

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for February 7, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/88124038020>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Dayson Johnson, Jared Montgomery, and Janet Wampler.

Absent/Excused: Commissioner Justin Torman

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

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

Chair Shuman conducted roll call and indicated Commissioner Torman was excused; all other Commissioners were present.

1. Minutes: None.

2. Petitions, Applications, and Public Hearings:

2.1 ZTA 2022-03, a public hearing for consideration of an applicant driven text amendment to amend the Ogden Valley Signs ordinance to allow a neighborhood identification sign to be placed on a retaining wall. Planner: Steve Burton

Planner Burton explained the applicant is proposing to allow a neighborhood identification sign to be placed on a retaining wall. The applicant is proposing to allow neighborhood identification retaining wall signs to be 4.5 feet in height and 40 feet in width. Staff is proposing to allow the wall sign to go up to six feet in height and 40 feet in width. He briefly discussed the history of the development of the section of the County's Land Use Code dealing with neighborhood identification signage; in areas of the Ogden Valley where retaining walls are needed along streets in neighborhoods, signage on the retaining wall can provide visual breaks on wide retaining walls. The design requirements of the Ogden Valley Signs code as well as the requirements of the Outdoor Lighting chapter will still apply to subdivision retaining wall signs. The setback requirement for a sign like this is 10 feet from any property line. Currently, the maximum sign allowance for a similar sign in the Ogden Valley (monument sign) is eight feet by twelve feet. Although the proposal is not considered a monument sign, it significantly increases the sign area allowance of the Ogden Valley Sign Code. The proposed sign allowance by the applicant is 4.5 feet in height by 40 feet in width. The proposed language includes an allowance of six feet in height by 40 feet in width. Staff supports the sign width allowance of 40 feet because neighborhood retaining walls can be several hundred feet in length. Under the current draft language, the sign code would not restrict the height of a retaining wall, only the sign height to six feet. A developer or HOA would be allowed to place the sign anywhere on the retaining wall. In the concept image of the proposal, the retaining wall width facing the viewer is approximately 145 feet wide to give context. He read the language included in the proposed text amendment ordinance, after which he concluded staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment ZTA 2022-03 based on the following findings:

1. The proposal is an additional signage option.
2. The proposal is not contrary to the goals and principles of the general plan.

Chair Shuman stated it is important to be clear that the proposed text amendment would not just apply to the applicant's property; rather, it will apply to signage in the entirety of the Ogden Valley.

Commissioner Wampler asked if staff can explain why signage on retaining walls was previously prohibited. Mr. Burton stated it is his understanding there was no specific reason that the use was prohibited in the land use code; the trend is fairly new and the same applicant has installed signage on retaining walls in other projects.

Commissioner Burton asked how a subdivision entry sign will differ from what is currently allowed. Mr. Burton stated the sign type will be referred to as a 'neighborhood entry sign'. Commissioner Burton asked if the increase in sign size will be problematic. Planning Director Grover stated that staff considered the scale of signage; retaining walls are a much larger area than an area where a monument sign would typically be placed. Staff felt that the increase in signage size was appropriate to achieve a reasonable scale for signs placed on a retaining wall. Mr. Burton stated that neighborhood entry signs will no longer be classified as monument signs if the text amendment is approved. Mr. Grover added that the intent was for the current size of monument

signs according to the text to remain the same; the only signage size that would change if the text amendment is approved would be for a neighborhood entry sign. Commissioner Burton stated he does not understand the difference between a monument sign, a wall sign, and a neighborhood entry sign. Mr. Grover stated that a neighborhood entry sign and monument entry sign are essentially the same thing and staff can adjust the text to clarify that matter. Commissioner Burton inquired as to the difference between a wall sign and a ground sign. Mr. Burton stated that a wall sign is typically affixed to a wall of some sort and a ground sign is a stand-alone sign. Commissioner Burton stated it would be helpful to clarify the definitions of those terms. Mr. Burton stated perhaps it would be helpful for staff to present different sign images as an example of the types of signs defined in the Land Use Code. This led to high level discussion of various different sign types that could fall within the County's purview. Chairman Shuman suggested that the Commission may desire a more comprehensive review of the sign code before taking action on the application before them. Mr. Burton indicated that staff has received an application for a text amendment and based upon staff's analysis, the Commission can consider this application and forward a recommendation to the County Commission; a comprehensive review of the sign ordinance could be handled independent of the application before the Commission.

Commissioner Burton moved to open the public hearing. Commissioner Barber seconded the motion; all voted aye.

Ron Gleason stated he personally has no problem with signs being placed on retaining walls, but he asked that the Commission consider the manner in which such signs will be lit. The staff report indicates lighting will remain the same for retaining wall signs as for ground signs, but he would like to see lighting be prohibited given that it would take a great deal of light to illuminate a 240 square foot sign, and this would create a light pollution issue in violation of dark sky regulations.

Jan Fullmer stated she agrees with Mr. Gleason regarding lighting of signage, but added that there have been attempts to standardize different types of signs in the Valley and one thing that is not welcome is electronic signs. She hopes that any sign placed on a retaining wall will not be electronic or flashing in any way.

Eric Householder, representing the applicant, stated that his initial proposal to change a text is simply to achieve approval of placement of a sign on a retaining wall; there is no development agreement for the project he is working on and the sign size was determined based upon a formula to determine the appropriate scale given the location of the sign off the ground and its distance from the road. In terms of lighting, he is willing to comply with the County's Land Use Code, but he would like to light the sign in some way.

Max Tierney stated it appears that the County is considering shelving conservative signage approaches in favor of allowing larger signs to satisfy a developer. He suggested the Commission honor the spirit and intent of the current ordinance, which was to keep signage in the Valley fairly conservative. In the past, there have been issues with intrusive signs and the County attempted to rein those issues in. If restrictions are reduced or eliminated, signage will again get out of control. The County needs to try to envision what they want the Valley to look like in the future and pursue regulations that will help to achieve that vision.

There were no additional persons appearing to be heard.

Commissioner Wampler moved to close the public hearing. Commissioner Burton seconded the motion; all voted aye.

Chair Shuman stated that it seems as if there are some outstanding concerns and issues; he believes that the rendering that the applicant has presented is aesthetically pleasing and reasonable and perhaps the Commission can take action to make a recommendation on only the sign types that would be placed on a retaining wall with direction to staff to facilitate future review and discussion of the sign code as a whole. The Commission discussed and debated the implications of the application before them, with a focus on the fact that the amendment would apply to all future signs that may be placed on a retaining wall; Commissioner Wampler stated that the sign image presented by the applicant is acceptable to her and it is reasonable based upon the location of the retaining wall and the distance from the road, but all future signs will not have the same conditions and it may be a problem for large signs to be placed at other locations of the County. Chair Shuman stated he does not disagree, but expects that most people will be reasonable in their application of the sign ordinance. Commissioner Barber noted that aesthetics matter and bigger does not equate to better; he noted the size of the sign presented by the applicant is actually 135 square feet, but staff has recommended a maximum size of 240 square feet and that is a large gap. He stated that while the example presented is tasteful, other less pleasing signs could emerge and it is important to keep that in mind. Commissioner Montgomery stated that he would like for the ordinance to incorporate some lighting regulations as suggested by Mr. Gleason. He feels what the applicant has proposed would be acceptable for the County, but suggested that additional standards be included to ensure the same type of scale and quality design as is present with the applicant's example. This led to discussion of the sign application process and

any checks and balances in place to prevent problematic signs from being installed in the Valley; this included on a focus on lighting and setbacks from roads, intersections, and sight triangles. Commissioner Burton stated he would be happy to make a recommendation on the language that is directly responsive to the applicant's request, but tabling all other changes to give the Commission the opportunity to perform a more detailed review of the signage ordinance. The Commission supported that way forward.

Commissioner Burton addressed Mr. Grover and asked why staff proposed additional amendments to the signage ordinance rather than simply presenting the applicant's request to the Planning Commission. Mr. Grover stated that the additional amendments do not need to be considered immediately and staff is willing to participate in a comprehensive review of the signage ordinance at a later date. Chairman Shuman invited the Commission to suggest any edits to the sign ordinance to staff in writing prior to the next discussion of the matter.

Commissioner Burton moved to forward a recommendation to the County Commission for application ZTA 2022-03, applicant driven text amendment to amend the Ogden Valley Signs ordinance to allow a neighborhood identification sign to be placed on a retaining wall, with the stipulation that only the amendment requested by the applicant is being forwarded for consideration and all other amendments are stricken from the proposed ordinance. The motion is based upon a finding that there is not a great difference between affixing a sign to a retaining wall and a building, or installing a monument sign.

Commissioner Wampler offered a friendly amendment to add a 150-foot setback to the ordinance.

Commissioner Burton stated the selection of 150-feet seems arbitrary; the County already retains the ability to approve location and design style of signage, which would include setbacks from a roadway. Commissioner Wampler stated that the 150 number may be arbitrary, but she is unsure the County will have the ability to dictate the setback of signs on retaining walls because the location of the retaining wall may already be determined.

The Commission sought advice from Legal Counsel regarding Commissioner Wampler's recommendation to add a 150-foot setback requirement to the ordinance. Legal Counsel Erickson stated that if the ordinance does not include a setback, staff will consider overarching land use regulations to determine if there is already a required setback. The Commission concluded they would prefer to only make the amendment requested by the applicant, with no additional setback requirement, but asked staff to further consider and research in preparation for discussion of additional changes to the County's sign ordinance.

Commissioner Wampler retracted her friendly amendment to the motion.

Chairman Shuman asked if there is a second for Commissioner Burton's motion. Commissioner Montgomery seconded the motion.

Continued discussion centered on appropriate setbacks for various sign types, after which Chairman Shuman called for a vote on the motion. Commissioners Burton, Johnson, Montgomery, and Shuman all voted aye. Commissioners Barber and Wampler voted in opposition. (Motion carried 4-2).

Commissioner Wampler explained her opposing vote; she believes there should be a setback for the new sign type given that it will not necessarily revert to setbacks for monument signs. The County will be held accountable for the lack of language in the rule. Commissioner Barber stated that his opposition as also based upon the lack of a required setback for the sign type; he is not opposed to the applicant's sign as he feels it is aesthetically pleasing, but there could be other instances where signs are out of proportion and the lack of a setback could lead to negative unintended consequences.

3. Public Comment for Items not on the Agenda.

Jan Fulmer stated the County Commission finally adopted an ordinance relating to enforcement of short term rental (STR) regulations; the ordinance they adopted is based upon the recommendation the Planning Commission made over two years ago and it is unfortunate that the matter was not a high priority. The ordinance does not allow for expansion of the use into zones where it is currently not allowed, but the Planning Commission will be presented with applications to change zoning of certain properties to a zone that will allow STRs. She stated that all she can ask is that the Commission consider approving zoning applications to allow multi-family developments, but not STRs. This could be a viable solution for achieving moderate income

housing goals. She is aware that the County is working to create new or improve existing enforcement mechanisms, but data provided from the Gardner Policy Institute has indicated there are far more STRs in Weber County than there are record of. She added that several residents have been observing Legislative proceedings to learn of pending legislation that will impact the County and she is aware that there is a bill that provides for expansion of the STR use to 80 percent of residential areas in municipalities. If something like this is presented to the County, it needs to be seriously considered. There are already many examples of problems with STRs in the Ogden Valley and when the use gets out of control it can be devastating to communities.

Kay Hogeland stated she noticed that for the prior agenda item, the applicant was listed as “Wolf Creek” versus the actual LLC that is sponsoring the development; there is no such entity called Wolf Creek and, rather, Wolf Creek is an area of the Valley. There is a master Homeowners Association (HOA) for the Wolf Creek Resort, and they are cautious about inappropriate use of the name Wolf Creek by entities outside of the Valley. She asked that the discrepancy in the public record be corrected.

4. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

5. Planning Director Report.

Planning Director Grover updated the Commission on the County Commission’s actions to approve the moderate housing element of the General Plan and their adoption of the short-term rental (STR) ordinance. The County is working with a third-party enforcement entity to deal with STRs and they should be ready to begin working on the matter on February 14. A hotline phone number will be publicly posted for people to use to issue a complaint about an STR. He then noted the County Commission has indicated they do not want to begin working on a comprehensive update to the General Plan until 2026, but they would be willing to update population, current buildout information, and future development modeling in the General Plan document.

Commissioner Burton asked if the County Commission deviated from the Planning Commission’s recommendation on the moderate-income housing element of the General Plan. Mr. Grover answered no and indicated they accepted the Commission’s recommendation with no changes.

Discussion among the Commission and staff then centered on pending State legislation that could impact Weber County and the Ogden Valley.

Mr. Grover concluded that staff is working to streamline the Planning Commission’s meetings; they have made efforts to provide packets with thorough staff reports well in advance of a meeting with the expectation that Commissioners are reading that information to prepare for meaningful discussion and action. He encouraged Commissioners to reach out to him or any staff member if they have questions about any of the applications that are being presented to them; such questions can be answered in advance of the meeting in order to improve efficiencies and potentially shorten the length of meetings.

6. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session at 6:16 p.m.

There is no audio from 6:16 p.m. to 6:26 p.m.

WS4 Discussion regarding Form Based Zone Village area regarding receiving transferable development rights. Planner Charlie Ewert.

Planner Ewert summarized the Commission’s past discussions of Form Based zoning; some feedback from the Planning Commission has been presented to the County Commission and that body has indicated they would like to ‘start simple’ by identifying sending and receiving areas before identifying detailed sending or receiving opportunities for individual parcels. Such an action would not prohibit any property owner from coming to the County to apply for creation of a new village area. He

distributed a map of the Ogden Valley, noting the red outlined area represent the Valley Floor as dictated by the Ogden Valley General Plan. Section 104-22-11 of the County Code indicates the Form Based Zone Transferable Development Rights sending areas are zoned RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1 and FB. He briefly expounded on the development standards for some of the zoning designations listed and indicated that all of those zones are contained within the area on the map outlined in red. This led to review and discussion of street regulating plans contained in Section 104-22-8 of the County Code; these plans are a component of the Form Based Zone. The group participated in review of the multiple street regulating plan maps; hypothetical scenarios involving a request for a transfer of development rights (TDR) action; and the ability to regulate the type of development that can occur within a sending or receiving area. Planner Burton then noted there are a few applicants that have requested to speak with the Commission regarding proposed form-based zone changes to their properties; both properties are located within the Old Town Eden Village area. One is seeking approval of a residential development and the other is seeking approval of a mixed-use property. These applicants would like to present their projects to the Commission and he asked if the Commission is ready to move to those items or if more discussion on the TDR issue is necessary. The Commission consented to move to item WS1, but indicated they would like to reserve time to continue discussion of necessary TDR regulations and any map changes; they indicated they would like to understand how the total number of development rights is determined for a specific property and how the transfer/sale of any development rights will be recorded in order to ensure that the same right is not sold or transferred multiple times.

WS1: Discussion regarding a rezone application on 23 acres located at approximately 2700 N and 5600 E, Eden. Applicant is Shawn Clegg Planner: Steve Burton.

Planner Burton presented a map to orient the Commission to the location of the subject property and played a video at the request of the developer. The developer indicated that he wants to retain the existing farming use of the property, but transfer eight of the development rights associated with the property to the 23 acre parcel, which currently has seven development rights, for a total of 15 in order to create an average lot size of 1.5 acres. He stated the alternative would be to sell the farm and create three-acre building lots, which would likely yield more money, but he wants to preserve the farm. Mr. Ewert clarified that Mr. Clegg would need to rezone the receiving area to Form Based Zone Village use. Chairman Shuman indicated that when discussing the TDR concept, this proposal is an ideal case study in that it would preserve open spaces and cluster development in an appropriate way. Mr. Ewert stated that when the applicant files his subdivision application, the Commission will have the opportunity to consider various development standards and regulations for the property.

WS2 Discussion regarding a rezone application on 2.7 acres located at approximately 5461 E 2300 N, Eden. Applicant is ZW Investments and ZBF Investments. Planner: Steve Burton.

Planner Burton introduced the application for a zone change for 2.7 acres for a mixed-use development; the developer is seeking the Form Based Village Zone to allow for his development concept to occur and also for some development rights to be transferred from other parcels of property. Staff discussed the Commission's purview over the rezone and subsequent development application, with a focus on maximum building heights for commercial and residential uses in a mixed-use project, what will become of the existing improvements on the property, and the public noticing that will take place once an actual application is filed. They also asked to review the other properties from which the applicant is requesting the development rights be transferred from.

***Continued* – WS4 Discussion regarding Form Based Zone Village area regarding receiving transferable development rights. Planner Charlie Ewert.**

Planner Ewert provided a handout of the Form Based Zone Village zone document, noting the blue print represents text that has been added since the Commission's last review of the document. He reviewed changes to the street regulating plans; other map changes; language that allows for TDRs in Western Weber County in general with differences in base density for sending and receiving areas; transfer ratios of 1:1; and density of development in a Form Based Zone Village area. He concluded that staff will schedule a public hearing for a future Planning Commission meeting for this matter; that will be the Commission's next reading of the document.

WS3 Discussion on Water Conservation Goals and the General Plan. Planner: Bill Cobabe.

Planner Cobabe indicated that he provided the Commission with a memo at the end of their packet discussing Water Conservation Planning in Ogden Valley; the memo provided a link to a presentation on the subject as well as a publication discussing water

conservation planning. He asked the Commission to review the memo and the associated links in preparation for discussion at the next meeting.

Meeting Adjourned: The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Weber County Planning Commission