Minutes of the Ogden Valley Planning Commission Regular meeting January 3, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Chair; Greg Graves, John Howell, John Lewis, Will Haymond; Robert Wood, Jami Taylor

**Absent/Excused:**

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Charles Ewert, Principal Planner; Ronda Kippen, Principal Planner; Steve Burton, Planner II; Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

Director Grover said he would like to introduce the first item. On the agenda is a consideration and action of a conditional use permit for a public utility substation. Then Steve Burton, our new Planning will give a quick outline of the item. Then we’ll have a presentation by Mr. Pen Hollist where this commission will make some collaboration. Then Steve Burton will come back and indicated how this meets the ordinance and also staff’s recommendations on this item.

Chair Warburton asked the Planning Commission if there were any ex parte communication on this item. There were none.

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

**1.1. Administrative Items**

**a. New Business**

**1. CUP 2016-20:** Consideration and action on a conditional use permit application for a public utility substation (250,000 gallon water storage tank) for Liberty Pipeline Company located at 7970 North Durfee Way in the Forest 5

(F-5) Zone. (Liberty Pipeline Company c/o Pen Hollist, Director; Applicant; Mike Durtschi, Project Engineer, Agent)

Steve Burton said this is a consideration and action on a conditional use permit application for a public utility substation for a water storage tank for Liberty Pipeline Company. They have included a scenario and a proposal which is the site plan that was submitted. It is located in the F-5 Zone which allows *“water pumping plants and reservoirs”* as well as *“public utility substations and transmission lines”* only when authorized by a conditional use permit. This proposal is in conformance with the minimum lot area, width, and yard regulations of the F-5 Zone. Standards to consider under safety for persons and property; considerable traffic congestion or delays is not anticipated as this proposal is not considered large scale construction. A condition of approval has been added to the Planning Division recommendation, to ensure the contractor cleans all equipment prior to exiting this site, and sweeps the road as needed. Removing of any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along the County roads.

Steve Burton said that consideration for persons and property, a proposed easement of approximately 4.2 acres will surround the property area, and the project area is .95 acres. Amenities, service, and infrastructure, 250,000 gallon water tank with 1,100 linear feet of distribution piping will be buried with six inches of top soil. These improvements will provide emergency storage to the entire system and will increase Liberty Pipeline Company’s upper area storage and flow capacity needed to meet state requirements for fire events. In considering for the environment, the applicant has provided the following considerations in their Storm Water Protection Plan. As far as the General Plan, the proposed use is in conformance with the Ogden Valley General Plan as it provides additional water sources to meet the demand of the valley existing water system throughout the developing areas. The applicant has provided a technical specification report outlined on work to be performed on the project. This proposal upon meeting with the Planning Division recommendations, it is in conformance with the Land Use Code. The Planning Division recommends approval of CUP 2016-20 is subject to all review agency requirements and with the following conditions:

1. *Prior to the issuance of the conditional use permit, a final signed copy of the easements and/or lease agreement for the access, location and affiliated construction for the proposed water storage tank will need to be provided to the Planning Division.*
2. *Prior to commencing work, Liberty Pipeline Company will need to receive the approval from the applicable agencies for the new water storage tank and distribution line, including all permits outlined in the Engineering Division’s review.*
3. *All equipment leaving the site will be cleaned prior to entering the County right-of-way and the contractor will be responsible for sweeping the County roadway, as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along the County right-of-way.*

Pen Hollist, resides in Liberty UT, Vice President of Liberty Pipeline Company, and representing Durfee Creek Homeowners Association for Brent Olson who is unable to attend. He stated that the Liberty Pipeline Board and the Durfee Creek Board have entered into the easement agreement; which is really an expanded easement agreement, and there is already one of their tanks there. They have in the easement agreement positioned three more tanks and that is why they are talking about nine acres. The homeowners have agreed to all the terms and conditions the Board has agreed to the terms and conditions. Liberty Council has approved the language and Durfee Creek Council is currently reviewing the language. There is no conceptual difference between the two boards. They are doing this because at present; the North West corner of their service area has one source of water, which in February and March comes down to 46 gallons per minute. When the snow starts to melt and the rains come, it goes up to an excess of 250 gallons per minute.

Pen Hollist said it is critical in those winter months before the aquifer starts to discharge. Right now they are down to 61 gallons per minute, and he would anticipate that it would continue to fall. That is about two times our daily average need, so they need more storage and they need an additional source of water. If they recall in 2015, they came and asked for a conditional use permit to drill the Camp Lomondi Well; it turned out that was on the wrong side of the fault and it yielded neither the quantity nor quality of water. So they are going to be back in the next month or so, asking for another conditional use permit. This time to refurbish the existing Durfee Creek Well and filter the water, and it’s not high quality water but they will filter it at a cost about $100,000. They don’t intend to remove any material from the site; the cut that they make on the uphill side will be used for the fill on the downhill side, and then they will cover topsoil through the whole thing. So they are not removing material; they will be removing the tracks, track hoses, and parts that come off there, and they will clean the road as specified.

Chair Warburton asked could he explain how this works with the state; does he have more rights to the water, is he not collecting it currently? Mr. Hollist replied yes, they have more than enough acre feet. They have Parson Lady Latimer has audited their water rights, and they are also using those water rights as collateral for all of this that they are doing. Those rights are worth about $2.5 million dollars.

Chair Warburton asked because this is a CUP, and because he is representing the owners of the land, are there any conditions that he would like to be put on there that would be helpful. Mr. Hollist replied no, he didn’t think so.

**MOTION:** Commissioner Tyler moved to approve CUP 2016-20 which is a conditional use permit application for a public utility substation for Liberty Pipeline Company. This motion for approval is based on the accompanied staff report and the recommendation findings and conditions listed there within. Commissioner Howell seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

Director Grover said this item is a legislative item; as such they will be having a public hearing associated with this item. The item that is before you is a public hearing to consider a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone. The individual who will be presenting this is Ronda Kippen. The applicant is not here, and she will be representing him as his request at the same time.

**1.2. Legislative Items**

**a. New Business**

**1. ZTA 2016-07:** Public hearing to consider a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone Chapter §104-29 in the Uniform Land Use Code of Weber County Utah.  **(Summit Mountain Holding Group, L.L.C., Applicant;** Jeff Werbelow, Summit Mountain Holding Group, Agent)

Ronda Kippen said the item that is being presented tonight is a request to amend the development standards outlined in Land Use Code §104-29; which is the development standards in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone. The applicant is requesting that the side yard setbacks be reduced from an 8 foot minimum side yard setback; with a minimum overall side yard setback of 18 feet to a 5 foot setback with no minimum combinations. The applicant does intend on maintaining in the CC&R’s and 8 foot minimum side yard setback with a minimum overall side yard setback of 18 feet. However, the applicant would like the ability to vary these standards on a case by case basis in order to protect and preserve the natural habitat on the mountains. On May 24, 2016, the Weber County Commission passed a text amendment that included this area of the land use code; that modified the lot sizes, the lot widths, the setbacks, and maximum building height. Since that time they have now issued 8 building permits, so they are actively constructing homes and starting to run into some setbacks.

Ronda Kippen said one of the setbacks is on one specific lot that the developer has identified as a “century trees” which is basically trees that are over 100 years old, and they want to protect these trees. In order to allow the homeowner to build the home they would like to build in this location, the need to move the home over 3 feet. This is not something that staff could support as a variance as this is a self imposed hardship. So they have petitioned the county to reduce the side yard setback by 3 feet, to allow for them to grant on a case by case variances. In this evaluation she was able to read their brand new 2016 Ogden Valley General Plan, and she was able find in numerous areas in the code that supported of such as request. In the Community Character it states, *“The rural character of the Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, and abundant wildlife and small villages.”* By protecting these groves of trees it will preserve the natural habitat on the mountain. The other thing they don’t want to do is tear down trees in these areas that can be sensitive to the slopes stability, so maintaining these trees up there it would help keep the mountain in tack. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. Residents want to ensure that new development enhances, not detract from Ogden Valley’s character by encouraging creative development designs that preserve natural, agricultural, and other open spaces, including clustered and mixed-use developments; therefore, *“a goal of Weber County is to protect the Valley’s Sense of openness and rural Character”* by *“encouraging and preservation and maintenance of significant trees, shrubs, and other natural vegetation in riparian and other natural areas.”*

Ronda Kippen said based on this evaluation the proposal conforms to the 2016 Ogden Valley General Plan; by providing flexible development standards that could be used to preserve physical features and create development patterns that are compatible with and complement the natural environment and rural character of the Valley. Under the Ogden Valley destination and Recreation Resort (DRR-1) Zone is: *“The purpose and intent of that zone is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general Plan.”* Based on this evaluation, staff feels that the text amendment is supported by the language in the DRR-1 Zone and in the General Plan. By concentrating the residential uses to preserve the open landscape and wildlife habitat, in addition a very important goal in the DRR-1 development is the preservation of the open space and the maintenance of the Ogden Valley’s rural character and natural system. The Planning Division supports this request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone from 8 feet for a total two required of not less than 18 feet to a minimum of 5 feet due to the support found in the 2016 Ogden Valley General Plan and by meeting the proposal of the intent DRR-1 Zone. This recommendation is based on the findings listed in the staff report.

Commissioner Lewis said that he wanted to understand the rural character part and what they are trying to accomplish. He understands the grove of trees but is conflicted with the worst case; that they end up with stuff that is literally 10 feet apart, 2 feet ease fronts, and they barely have 6 feet between roofs. That didn’t seem very rural either. Those are the two conflicts, and he did want to see a bunch of trees, but he didn’t want to see a bunch of worst cases, and it is possible that it might not happen that way, but it something to think about.

Chair Warburton asked staff if they ran this by the engineers, and if someone chose to build that close, they would not be in danger in anyway. Ms. Kippen replied yes, they have no concerns, and with the Building Department anything 10 feet apart wouldn’t require a fire wall, so they had no concerns with it being 5 feet.

Chair Warburton opened for Public Hearing.

Ron Gleason, 252 N 8750 E in Huntsville, said they are making a change to an ordinance and they know that making a change to an ordinance is difficult choice to make, that has consequences for anything that comes down the line. This is the first resort but they know there are other resorts that may or should come online at some point. His question is do they need to change the ordinance or can the applicant go to the Board of Adjustment for the individual lots that this affects. The packet said that there are possibly three areas that are affected by groves of trees and the example given was one single lot. Wouldn’t it be better to go to the Board of Adjustment for this one, or would it be to change the whole ordinance.

Kim Wheatley, who resides in Huntsville, said he liked the idea of being flexible in the area, but tangling that with having this available outside the general character of comments. They wouldn’t want this to apply in all other subdivisions because it would also lend to that rural character. The idea of the CC&R’s that are drafted and applied by Summit would not necessarily be in place for any of the other future resorts. They’ve always had a policy to stay independent with CC&R’s, and he didn’t know if this is the time to say their CC&R’s could handle this, because that would be a big leap and should be something they ought to consider.

Chair Warburton closed for Public Hearing

Ronda Kippen said that was something they approached staff; requesting a variance and if that could take place. There are five different standards that have to be met in order to be granting a variance, and they have to meet all five standards. In order for a variance to be granted, all five of those have to be met. Basically where this gets thrown out in determining whether or not, enforcement of the land use code will cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. Basically they would tell them to build a smaller house to design around the tree.

Chair Warburton said in her experience as stated earlier, they wouldn’t get a permit. Ms. Kippen replied they would not get a variance for this. That is what the court has come down to; they have to meet all five criteria in order to be granted a variance. The courts have come out with five items and all five have to be met. There is not just one area that has “century trees” on the mountain; there are multiple areas that are there. They need the flexibility to be able to locate the houses a little closer in different areas. All of the subdivisions that went in up there do have building envelopes and they are quite a ways from the side yard setbacks. So they have to remove the building envelope and push the house over. So as far as seeing the houses close together that is not something they anticipate seeing. Just because they have 100, maybe 40 of the lots have already been platted with building envelopes on them.

Chair Warburton said this doesn’t change the unit that they have rights to build the development units, and in future properties like Mr. Wheatley brought up, they will have the same thing that will be limited by years, but they will also have the Development Agreement to look at it when they decide how to plan and it just gives flexibility. Ms. Kippen replied no it doesn’t change the units, and it really does after these subdivisions come in, the first thing they do is go through the zoning development agreement. They look at the conceptual plan to make sure that it meets to what was approved. If it doesn’t meet that and they can’t see that there is supposed to be some houses there, or townhomes, or large lodge, then they would have go back to the developer and say there is just no way to have these things. There are ways that they are processing that application, making sure that it is in conformance with the general conceptual plan that was adopted for the Zoning Development Agreement.

Chair Warburton said in the best case scenario, they can have a resort zone come in and they have certain units they can build, and they will put them all together and they will have a lot more open. Ms. Kippen replied that this commission would have that legislative decision in designing that. If they wanted to see them all clustered together, and all of this open space over there, they have the legislative right to say they don’t like that.

Commissioner Howell asked when they make an application for a variance like this, does the Planning Department go out there and inspect this. Ms. Kippen replied no, because this is a text that would affect all of Ogden Valley Destination Resort Zones. It is not just specific to one site; as far as going out and inspecting that, as far as staff they can look at the plats that have been recorded, and see that there is building envelopes on those. They are going to keep those homes further away than 10 feet.

Commissioner Howell asked if this would this be on a case by case. Ms. Kippen replied yes when a building permit comes in from Summit, they have to have their architectural review committee approval. If something comes in showing less than 8 feet, there is going to be findings in there as to why they granted them that variance on there. It’s just not something that we will typically see 5 feet coming through because they do have their CC&R’s and they don’t enforce that. So we have to make sure that they have approved the siting of the house, the architectural details of the house, and everything. So we get a letter from them on every building permit saying that they have approved the site plan, the architectural detail, everything, and that is part of the development agreement that they would do that. On those case by case situations, she would anticipate that they would give them an explanation as to why they are allowing this site to go as close as 5 feet.

Chair Warburton said she thought what Commissioner Howell was asking was other developments outside of Summit. The only other development that is a deal one is Snow Basin or whoever applies for and was granted that zoning with three acres or more. Then they have to come forward with a plan that goes into a development agreement so it’s quite a process. Ronda Kippen replied they take these conceptual plans to heart.

Commissioner Wood said that he was concern about the 8 to 10 feet, and if they have 4 feet of snow on the roof, and it gets pushed off they are not going to get it within 5 feet. It’s going to go into the neighbor’s yard and his will go into their yard and that’s not a good situation. Ms. Kippen replied just to give them an idea of their development standards are already like. As far as their front yard, they have no setbacks, as far as their read yard they have 10 foot setbacks. Other zones throughout Weber County both in Ogden Valley and Western Weber planning areas; for outbuildings they can be as close as one foot. There is a criterion in the code to allow for structures to be very close to property lines; and those are something that they have let the neighbors work out. So you could have a detached garage one foot away from you neighbors one foot away, so technically two feet away separating the structures.

Commissioner Lewis said that he needs to point out, that this will apply to every other resort that goes to get a DRR-1 Zone; so Wolf Creek for instance could go get that done if they bought a few more acres, and have it up to 1,000 acres like it was. There is already a development agreement in place, they wouldn’t be able to stop them from putting thing 10 feet apart, so it will affect everything that is up in that zone.

Director Grover said when they look at the intent of the resort zones; it is meant for clustering and to create a different type of experience that they would have in other areas in the valley. So reducing setbacks and things like that probably isn’t uncommon in those types of zones. Chair Warburton said that their job is to ask is it safe, does it comply with the General Plan, and then they let people do what they have to do to be successful. Her main concern is it safe, yes it is limited, are they going to have a rash of houses all built that close together, she didn’t think so.

Ronda Kippen said they will have some townhomes and those have to deal with setbacks; so they build right next to each other. The definition for recreation resort is to create something different, something unique, and something will draw people there. As for the single family residence that they talking about going down to 5 feet, they are going out there for some elbow room. She doesn’t think they want to be that close to their neighbor, but they do have the right. It is definitely something different, and unique, and to preserve.

**MOTION:** Commissioner Taylor moved to recommend approval to the County Commission for ZTA 2016-07 on a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone Chapter §104-29 in the Uniform Land Use Code of Weber County Utah. This is based on determination that this is in conformance with the General Plan, and it is also based on a public hearing, and the accompanied staff report and the findings listed there with them. Commissioner Howell seconded.

**DISCUSSION:** Commissioner Graves said that the 5 feet does seem pretty close 10 foot wall to wall, but they do have the engineer’s report which doesn’t indicate a safety issue there as far as they’re concerned. He realized that a pile of snow could get in between there and that may cause some grieve between neighbors and that is something they would have to work out. He wished there was some other way to grant them this flexibility; without having to changed the ordinance. There are two places right now that have this, and he is willing to at this point to concede that. If they do find that this is a problem that it can always be changed back or change that to something different. He is sure that staff would own up what they said, and review future phases and future projects that come in that they are looking closely at how things are spaced. He finds it ironic to have vast amount of property and have to quibble over three feet because they can’t find the right kind of envelope. They could solve these kinds of problems before they come up. But you have to get out of their truck and walk on the site in order to do that. Commissioner Howell said the only concern that he had at Snowbasin is that their annual snowfall can to 500 inches. Commissioner Haymond said that he was struggling with it too. They are looking at changing law based on two specific instances to allow it to have a 5 foot setback and everywhere it’s been said a couple of times that their CC&R will prohibit that and allow them some flexibility. He has a hard time changing the law because a couple of people didn’t plan correctly and I want to save trees too. Chair Warburton said that it’s important that they are not adding density; and they are not giving them the right to build more, it’s giving them the right to do with their land what they want, based on safety and it’s already been determined.

**VOTE:** Commissioner Taylor, Howell, Graves, Lewis, and Chair Warburton voted aye. Commissioner Wood and Commissioner Haymond voted nay. Motion Carried (5-2)

Director Grover said this item they have looked at this in work sessions before and now they have detailed language for this commission to look at. They would also like for them to look at other consideration that would be presented to them on this. So they item they will be looking at will be dealing with the public hearing to discussed the proposed amendment to the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley. Charlie Ewert will be presenting this item and after that they can open it up for public hearing.

Chair Warburton asked the audience how many wanted to speak on this issue and several raised their hands. She indicated that the staff report states that they can make a decision tonight, but they wanted to hear from those that wanted to speak. This commission understands that they won’t be making any decision tonight; especially the signage until they could delve into it, get some facts, and much later they would make a decision on that outside the ordinance.

**b. Old Business**

**1. ZTA 2016-06:** Public Hearing to discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan. 

Charlie Ewert said asked if they would like to go back to the slideshow that they’ve already seen, if so he could bring that up, otherwise he would just jump into the text. Chair Warburton suggested to the audience for them to take notes so when they spoke they could refer to the line number and whatever else you have an issue with. Mr. Ewert asked if she wanted him to through the images from the slide show; it sets the baseline for why they are looking at Dark Sky.

Charlie Ewert talked about the following from his slideshow presentation:

* Direct Artificial Light – reflection, glare, artificial source
* Good Neighbor Lighting –direct light source and shielding
* Light Pollution – what causes light pollution
* Light Trespass – what it is and how to shield it
* Color Temperature – medical recommendations
* Canopy Lighting – related to commercial and different lighting
* Parking Lot Lighting – light being consistent
* Recreation Activity Area Lighting – having flood light with shielding
* Sign Lighting – external lighting and reflective lighting

Charlie Ewert said the primary reason they are looking at this is to keep the Dark Sky Accreditation of North Fork Park but also keep a little bit of Astro-Tourism dollars coming in to the Ogden Valley. They’ve got recreation, destination in areas in which they went through the General Plan process; they kept hearing don’t kill the goose that laid the golden egg. When they asked what that statement meant, some people thought it meant, they really love their valley and they didn’t want it to change. Other people thought it meant, if this is going to be a competitive recreation destination they need to have a unique product that other places don’t have. This speaks more to the latter part of the conversation.

Charlie Ewert said that he would like to go through the changes in the proposed text from what the Planning Commission looked at last time. Chair Warburton said they should go through it and they would like to hear what they are proposing.

Charlie Ewert said that a couple of new definitions have come out:

* Artificial Light Source: Means the part of the lighting device that produces light. See Section 108-16-9 for graphic depiction
* Light Trespass: Means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction
* Outdoor Lighting: Means the illumination of an outdoor area or object by any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or objet by direct artificial light projected form an indoor artificial light source through a window, door, or similar opening.
* Outdoor Lighting Recreation Facility: Means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction

Charlie Ewert said that they did a little bit of administrative work in sign definition and they off at conservation property signs. Here is an area that is a little bit new, they wanted to catch this and it seemed like an easy fix to get into their code. There was a request recently for a sign to go up on a large farm that had a conservation easement on it. Our ordinance didn’t have the support for that kind of a sign that it needed, and they just wanted to make sure that it got in here. As they discussed in the last meeting there is some sensitivity on regulating the content of what’s on a sign. So what they did here is they defined what a conservation property sign is.

* Conservation Property Sign: Means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by UCA§57-18-3

Charlie Ewert said these other three sign definitions here were definitions that were already in the code with the exception of Pole Sign which they had two definitions which they combined so line item 107 was combined with line item 100. He reviewed Section 108-16-1. Purpose and Intent: Line Item 111 through Line Item 123.

Charlie Ewert said you see the underline is one of the changes from last time, from the last Planning Commission meeting to this Planning Commission meeting. What they head from the last Planning Commission Meeting when they went back to the General Plan; and saw some of the descending comments, they heard that there may be a desire to think about it a little bit differently. So the proposing language is to think about this differently and they are just seeing if it sticks. In the last version, that section of the single-family, two-family, or three-family residential was not there; and the lighting ordinance would have been applicable to all residential. He reviewed Section 108-16-3. General Standards: Line Item 146 through Line Item 157.

Charlie Ewert said those are the four standards, when they get into 108-16-4 they get into some specific standards. These specific standards are intended to be applied to non-residential uses. In reference to Section 108-16-4-5d, that light is typically more daylight and they talked to the ski resorts about this and both ski resorts said this was more than they needed so they were comfortable with the regulations. He reviewed Section 108-16-4. Specific Standards: Line Item 158 through Line Item 190.

Charlie Ewert said now they get into the exemptions, and those standards were so simple and a big blanket that just wanted to make sure they carved out some exemptions so that it wasn’t quite so rigid. It is important to note that the Ogden Valley Starry Nights Association has committed to $1,000.00 to help farmers retrofit their light sources with shielding which is about $30.00 per shielding device. He reviewed Section 108-16-5. Exemptions: Line Item 191 through Line Item 277.

Charlie Ewert said those were the exemptions to the rules. The next section talks about procedures for compliance. This gets into the question about enforcement. How is the county going to ensure that this is appropriately enforced or implemented? If you look at Line Item 279 on implementations. He reviewed Section 108-16-6. Procedures for Compliance: Line Item 279 through Line Item 292.

Charlie Ewert said that they are trying to make the ordinance simple to administer and simple to apply. Staying away from the hard terminology that only lighting engineers understand; but also to the best of their ability staying away from the requirements for the applicant to go and hire a professional. The only time they would require an applicant to hire a professional lighting engineer to light their site; if what they provide just doesn’t give us enough evidence that it complies. He reviewed Section 108-16-7. Required Replacement of Nonconforming Outdoor Lighting: Line Item 294 through 321.

Charlie Ewert said violations and enforcements, they can see that he has some notes and with changes to the next draft. He reviewed Section 108-16-8. Violations and Enforcement: Line Items 323 through Line Items 356.

Charlie Ewert said they wanted to make sure that the ordinance that they are working on was easy to use and easy to understand. They tried to use plain language and anywhere they didn’t use plain language, they would be happy to go back. Sometimes they use more words to say something plainly and they tried to not do that either. In trying to make it easier to read, they wanted to put in some graphic depictions on how to appropriately comply. So they have the different definitions of what a direct light source is. He showed examples of unshielded light, unshielded versus shielded light, examples of light trespass. He gave reasons of why something is or isn’t in compliance.

Charlie Ewert said now get into the chapter of the Ogden Valley Signs. The only reason they got into the Ogden Valley Sign Ordinance in the first place was to talk about lighting. They took the liberties of making some administrative corrections as they did and he will walk through those. The Planning Commission in the last meeting asked them to propose some language; if they are going to amortizing or phasing out nonconforming lighting over a seven year period, why wouldn’t they do the same thing with signs. The Planning Department and possibly the Planning Commission have had complaints from business owners; complaining that there is not a level playing field, because they get that sign but they no longer get it. Just because theirs has been grandfathered and his isn’t; people can’t see their business than his, so they need to find a way to phase some of those things out. They can see that in the language here; none of this language that he has been reading has to happen. They just need to let him know where they want some modifications.

**Chapter 2 – Ogden Valley Signs**

Section 110-2-2. Applicability: Charlie Ewert said there are no changes in that. He reviewed Section 110-2-4. Nonconforming Signs: Line Items 386 through Line Items 415.

Charlie Ewert said the only change to prohibited signs that they put in here is electronic change copy signs that is permitted in 110-2-9(b)(13) and manual change copy signs is permitted in Section 110-2-10. What this except is permitted in 110-2-9(b)(13) reference to signs that are put up for traffic control purposes as authorized by government or agencies. They talked about that at the last Planning Commission meeting. The Virtual Message Sign (VMS) that say “Road to Powder Mountain to slick, tire chains require.” He wanted to make sure those happened.

Charlie Ewert said in the other sign section, what this section previously had was a list of other signs that aren’t already regulated by sign codes. The leader line for that section is, *“In addition to being regulated by other ordinances and state or federal law, the following signs are only regulated in the following manner:”* This section used to say they are “only regulated” in the following manner. He didn’t think that was the intent of the original author. Basically they are exempt from any requirements except for whatever is written here. He reviewed Section 110-2-9. Other Signs: Line Items 426 through Line Items 509.

Charlie Ewert said in the temporary sign usage they are not changing what the code says, but they are taking a table that took five pages and they are reducing the table that is one and a half pages, and trying to make the code a little bit easier to use. So Sign materials and display standards; these are the standards that he was talking about earlier.

He reviewed Section 110-2-12. Sign Material and Display Standards: Line Item 516 through Line Item 590.

Charlie Ewert said the next section is examples of sign illumination. They just did what they did on the other page with things that apply and things that don’t comply; with each of these sign types and how to help identify what their signage is. He described Section 110-2-15. Examples of Sign Illumination: Line Item 593 through Line Item 595:

Commissioner Howell asked if they had any plans for any presentation in the future for schools and for education of the valley people. Mr. Ewert replied that is a good idea but they don’t have plans right now, but as part of the educational campaign they will start making plans.

Chair Warburton said what should like to see in this code, the County shall create a financial incentive for businesses, if they comply before the deadline of March 1st. Whatever that financial is, it would have to be created with the input from the County Commissioners and everybody. She would like to see that incentives also be given to single, double, and multi-family residences to do the same, and that would be ongoing. Along with the educational campaign, there should be some financial incentives and that should be ongoing.

Charlie Ewert said that Weber County Basin Conservancy has an incentive that if you buy the smart sprinkler control module; they would offset the difference in cost between the standard to the smart. If they go to home depot and you buy the $100.00 computer versus the $50.00 computer, the $100.00 dollar computer connects to the internet and it would tell them what type of weather. Chair Warburton said there are all kinds of ways, whether it is private or public, rather than mandate through an ordinance.

Chair Warburton opened for Public Hearing.

Ron Gleason, 252 N 8750 E, in Huntsville, said for the commissioner’s that weren’t here for the last meeting. He would like to review that he supports this ordinance, but he would like to see the residential portion mandated. It’s important and it’s the only way they are going to achieve the objective that is laid out in the general plan and to keep the accreditation of North Fork Park. It states that it was a goal but there is nothing in the changes mentioned by planning to figure out how they are going to track that. They went over the incentives and he didn’t think that incentives should be in the equation, particularly the height incentive and increase in density. They said not to change these things; do not increase density or the maximum height allowed by structures. Specifically line items 132 through 139; Section 108-16-2 Applicability, this has to do with the education program, and it states may educate, may require, and this needs to be tightened up to state will educate, will require. If they are going to put something in the ordinance it needs to be clear and tightened up. Lines 459 to 460, Section 110-2-12(b)(8) Athletic Field Scoreboard Sign, where it talked about 120 square feet maximum. He believed there are current signs there is current athletic in the valley; one in Eden Park and the other one at Snow Crest Middle School. He asked if someone had gone to look at those and checked to size and if they needed to be changed. If they are going to put sizes, they need to enforce them. The General Plan shows that they have 3,762 built units already, another 7,863 platted that could go up at any time with another 4,000 more there. They need to get all the residents covered, and they need to start the seven year compliance and get those done and covered as soon as possible.

Ashley Cross, 3790 E 1950 N, in Nordic Valley, said she was the owner of New World Distillery, she is a destination distillery, and her building is 100% compliance with the IDA lighting standards. If she were offered an incentive for putting lights there were in compliance with the building and drafting a plan to be in compliance, she would refuse the incentive. She didn’t want anybody to think that her building, her practices, and her products are in compliance because she is receiving incentives to do that. She is would ask the Ogden Valley Business Association be involved in future discussions related to signage; be uniform so they could have attractive signage and still advertise for their businesses.

Miranda Menzies, 3807 North Elkridge Trail in Eden, said she was pleased with moving forward with the Lighting Ordinance. She sent an email to Mr. Ewert, and she has been involved with the HOA in Highlands and the Wolf Creek overall. She would merely observe that she didn’t think this lighting ordinance would be effective unless they include residences. The 3,760 Units in the valley and she would be guess that it would be 3,500 that are houses. They could use some sense on how it works; Highlands and Wolf Creek in general, have attempted to use the old commercial lighting ordinances to residential buildings for the last six years. They can still see Wolf Creek from all over the valley, and it isn’t just those portions of Wolf Creek. Moose Hollow is visible from the entire valley, and it’s not just from the exterior lighting, but also the interior lighting shining through those windows. All of these can lights that are up on the ceiling, because of these bench homes in Nordic Valley, Green Hills, and Wolf Creek are above the valley floor direct illumination towards the valley floor, the can lights in the cathedral ceilings become direct illumination out of the windows, and down to the valley floor. That is the sort of education they need and she would strongly suggest, trying to bring all of the exterior lighting on the residences into the education part for the interior lighting, which appears that the light fixtures they put in to the residences around Wolf Creek, what she sees what is described in this ordinance, she doesn’t think they need them. Even though they were put in as Night Sky lighting compliance, because they have light bulbs inside of translucent fixtures, and now it appears to be nonconforming. They see it potentially from the other direction because out here people don’t freak out in the dark, because they can be seen with lights, with moonlight, and all of these light sources, they are trying to be dark and not trying to be lit, so it’s a different objective. She thinks they need education on interior lighting coming out through the windows including the ceiling light, but she does think they need to bring the businesses which are very few, fell that they are not being picked on; they need to bring the residences into it on their exterior lighting and the entry lighting. One of the key things that we show our guests they come from the eastern part of the county, we take them outside and show them the Milky Way. You cannot see it in any of the eastern half of the country, but here they can and it’s special so let’s try to keep it.

Richard Menzies, 3807 North Elkridge Trail in Eden, said he fully supports what his wife said. He fully supports what was said before, if they have all of these houses that are increasing and they know that, if they don’t address the residential thing with the outdoor lighting, they are going to lose their Dark Sky Accreditation.

Janet Muir, 6908 East Elkhorn Drive in Eden, said she didn’t know about dark sky lighting until four years ago. One of the pleasant discoveries was that dark sky lighting gives you a lot better security. As Matt Bell said glare is the sheriff’s enemy, you cannot see what is going on. A motion detector is your friend, a shielded light is your friend, so you actually get dark sky lighting that is neighbor friendly, good neighbor lighting, and it gives you better security so that’s a triple win. This whole other undertaking with several chapters; with one of them being with Director Grover and Mr. Ewert, where they talked about the APA Utah Conference, with some of these ordinances that was being presented. Some of that was in coordination the University of Utah, the committee with Dark Sky studies and she and others were involved in that. The model ordinances they collect at the University of Utah, and just recently Eagle Mountain, Torrey, and Moab, Springdale, Kanab, and Jackson are all going dark sky. Ketchum is becoming dark sky community as craters of the moon go into accreditation. Springdale is doing the same thing to Zion. Page Arizona with that substation and it’s been amazing to her how that APA Presentation has unfolded. She has spent a couple of years looking at dark sky ordinances, and Mr. Ewert just absorbed it. There is a standard and what the standard is, Weber State University and their team finds every fall when they go to 25 locations in North Fork Park and take ten readings at each location. They have 250 readings and those are histogram, analyzed, and if they fall below a certain point they lose it. She didn’t if incentives work for single-family residences, and multi-family residences have been covered since 2000. We are at a Gold Standard and that’s Death Valley. We’re not silver we’re bronze and we keep saying we’re bronze and we’re proud of it. We were the first in the world that served in adjacent. Now Antelope Island is in the process and they are doing the west side of the island. The Wasatch Front is at the center, is where this is happening in this great corridor of International Dark Sky Parks. Below Bronze Accreditation and they could go to Plan B, and create a Dark Sky Corridor and try to buy a couple of more years, but the readings don’t lie. They are analyzed by Jeremy Bryson, Professor of Geography at Weber State, so all this doesn’t matter if they start getting 19 readings. For example, Springdale if you are a certain amount feet altitude and your interior light shine down, and you need to cover those windows, because the atria are lanterns. The Board of the IDA is filled with astronomers. She is all for education, and “shall” is a better word than “may”, and she is all for incentives. At some point with all deliberate speed, most of these communities are covering residences, and there was no seven year period.

Tom Ferguson, part owner of the Valley Market, 2555 North Wolf Creek Drive, said that he came here for an educational process, and learning what this is all about. This is fairly new to him and his partner, so they are just trying to learn what is going on. He does appreciate all the comments and the education that Mr. Ewert gave. He doesn’t live in Ogden Valley but it is important to him and his partner, to keep the residents that are there that shop at their store is happy, and they want to be involved in anything with that. He would support some funding and some incentives to come into compliance. He has no idea where they are at with their compliance at their store. Would be happy to get into compliance but some incentives would make sense. Education would continue to be important and necessary for them to understand and the education would be important and necessary for them to understand and feel good with all the changes that are proposed.

Commissioner Lewis said that as a business owner up there with a lot of commercial potential; Ms. Muir has done a unbelievably good job of educating us, and he in particularly. He has gone from this is not good, they just can’t turn the light out, to okay there is a practical side to this. Just given a little bit of education and digging into this, they would find that the Valley Market is a great establishment, and they all want to be safe and go there. They would be surprised how close they are already with complying. A lot of it was if I look at and feel like bulb or not. A lot of time it is here and it could easily be there and it wouldn’t take much. You would be how close you are in compliance and it wouldn’t take much, and he has really embraced this and fully supports it.

Chair Warburton said that she appreciated that he has good neighbors, and they support so many things in the valley. Mr. Ferguson replied that they love being part of the valley and want to come in compliance with the feelings of the valley. Change is a good thing, for instance the digital signs, and that’s how they came about being at this meeting tonight. They wanted to put a digital and they came across the ordinance that didn’t allow it up there. As a business owner that would help his business. Chair Warburton suggested that he contact Mr. Ewert for more information or get on Miradi.

Mike Seguin, 3752 East Viking Drive in Nordic Valley, Owner of Mad Moose Cafe, said that he is a big supporter of the Night Sky Program and there are a lot of good things that can come out of it, if everybody’s concerns could be addressed. He has been a beneficiary of Mr. Ewert effort in Weber County being able to get his sign issue addressed and changed. His proposal is one that he is not hearing, associated with the sign ordinance changes. That is one of public safety relative to the changes that are forthcoming in the way the ordinance is written now. What that comes from is the United States Sign Counsel; and they have done a lot of work with Pen State University, on identifying sign sizes, sign lighting, and the speed in which traffic moves past signs, businesses, and so forth. He has seen a lot of changes in the valley; and he has seen the growth as well. It also seems since he has taken over Mad Moose, several accidents in front of his place. What he sees happening is a 50 MPH speed limit past a business like his with restrictions on sign sizes, it create a public safety issue/concern. He thinks that makes a difference because if they are seeing accidents up there because the sign is too small or poorly lit; and people are rear ending each other and things like that. That is something to address in this ordinance changes and he wanted to propose that. Along with that and it might be worth that, and there are other issues to address, because they are just talking about night sky. There are many issues in the ordinance that he has taken a very close look at it; and he wondered if there is merit, are they tackling all the issues at once, or are they deciding not to and just addressing night skies right now. There is scientific data that can help support the changes that are being made, that address these safety issues. If they going to do down light from where it’s at now, do they need to look at maybe a night sky compliance sign that is actually larger. For example, if you are driving by his place at 50 miles per hour, and he only has a 10 x 10 sign, and they are using whatever to look for his place, they are slowing down, and he sees these close calls coming out of his parking lot. He would urge not just to look at night skies in the ordinance, why not put a committee together and tackle all of the issues and some of the incongruency in the sign ordinance. But more specifically make sure they are considering the public safety aspect of this not directly being addressed in the ordinance.

Gaye Creager, 1539 N 5900 E, in Eden UT said this was very educational but she did want to address the safety, health, and welfare here and she didn’t feel it was there. One thing is that elementary school, her daughter lives west of it, and the lights have been enforced to come down. She said that there were kids on the roof, hanging around the elementary school. He son was jogging by at night when he heard voices, and he couldn’t see them, but there were shadows, and the kids were all over the place. They do need lighting in certain places; let’s not forget safety, health, and welfare. Mr. Ewert said that agriculture was exempt, that the lighting needed to be shield. She wanted to see her barn yard and her corral, and she doesn’t want something that gives her a radius of something. Her mother heard a knock on the door and there was a questionable person at the door and she didn’t answer the door. When the Sheriff came, he wanted to know about him, and she said he was there. The Sheriff looked around the yard and couldn’t find him and as he was driving out, in his rear view mirror he saw this fellow climbing out through the corral. She is big on this safety issue.

Verl Creager, 1539 N 5900 E, Eden UT said fully support what his wife just said. It bothered him to drive past the elementary school and there is hardly any light on there and he doesn’t like that. He knows the people on the east side of it and they have complained about the lighting and that could be cut down, and turn some lights on the other parts of the school and in the parking lot. If you go over to Snow Crest and those lights are on in the parking area and the lights are on in the schools. He thinks that the elementary needs to have those lights on as well. As far as their yard lights go, it is unshielded, and that is the way he would want it to stay. He doesn’t like going out in the yard at night; about a year ago there was a mountain lion that was killed from their most west corral. He doesn’t like going out there thinking that if something is coming up behind him scratching him as he is walking around his yard. A year ago and something as be able to see around and have as much lighting and in the barnyard is where they need it.

Vickie McKinney, 3688 N Elkridge Trail, in Eden UT, said that she is very much in support of the dark sky that Ms. Muir has and her committee has put together. She wanted to speak to the Astro Tourism; and if they look at the website in Sedona Arizona, there are numerous comments about people coming from California and from the east coast because they don’t see stars on the east and west coast. They have supported this and they are a dark sky compliant community. She felt that if this was advertised that they are a dark sky compliant community; where people are able to come out and be able to see the stars that they haven’t been able to see before.

Kim Wheatley, 3984 S 2000 E, in Huntsville UT, said that about 16-17 years ago, he was on the same committee with Craig, when the original dark sky ordinance was passed. They said let’s see if they can maintain the dark skies. They had the political was with all of that time to only go for commercial. That’s really why it’s kind of limited for not having it for single residences and more for commercial consideration and they knew they could make it happen there but not on the residential side. Now 16 years later; what they really have statistics so they can see what is going to happen, and what their potential is. And more importantly for our economic development plan which is being rolled out by the county soon, is the Ogden Valley their anchor for this tourism kind of thing and that plan. It is central to our General Plan idea, of rural atmosphere with kind of a prime in it with the dark skyline. You have experts here, and he has watched these people for the last 30 years working on this. If there is anybody that is an expert here, and they are telling you that we won’t have a prayer for maintaining this Dark Sky Certification if they put in another 7,000 houses out there and have it that anybody can do what they want, because a few people will do a lot if they can. So he would encourage them at this time to have the political support of the County Commission. Now is the chance to either say let’s do it, or they should just quietly quit talking about dark skies because it will be gone quickly.

Janet Muir said that one of the reasons they don’t have more Ogden Valley Business Association here; was because Ashley and Mike worked to coordinate a meeting that they had and the Planning Staff came to this meeting. We want them to fit in with the rural character of the community so people will come and patronize their establishment and we firmly believe it. These are wonderful businesses that they have up here and they can make themselves distinctive. That meeting was quite a full meeting and at the end of it, they were simply in a different place and it was great. The other thing that she was very glad to hear, because the security issue is huge; and what those light blockers on the agricultural lights do, they keep it from shooting up to the sky where there are no bad guys. So they get a huge radius, and the most affective crime stopper is a motion detector. It’s when they talked to some very nice folks, the beautiful Pioneer Memorial in Liberty, where the light was on until 1:00 a.m. You would never know that someone was there stealing because the light was always on, but when you have a motion detector, and when you have directed light, you can actually see what’s going on. That is part of the public safety education is security. She also wanted to say with the Mad Moose Café and the Valley Market has retrofitted their lighting to meet the dark sky and they did it voluntarily. The question on the voluntarily side, can it happen in such way, that they don’t lose their accreditation.

Commissioner Howell said when they have this presentation sometime down the line; they could have a list of lighting companies that handle this type of lighting. Janet Muir replied the International Dark Sky Association in Tucson, darksky.org has a data base that they can search residential, commercial, Ballard type, manufactured, it’s expensive, and it will give you many options. It’s under find a fixture in darksky.org is the largest dark sky fixture database in the world.

Chair Warburton closed for Public Hearing

Commissioner Graves said he is support of the Dark Sky Concept here, and he realized how important it is to get single family residence in particular to participate to make this work. To be honest he struggles a little bit mandating people what to do with their own property. He struggles with that and he thinks the cause is good, and what they are trying to accomplish is more than admirable. There has to be a way that they can do this without and he likes the incentives. He sees a lot of this in the water conservation arena, where there are all kinds of incentives to change out your indoor fixtures, or change out your sprinklers, and the kind of landscape that you have to conserve water. It is effective in terms of water conservation if the significance and the importance of having a Dark Sky up there were universally known; he thinks they would have more compliance than what we imagine.

Chair Warburton said that she would like to change Line Item 132 through Line Item 139 to shall, she support that. She said in her recommendation that the county shall create incentives. Somehow that turned into Dark Sky Compliance and so that exits, with very little regulations and she likes that it’s there. She knows that there is a sense of urgency, but she would like to try the incentive way and education because obviously that’s working. Even with the fact that you are saying with a little bit of education, there weren’t that many Christmas lights up and that’s valuable. I am for that education and incentives.

Commissioner Wood said he was born and grew up in the valley but his wasn’t from here. She pointed out the benefit of having to see the stars, and he has taken it for granted all his life. It just seems odd that they are directing everything towards the businesses and nothing to the residences. Obviously there are more residences than there are businesses in the valley. It’s probably easier not to pick on the private homeowner, if we leave them out of it, then they are only dealing with a few businesses. That’s what the people talked about there are so many more residents, and he wondered can we just not worry about private residents.

Chair Warburton said that for her it’s a matter of principal. If they can encourage, educate, and recommend that’s a better way to go. It has to do with health and safety. Anything that causes danger to a human being inside the house, that she is okay with regulating. She is okay with education because she thinks that people would really do this. It has been demonstrated that they are doing this. So if they keep doing that, and they really put in an education concept and then every person that comes in and applies for a permit to build a house, a barn, or whatever and they hand them the steps and say if you do this you’ll get this. Then for the ones that are already existing , and she doesn’t really see it as being lazy, or don’t want to make the extra effort, or picking on businesses and they always are always getting mandated.,

Commissioner Wood said that he didn’t know where he stood exactly, but it does seem that if they are worrying about Night Sky, do they have to weigh it against the right for everybody to have lights that shine up in the sky because they want them or they don’t want to change them. If it comes down to if we don’t change it are we going to end our Dark Sky, and how important is that to us, and having meetings in the schools and how important is that to the people. Chair Warburton said what would happen if they would lose their night sky accreditation and they come back and do this again.

Commissioner Howell said that if they mandate the businesses and educate the residents, he believed that they would come around. With new construction they can tell them this is what they have to have, and go from there.

Commissioner Haymond said that he agreed with Commissioner Howell; when they are building a new home, the cost difference to go dark sky friendly is miniscule compared to retrofitting this same house. He thinks with the new construction and moving forward; they really need making that a regulation. The sticky part with the seven year retrofit requirement; but the ratio of residential to commercial in the valley is huge.

Commissioner Lewis said that he agreed with Commissioner Haymond, he didn’t believe that this is going to work if they don’t somehow mandate the residential in some way; if you go forward its really easy. It used to be that you didn’t have a gallon and a half toilet now; but it used be that you didn’t have that, and it’s no different. It’s no different, you just buy that kind of light fixture versus this, and it’s really going forward. It’s the next six years, ten years, and twenty years from now; they need to start, but if they don’t start doing something, they are not going to have that Milky Way anymore.

Commissioner Taylor said that is a compromise that she would be willing to do, and felt that some of us have some political dogma attached to it. She just listens to what everybody had to say and open houses for the General Plan what they put together. The majority of the people that kept appearing have said, and it really leans toward do you want it or not. It’s different when we’re getting as local as we can, and say this is what we want, and from she hears this is what they want. If they are going to do it, she would say that the majority of the residents do support some sort of residential regulations, and if they grandfather it in, any residents that are here now that helped us vote, unless they make a change to the exterior are good to go and she thinks it should be regulated and mandated for future residents.

Chair Warburton said that when she read the notes that they put out at the open house, nowhere did it say mandate residential. She thinks it was an entirely different discussion, and why there wasn’t a full disclosure of what the intention was and what could possibly happen, but definitely support the dark sky, and it would have been different if they had more input.

Commissioner Taylor asked what about agricultural. The residents really want to support agriculture no matter what, and so does she and that’s what they are losing. At the same time it’s good to understand both sides, what can be done and she is not sure and residential she is pretty much set.

Commissioner Graves said that would be one that he thinks would be really nice to have heavily incentivized; to actually demonstrate those who have them, it makes a good experience certainly for fears of walking in a narrow line whether or not with that property showing this beam of light that shines of everything they need to see. He really thinks that if they saw it, they would be how surprised how defective without it having bay out into a crowd in the middle of the night.

Commissioner Howell said if they could put together this presentation; maybe they could have some exhibits there to show what they do, and people relate to that.

Commissioner Taylor said educations would be good, but if they are going to support agricultural, they would actually have to really listen. There are a lot of issues there that we don’t understand because we’re not farmers and we’re not doing this and we really need to listen and with education it would take care of parts of it.

Chair Warburton said with the education aspects of it would then educate and then they would have the choice to change it or not. Commissioner Taylor replied that she understood that but with the new residential coming in, it’s just not ideal and she didn’t think it’s going to accomplish what needs to happen. The valley wants to keep it dark skies. Chair Warburton replied to what extent and what cost, that’s why she questioned because she didn’t see that specific question in there. You need to know if you were to mandated right now on what you have, especially when they were first talking, those definite one kinds. They started out by talking about regulating what people could have residential inside their houses; and even Janet Muir said she was not in favor of that. Commissioner Taylor said that she agreed that they need to know where to draw the line.

Chair Warburton said there are three things going on in here, they have mandating for new houses moving forward, incentivizing current homes, and leaving the incentivizing farms for agricultural, and business is business, and they have that. The other one is incentivizes homes period, and she would also like to incentivize business as well, and do it before the set fee and just get everybody excited about it. She asked if anybody was in favor of that one, where it’s no education for residential, and who likes that.

Commissioner Graves said that he didn’t want them to decide right now, but he did appreciate her articulating the options that they have, and let that ferment a little bit because they aren’t making any decisions. Chair Warburton said that they need to give Mr. Ewert direction. The next scenario is that current homes are incentive, homes that are residential going forward are mandated and that one case. The other scenario is where residential is only incentives, and everything else would stay the same. They could also do residential that would include multi-family up to three, and Wolf Creek is commercial and that’s four or more, and it comes down to mandating residential from this time forward versus incentivizing residential from this time forward.

Commissioner Graves and there is a third one mandating everything. They may have the seven years to get stuff done but its still mandating that they get it done. The Planning Commission did not want this.

Chair Warburton said the other one is where it’s half and half moving forward, mandating residential new construction, and current residential would be incentivized. The sticky point is residential, is that what you would rather have.

Commissioner Howell said mandating new business, and mandating new construction, present residential is requesting. Chair Warburton said that is the direction that he is going to go. That is the will of the majority of the commission.

Charlie Ewert said he had a question about incentivizing or mandating agricultural. Commissioner Taylor replied that she would like to hear form more people that have agricultural. Chair Warburton said that they said not incentivized. Commissioner Taylor said she didn’t know. Chair Warburton said that she didn’t have but she could call people and talk to people that have farms, but what they don’t want to do is have so many meetings, because they will always have someone new, and they would have to start all over again. Mr. Ewert said may he reiterate the question. What they are asking him to do is that current homes get incentive to comply, new construction is mandated, agricultural is incentive, and also over that seven year implementation, everything is incentive.

Chair Warburton said that she would like to see it all incentivized, and as long as it is done before that seven years. Charlie Ewert said that incentivized per the seven year period, would be applicable to all those that aren’t changing out their lights already, that aren’t changing their building phases, and they aren’t changing their site plan.

Courtland Erickson said if they were done with that topic on the agenda. Just to be very clear, you may want to either ask some to make a motion, and no one wants to make a motion, they could move one. Chair Warburton said they could either table to a time certain, and she would recommend that, or they could make another motion. In the past they have been told to table it to a time certain, so the public knows that it’s going to continue on, which is probably the more respectful thing to do.

**MOTION:** Commissioner Taylor moved to table ZTA 2016-06 tothe first meeting in February. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

**2. 2. Elections:** Chair and Vice Chair for 2017

**MOTION:** Commissioner Taylor nominated John Lewis for vice chair. Chair Warburton seconded. A vote was taken with Commissioners Graves, Howell, Haymond, Wood, Taylor, and Chair Warburton voting aye. Commissioner Lewis voted nay. Motion Carried (6-1)

**MOTION:** Commissioner Howell nominated Commissioner Taylor for chair. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

**3. Meeting Schedule:** Approval of the 2017 Meeting Schedule

**MOTION:** Commissioner Graves moved to approve the meeting schedule. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

**4. Public Comment for Items not on the Agenda:** None

**5. Remarks from Planning Commissioners:** Commissioner Graves thanked Commissioner Warburton for being Chair and it was not an easy position to be in. It does take awhile to do it but it is a good experience. Chair Taylor said thank you and she agreed with Commissioner Graves.

Commissioner Howell thanked Mr. Ewert for an incredible job that he is doing on this.

**6. 6. Report from Planning Director:** Director Grover said he wanted to thank Commissioner Warburton from the planning staff, and he has learned a lot in the past year. They are having a Planning Commission dinner on January 11th, and would like to see their spouse or significant other. On January 12th will be Sherri’s Retirement party, and he is trying to keep them all straight. Right now he is still trying to work out some things in the budget; he is not sure they will be able to get the Planning Commissioner to the New York Conference. Typically they have one from each commission to that; and he is trying to balance those things just right. Tomorrow registration open to everyone and he will be sending an email out to this commission on that; but he is hoping that he can work something out. We have a new employee and her name is Tammy Aydelotte. They are reclassifying Sherri’s position to a Planner I/Office Manager, and she will be doing the minutes for the Western Weber Planning Commission meetings and the Board of Adjustment meetings. She will start working in the Planning Division beginning on January 13, 2017. They are stealing her from the Assessor’s Office.

Director Grover said the dialogue on Dark Skies was handled very well. He knows that there are some conflicting issues, and you discussed that in a very diplomatic and professional manner.

**7. The meeting was adjourned at 8:20 p.m.**

Respectfully Submitted,

Kary Serrano, Secretary

Weber County Planning Commission