Minutes of the Joint Work Session of the Ogden Valley Planning Commission and the Weber County Commission and Regular Meeting of the Ogden Valley Planning Commission for July 18, 2023. To join the meeting, please navigate to the following weblink at, https://us02web.zoom.us/j/87394185153, the time of the meeting, commencing at 4:00 p.m.

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

**Weber County Commissioners Present:** Sharon Bolos, Gage Froerer, James H. “Jim” Harvey.

**Absent/Excused:** Jeff Burton.

**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.

# JWS 1: A special joint work session with the County Commission and Ogden Valley Planning Commission to discuss proposed amendments to the Form Based Zone. The proposed changes will amend the area's Street Regulating Plan and the area's allowed architectural theme.

Commissioner Froerer stated there seems to be some concern about the most recent version of the County’s General Plan, which was developed and adopted in 2017; there seems to be some disagreement in the public realm as to whether the Plan is being followed or if it is the proper plan to follow. He invited Commissioner Harvey to provide some background information regarding the development of the Plan. Commissioner Harvey discussed planning efforts for the Ogden Valley area and stated he feels that the current Plan reflects the desires of the many residents in the Valley who were involved in the public process that informed the Plan.

Commissioner Froerer asked Principal Planner Ewert to discuss the basics of the General Plan in terms of density and transferring density to a village area. Mr. Ewert stated that a density analysis was conducted in 2016 to determine the buildout of the Valley floor and the number derived from that analysis was 16,000 total dwelling units. This does not mean the County has the authority to not approve that number of units; it means that that 16,000 units will exist at some point in time as they are development rights associated with the land in the Valley. There were already 4,000 dwelling units built at that time and staff understood this analysis meant there would be an additional 10,000 to 12,000 dwellings built eventually. The 4,000 number included resort units and last year staff felt it appropriate to reevaluate density rights according to current zoning and existing parcel layers; they found that the 2016 estimate was low and that all of the resort units could be removed from the calculation and the Valley could still see an additional 16,000 dwelling units. There has been substantial growth since 2016 and there are now between 5,000 and 6,000 dwelling units in the Valley and staff still anticipates there will be additional growth in the Valley. The General Plan anticipates density near infrastructure and services; the idea is to take the density that is spread throughout the open spaces of the Valley and move them to clustered areas where infrastructure exists. This will prevent a scenario where all farmland will evaporate into three acre lots. The next question is how to implement that directive of the General Pan and the Plan has identified eight village centers where density can be transferred: New Town Eden, Old Town Eden, Wolf Creek, Liberty, Nordic, East Huntsville, Snowbasin Intersection (Trappers Loop), and Old Snow Basin Road Intersection. Each of the village areas is an estimated quarter mile radius from the center of the village. There is work to be done to identify which villages will accommodate the greatest amount of development/density, but some decisions have been made related to traffic and infrastructure improvements.

Discussion among the Planning Commission and County Commission centered on the age of the Plan and the perceived need to update it based upon current information; planned infrastructure projects in the Ogden Valley; growth projections for the entire State and Weber County; the risk of litigation if the County chooses to take away the private property rights of property owners in the Valley; and a possible misrepresentation of the recommendations that were made by the Planning Commission regarding the Form Based Zone. Commissioner Wampler communicated the reasons for the negative recommendation from the Planning Commission and the Planning Commission’s desire for multiple issues to be separated from one another rather than combined as part of one issue for which the County Commission is seeking a recommendation from the Planning Commission. Commissioner Froerer noted the Council Commission has authorized Planning staff to separate the issues for which they are seeking a recommendation; the Street Regulating Plan should also be simplified as much as possible, and staff has been asked to scale the Plan back to something as simple as a guiding document for the next 10 to 15 years. Architectural themes will also be an

independent issue that the Planning Commission can make a recommendation on. The County Commission is also comfortable waiting longer for a recommendation in order to provide adequate opportunities for public notice and input on the two issues. Continued discussion among the group centered on the need to clearly define the term ‘open space’; the need to improve motions made by the Planning Commission in order for the group’s intent to be clearly communicated to the County Commission; a request for the County Commission to direct Planning staff to give the Planning Commission greater control of their agenda and meeting packets and to break down action items into smaller pieces;

Principal Planner Ewert reviewed a memo he included in the meeting packet; Planning staff have discussed with the County Commission the Planning Commission’s recent recommendation regarding the amendments to the Form-Based Zone relating to the proposed Eden Crossing development. The County Commission desires to discuss the recommendation with the Planning Commission to better understand the reason for the negative recommendation and the Planning Commission’s desires for the area. The County Commission has also requested that to divide the proposed amendments into two components; first, the proposed architectural theme amendments, and second, the proposed street regulating plan amendments. This memo concerns the street regulating plan amendments and provided three options that the County Commission has considered in addition to the options that the Planning Commission reviewed.

The Joint Work Session adjourned at 5:18 p.m.

# Regular Meeting

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

Chair Shuman called the regular meeting to order at 6:00 p.m.; he conducted roll call and indicated all Commissioners were in attendance, with the exception of Vice Chair Burton, who was excused.

# Minutes: May 23, 2023.

Chair Shuman noted Commissioner Wampler has sent an email to the Planning Commission and Office Specialist Borchert; he declared the minutes will be approved as amended by Commissioner Wampler.

# Consent items:

**2.1 DR2023-04: Request for approval on a design review application for parking expansion of the existing Canyon Rim parking lot for Snow Basin Resort. Planner: Tammy Aydelotte**

A staff memo from Planner Aydelotte explained the applicant is requesting approval of a design review for Snowbasin Resort Company, to expand the Canyon Rim Parking lot by an additional 124 parking spaces. This request has been submitted in order to accommodate an increase in resort visitors. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. Staff recommends approval of the Snowbasin Design Review Application. This recommendation is conditioned upon all review agency requirements, and the following conditions:

* 1. Written approval of the design shall not be issued until all review agency requirements have been met (Engineering).
  2. Any additions/changes to existing signage, or additions/changes to existing exterior lighting must be approved by the Planning Department.

This recommendation is based on the following findings:

1. Parking lots are allowed as an accessory to the main use within the DRR-1 zone.
2. The applicant has demonstrated compliance with the applicable land use codes.

Commissioner Torman moved to approve application DR2023-04, request for approval of a design review application for parking expansion of the existing Canyon Rim parking lot for Snow Basin Resort, based upon the findings and subject to the conditions listed in the staff report. Commissioner Barber seconded the motion. Commissioners Barber, Johnson, Montgomery, Torman, Shuman, and Wampler all voted aye. (Motion carried 6-0). Commissioner Burton was not present when this vote was taken.

# Petitions, Applications, and Public Hearings:

1. **Legislative Items:**

**3.1 ZTA 2023-04: A public hearing to consider a county-initiated ordinance amendment to implement water-wise landscaping regulations that align with the Weber Basin Water Conservancy District turf removal incentives. Planner: Steve Burton**

Planner Burton explained Weber Basin Water Conservancy District (WBWCD) is administering water-wise landscaping incentives to communities that have adopted specific landscaping requirements intended to restrict the use of irrigated turf grass. The attached ordinance amendments will implement Weber Basin’s landscaping requirements for municipalities and counties to adopt, and if adopted, will allow residents in unincorporated Weber County to participate in the District’s “Flip your Strip” and “Landscape Lawn Exchange” programs. The most notable change to the current landscaping regulations is the addition of 108-7- 12 titled “Water-wise Landscaping”. This section restricts new single-family residential developments from having no more than 35 percent of the front and side yard of a lot or parcel to include irrigated turf grass, and no more than 3,000 square feet of total lot area to be irrigated turf grass. The section also restricts commercial, industrial, institutional, and multi-family residential developments to having no more than 15 percent of the total landscaped area to be irrigated turf grass. Both the Western Weber General Plan and the Ogden Valley General Plan anticipate that the county will consider new water conservation methods. Staff recommends that the Planning Commission consider ZTA 2023-04 and if the Planning Commission approves, the Planning Commission may forward a positive recommendation to the County Commission for the proposal. This recommendation may come with the following findings:

* 1. The proposal helps to accomplish a general plan goal or policy related to water conservation.

Mr. Burton then facilitated a review of the proposed text amendments, making note of the amendments that will apply to residential areas and the amendments that will apply to commercial/institutional/manufacturing/multi-family residential areas. He also highlighted the new section of the ordinance that does implement WBWCD’s incentives for waterwise landscaping on new development.

Chair Shuman inquired as to any of the ordinance amendments that would be applied if someone were to make an application to make an adjustment to their own property, such as an accessory dwelling unit (ADU) on their property. He asked if this ordinance would make his park strip illegal. Mr. Burton stated that he does not think that is the case because the project would not be a new development. Chair Shuman asked if the answer were be different he were subdividing his lot; if he has a six acre lot and he chose to divide it into two three acre lots, would the proposed ordinance apply. Mr. Burton answered yes; a subdivision would be defined as new development and the water-wise landscaping regulations would apply to the new lot. Chair Shuman added the same would be true for someone with a substantial amount of land that they would like to subdivide into smaller lots to allow their family to build upon; that person would be responsible for implementing water-wise landscaping throughout the entire development. He then asked if the majority of the code amendments do not apply to single-family homeowners. Mr. Burton answered yes; only the last section of the ordinance, 108-7-12, would apply to a single-family lot.

Commissioner Wampler stated she feels it necessary to include language in the ordinance to clearly define ‘new development’ for the purposes of requiring water wise landscaping. Mr. Burton agreed that would be appropriate.

Commissioner Torman asked if the recommendations of WBWCD were specific to the Ogden Valley or their service area as a whole. Mr. Burton stated it would be his guess that WBWCD did not specifically consider Ogden Valley. Commissioner Torman noted there are larger lots in the Ogden Valley area than in other areas of unincorporated Weber County; there are not many park strips in the Ogden Valley. Commissioner Barber agreed and stated it would be helpful for the Planning Commission to hear from WBWCD regarding their feelings about the proposed ordinance amendments. Mr. Burton stated that Planning staff has been in contact with WBWCD. Planning Director Grover indicated Planning staff did not know that the Planning Commission wanted a representative of WBWCD to attend this meeting. Commissioner Barber stated it would make sense for the Planning Commission to hear from the District; the Ogden Valley environment and weather system is much different than other areas of the County. Mr. Grover indicated staff did notify WBWCD that the Planning Commission did not want to apply water wise landscaping requirements to the Ogden Valley, but they have not heard a response from the District regarding that matter.

Commissioner Montgomery stated that he is supportive of water-wise landscaping, but the Environmental Protection Agency (EPA) has cautioned against creating an urban island heat effect by removing large grassy areas and replacing them with other materials that will actually increase energy costs, pollution, heat related illness, and mortality. He asked if solving one problem will only create another problem and he would like to hear from the WBWCD on that issue. This led to high level discussion of the types of materials that could be used to replace grassy areas, with Commissioner Montgomery reiterating that the Ogden Valley planning area is much different than the Western Weber area and that should be taken into consideration when imposing

landscaping regulations.

Chair Shuman noted another concern that he has is that due to water conservation efforts in recent years, the water companies have realized they do not have money in their coffers because of reduced usage. They are charging more for water, even though usage has decreased. He still does not want to change the landscaping requirements for the Ogden Valley. Commissioner Barber agreed; he noted the General Plan for the Ogden Valley mentions the natural state of the Valley throughout. He emphasized the natural state is not rock or other water-wise landscaping elements; instead, it is green most of the year and would consider the proposal contrary to the General Plan.

Commissioner Montgomery moved to open the public hearing regarding ZTA 2023-04. Commissioner Johnson seconded the motion. Commissioners Barber, Johnson, Montgomery, Torman, Shuman, and Wampler all voted aye. (Motion carried 6-0). Commissioner Burton was not present when this vote was taken.

Emma Francis stated that it is correct that the Ogden Valley is different from Western Weber County; the pioneers came to this area and discovered grasses taller than horses, wildflowers everywhere, and springs throughout the Valley. This would be a significant change to the habitat and natural state of the Valley. She wrote an editorial in the last edition of the newspaper discussing the efforts of water companies to eliminate green space. She attended a session on this matter at a recent American Planning Association (APA) conference and she learned science about heat islands, blacktop, roofs, and rock collecting heat and contributing to droughts. The higher temperatures make cloud cover pass over areas without releasing water. The bottom line is that less green space contributes to drought; green space, however, improves mental health, lowers blood pressure and heart rates, improves physical health, cleans the air we breathe, and cleans surface water. When walking to this meeting, she noticed the heat radiating off of rock that has been used in landscaping around the building; even the plants that are planted in the rock are dying because of the heat. Grass is not present to clean storm water and minimize flooding. She cited other positive aspects of grass as proven by scientific studies and concluded turf does not need as much water as many believe and people should be encouraged to accept dormant lawns in the summer months rather than replace lawn with other materials. Education is key when discussing water conservation. She cited the boom of apartment development in Western Weber County; green spaces are being eliminated and there is no place for kids to play outside. Natural animal habitats are being eliminated as well and soil is being sterilized, which has a negative impact on the environment. Green space helps cool the environment, retains clean air and water, lowers crime rates in urban areas, and improves physical and mental health. As Utah becomes more urbanized, green space is needed more than ever. She feels the water companies have a conflict of interest and should not be recommending these types of ordinances. Science does not support the elimination of turf.

Janice Campbell agreed that the Ogden Valley has a separate and unique climate from other areas of Weber County. The area where she lives is a zone three or four and that is much different than other areas of the Valley and it is completely surrounded by natural forest and there is a need to sustain the wildlife in the area. Water on the ground is needed to allow the vegetation and gardens to grow, clean the air, and keep the water cycle going.

There were no additional persons appearing to be heard.

Commissioner Montgomery moved to close the public hearing regarding ZTA 2023-04. Commissioner Torman seconded the motion. Commissioners Barber, Johnson, Montgomery, Torman, Shuman, and Wampler all voted aye. (Motion carried 6-0). Commissioner Burton was not present when this vote was taken.

Commissioner Wampler stated that while a number of the Planning Commissioners are concerned about the proposed new regulations, they also do not want to prevent a resident of the Valley from participating in the WBWCD incentive program if they wish to; it is unfortunate that it appears that the County must adopt the proposed ordinance amendments in order for residents to participate.

Commissioner Johnson moved to forward a negative recommendation to the County Commission regarding ZTA 2023-04, a County initiated ordinance amendment to implement water-wise landscaping regulations that align with the Weber Basin Water Conservancy District turf removal incentives, based on the finding that the ordinance is not consistent with the Ogden Valley General Plan, it is not in the best interest of the general public, and is not good for the health and safety of the general public. The Planning Commission would also like to request that residents be allowed to participate in the WBWCD incentive program without the proposed ordinance being codified. Commissioner Wampler seconded the motion. Commissioners Barber, Johnson, Montgomery, Torman, Shuman, and Wampler all voted aye. (Motion carried 6-0). Commissioner Burton was not present when

this vote was taken.

# Public Comment for Items not on the Agenda:

There were no public comments.

# Remarks from Planning Commissioners:

Commissioner Johnson stated that he had the opportunity to meet with the Political Action Committee (PAC) that proposed legislation relating to matters coming forward from the Planning Commission to the County Commission and approval authorities for various land use matters; he asked if there is a time that the Planning Commission can be updated and trained on that matter. Planning Director Grover noted that Planning staff is encouraging the Planning Commission to attend the Utah Chapter of the American Planning Association (APA) Planning Conference in September and there will be a great deal of training on that issue. The County will pay for each Planning Commissioners attendance, and it is being hosted in Weber County September 18-29.

# Planning Director Report:

Planning Director Grover indicated he had nothing to report.

# Remarks from Legal Counsel

There were no remarks from Legal Counsel.

# Adjourn to Work Session

**WS1: A work session to continue the Planning Commission's review of proposed changes to the Agritourism ordinance, and the proposal to add agritourism as a conditional use in the S-1 zone.**

Principal Planner Ewert noted that during the Planning Commission’s last work session, the Commission and staff reviewed proposed changes to the agritourism ordinance. The review was not completed, but staff suggested they would make the changes discussed in the meeting and send them out by email to get a jump start on the discussion during this work session. Due to time constraints, staff was unable to send the email, and instead those proposed changes were provided in the meeting packet. There is one redlined version and one blacklined version. In the redlined version, staff has highlighted the changes requested in the last meeting to make it easier to find and review.

Mr. Ewert facilitated a review of the redlined version of the proposed ordinance amendments; the Commission’s discussion centered on the types of uses the Planning Commission would like to list as permitted or conditional agritourism uses; minimum lot sizes for a property to qualify for an agritourism use; conditions that must be present for a property owner to qualify for Green Belt designation and the connection between Green Belt and agritourism; and enforceability of the ordinance.

Chair Shuman invited input from the applicant.

Jon Contos stated that he lives in Ogden and farms land in the County. He noted he feels strongly that it is important to allow agritourism because it is becoming more difficult for farmers to make a living. He referred to the owner of an apple orchard in Utah that has implemented an agritourism use where they sell hard cider that is made from their apples. He hopes the Commission does not get caught up in minimum acreage requirements for an agritourism use; there is a lady by the name is Simbria Patterson in Salt Lake City and she operates a farm on a smaller parcel that does not qualify as Green Belt; it is important that the ordinance recognize smaller, urban farms. His business is Arrowhead Urban Farms, and he has three farming locations where he sells vegetables. Of the 16,000 farms in Utah, a large number of them are small farms and Weber County is a great destination for agriculture and rural experiences for visitors and there are many different types of agritourism uses that are attractive. He cited uses such as fruit/vegetable picking experiences, farm tours, farmers markets, ranch experiences, agricultural festivals, honey and bee keeping uses, and educational workshops. A four-acre parcel in the Ogden Valley may have a 1.5-acre portion where active growing is occurring, but the remaining acreage is not being actively used for agricultural purposes. He does feel there is a place for agritourism, and it can be used to sustain farmers.

Chair Shuman noted the Planning Commission simply wants to be sure that agritourism uses compliment surrounding uses rather than create a negative impact for surrounding properties. Mr. Contos agreed and stated he feels that the language in the proposed ordinance relating to scale of uses will help to regulate that matter.

Shanna Francis stated that her concern is that her next-door neighbor has applied for an agritourism use; she is supportive of farming and agriculture, but prior to this, her neighbor was operating an illegal accessory dwelling unit (ADU). This is an area where short-term rentals (STR) are not allowed. Her neighbor has hired a former planner, Rhonda Kippen, to help him address the issue and has now applied for conditional use for two ADUs plus camp sites for trailers. This will impact surrounding property owners under the guise of a agritourism use. The property is under five acres, and she feels strongly that a minimum lot size is necessary for agritourism. Her neighbor is applying for 12 large events per year with over 100 people at each event and this is very concerning to neighbors. She urged the Commission to set very specific guidelines for agritourism uses.

Chair Shuman addressed Mr. Ewert and asked if the Commission can create an agritourism use that is targeted towards large venues and allow smaller uses to grow organically. This led to philosophical discussion and debate among the Commission and Planning staff regarding appropriate language to include in the ordinance to differentiate between small and large agritourism uses.

Janice Campbell stated she lives in Liberty; it is her understanding the Commission is discussing and considering the possible impacts of over 100 people gathering on a small property. There are already issues with the sewer, septic, and water systems in the Valley and allowing a large number of people to strain the current infrastructure in an unregulated matter does not sound like the best outcome for the County. If people truly want to pursue an agritourism uses, they should secure a business permit, inspections, and agree to proper regulation.

Mr. Ewert indicated the proposed ordinance addresses Ms. Campbell’s concerns in the conditional use standards; if a use will overwhelm infrastructure or decrease level of service, that would be a problem that must be addressed before a permit can be issued.

Planning Director Grover expressed concerns about spot zoning if small agritourism operations are permitted; it would be his recommendation that the ordinance address agritourism uses on lager parcels. This led to continued discussion among the Planning Commission regarding minimum lot size for agritourism uses; the Commission concluded that the agritourism use should not be larger than the actual farm on the property to ensure that it is an accessory or incidental use to the farm. They then closely examined different types of agritourism uses listed in the draft ordinance and discussed whether a minimum lot size should be considered for each of these uses.

Mr. Ewert stated he will adjust the proposed ordinance responsive to tonight’s discussion and asked the Commission if they are comfortable scheduling a public hearing or if they would like another work session discussion. The Commission concluded they would like to discuss the ordinance in another work session before scheduling a public hearing.

# Meeting Adjourned: The meeting adjourned at 8:04 p.m. Respectfully Submitted,

**Weber County Planning Commission**