Minutes of the Ogden Valley Planning Commission Regular meeting February 28, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

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

**Absent/Excused:** John Howell, Will Haymond,

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

***Pledge of Allegiance:***

***Roll Call:***

Chair Taylor asked if any member had ex parte communications to declare. No ex parte communications were declared.

**1. Minutes:** Approval of the November 1, 2016, January 3, 2017, and February 7, 2017 Meeting Minutes.

Chair Taylor approved the November 1, 2016, January 3, 2017, and February 7, 2017 meeting minutes as written.

**2. Consent Agenda:**

**2.1. UVO080116: Consideration and action on a request for final approval of Old Town Eden Condominiums in the Commercial Valley (CV-2) Zone, located at 5510 E 2200 N in Eden. (Ben Toone, Applicant)**

**MOTION:** Commissioner Warburton moved that they approve consent agenda item UVO080116for final approval of Old Town Eden Condominiums in the Commercial Valley (CV-2) Zone, located at 5510 E 2200 N in Eden. Commissioner Wood seconded. A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye.

Motion Carried (4-0)

Director Grover said this next item is amending the original conditional use permit; each zone there are certain uses that are permitted, and certain uses that are conditional. This commission approved conditions that were applied to this CUP. This is an administrative item and if this commission chooses to entertain public comment they can do so. We are having Ronda Kippen give a short outline of where it’s at; and then we will have an introduction with Daniel Dailey who will represent the project, and give detailed information of what he plans to do. Ms. Kippen will then follow up and explain how it meets the ordinance.

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

**3.1. Administrative Items**

**a. Old Business**

**1. CUP 2016-16: Consideration and action for an amendment to the site plan associated with the conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center in the Forest (F-5) Zone, located at 13485 East Hwy 39 in Huntsville. (Dailey Family Limited Partnership, Applicant; Daniel Dailey, Agent)**

Ronda Kippen, Project Manager, said the property is located at 13485 East Hwy 39; it lies in the F-5 Zone and covers approximately 17.39 acres. The applicant received approval of the agri-tourism operation on this site February 24, 2015, and entered into a farm stay development with Weber County on December 8, 2015. The applicant is now modifying the site plan to address concerns brought forth by the Fire District. She indicated Mr. Dailey would address the reasons for the amendment and also give an update on his progress on his agri-tourism venture.

Daniel Dailey, 1546 East Sunny Side, Salt Lake City, said the reason they are changing the site plan for the Dancing Moose Farms is primarily because the Fire Marshal requested we do a road with a turnaround. In terms of taking up space from the property, it would take up an acre and a half of the property. In looking at a plan for the Fire Marshall, determined the front parking area would be a better place for the yurts. It would have fire emergency access is the reason for the change. In terms of the neighbors concerns when he met with them; was to provide some protection and create better access. There was a concern they didn’t have water for this project; this was addressed by hiring a water engineer from the State of Utah, and he received a Certificate of Compliance. A concern was being able to grow at that altitude, and there was a recommendation to get a hold of Pete Rasmussen. Mr. Rasmussen currently sets up a CSA in their shop. They have 12 to 14 people that come in weekly and buy fresh produce. Another concern was the UDOT Access; he did a Traffic Impact Study which a Civil Engineer drew up plans, and UDOT approved access to the property through this development. They installed a solar water pump station that pumps water up to the highest point on the property, so they could use gravity feed to run water through a high tunnel to water our animals. They have held six Permaculture Classes to help introduce people to the farm and they have a lot of interest. We raise Icelandic Sheep on the property with 15 sheep, 3 rams, and currently doing a rotational grazing, so they can move the animals throughout the property. They plan to build a home up there as part of the site plan. His son and wife will be residing there to help with the farm.

Ronda Kippen said the key component why the amendment is to bring the Yurts that were located on the site plan, and for those of you that weren’t here in 2015, initially the Yurts were located in the rear of the property. Mr. Dailey has redesigned the site to bring the Yurts right next to the parking area; so they don’t have to disturb agricultural property with those improvements. He has also provided architectural details to the proposed water tank; and the proposed water tank will be located in the upper right hand corner of the site. He will be screening with an earthen berm and landscaping. In between the Yurts, Mr. Dailey had a landscaping plan last summer to plant 125 trees and all these trees are shown on the site plan. The Yurts will go in between the trees and there will be some art display. Their packet includes an architectural rendering for the farm stand, animal shelter, and a chicken coop. The production and agri-tourism has been operating for two years. The general design and layout concentrates all of the tourism and activities into a distinct activity center; and the area within this development the activity does not exceed 20% of the farm overall growth acreage. The remaining acreage shown outside of the activity center shall be maintained agriculturally and that is consistent with the land use code. By amending the site plan and locating the Yurts closer to Highway 39; safety for persons and property is adequately addressed by making the facility more accessible to emergency services vehicles. The water tank was one part of the structure that was not on the original application, and the location on the site where the water tank is, adequately addresses the yard setback for the zone. By moving the infrastructure closer to the road, it is preserving more agricultural property which is taking care of the environmental aspect. This proposal does meet the goals and objectives of the 2016 General Plan which identifies agricultural as a prominent feature of the valley; and it has set goals and objectives to promote working farms by supporting agricultural operations in Ogden Valley. Planned architectural renderings conform to the county land use code. The applicant has entered into a farm stay development agreement with Weber County, and they will need to amend that with the new site plan. Based on staff’s evaluation and all review agencies, they forward a positive recommendation for approval of CUP 2016-16, a conditional use permit amendment for agri-tourism operation identified as the Dancing Moose Farms Art and Ecology Centerlocated at 13485 East Hwy 39. This recommendation for approval is subject to the following conditions that this farm stay development agreement is amended to approve the new site plan. This recommendation is based on the findings outlined in the staff report.

Chair Taylor opened up for public comment.

Robin Olson said she is part owner to the property right next down towards the river. Some of her concerns are being able to keep their privacy when they go and visit their property. They are having tourists come to the area and they are going to want to explore the area; especially down towards the river. That is one of their main concern is the privacy and the safety of us not knowing who is in the area. Commissioner Warburton asked what she would like to happen to make her feel safer. Ms. Olson replied she was not sure and how can they guarantee their safety and privacy.

Commissioner Warburton said because of the conditional use permit; if they see there are things that can be mitigated, to reduce the detrimental effects then they could do that but are unable to stop it. The nice thing about a conditional use if it’s abused; it can be revoked. Ms. Olson said their goal is not to be troublesome but to be respectful to their neighbors. She is hoping to have that respect and be assured she would have that same respect.

Chair Taylor closed for public comment.

Chair Taylor asked Ms. Kippen if she would come and address Ms. Olson’s concerns. Ms. Kippen replied she believed Ms. Olson’s questions and concerns are more likely a civil agreement between her and the applicant. With the new location of the Yurts, it is taking that tourist element further away from where Ms. Olson’s property would be located. Mr. Dailey said he did attend a cleanup with the Cougar Partnership; and they addressed concerns with people walking down the river, and the Yurts being moved forward. His son and wife would be building a home closer to their area; and would not like people wondering on their section of the property.

**MOTION:** Commissioner Warburton moved to approve CUP 2016-16 subject to all the agencies requirements outlined in the staff report dated February 28, 2016. The reason for the approval is in keeping with the General Plan and how we can maintain a rural area. Commissioner Lewis seconded.

**DISCUSSION:** Commissioner Warburton said the mitigation of the house is the best screening and it works for her. Chair Taylor said with it being a conditional use permit; there are certain ways and avenues that certain things aren’t being met there is a recourse, and it can be done respectfully with the surrounding area.

**VOTE:** A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye.

Motion Carried (4-0)

Director Grover said this next item is a consideration and action on a conditional use permit application for a public utility substation, i.e. water storage tank for the Wolf Creek Water and Sewer Improvement District. With a conditional use permit and anytime you have a public utility substation requires the Planning Commission is to look at how it can better fit into the area. Steve Burton will introduce this item, and then we will have Mike Durtschi and Eric Householder will do their presentation, and Mr. Burton will come back and show how it will meet the ordinance. On this you can choose to take public comment if you desire.

Commissioner Lewis asked Courtlan Erickson; if he should recues himself because there may be some kind of conflict of interest. This is a water tank and its right in the middle of Wolf Creek Resort; he owns land all around it, and has dedicated some land to it. Mr. Erickson replied the normal process would be for you to declare to the members of the Planning Commission which you just did. If you feel you want to take action to recues yourself, otherwise the members of the Planning Commission would discuss that with you and then take a vote.

Chair Taylor said the main issues when you are looking at potential conflict of interest would be a direct substantial financial interest proposal. Commissioner Lewis replied that he didn’t get paid for it. Chair Taylor asked if any of the other Commissioners were not okay with this and there was none. She didn’t see a conflict of interest with this. Commissioner Lewis said the only reason he brought this up was so that it’s on the record. Chair Taylor said it would be okay to move forward on this.

**b. New Business**

**1. CUP 2017-01:** Consideration and action on a conditional use permit application for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District in the Open Space (O-1) Zone, located at the Intersection of Retreat Drive and Mountain Ridge Drive in Eden. (Wolf Creek Water and Sewer Improvement District, Applicant; Mike Durtschi, Project Engineer, Gardner Engineering, Agent)

Steve Burton said just to briefly introduce this, we have an application request for consideration and action on a conditional use permit for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District as an administrative type of decision. This is in reference to CUP 2017-01, located approximately at the intersection of Retreat Drive and Mountain Ridge Drive in Eden. The project area is 42,870 sq. ft. and the zoning is Open Space. There is an existing water tank on the property and the proposed water tank will be about 40 feet from the existing water tank. This is a 500,000 gallon water storage tank and the water thank will provide the storage capacity needed to meet the added demands of the proposed development within the water system boundaries.

Dan White, Project Manager, said the water tank proposed will be next to the existing tank will be buried. When completed they will have six inches of top soil over it and designed for a gradual slopes 2-1. The area will be mulched and hydro seeded in this place to slow down any water runoff. We are doing everything we can to screen it. That is why they are asking for conditional use permit.

Steve Burton said this is an aerial site plan where the tank is going to be located. The other standards to consider in approving the conditional use permit; safety for persons and property, traffic and congestion delays is not anticipated with this proposal. As per the County Engineering Division; the contractor will be responsible to guarantee site materials and not tracked onto the county roadways, and a condition of approval has been added. Consider the infrastructure amenities and services that this water tank will provide culinary water to the new development in the area. The environment for the project is located near an intermittent stream corridor; the Engineering Division will require access to the site outside of the 50 foot setback for the stream, and this has been added to staff’s recommendation. The applicant has provided a Landscaping Plan to ensure that the disturbed ground has the same appearance before the tank was installed. The proposed use conforms to the Ogden Valley General Plan by providing additional water sources to meet the demands of the valleys exiting water system. The performance outlined in the document and specifications as part of the application; this property conforms to the Land Use Code. Staff recommends approval of the proposed conditional use permit application for Wolf Creek Water and Sewer Improvement district’s water storage tank. This recommendation for approval is subject to all review agency requirements and conditions based on findings listed in the staff report.

**MOTION:** Commissioner Warburton moved to approve CUP 2017-01 subject to all agency requirements and conditions as outlined in the staff report for February 28, 2017 so people will have water. Commissioner Wood Seconded. A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (4-0)

Director Grover said this next item is a legislative item and what they are looking at is 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 clear 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. Staff is the representative of items listed, so Charlie Ewert will be presenting this.

**3.2. Legislative Items**

**a. Old Business**

**1. DISCUSSION:** ZTA 2016-06: 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.

Charles Ewert said on the screen will be what the Planning Commission saw January 3, 2017 and what’s in front of you. The primary question from the January 3rd meeting revolved around residential dwellings. Will residential facilities both existing and future be mandated to comply with the Dark Sky for Ogden Valley Outdoor Lighting Ordinance? There were two alternatives that were requested by the Planning Commission, and presented at work sessions at the last meeting. The first alternative was that existing dwellings be are forever grandfathered, and future dwellings are not required to comply. Alternative two was existing dwellings grandfathered, and future dwellings are required to comply. The idea behind alternative two was that those dwellings haven’t been constructed so they have plenty of time for notice and plenty of time for compliance. After the work session, the commissioners asked me to present a draft with alternative two.

Charlie Ewert said on Page 3, and he read Line Items 132 through 134 and said they will have to change that, and remember it started January and they bumped to March.

Charlie Ewert said on Page 7, Subsection (1) Lighting Conversion, and read Line Items 288 through 295.

Commissioner Wood asked didn’t we say we wanted to change that from seven years to five years. Mr. Ewert replied he missed that and he will get that fixed when it goes to the County Commission.

Chair Taylor asked if we go ahead with a vote and decision on this, should we bring up the five year. Mr. Ewert replied that would be helpful for the Commission to see that’s why it was changed from seven years to five years.

Chair Taylor opened for public hearing.

Richard Menzies said he is speaking on behalf of Janet Muir, and she presented a short presentation to be entered into public record. He read her presentation.

Chair Taylor closed for public hearing.

Commissioner Graves arrived at this time.

Commissioner Lewis said that he has watched Charlie, Janet, Ron, and a lot of other people putting in a lot of time and energy into this. He is impressed that many people are trying to protect what we have up in the valley to be very special. In all the Planning meetings with the General Plan; people have different opinions, but he heard that people want to keep it darker. The stars are important and as a builder; he wanted to point out that this does not affect people who currently have homes; it only affects the future homes being built. He didn’t see anything as a builder that was difficult to do. As a builder it keeps your neighbors from being blinded; and encouraged the Planning Commission and the County Commission to consider this carefully to help protect what is important.

**MOTION:** Commissioner Lewis moved to recommend approval to the County Commission for ZTA 2017-06 to discuss and take public comments 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. This is subject to recommendations and findings listed in the staff report and subject to changing the time period from seven years back to five years. He didn’t think there was that much difference between five years to seven years; to eventually catch up with commercial that would cause a financial burden or otherwise. Commissioner Wood seconded.

Courtlan Erickson, Legal Counsel asked for clarification for the seven year (Line Item 291). Chair Taylor asked Commissioner Lewis if he wanted to change that on (Line Item 291) from seven years to five years. Commissioner Lewis replied yes. Chair Taylor said for clarification there was a question of Option 2 or Option 1 as it is written, and what Mr. Ewert was referring to Option 2. Option 2 meaning current residents grandfathered in and future residents would be mandated with the ordinances, and commercial would be caught up with five years.

**AMENDED MOTION:** Commissioner Warburton moved to amend the motion to add that the county would create a Dark Sky Committee to include representatives as follows: one Planning Department employee, two valley residents at large, two valley business association members, and one Ogden Chamber of Commerce. For the purposes of advising the county on Dark Sky best practices, implementation strategies, seventh programs, public/private partnerships that the County Commission deems necessary. Commissioner Graves seconded.

**DISCUSSION:** Chair Taylor said she likes the motion and asked Commissioner Warburton if she would like to explain her motion. Commissioner Warburton said that in the ordinance it talked about the county would work to create incentives and so forth. It just needs to be more formal especially with the people that have worked so hard on this, and they need to be recognized. Commissioner Wood asked who would be selecting these people. Commissioner Warburton replied that would be the County Commission, or whatever they decide, because it would be creating a new committee. A vote was taken with Commissioners Warburton, Lewis, Wood, Graves, and Chair Taylor voting aye. Motion Carried (5-0)

**DISCUSSION:** Commissioner Warburton gave her opinion and reasons why she is opposed to regulating homes. Commissioner Graves responded and gave his reasons as to why this was needed in the valley. They both agreed that Dark Skies was needed in the valley.

**VOTE:** A vote was taken with Commissioners Lewis, Wood, Graves, and Chair Taylor voting aye. Commissioner Warburton voted nay. Motion Carried (4-1)

Chair Taylor read a letter addressed to the County Commissioners in reference to the Ogden Valley Lighting Ordinance pertaining to the Dark Sky in the valley. The letter was also signed by some of the Planning Commissioners.

**4. Public Comment for Items not on the Agenda:** Jan Fullmer who resides in Eden said having worked a lot on the Ogden Valley General Plan with Logan Simpson Consultants that final plan was summarized down quite a bit to get it approved by the Weber County Commission. When it came up before the County Commissioners to approve it, they made one change to grant bonus development units in Ogden Valley for cluster development. Commissioner Ebert met with the GEM Committee last month and we explained to him after verification, that the commissioners cannot overrule an existing ordinance. The ordinance passed in 2015; stated there would be no more bonus development units granted for cluster development in Ogden Valley with the exception of the resort area. To the best of their knowledge no one has step forward to change this ordinance which the commissioners approved. We paid consultants this last time to do another plan; and what happened since 1998 not a lot of changes. The only way to make the plan happen is to have ordinances that ensure compliance. Other communities have been very successful in having similar ordinances passed for residential lighting. When we worked on that plan, they did everything possible to make sure they did preserve property rights, wherever possible especially development rights. We would like to let the commissioners know that this is an ordinance; this ensures Dark Skies will happen in the future.

**5. Remarks from Planning Commissioners:** Commissioner Graves apologized for being late. Commissioner Warburton said in reading the ordinance there were a few things that she needed to speak with Mr. Ewert on some thoughts, and the less they have conditional uses so people can understand more and be able to forward without having to come here.

**6. Planning Director Report:** Director Grover said the next work session meeting coming up we will address ADU’s. At the end of that do they want to continue on with that discussion? The Planning Commissioners said they would like to have more discussion.

**7. Remarks from Legal Counsel:** No remarks from Legal Counsel.

**8. Adjourn Public Meeting to Convene to a Work Session**

**WS1. DISCUSSION:** Ogden Valley Hydrogeology Report Update

Charlie Ewert said that this was miss noticed; the Ogden Valley Hydrogeology Report was intended for the next work session for next week.

**9. Adjournment:** The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Karysignature.jpg

Kary Serrano, Secretary;

Weber County Planning Commission