

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for February 28, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/89637924468>, 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, and Justin Torman.

**Absent/Excused:** Commissioners Jared Montgomery and Janet Wampler

**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 Commissioners Montgomery and Wampler were excused; all other Commissioners were present. He then indicated that the agenda for tonight's meeting was changed yesterday; some items were removed due to lack of details in support of the agenda items and a conflict with another meeting that would have impeded the public's ability to attend both meetings.

### 1. Minutes: October 4, 2022, October 25, 2022, November 29, 2022, and December 6, 2022.

Chair Shuman asked if there are any corrections to be made to the minutes as presented. Commissioner Johnson indicated that he is listed as 'absent' for the October 4 and December 6 meetings, but he was in attendance. Chair Shuman asked that the corrections be made to the October 4 and December 6 meetings and declared the minutes approved as adjusted.

### 2. Training by Chief Civil Deputy Attorney Chris Crockett

Chief Deputy Attorney Crockett provided the Commission with training regarding conflicts of interest and when it is appropriate for a Commissioner to recuse themselves from discussion and/or action on a matter. Throughout the training, Mr. Crockett engaged in discussion with the Commission regarding the definition of the term 'business interest' that is regulated by the County. Mr. Crockett stated that there may be many scenarios where disclosure is not required, but disclosing would not create problems for the individual making the disclosure. He noted that it is better to be safe and transparent when it comes to a conflict of interest or business interests. Mr. Crockett then provided training on the role of a Planning Commissioner.

### 3. Rules of Order

Legal Counsel Erickson referenced past discussions of the Commission regarding their Rules of Order; he has prepared a couple of options for the Commission to consider responsive to the feedback provided in the last meeting. (The audio in this section of the meeting was REALLY bad). Many sections of the Rules document provide a reference to the Utah State Code regarding topics such as disclosure of a conflict of interest and/or recusal. The Commission engaged in high-level discussion and debate regarding the appropriate language to include in the Rules document regulating disclosures; Mr. Crockett and Mr. Erickson stated that legal staff is recommending a rule that complies with State Law and is enforceable. Including a process that is different from State Law could create confusion for Planning Commissioners and the public and could actually increase the County's liability. Chair Shuman stated he feels that the changes will make it easier for a Commissioner to hide a conflict of interest. Mr. Erickson disagreed and this led to debate among Chair Shuman and Mr. Erickson regarding the differences between the past Rules and proposed updates to the Rules. Mr. Crockett added that he is concerned about a Rule change that could make it easier for a majority of the Commission to remove someone from the body if they deem that there is a conflict of interest or if a member cannot act in a fair and impartial manner. Commissioner Burton stated he is concerned about a situation where the Commission attempts to force a member of the body to leave the room for one item; this could distract from the actual application. The Commission should be solely focused on obtaining all pertinent information regarding an application and deal with actual conflicts of interest appropriately. The attention of the Commission should be focused on the law. Mr. Crockett agreed; the Commission should focus on ensuring the record of any and all actions taken by the Commission are accurate. If a conflict of interest is evidenced to have contaminated a decision of the Commission, a court of law will overturn the action.

Continued high level discussion among the Commission and staff then shifted to ex-parte communications; communications

between Commissioners outside of a public meeting; making motions and adding findings to motions; and the requirement that 14 day written notice be required before the rules are amended.

Commissioner Burton moved to adopt the Rules of Order document that was provided to the Commission by legal counsel on February 7, with additional comments requested by the Commission in a document labeled 'option two', and including the following amendments:

- Paragraph b.5 relating to information received by a Planning Commission will include the word 'written' ahead of the word 'information'.
- Paragraph 7 is amended to make grammatical corrections.
- Paragraph 10 dealing with communications between Planning Commissioners is amended to match State Code language regarding electronic communications during a public hearing.
- Paragraph f.1 is amended to remove the requirement of adding compatible findings.
- Option two language referencing examples of instances that require various types of disclosure according to the Utah Code shall be added to the Rules of Order document. Additionally, the language allowing a Commissioner to raise a concern about a possible conflict for another Commissioner shall not be included in the Rules of Order document.

The motion also includes a recommendation that the Attorney's office work to propose comprehensive edits to the Rules of Order document to make them clearer and more understandable.

Mr. Erickson asked if the language in f.1 dealing with discussion of a motion following a motion being seconded should remain in the document as written.

Commissioner Burton amended his motion to include an amendment to f.1.a to not prohibit brief discussion of a motion before a motion is seconded. Commissioner Johnson seconded the motion. Commissioners Barber, Burton, Johnson, Torman, and Shuman all voted aye. (Motion carried 5-0).

#### **4. Petitions, Applications, and Public Hearings:**

##### **4.1 2023-03 - Consideration and/or action on a conditional use permit for the McLeod Bed & Breakfast Dwelling. Planner: Felix Lleverino.**

Planner Lleverino explained the applicant is requesting approval of a conditional use permit for a bed and breakfast dwelling located in the FV-3 zone at 2653 Viking Drive in Eden. Two single-family dwellings are located on the property. Both dwellings were constructed in 1968. The owner occupies the main dwelling, and the second dwelling is above the garage that sits in front of the main dwelling. He summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; conditional use review; and design review. He concluded staff recommends approval of this conditional use permit application subject to the applicant meeting the following condition of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission: owner shall obtain a valid Weber County Business License. This recommendation is based on the following findings:

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

Commissioner Torman moved to approve application 2023-03, conditional use permit for the McLeod Bed and Breakfast Dwelling, based on the findings and subject to the conditions listed in the staff report. Commissioner Burton seconded the motion. Commissioners Barber, Burton, Johnson, Torman, and Shuman all voted aye. (Motion carried 5-0).

#### **5. Public Comment for Items not on the Agenda.**

Jan Fulmer referenced the Commission's decision to approve the conditional use permit for a bed and breakfast at 2653 Viking Drive; the use is permitted in the FV-3 zone, but the Fire Marshall recommended smoke and CO-2 detectors in the building and she hopes that will be a requirement for bed and breakfasts and also for short term rentals (STRs). She stated that her own furnace detects when input and exhaust fans are plugged and due to the deep snow on the rooftops in the Valley, her fan was plugged and she was notified. For the safety and welfare of residents and visitors, this requirement should be imposed on all short term uses. She then asked if the Commission could set a standard to require all materials relating to agenda items to be collected and published four or five days before a meeting. She stated that she tries to keep a large group of residents in the Valley informed of

the items included on Commission agendas and she tried to avoid multiple notifications about the same meeting due to amendments to the agendas. She tries to wait until the Friday before a meeting to send notices, but some meeting packets are very lengthy and detailed, and it can be difficult for the public to read and digest that information prior to a meeting. She suggested that packets be available a few days earlier so that they can be reviewed appropriately.

**6. Remarks from Planning Commissioners.**

There were no additional remarks from Planning Commissioners.

**7. Planning Director Report.**

The Planning Director had nothing to report.

**8. Remarks from Legal Counsel.**

There were no additional remarks from Legal Counsel.

**Adjourn to Work Session at 5:57 p.m.**

**WS1 Discussion on Water Conservation Goals and the General Plan. Planner Bill Cobabe.**

Planner Cobabe explained that in the 2022 Utah State legislative session, the Utah State Land Use Development Management Act (LUDMA) was amended to include provisions related to water conservation. Specifically, cities and counties are required to amend their general plans to adopt water conservation plans as elements of those general plans; he summarized the concepts that are to be addressed through the General Plan amendments, including:

1. The effect of permitted development or patterns of development on water demand and water infrastructure;
2. Methods of reducing water demand and per capita consumption for future development;
3. Methods of reducing water demand and per capita consumption for existing development; and,
4. Opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water. (UCA Section 17-27a-403 (2)(a)(v)).

He advised the Commission to begin thinking of water conservation policies that can be implemented in the County; landscaping options that differ from traditional landscape methods; reduction of the use of lawn or turf; promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation; preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions; elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation; reduction of yard waste; and use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated.

Mr. Cobabe and other members of Planning staff facilitated high level discussion of the Commission regarding opportunities for working with water providers to develop cohesive water conservation policies and programs; Mr. Cobabe concluded staff will begin working on draft policy documents that the Commission can consider over the next several months. He noted that the changes are not required until 2025, so there is sufficient time to consider water conservation goals in a meaningful way.

**Meeting Adjourned: The meeting adjourned at 7:23 p.m.  
Respectfully Submitted,**

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**Weber County Planning Commission**