

MOTION: Commissioner Waldrip moved to table this for the next meeting, so that the maximum potential development capacity as determined by the standard subdivision calculation by an applicant. That the cluster subdivision follow that standard application density. Commissioner Hogge seconded. A vote to table was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

4. ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards. Applicant: Weber County. Staff presenter: Charlie Ewert.

Director Grover said this is public hearing and you will need to open and close for public hearing on this item. This is something that staff is generating, and we're looking at our actual code enforcement and how we manage that. We are also looking at fees associated with this; if you look at Title 101, 102, and 108 of the Land Use Code, it will be to clarify the provisions related to enforcement of the land use code to add junk and refuge standards. This will be a joint presentation by Mr. Ewert and Iris Hennon.

Charlie Ewert introduced Iris Hennon, Code Enforcement Officer and complimented her work ethics as the Code Enforcement Officer. It's good to have clear and decisive rules on code enforcement. In our land use code we don't have facts; we have something over in Public Safety Section of our ordinance that talks about junk, refuse, and the procedure to get that cleaned up. We've got elementary references in our general title of the land use code, and our administration title of the land use code suggests that the director is responsible for enforcing the code. There is not a lot of direction on that. The State Code just changed last year, so the legislature is concerned about how enforcement works. I wanted Iris to come up and have her do the presentation; because this is code that she has been working on that has taken years in the making to try and get this to work. I appreciate her walking us through it.

Iris Hennon, Code Enforcement Officer thanked Mr. Ewert for his phenomenal writing; and the county attorney's Courtlan Erickson, Chris Crockett, and Chris Allred who have assisted in moving this along. What we're looking at are some changes to provide a clearer procedure for code enforcement. We are looking at providing better motivation to remedy those violations; with some changes that reduce conflicting and redundant language in the ordinance. I've had to go into public offenses, which is the Sherriff's domain and what they expect, and then jump back into land use which is slightly different. I

believe that these changes will strengthen not only the administration appellants, but also the trust of the public because it will be more concise. The changes are in keeping with the General Plan; is beneficial with the Health, Safety, and General Welfare of the public.

Commissioner Howell asked by adding this a state law or just a county law. Ms. Hennon replied when we create an ordinance, it's because that's what the public wants, and also lets the legislature know what we're doing. That's why we're making and keeping with both; so we created this ordinance, to clarify and simplify so that it's in one place. It makes it easier for me to do my job, and easier for the public to access the information in one place.

Charlie Ewert said the legislature did make some changes this last session on enforcement, but those changes aren't what spearheaded this. The spearheaded has been going on for ten years trying to get it done right, so that it can be done. There was a debate at the County Commission meeting where we were developing the Dark Sky ordinance. There was a big discussion over criminal enforcement of someone who is doing light trespass. It's a Class C misdemeanor that is prosecutable for 90 days in jail and up a $1000 fine, or something to that effect. The County Commission said that seems a little steep for light trespass. Light trespass is important, but not jail time important for the first offense. They did ask us to try and move forward on some of the administrative remedies, for anyone who has to see a judge or do jail time. There have been some people that have gone to jail for junk. Ms. Hennon added in 20 years there have been two.

Charlie Ewert said public offenses in a completely different title because we really don't have any purview or oversite on this; it's being deleted because all of this is coming into a land use code. If you read through any of the strike outs, that's what we currently have in our ordinance. Go over to the land use code in the Definitions Chapter 117, we're just adding in some definitions of: garbage, inoperable or abandoned vehicles, and junk. It also gives what junk isn't; it isn't agricultural equipment that's sitting out in the farm; the definition for weeds. This is more like your grass is way too long, it's just kept unruly and becoming an eyesore or nuisance that attracts pests. Ms. Hennon will get involved and is also the weed enforcement officer. If this is a matter of noxious weeds like Dyer's Woad; we have a department for that. In your current land use ordinance Section 101-1-13, currently has general penalty for continued violations. This is not clear, but it does tell what the violation of the code is. We take the information out of that section that is relevant and useful, and move it over to Title 101 Administration, Chapter 4 – Permits Required and Enforcement.

Charlie Ewert said go down to Section 102-4-4 – Code Enforcement; previously that whole section was one sentence, and it said that the Director is the Code Enforcement Officer. So here we are with the standard process and some administrative avenues. Beginning on Line 229 through Line 259 has been pulled from that other section. There are some edits, and I am thinking of making some changes. We used the relevant information and reduced it down to a half a page. There's a couple of conflicting things on itself; for example a criminal violation has been rewritten different from administrative violation. Authorization of code enforcement official, powers and duties. Essentially saying the Planning Director is the Code Enforcement Official, or he can authorize someone else to do that under his direction. The next section down, notice of violation, time to cure and read that section.

Charlie Ewert said that state code just changed this last year to say, you have to serve it in writing, say what the violation is, how long they have to cure the issue, specify how they are violating the land use code, and what needs to happen to fix the problem. The violation has to be delivered personally or by certified mail. It has to state the specific code or codes being violated, explain the nature and the extent of the violation, and indicate that the owner or occupant as the case may be, shall correctly remove the violation within the 14 days. Ms. Hennon mentioned that in doing some research to find out what other jurisdictions are doing; Salt Lake City allows 3 days from the date that the notice is written, so you might already be in violation by the time you get the notice. Mr. Ewert added we allow 14 days, get in contact with Ms. Hennon and work out a plan. An example is when the little old lady can't move all the junk that her son-in-law moved into the back yard and gets this notice. If she gets on the phone with Ms. Hennon within the 14 days; that she will get it out but will require more time say a month or two. Ms. Hennon can be flexible with her to get a good process scheduled to get this removed. That's the alternative time to cure, single notice is sufficient, so Ms. Hennon only has to send one notice. With the lighting ordinance, we require three notices, but with this single notice is sufficient.

Charlie Ewert said administrative citations and fines, so if they fail to fix the problem, they need to get on contact with Ms. Hennon within 14 days, there are administrative fines that can be assessed $100 per day of an ongoing violation. If it's a

second violation, or second offense, or second time you do the exact same thing within that one calendar year, it goes to $200 per day. Third and more doing the exact same violation goes to $400 per day. The next paragraph shows how we are defining the periods that costs with continued violations. You clean it up and get good with Ms. Hennon, but you do it again you're in a second violation. Ms. Hennon added I have one particular violator that I just finished cleaning up and that person has violated for 16 years. They violate, clean up, violate, clean up, and this last time it took me six months to clean up. Now they violated again, three weeks later so that will with this problem.

Charlie Ewert said the next session down says if a property owner or occupant fails to pay a fine, issued under this section the county may take reasonable steps to collect the fine if the fine remains unpaid. The county may petition applicable court for a judgement against the owner or occupant in the amount of the unpaid fine. Instead of taking criminal action, we're going to the judge and say this person owes us some money, and we want to record a lien, please allow us to do so. The next section is abatement; if a property owner or occupant fails to correct or remove the violation from the property after receiving the administrative citation, the county may petition the applicable order to the judicial enabling the county to remove some or all violations from the property, and ordering the property owner or occupant to pay all costs associated with it. Just trying to put motivation and light a fire under these folks; they have already had a friendly conversation with Ms. Hennon, then received some notices, and they are in hot water and still have to fix the problem.

Charlie Ewert said the next session is judgement lien; this is where we ask the judge to place a lien, and once the judicial order has been obtained the county can put a lien on the property. The benefit of the lien, and the idea here is not to make money, we don't want to be revenue generators based on violations. It's to get into compliance; so if we place a lien on the property, because we had to go in and remedy the issue, we pay taxpayer dollars to fix the problem. That lien will stay on the property; the issue is they are not paying their fines, they are not resolving their issues, and they probably don't care that there is a lien on their property. Then their property is going to be for sale at some point in time; the title company is going to make sure that the county gets paid, and the judgements going to be removed before anyone will put a loan on that property. The next section down removal of judgement lien, if they fix the problem, we will remove the lien.

Charlie Ewert said the next section Part J, Appeals; if someone feels agreed by a determination that they're in violation, they can appeal that straight to district court.

Commissioner Waldrip asked the appeals process is just to district court, is there an administrative appeal prior to that? Mr. Ewert replied no, we thought a lot about administrative appeal using the Board of Adjustment, but the challenge there is a lot of times these ley boards that have quasi judicial decision making authority; aren't fully abreast of the rules and the responsibilities that the ordinance lays out. If we had an administrative law judge o appeal officer; I would say let's take it to him or her. I would love to change the ordinance to just have an administrative appeal officer. The appellant and there in officer would be more simple to organize. It's not your neighbors judging you, it's someone new, unbiased, and objective.

Charlie Ewert said the next section down, incorporates the weeds, junk, and the refuse is unlawful. What we are essentially saying if you put garbage out in the yard; you are responsible for taking care of it. The land use code doesn't have that written in the code, so we are recommending that it be added. Weeds and unkempt yards as well; if your grass get more than a certain amount of inches tall, and it needs to be trimmed back, or be in violations as well. The next section is exemptions; this where we're talking about farm implements and farm property. We're not going to consider alfalfa over four or five inches tall as an unkempt yard. The next section public streets and other public property; it's unlawful to put trash out in a public street, right-of-way or on any other public park, and we would consider that a land use violation as well. There is a question that we have been grappling with, and I don't know if Ogden Valley has had such a hard time as Western Weber; when you have these public pedestrian trails that run through your community. I know a lot of the time in Ogden Valley encouraging the developer to just hand them over to the HOA. Over time that HOA either doesn't want strangers walking on their property; because of liability issues, because of infrastructure, and they have to pay for it. So in this particular case my advice would be, if it's going to be a public trail make it public. If it's going to be public, let the public easement or right-of-way, and be an abutting property over just like a sidewalk, is responsible for taking care of it.

Iris Hennon clarified in respect to the weeds and things like that; when I first started I was getting maybe one or two years, and last year I got upward of 86 calls because of weeds, and that's why we put that weed provision in there. It's only increasing as we get more subdivisions.

Courtland Erickson asked Mr. Ewert to go to Line 294; it says but the same violation reoccurs within a 12-month period of time. We should clarify that to specify whether it's 12-months from the original notice of violation; or 12-months from the time the previous violation was resolved, or what exactly that starts the clock.

Commissioner Francis asked how is this relate to violations for our sign ordinance. Ms. Hennon replied it's the same. Mr. Ewert added right now we don't have a clear way of enforcing that, we can withhold permits for other things like business licenses and things like that, but this gets a far more thorough mechanism and a little easier mechanism to get signs.

Commissioner Wood asked does this also apply in the case that someone has a storage unit and outdoor storage. Ms. Hennon replied absolutely, and we're working on that one.

MOTION: Commissioner Francis moved to open for public hearing: Commissioner Wood seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

Kirk Langford resides in Eden, said I think it's awesome that the sign ordinance I part of that, that you've got something here that this is realistic, and it's not going to be great for people to continue to violate, that here's a penalty there but is not so severe that secures you guys and enforcing that. I think you did a really good job with that, and thank you.

Ron Gleason resides in Huntsville, said on the lightening ordinance there is different remedies and different time frames. Try to get all the wording in one place; whether it's the fine, time frames, and all that other to be some consistency there if it is at all possible. The second issue is the responsibility of land owners for removal of vegetation and snow. There are some long stretches with private lands, or when it goes along the Forest Service. Are they responsible for that, is this something that we're going to try and enforce. The third issue comes to the process; is the process going to change, or is the county going to be more proactive and helping identifying problems and resolving them.

Charlie Ewert thanked Mr. Langford for his comments. As to Mr. Gleason's issues, the lighting ordinance being different, we knew going into this that it would be different. We wrote the lighting ordinance enforcement the way it was because I didn't see any other realistic enforcement mechanism in the land use code where this would fit. We could go into the lighting ordinance and just strike it out; and just refer to this section; if you want to open the lighting ordinance. It will create a new dialogue about the lighting ordinance, if you feel comfortable with that at the County Commission level. The adjoining landowners responsibility for trails and around the reservoir; maybe what we want to do is go in there and say, property owners responsible for whatever width of that frontage that the zone they are in requires of 150 feet in the AV-3 Zone or something to that affect. As far as snow removal goes, it's not getting done one way or another in most places in the Ogden Valley; and the county doesn't have the administrative resources to make sure it gets done and getting the roads cleared.

Commissioner Wood asked the new trails that run through Forest Service, they own both sides in most places, are they responsible for that. Mr. Ewert replied the first part and the second part is correct. The Federal Government preempts our ordinances; our ordinances don't apply to the federal property. One of the big questions is why have ordinances if you can't enforce it. The answer to that is the ordinance that are being violated enough to effect the neighbor; are the ones that are worth getting a lot of priority. If Ms. Hennon has some down time, and she is not working on where someone has called in there is a problem next door and come fix it. At that point she could drive around and actually identify the dozens of violations that existed.

Commissioner Hogge said I think of the trail thing as far as the clearing the snow in the winter; might have some unintended consequences there. What happens when someone and I have a neighbor that takes that to heart; but I see that gets cleared up, and then the snow plow comes the next morning, or it gets cleared to a degree and there is still ice etc. on the path. It sounds to me like we are just changing the hazard in some respects, and is that really to the publics benefit, and I am concerned about that. Mr. Ewert replied that could be a definite issue by not putting salt to melt down the ice. Here is a thought; because we have talked about it for the actual subdivisions with sidewalks in the Western Weber area. If it doesn't work, let's strike it and reconceptualize this to make it work where you are comfortable with that.

Director Grover said this is probably an ordinance that is very important to the County Commissioners right now; so if you would like to make some modifications, I would suggest that you give staff that direction so that we can forward this to the County Commission as soon as possible, because they really want to start getting those fines in post.

Courtlan Erickson said with the lighting ordinance, there was some discussion about opening it up, if we don't do that it may be wise to say in here, unless otherwise covered by a different code section, the following will apply. We have something like that on line 244; but that only applies to the Class C Misdemeanor level of penalty. It doesn't seem to apply to the whole administrative citation on fines section. I don't know if that is in here anywhere, but otherwise we have a conflict. You have this and it applies to anything of the land use code; yet over in the other area of a specific section there, and that's going to lead questions as to which one applies.

MOTION: Commissioner Waldrip moved to close for public hearing. Commissioner Wood seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

There was a brief discussion about about snow removal; and responsibility of the trails and right-of-way.

MOTION: Commissioner Howell moved to recommend to the County Commission approval of ZTA 2019-07 on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards. This recommendation is subject to all the conditions and requirements listed in the staff report, and to the county and state agencies requirements. This petition is based on the findings listed in the staff report. This includes the corrections to Line Items 294, 351 #3, and 244.

FRIENDLY AMENDMENT: Commissioner Francis said I would like to make a friendly amendment to include any suggestions that were made and noted by planning staff. Commissioner Waldrip seconded.

VOTE: A vote to was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

1. ZTA 2019-01: Consideration and action on a request to amend §101-1-7 and §108-7, to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions. Applicant: Weber County. Staff Presenter: Steve Burton.
Rick Grover said item has been instigated by the Weber County Planning Division and this does require a public hearing to discuss and take comments on a proposal to amend §101-1-7 and §108-7, to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions. Mr. Ewert will be presenting this item on behalf of Mr. Burton.

Charlie Ewert said what you have in front of you a proposal to amend the land use code regulations regarding agricultural exempt buildings. Right now someone comes to our department and states they want to build a barn, and as long as it's for Ag exclusively for agricultural purposes, then you don't have to get a building permit. There is the misconception that you don't have to follow the building code, that is not entirely accurate. It just means that there is no governmental oversite that comes with it. So you want to stick a building, pole building, or pre-fab building; you won't have to come in and get a permit and pay for it and all that good stuff. You will still have to get a land use permit that costs $60.00; we just want to make sure that when checking your setbacks, you are not violating that. If you put power or plumbing, you have to get permits for those utilities. Right now our code states you have to have five and quarter acres if you have a house on it, or five acres without a house in order to qualify for that, per state code says otherwise.

MOTION: Commissioner Hogge moved to open for public hearing: Commissioner Waldrip seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

MOTION: Commissioner Wood moved to close for public hearing. Commissioner Francis seconded. A vote was taken with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

MOTION: Commissioner Hogge moved to recommend to the County Commission approval of ZTA 2019-01 to amend §101-1-7 and §108-7 to add a definition agriculture building amend the definition of agricultural parcel and agricultural building

exemptions, and to amend the definitions subject to the conditions as given by staff. Commissioner Francis seconded. A vote was taken approve this to the County Commission with Commissioners Howell, Wood, Hogge, Waldrip, Francis, and Chair Lewis voting aye. Motion Carried (6-0)

3. **Public Comment for Items not on the Agenda:** Ron Gleason who resides in Huntsville, asked Director Grover back in 2017, the lighting ordinance was passed; and part of the ordinance was to create a Dark Sky Committee. That was citizens, OBA Members, Planning Staff, and such. When has the committee been established, and if it isn't what can we do to move it forward to get it established. Director Grover replied no it has not been addressed, but it is on the list.

4. **Remarks from Planning Commissioners:** None
5. **Planning Director Report:** None
6. **Remarks from Legal Counsel:** None

7. **Adjournment:** The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Revised meeting July 30, 2019 in the Weber County Commission Chambers, commencing at 4:00 p.m.

Present: John Lewis, Chair; John Howell, Chris Hogge, Shanna Francis, Bob Wood, Jeffry Burton, Steve Waldrip
Absent/Excused:
Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance
Roll Call

1. **Minutes:** Approval of the June 25, 2019 Meeting Minutes

2. **Petitions, Applications and Public Hearings**

2.1. Legislative Items:

a. New Business

1. ZTA 2019-05: Discussion and decision on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's, and master planned developments.

Charlie Ewert said we have talked about this three time now; once with a public hearing, and twice with a work session. If you recall the first time we discussed it, Commissioner Waldrip brought up the confusing calculation of net developable acreage, and how challenging it is for a developer to try and work for that while doing a cluster subdivision, PRUD, or any flexible subdivision. We figured we would tackle that and tackle the slope amendments at the same time. When we redid the cluster subdivision code, we removed the requirement to not consider slopes over 30/40% from the cluster code. I didn't realize that it was in the subdivision code as well as it's just kind of a reference, and this should have been deleted at that time. Really what we're doing here is cleanup.

Charlie Ewert said there has been a little debate why we wouldn't want to remove it. The benefit of removing that is to give the benefit to the landowner to get that extra one or two lots because they haven't lot the square footage of the slope. Commissioner Wood asked what exactly are you deleting. Mr. Ewert replied it's all of Section 106-2-8 and what it currently reads, *"Cluster Subdivision Master Plan Communities or Planned Residential Unit Developments with slopes of 40% or more in the FR-1, FV-3, F-5, F-10, F-20, and F-40 Zones; and 30% or more in all other zones shall not be classified as developable land. All other subdivisions shall need to restrict the lot requirement table as shown or show a buildable area as required by this Land Use Code."*

Commissioner Wood said for clarification, so what we're saying we're going to get rid of that, so now over 30/40% will count. Mr. Ewert replied it can be calculated towards developable acreage for a few reasons. The applicant who has submitted this request; he has already told us that if the ordinance remains as it is, and he has to develop reducing the slopes over 30% in his zone, he said he is not going to be able to make his cluster subdivision, so he is just going to do his standard subdivision. He will still do his subdivision, but he will get an extra lot or two out of standard subdivision, than he would if we remove those slopes. So clustering with this slope restriction actually penalizes them, and I think we want to incentivize clustering. If you don't count this area, he will be able to count lots and he may be able to get more lots, than he could have otherwise gotten out of a standard subdivision. That's why we debated back and forth so much; so do we want the possibility of allowing for more lots to be created with this tool. The way I see it, it's a nominal amount where you might be going from 25.9 dwelling units to 26.

Commissioner Wood asked didn't you say once that they had to get access to be able to build on it, so a straight out cliff it's not going to count. Mr. Ewert replied so that would still be defined as undevelopable area. We still have a definition in our ordinance that talks about undevelopable area, cliffs, things that are incumbent by water, like lakebed area. You wouldn't be able to include any of that. They for sure wouldn't be able to do a standard subdivision on that land. They could potentially get a three acre lot with a core acre of developable area; and the rest of it 2-3/4's in lake, they could potentially still do that. That would reduce the undevelopable areas.

Charlie Ewert said I think if we get to the point where we have a landowner who says I could get a lot more if I would do a standard subdivision and have 2-3/4 of these lots out in the lake. Maybe we want to address that issue enclosed

separately. The other thing that our current code does not say that you can't build on 30 and 40% slopes. In a cluster subdivision the way this is written; you would have to reduce all those slopes so that they don't get all that density, but they could still put houses on that hillside. Some have said that this is a hillside protection, a view shed protection, it's not. In fact; I have seen development actually put their clustered homes on those hillsides, because they've got better views. They can install them for better value.

Commissioner Francis said I think there are ways on my end because not developable property. Mr. Ewert replied that's the challenge of figuring out what is developable versus non-developable is; and how deep those developers pockets are. All you have to do is get one more lot and you might have enough to tip the scales to build that really steep road that goes up to that top shelf, and do we want to see that happen or do we want to have that one lot and put the rest down here where there is not as much infrastructure for the county to maintained, not as much land to consumed by development, more open space, wildlife, and all that kind of stuff. I think it would be more inline with our General Plan to allow it to happen; even if it potentially results in one or two more lots here or there. You have to have a lot of acreage to be able to get one or two more lots.

Director Grover said the intent behind this is what we're not getting right now is clustering. What we don't want in our General Plan is homes built all over the place. We want to preserve farmland and things like that; and right now this doesn't give them the incentive to do that. That's what this was intended to do when we did the cluster subdivision and this was not included. Commissioner Wood said that would be nice, if it's pretty steep it would be nice to have that common ground and use that for cross-country skiing or snowshoeing.

Commissioner Burton said I thought I read something that said it can be counted so long as it's not restricted by state law or other law. Mr. Ewert replied yes as long as there is nothing else, there is still a provision in the code that talks about undevelopable acreage, that still doesn't count so it wouldn't be included. Mr. Burton said and that's defined by state law. Mr. Ewert replied just defined by our law and I don't think its defined by state law, so we did develop that definition. Director Grover added that protects the integrity of the General Plan.

Commissioner Howell said the applicant applied some time ago and why did he decide to do it with several meetings. Mr. Ewert replied that's because he didn't want to be on the same agenda as the gravel pit. The other reason is that last few times the Planning Commission had tabled after public hearing and we went back and forth; if you recall the last work session we talked about this, we talked about ensuring that they do not get a single lot over what they would otherwise get using traditional subdivision. We talked about how challenging that is going to be; they are going to have to design it twice to verify that they are going to be able to squeeze those lots in there, and there is still a lot of subjectivity. If we look at that concept design, have they actually factored in storm drainage, well they haven't done any storm drainage calculations at that concept. Have they factored in a whole host of things that still require acreage? Could they really get 20 lots out of there or would it be more like 19. We don't know so there's still one lot that may be in question of whether or not they could even get.

Commissioner Francis said theoretically a large development like Powder Mountain, couldn't it be substantial. Mr. Ewert replied it could be, a large development with the three acre zone would be a challenge to say it's a lot. I venture to guess the largest that we're going to see here, the largest land holding on the valley floor that doesn't have a conservation easement on it. So Powder Mountain in the DRR-1 Zone is a little different, their density is regulated by their development agreement, so that can't change. Charlie Ewert said these are just the regular standard subdivisions down in the valley. Director Grover added the same with Snow Basin.

Charlie Ewert said this could affect Nordic. Commissioner Francis asked so is it in the FR? Mr. Ewert replied it's the FV-3 over there, but it still would affect them. They have CVR-1 over there, so they have quite a bit of density they can have there; it's like 21 units per acre. I don't know but we'll see how it works there. Commissioner Howell added this will have to go to the County Commission for approval. Mr. Ewert said that is something you should know, I have already written the report and have given to the County Commission for a public hearing a week from tonight. Just in the interest of speed and making sure we get a decision on. I didn't give them what your recommendation is yet, and I am just going to have to tell them verbally what it is. So if you can make a decision tonight that would be great.

Commissioner Wood said it seems like most of the time we ask in here if there has been ex parte issue. Mr. Ewert replied this is a legislative item, and ex parte does not apply. Commissioner Francis said I felt uncomfortable when Chair Lewis asked that at the meeting at the Junior High, and I thought yes I have. Director Grover added it's good with legislative items to do that. Mr. Ewert said as I mentioned to Jeff, if you want to avoid having that conversation with your neighbor, just tell them ex parte communication regardless of the issue and just walk away.

Commissioner Burton said bottom line, you changed part of it and didn't realized that you hadn't changed this one. Mr. Ewert replied that's exactly right. Commissioner Burton added so fixing this is consistent with what was already approved. Mr. Ewert replied that is exactly right, in fact I wouldn't have known it existed, so we would have approved a subdivisions without assuming this didn't even exist. We would have been doing that had somebody come in and asked. It was only the fact that one of our planners ran across this and asked how this is supposed to work. Thank you for the clarification.

Charlie Ewert said the other item is, how we calculate the net developable acreage. So we went back and forth on that finding the best way to make that work. What stuck for us was just looking at the actual street area. Whatever the developer for that cluster subdivision proposes; instead of doing 20 miles of road, he only proposes and can lawfully get maybe a quarter of a mile road. The quarter mile will be reduced from that density calculation, as opposed to what he otherwise would have gone with the 20 miles. So there is a potential of getting a couple more lots out of that. The benefit though, is that you've got more clustering, so the incentive goes to the developer to put less area in road space. Meaning more clustered lots, because he can get more lots out of that. The other side of it is with the standard subdivision; you're going to be looking at all this road area, and reducing that road area, to find out how many lots they're going to get out of it. In this particular case the benefit to this is you're going to get more clustering, better clustering, depending on the developer doing that.

Charlie Ewert said in the next meeting we're going to talk about Lot Averaging in the AV-3 Zone; which allows lots to go smaller than the minimum three acre, as long as the other lots get bigger. So the total overall average is still going to be the same as what the code requires. There's going to be a lot of push to move towards that for developers, because it's a lot easier to get through than the cluster subdivision code is. You don't have to conserve land or anything like that. It's already something that has been adopted out west; and I think that the County Commission has asked us to take a good look at this, so they will probably approve it. If that is in place; then I think the cluster code needs just a little bit more of a bump and this gives it that. The difference between a lot averaging subdivision and a cluster subdivision to a developer; could very well be can I get an extra lot out of it.

Commissioner Burton said so bottom line, the 10% that is in the existing code is arbitrary. Mr. Ewert replied yes it is arbitrary and I think I even use that word in the County Commission staff report. We ran the calculations in the AV-3 Zone; street areas only 3% if you have a perfectly rectangular parcel that perfectly divides into three different lots, and you have streets crossing 150 feet of frontage for all of those lots. If you move to the one acre zone, it's 12.3% and it's a big difference. So that 10%, it hurts more for people in the AV-3 Zone or for larger zones. If a developer is looking to maximize their density; they've got a challenging mathematical formula to do. A developer is going to come in and say how many lots does this mean I can do, and we're going to say you have to tell us that. Here are your parameters, go do the math. We are not going to be designing their subdivision for them.

Courtlan Erickson said as for the minutes, I have concern about that because regular minutes on an open meeting under state law, are required to include the name of each person who provided some comments before a body. These minutes just states there were 25 residents who voices their opinion to deny this rezone application to the County Commission. There were 4 people who voices to approve and it doesn't say any names. It was suggested between the names that Mr. Ewert had written and the recording, to include the names in the minutes.

3. **Public Comment for Items not on the Agenda:** None
4. **Remarks from Planning Commissioners:** None
5. **Planning Director Report:** None
6. **Remarks from Legal Counsel:** None

7. **Adjournment:** The meeting adjourned at 5:30 p.m.

Respectfully Submitted, Kary Serrano, Secretary; Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission and Western Weber Planning Commission joint work session on July 2, 2019, in the Weber County Commission Chambers Break-out Room commencing at 5:00 p.m.

OVPC Present: John Lewis, Chair; John Howell, Chris Hogge, Shanna Francis, Bob Wood, Jeffry Burton, Steve Waldrip
WWPC Present: Andrew Favero, Gregory Bell, Jannette Borklund, Wayne Andreotti
Absent/Excused:
Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Matt Wilson, Legal Counsel; Kary Serrano, Secretary

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

Chair Lewis welcomed everyone to the Planning Commission meeting with both Ogden Valley and Western Weber Planning Commissioners in attendance.

Charles Ewert said this is a joint work session and our next joint work session we will be talking about medical marijuana. The state code has changed and we've got to do some stuff with our code to enable it to approve. The state code says if you have a manufacturing zone and an agricultural zone; you have to allow it in each of those two zones. We have a number of agricultural zones that are also residential zones, so we have to dive in and figure out what that all means when we there there in about a month.

Charlie Ewert asked Chair Lewis if he could reorganize and talk about WS-3 Storage Units first. The response was yes.

WS3: Discussion regarding creating standards for appearance and location of storage units.

Charlie Ewert said is is a use that we're making changes. So for the Western Planning Commissioners, what we're working on here is amending or the goal that we have in amending these ordinances is to try and consolidate some things so we don't have such a volume of ordinances. Especially where we are looking at a repetition that is already in there. We are dealing right now with storage units which isn't part of your binders; it's a separate item that you will see that we have separate items every once in awhile. The next two is the land use table and the subdivision; so we have a long goal in fixing our subdivision code so it's brought more into the alignment of our needs of today are. In the land use table which is the meat and potatoes are of consolidation throughout the code; all the different uses and all the different zones, which right now is spread out throughout the code. We are going to bring all together and put them into a table so we can see how they all relate to each other. Then create ordinances based on that and have it be a little more efficient and easy to use. That is what your red binder is as we get going though as you're looking at the ordinance changes. If you have any questions about what zone we're talking about when we're looking at a specific zone, look at the zone map that you see on your first tab, the second tab gives the purpose of the zones. Any time you change the zone or anything in the zone; we want to make sure that we're speaking the purpose and intent of that zone. We have a lot of evolutions of zoning going on at Weber County; especially where we've got smaller lot sizes in the agricultural areas. We've got A-1 and A-2 that says agricultural is the preferred use, and we allow one acre lot sizes, and the market dictates what is going to happen there. Whether it's one acre house, PRUD's, or subdivisions of some sort. The same with AV-3 Zone with a little bit less pressure with a large acreage but it is still there. So we're trying to figure out how we deal exactly with agricultural going on with residential and making sure we have constituency of uses. One of the reasons why this is important, the Ogden Valley folks make a gravel pit from the last time; out code talks about how a gravel crusher needs to be located 600 feet from a residential zone. Is the AV-3 a residential zone, it allows residences, but is it agricultural zone? If you look at the purpose of the zones; it states very clearly that agricultural is the preferred use. So we need to figure out if AV-3 is a residential, agricultural, or both. It's similar out west with the A-1 and the A-2 Zone; are those residential or agricultural zones. Another reason why this is important, we will talk about this in the next meeting, is because the way the State Legislature is setup the new medical cannabis regulations; talks very specific about can and cannot happen in certain parts of residential zones. It talks very specific about thinking that agriculture as large acreages of land and not one acre. We have to deal how the state deals with zoning our own way.

Charlie Ewert said so that's your binders and try and get through all of that within the next year or less than that if we can. In the meantime, let's talk about outdoor storage and storage units. This is pressing more in the Ogden Valley than out west, but actually do get calls about one or two a month about creating new storage units out on 12th street. People are trying to

get rezones so they can open storage units out there; once they hear they've got to go through the general plan processes and the rezone process, it's very unlikely to be supportive and usually falls by the wayside, but it's probably going to be coming down the pipeline. In the Ogden Valley storage units are already allowed in THE CV-2 Zone; so Western Weber they are not even listed in the C-1, C-2, or C-3 Zone, and we'll talk a little bit about putting them in those zones so we can tag those uses somewhere. In the Ogden Valley it's already allowed in the C-2 Zone by conditional use permit and not the C-1 Zone. There is a lot of C-2 Zone in the valley that is yet to be developed. We get calls about storage units in the Ogden Valley. Some of the challenges for storage units is aesthetics, is one of the biggest challenges and they look like garages. If you've got CV-2 Zone or any kind of commercial zone where you're trying to create a village; especially a pedestrian oriented walkable village and you've got garage base lining the street or within view of the street that could cause a little bit of a challenge. There may be some standards or stylings that you may want to look at if we allow them. Traffic is another issue, getting off the street, circulating through the site and back out again. The folks in the Ogden Valley are probably going to be a little more looking for boat storage, RV storage, sled storage; out west is going to be more agricultural or personal storage uses. Just trying to figure out how to enable this to happen in a way that is complimentary to the zone which it is allowed or isn't allowed as the case may be. Coupling this with one other thing, that is something that you guys have already seen, you saw it about a year ago, its outdoor storage. The outdoor storage that we ran through about a year ago got delayed at the County Commission, so we're just going through that process one more time.

Commissioner Woods asked is it allowed. Mr. Ewert replied so right now it is now allowed, it's not even listed in the Ogden Valley. So in the Ogden Valley outdoor storage is not allowed with the self storage, but we're proposing that it should be allowed somewhere in the Ogden Valley. We are proposing that it be allowed in the MV-1 Zone. They were already vetted through the Planning Commission and we just wanted to double check that there is still an appetite for allowing outdoor storage in the manufacturing zone. Out West there isn't a lot of mention about outdoor storage; there is a lot of mention of contractor storage yards which we know that is outside. There is mention of junk yards, salvage yards, that we know are outside, but just general outdoor storage is not mentioned out west. So the antidote to kind of wet your pallet on the subject; is in the Ogden Valley currently a self-storage facility that has been properly permitted; that is using a lot of space for outdoor storage which is not properly permitted. So we are going through the enforcement process with that owner; but the fact that it's not specified gives a bit of confusion on what it is that our intent was and make sure how to regulate it. That particular use for outdoor storage, they've got a lot of RV's, boats, a number of big recreational vehicles out in front.

Commissioner Howell said that is a disgrace over there. Mr. Ewert replied that's the challenge out there that we hope to address out there.

Commissioner Wood said if I remember right he came to expand, he was told then that there is no outdoor storage, so it's not like he doesn't know. Mr. Ewert replied it was a condition of approval, and technically we are working with him. Commissioner Wood added you want one of those storage buses sitting out there.

Charlie Ewert said on Line #5, Automobile repair/auto body shop (non-mechanical), there are just a little bit of clerical changes there to make it flow better. The same with Line 10 has the same thing clerical changes. On Line 15, Outdoor Storage, this is one that you vetted about a year ago and we just want to make sure it's still relevant. The term "outdoor storage" means and he read the updated information. These aren't your farm implements that are out back, it's commercial or manufacture. This doesn't cover somebody keeping junk in their yard. Both side have looked at the junk ordinance, and you will be seeing it next time. Director Grover responded you didn't get there in our last meeting. Mr. Ewert added you will see junk next week. There was a question if weeds would be seen after that. Mr. Ewert responded it will be both junk and weeds. The next month we will see the other kind of weed. There was a discussion on commercial or manufacturing and having it more defined for clarification. Mr. Ewert said he would clarify between commercial or outdoor storage; or outdoor storage, commercial manufacturing. I don't want it to be limited to commercial manufacturing zones. If you've got a whole business going on; maybe it's a home occupation or whatever, and you are using your yard in a way that it shouldn't be, the code restricts that. There is a bunch of junk out in your yard that you are trying to sell, we would want that to also be covered here.

Chair Lewis asked what about having it covered, but not enclosed for storage items. There's a place that stores boats that has covers for them, but not sides. Is that considered outdoor storage? Director Grover replied that would be considered outside, because right now it needs to be enclosed. Chair Lewis said so it needs to be fully enclosed, but if it's not enclosed then it's outdoor, so a roof doesn't get you there.

Charlie Ewert said there's another section in the code that very clearly specifies that it has to have four walls and a roof; but if you like we can add those details in it. Chair Lewis replied it's pretty clear there, as long we have what we need. Commissioner Wood added because you don't want a tarp to be enclosed.

Director Grover said maybe you should identify a structure. Mr. Ewert replied it's a completely enclosed building, but maybe it has three sides and a roof. It has four walls and a roof. Chair Lewis added I could see three sides and a roof being appropriate for storage, you wouldn't necessarily have to have a front, as long as it wasn't facing a street or some way to do that.

Commissioner Burton said if we're talking about commercial storage, then I think it needs to be fully enclosed. If it's agricultural use, sure you have some kind of shelter to keep your farm implements dry, and you don't have to have those fully enclose those. Mr. Ewert replied we did have a little debate last year when we were looking at this; and this is an agricultural operation for commercial gain, yes in most cases. But it is also an agricultural use, so if we need to specify not to include agricultural operations, we can do that as well.

Commissioner Wood said the storage like a farm implement, storing a tractor is not associated with commercial or manufacturing use, the storage part isn't. Mr. Ewert responded even then if storing a tractor was associated with, and you could say that the agricultural operation is commercial, you can say that it is for gain and profit. I think we need to exempt those out, having agricultural implements stored outside, that's part of the rural atmosphere.

Commissioner Wood said unless you are storing somebody else's tractor and charging them, then it becomes an RV Shed. Mr. Ewert replied let me think of ways to pitch that a little differently.

Charlie Ewert said Line #25 – Chapter 4 – Gravel Zone G, we don't have a gravel zone out West, and it's only the Ogden Valley. Just adding, "and related outdoor storage," just to make it clear that we're talking about outdoor storage. We're talking about contractor equipment storage yard for gravel uses.

Commissioner Wood asked do we have a gravel zone. Mr. Ewert replied we do, we have two of them and that was one misnomer that mentioned several times. We don't have gravel zones yet we have two of them currently in the Ogden Valley and they are small. One of them is the Stoker Pit and the other one is close to North Fork Park.

Commissioner Bell asked how these recycling facilities are looked at, concrete and asphalt recycling, and would they fit into this gravel one? Mr. Ewert replied are you talking about C&D Landfill or something like that. Commissioner Bell replied not necessarily a landfill, they reuse most of that material. There's one on 12th and 19, there's one on Grant down the road, and one on Midland Drive. Mr. Ewert asked would that fit on the combines of a contractor's storage yard. Commissioner Bell replied it's a crusher. Mr. Ewert replied in that case we would be talking about outdoor storage. They are recycling for resale? The response was yes. Mr. Ewert said so they would be storing that kind of stuff onsite.

Chair Lewis said maybe we should consider not using the word gravel, because that's very specific, you might use aggregate because they are crushing more than just gravel, they also are crushing concrete and asphalt. Mr. Ewert asked you're talking about the title of the gravel zone? Chair Lewis responded yes.

Commissioner Favero said what this almost appears to me is like mining of gravel; but it's gone beyond that now. It's not just mining where you are actually recycling and its great and has great reviews to repurpose. Mr. Ewert replied we would certainly need a gravel zone for that. Chair Lewis added you might need aggregate zone versus gravel zone. Mr. Ewert added let's think about that as we're looking at our bigger changes with outdoor storage. I suggest we don't make a ton of changes to that level of specificity here; but I am going to make sure that we talk about that before any changes.

Commissioner Favero said on some of these are more permanent. Some are setup where there are 10,000 yards of materials where they can recycle and it's a temporary thing. Those things can be there for an extended amount of time, meaning a year or a matter of months, and they create a lot of dust. It's not a bad thing but there needs to be something in addition to what you have here. Commissioner Bell said there was one across the street from Moldings & Sons out there at the end of 12th Street, they had a temporary one set up there. They crushed a bunch of rock and then disappeared. Charlie Ewert said I will make sure that comes up when we're looking at uses for manufacturing.

Charlie Ewert said let's skip over and talk about CV-1 and CV-2. Section 104-24-4, Go to Line 81, and if you see Paragraphs A and B and that is just administrative clarification. Flip the page, starting on Line 94, Complete Street, Part C, in the CV-1 and CV-2 Zones, we've got a very simple policy and this is pretty generic. It basically says, *"The complete street transportation facility that is planned, designed, and operated and maintained, to provide safe mobility for all the users; including bicyclist, pedestrians, transit vehicles, and motorists appropriate to the function and context to the facility. A complete street design is required when the front setback is less than 20 feet; and shall include a 10 foot pedestrian pathway or sidewalk. Shall include pedestrian lighting, shade trees, clear view of intersection, and when applicable may also include safe street crossing for pedestrians. The complete street design shall be approved by the Planning Commission."* This only exists in the CV-1 and CV-2 Zones. When we flip over to C-1, C-2, and C-3 Zones well talk a little bit more how it could be added in there.

Director Grover asked Mr. Ewert if he had put in on the lighting, the Dark Sky for the Ogden Valley. Mr. Ewert replied I didn't, this is not a new addition and is already there but it would have to be in Dark Sky compliance. It would have to comply with this and the Dark Sky. Director Grover said maybe you should have it in here so they are cross referencing. Mr. Ewert asked so they are cross referencing? Director Grover added you still have it in Dark Sky but have a reference the state code that they are in compliance with. So it doesn't get overlooked by a reviewer.

Charlie Ewert said let's move over to Line 139, Self-storage, indoor units for personal and household items. This is in the CV-2 Zone, led by a conditional use, CV-1 Zone is not allowed. If we add in compliance with the requirements of Section 104-24-4 that bounces you up to Line 113, Storage Unit. The goal that we have here is to try and create at least in the CV-2 Zone, try and create Villages. That's what the Ogden Valley General Plan suggests, where the CV-2 Zones are. So how do we enable storage units to occur, and not interrupt the overall goal in the resorts oriented village. So storage units are allowed as a mixed use building on a mixed use site, only if allowed in Section 104-21-5. A lot or parcel with a storage unit shall comply with the following. He read Line Items 115-135. This is all up for discussion and debate.

Chair Lewis said so you have a site and you have a street; and that land goes down. I can see where you have store frontage right there, but you need a walkout basement on the backside. That would be a great place to hide your storage. I think you should add below into this. You would drive around to get that, does that matter with Line Item 117 a. *"Built at street level."* Or does it have to be Line Item 118 b. "Accessible from the street right-of-way at the buildings frontage." Mr. Ewert said that the accessibility is the building b commercial space. The commercial space builds at street level and accessible from the right-of-way.

Commissioner Favero asked what's the overall goal with storage units. Mr. Ewert replied the goal is to allow them to have it, and right now they are not allowed to have it in the CV-2 or CV-1 Zones. Chair Lewis asked so you're saying they can allow but only if they have frontage and they don't have frontage. So if you go in the boondocks and it doesn't disturb residential; you make them look nice but they don't have a commercial aspect to them or a frontage. Mr. Ewert replied we're only talking in the CV-2 Zone, and we will zip over to the MV-1 Zone, and we're talking about these standards anymore.

Director Grover said some of the concerns that we have up in the valley; a lot of our commercial property is getting beaten out by storage units, and once we get storage units in there it's hard to get storage unit out if we want to look at redevelopment. We need storage units up in the valley for recreational purposes. Even though the homes that are being built now, they don't have a lot of storage area in them, so you need to have that storage component. Once we have that storage appearance like you've seen some of that like Wangsgard and that area; it's hard to change that visual aspect of it especially if you're along that corridor. We're trying to look at ways which we can still preserve that visual aspect of it; and still allow for storage units to happen.

Commissioner Burton said aren't the commercial aspect centered around Eden and Huntsville. They probably ought to be available in other areas in the valley just for convenience, since the valley is 20 miles long. Mr. Ewert asked where would you think would be appropriate? Commissioner Burton replied we have them down in Huntsville that is being expanded right now. Obviously there's a need for it down there, and I suppose in Eden and North Fork. Chair Lewis said probably in the outskirts of the villages. Mr. Ewert replied I was thinking the outskirts of the villages with less regulation. If you want to put them in the middle of the villages, make sure it's still a village. I really didn't want to bite this off right now, until I was informed that I needed to. Director Grover added some of the Commissioners are concerned about how the storage units are appearing up in the valley, and the impact that they're having on the community.

Commissioner Borklund said I thought the idea was to provide commercial space so you've got a job creation and tax base; and part of the building code so it's not being used as storage, because that's kind of a tax pit. The owner makes money and nobody else gets to there. Mr. Ewert said another part of the goal is ensure that bottom level is commercial space. That it's successful from the street because how many times have you walked in a downtown village area that has street shopping, and then you've got an expanse of street frontage that is just a wall. Those are areas that you generally don't want to walk down. Maybe have it underneath those plazas, kind of fill it in so it's more inviting like street art. Some of you many remember Zions building downtown Salt Lake. That was a huge expanse but they had windows, and that's where they used to have their Christmas Display. At the very least, windows give something for people to look at. There's a few ways that we can address this without requiring the commercial space; but commercial space may be little more conducive to attracting people to that particular area and creating a commercial structure. Commissioner Borklund said then you're not wasting you commercial space for storage structure, and you've got your commercial use.

Commissioner Burton said the concern is you don't want to use up the limited commercial for storage, and then you need to make them available somewhere else, and the convenience to the citizens up there is probably more important than having traffic in commercial where you don't want it chewed up anyway. So maybe have the idea to set some standards where these are going to look like. What are some principles; they've got to be sheltered, landscaped, or something. Mr. Ewert added attractive with some berms.

Commissioner Burton said the idea with a shooting range up there, who wants a house around a shooting range. That may be a place for those storage units in the North Fork area. Mr. Ewert replied that would be a great spot for that. We can allow storage units in any zone with standards and as long as they can meet those standards. We talked about a little bit in our last work session about the storage units that are up by Wolf Creek; right next to the Wolf Barn. I had some questions about how you feel about the appearance of those storage units. Is that something that sticks out like a sore thumb? The response was it is not offensive, they are well done, they are too close to the road, needed to be pushed back about 30 feet.

Director Grover said what if we look at some type of standards that has more like agricultural buildings; so they blended in to the environment with the agricultural setting as opposed to being more industrial looking. Chair Lewis said just like Commissioner Burton said it's on a major road. If it had been on the other side of that acreage behind the sewer pond, nobody would have cared. Anybody would have driven that road to get to their storage unit, so it doesn't have to be right there.

Commissioner Francis said as far as it being in the A Zone; I don't think it would be appropriate in between two subdivisions; where you've got all the boats, RV's, trailers, and motorhomes, and that would not be appropriate. Mr. Ewert replied that is the crutch of unincorporated Weber County zoning on both sides of the mountain. We've got a blanket zone the A Zone, that allows all kinds of uses and how do we protect the difference of uses. We look at this all the time and think how I would feel if I lived in a subdivision right next door to that kind of facility. Not even this, there are in the A Zone you can put a sanitarium in almost anywhere.

Commissioner Hogge asked is there an accessory zone, if you have a bunch of homes. Their needs of the homeowners are going to have; and it could be a nursery or storage. Commissioner Borklund said maybe treat them like a PRUD where you don't zone anything for until they submit an application, and then you zone for storage units, and have a specific zone for that. You decide at the time that you're doing the zoning, whether that use fits that property. Mr. Ewert replied so we could do it like an overlay, like a storage overlay zone. Director Grover replied that's a possibility.

Director Grover said because that's a legislative body with a little bit more teeth of either accepting or denying it. Mr. Ewert replied that would allow us to go anywhere provided it works. Director Grover added the problem that we're running into that I'm concerned, is the village areas; and I don't want them to get eaten up by storage units. For instance you look at Ogden City; they've done a mixed use plan along the river, and part of that mixed use plan, they have a river between Washington and Wall Avenue. There's a huge barrier the Beehive Storage that's already there; to get them out of there is almost impossible because the amount of cost for the real estate there is so high for a development to go in and purchase that, and that's why that area hasn't really been developed. They've torn down the hotel on the other side of the river; and they are looking at developing that portion as part of that area, because that's a lot cheaper to acquire and by then the storage units.

Commissioner Favero said the overlay gives you the possibility if that does move on or move out, that could go back to the original zone. Mr. Ewert added we can revert it with the abandonment abuse, just we did with solar overlay zone out west. Director Grover said we have a time clause in the development agreement.

Charlie Ewert reviewed Section 104-21-4, (e) Storage Unit: Line item 127 (4), (5), (6). There was a brief discussion and Mr. Ewert said that this is just the CV-2 Zone.

Charlie Ewert reviewed Chapter 22 – Manufacturing Zone M-1, Section 104-22-2: Line Item 145 Self Storage has been added.

Charlie Ewert reviewed Chapter 23 – Manufacturing Zone MV-1, Section 104-23-3: Line Item 195 Conditional Uses. Line Item 206 (6) Outdoor Storage has been added. He also reviewed the table of what is allowed in the C1, C2, and C3 Zone. There was a brief discussion and Mr. Ewert said I will work on this and bring this back at another meeting or work session.

WS1: Discussion regarding revisions to the subdivision code, including infrastructure standards, lot averaging, flag lots, private rights of way, and secondary water.
Charlie Ewert reviewed Chapter 1 - General Provisions – Section 106-1-2 Variances: Line Item 8 Variances, has been deleted. This was taken out because it needed to be changed and have unbiased authority, so the Board of Adjustment is to be the appeal authority on variances. There was a brief discussion about the Board of Adjustment.

Charlie Ewert reviewed Section 106-1-8 Final Plat requirements and approval procedures: Line Item 151 (3) this was asked to be removed. There was a brief discussion.

Charlie Ewert reviewed Chapter 2 – Subdivision Standards – Section 106-2-1 Street configuration and connectivity: Line Item 160 (a) General Configuration:
Line Item 168 (b) Western Weber Planning Area Streets:
Line Item 180 (c) Ogden Valley Planning Area Streets:
Line Item 181 (d) Waivers: Line Item (1) and (2):
There was a brief discussion and suggestions to be changed of the updated information.

Charlie Ewert reviewed Section 106-2-2 Street and alley widths, cul-de-sacs, easements: Line Items 197 through Line Items 301 with the proposed updates and changes. A brief discussion and suggestions to be changed of the updated information.

Charlie Ewert reviewed Section 106-2-3 Blocks: Line Item 303 (a) (b) (c) with the proposed updates and changes. There was a brief discussion.

Charlie Ewert reviewed Section 106-2-4 Lots: Line Items 317 through Line Items 355 with the proposed changes and update. There was a brief discussion and suggestions.

WS2: Discussion regarding the land use table – commercial uses.

This item was not reviewed due to lack of time.

Adjournment: The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission