Minutes of the Regular Meeting of the Ogden Valley Planning Commission for December 19, 2023, 5:00 p.m. To join the meeting, please navigate to the following weblink at, **https://webercountyutah.zoom.us/j/84115804830,** the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Trevor Shuman (Chair), Jeff Burton (Vice Chair), Jeff Barber, Dayson Johnson, and Janet Wampler.

**Absent/Excused:** Jared Montgomery and 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 all Commissioners were present, with Commissioner Wampler participating via electronic means. He also noted that item 4.1 has been removed from tonight’s agenda.

1. **Minutes: August 22, 2023, September 26, 2023, and October 24, 2023**

Chair Shuman asked if there are any corrections to be made to the minutes as presented. No corrections were made, and Chair Shuman declared the minutes approved as presented.

1. **Planning calendar 2024**

Planning Director Grover reviewed the calendar of Planning Commission meetings for 2024. The Commission briefly discussed the meeting schedule and identified any conflicts or the potential for a lack of quorum for specific meetings, including the January 2024 meetings. Mr. Grover indicated he will reach out to the Western Weber County Planning Commission to determine if they are willing to adjust their meeting schedule to accommodate the Ogden Valley Planning Commissions desires to change their January schedule.

**Petitions, Applications, and Public Hearings:**

**3. Administrative Items:**

**3.1 CUP 2023-14: A request for approval of a conditional use permit for a conference/education center located at 6015 N 3100 E, Liberty. Planner: Felix Lleverino**

Planner Lleverino explained the applicant is requesting approval of a conditional use permit for a conference/education center located in the F-5 zone at 6015 North 3100 East in Liberty, see Exhibit A for the site plan. This property has a main house and a 3-bedroom guest house. The guest house will be made available to visitors participating in stargazing and wildlife observation, please see Exhibit B for the owner’s narrative. He summarized staff’s analysis of the application to determine compliance with the General Plan, zoning ordinance, conditional use regulations, parking and loading/vehicle traffic and access regulations, and design review criteria and concluded staff recommends approval of this conditional use permit application subject to the applicant meeting the following conditions of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission. Recommended conditions of approval include:

* 1. The owner shall obtain a Weber County Business License.
  2. Any changes to the site or day-to-day operations, beyond what is presented in the applicant’s submittal, shall be reviewed by the land use authority
  3. The applicant shall provide written approval from the Weber-Morgan Health Department before issuance of a conditional use permit.
  4. The site and all structures shall be kept and maintained for safety and good visual appearance
  5. The proprietor or owner shall occupy the property.
  6. Guest parking is maintained and accessible year-round
  7. Parking on 3100 East Street and 3175 E Street is prohibited.

The recommendation is based upon the following findings:

1. The proposed use is allowed in the F-5 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.

Chair Shuman addressed the applicant and asked how he has designed the property as a conference/education center. Mr. Cone stated that his home is located on this property, and he also has a second home there that he has remodeled and configured so that it is big enough for small families to stay there and engaged in stargazing and astronomy activities. He has telescopes on the property and wants to make the activity more accessible.

Commissioner Johnson asked Mr. Cone if he designed the second home with this use in mind. Mr. Cone answered no and indicated this is a newer idea; the geographical location of the property lends itself to stargazing and he wants to give people the opportunity to participate in that activity.

The Commission reviewed the site plan for the property and discussed the layout of the home and exterior improvements with Mr. Cone.

Commissioner Barber expressed concern that the proposed use does not meet the definition provided in the County’s Land Use Code (LUC) for a conference/education center. He feels there are other opportunities for Mr. Cone to achieve his goals that are more straightforward, including a guest home or bed and breakfast. Mr. Lleverino stated that there are other permitted and conditional uses based upon the zoning of Mr. Cone’s property, but the bed and breakfast use is not an option in the F-5 zone. He stated that staff has considered optional use designations for the property and felt that the conference/education center is appropriate.

Commissioner Burton moved to approve application CUP 2023-14, conditional use permit for a conference/education center located at 6015 N. 3100 E., Liberty, based on the findings and subject to the conditions listed in the staff report, and also based upon the input from the applicant that the exterior improvements to the home were constructed with the proposed stargazing use in mind. Additionally, the owner is required to obtain and maintain a Weber County business license. Commissioner Johnson seconded the motion. Commissioners Burton, Johnson and Shuman voted aye. Commissioners Barber and Wampler voted nay. (Motion carried on a vote of 3-2).

**Petitions, Applications, and Public Hearings**

**4. Legislative Items:**

**4.1 ZDA 2022-02 Consideration of an applicant driven request to amend the development agreement between Weber County**

**and CW The Basin to acknowledge transferrable development rights. Planner: Steve Burton**

This item was removed from the agenda.

**4.2 ZTA 2023-11 and ZTA 2023-12 – PUBLIC HEARING – Discussion and possible action on portions Section 106 of the Weber**

**County Land Use Code regarding subdivision approval procedures and requirements for financial guarantees for public**

**improvements. Planner: Bill Cobabe**

Planner Cobabe explained in the 2023 Legislative Session, the Utah State Legislature passed a law known as SB 174. This bill requires counties in Utah to change their subdivision review procedure, including several significant process changes that will be discussed in detail below. At the same time, the County desires to amend the provisions in the financial guarantee portion of the subdivision code to ensure the viability of the improvements and bonds the County accepts from developers. These changes must be completed prior to February 1, 2023. The following is a brief explanation of the changes proposed:

1. Section 106-1-4 Subdivision Application Requirements, regarding the submittal requirements that the County needs. This is important because up to this point the County has had the option to receive partial submittals and the opportunity to work with developers to determine whether or not an application is complete. Due to the changes in State Code, this opportunity is being curtailed and the County must –from this time forward – only accept “complete” applications. More on that below.
2. Section 106-1-5.20 Agency Review and Determination of Completeness, regarding responsibility of the applicant to work with agencies outside of the County Planning Department/Engineering Department to obtain reviews prior to submitting their application and all subsequent revisions, and the requirement for the County to review submittals within 15 days for not more than four review cycles.
3. 106-1-5.30 Approval Procedure, regarding the designation of the Planning Director as the “Administrative Land Use Authority” to review and approve subdivision plats.
4. 106-1-8.10 Final Plat Required, regarding the determination of complete applications for final plat and the requirement for the County to review submittals within 20 days for not more than four review cycles.
5. 106-1-8.30 Final Plat Approval Process, regarding the designation of the Planning Director as the Administrative Land Use Authority for final plat approvals.
6. Section 106-4-1 (d) Improvements to be installed prior to the issuance of permits, regarding the required improvements to be installed prior to issuance of permits and a financial guarantee.
7. Section 106-4-2 Specific Requirements, regarding specific requirements for improvement, including driveway aprons, and sidewalks and pathways.
8. Section 106-4-3 Guarantee of Improvements, regarding financial guarantee of improvements, including financial guarantee cost estimates, financial guarantee expiration and default, partial releases of financial guarantees, warranty guarantees (at conditional acceptance), and final acceptance of guarantees and release of the warranty guarantee. A new provision is added to allow for the authority of the County to use remaining funding to bring the subdivision improvements into compliance with the requirements.

Mr. Cobabe summarized staff’s analysis of the proposed amendments, concluding staff recommends that the Planning Commission consider ZTA 2023-11 and -12 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 amendments to the subdivision ordinance as required by State statute as well as clarifying and modifying other subdivision requirements.

Mr. Cobabe facilitated a review of the proposed amendments (in redline to signify text removal and blue text to signify text additions) for the Planning Commission; there was a focus on the approval authority for several different types of planning applications, with Mr. Cobabe emphasizing that the County does not have discretion to deviate from the Utah State Code regarding approval authority for specific applications. The Commission also discussed the timing of bonding and contingencies for specific development projects that have multiple phases.

Commissioner Johnson moved to open the public hearing. Commissioner Barber seconded the motion, all voted aye.

There were no persons appearing to be heard.

Commissioner Burton moved to close the public hearing. Commissioner Johnson seconded the motion, all voted aye.

Commissioner Burton referenced section 106-4-1, General Requirements, and stated that sub-paragraph ‘d’ indicated that improvements to be installed prior to the issuance of permits previously did not apply to street trees and other required landscaping, asphalt, chip and seal, landscaping, street monuments, or curt, bugger and sidewalk as long as a sufficient financial guarantee of improvements exists or is provided as required for the incomplete improvements. He stated that the amendments removed asphalt and curb and gutter from that list of items, and he asked why those improvements must now be included prior to the issuance of permits. Mr. Cobabe stated that the County has dealt with significant issues of noncompliance related to those improvements and staff felt they should be addressed before any land use permit is granted. He added that landscaping was removed from the list of exceptions due to the changes to State Code. This led to discussion and debate of the improvements that must be completed before different types of permits are issued for a specific development.

Commissioner Barber moved to forward a positive recommendation to the County Commission regarding applications ZTA 2023-11 and ZTA 2023-12, amendments to portions of Section 106 of the Weber County Land Use Code regarding subdivision approval procedures and requirements for financial guarantees for public improvements, based on the findings and subject to the conditions listed in the staff report, and including the proposed changes from the Western Weber County Planning   
Commission regarding approval authorities. Commissioner Wampler seconded the motion. Commissioners Barber, Burton, Johnson, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

**5. Public comments for items not on the agenda.**

Jan Fulmer asked why item 4.1 was removed from the agenda. Chair Shuman stated it was pulled at the request of the applicant. Ms. Fulmer asked if an amended agenda was published, to which Planning Director Grover answered no and indicated the applicant requested the item be removed earlier today. Ms. Fulmer then thanked the Ogden Valley Planning Commission members for their service; she has watched the Commission meetings for years and has never seen a group of Commissioners be so focused on the issues that impact the Valley and doing their best to come up with the best recommendations. What is so sad is that the Planning Commission puts in so much work, but only has the authority to make recommendations and not a final decision on items that are important to the Valley.

Phil Imers stated he and his wife moved their family to Eden 30 years ago to raise their children here; they both felt the stress and expense of their daily commutes to Salt Lake City was a fair trade for the solace they would have during their retirement. He noted that the recent limitations on their access to Highway 158 has cost them missed doctor’s appointments, undelivered insulin, and general inconvenience and they have yet to realize the true cost of the new development in Eden. He realizes this is not the fault of the Ogden Valley Planning Commission, but the fault of the County Commission. In their last meeting they put on a disgusting bit of theater when trying to convince attendees that decisions had not been made in advance. They invited residents of the Valley to attend their meeting and pour out their feelings, and they pretended to be listening. But then they made a unanimous vote, and it was perfectly clear that the majority of the input provided went right over their heads. He appreciates very much what the Ogden Valley Planning Commission has done and their efforts to follow the General Plan. He will do what he can to address his concerns in the next Weber County election.

**6. Remarks from Planning Commissioners.**

Commssioner Barber stated he feels strongly that the Ogden Valley General Plan is in jeopardy of becoming a failure; it is twisted to favor pre-determined objectives. Early in his term on the Commission he suggested that the Plan be updated, but significant decisions have been made without needed updates and this reflects a lack of leadership. He stated that two Commissioners recently left the body due to their frustrations and he has been tempted to do the same; it is difficult for the Commission and the community to accept decisions from the County Commission that are contrary to the recommendations made by the Planning Commission. He stated that he does not feel that the past year has been great in terms of application of the General Plan.

**7. Planning Director Report:**

Planning Director Grover reported Principal Planner Burton is moving to Ogden City as a policy analyst in their City Council office; he wished Mr. Burton the best in his future endeavors. He reiterated Commissioner Barber’s comments that Commissioners Montgomery and Torman have resigned, and he also wished them the best and thanked them for their service. Advertisements for the vacancies will be posted soon. He also noted that staff will include a discussion item on a future meeting agenda regarding the Eden Crossing development agreement. Chair Shuman asked who wrote the development agreement. Mr. Grover indicated Planner Charlie Ewert and the developer wrote the agreement together and it was reviewed by the County Attorney’s office. This led to discussion among the Commission regarding their concerns about certain components of the development agreement, such as building heights and transfers of development rights. Mr. Grover noted Commissioner Barber asked staff to request a meeting with the County Commission regarding his concerns and Commissioner Froerer indicated he wanted to see how the TDR ordinance works for a least a year before discussing it and considering any changes. He then concluded that with Mr. Burton’s departure and the retirement of an Administrative Assistant in January, staff will not be taking on any special projects for the time being. Any ordinance changes will need to follow the petition process to help keep the workload on staff at a manageable level.

**8. Remarks from Legal Counsel:**

There were no remarks from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 6:22 p.m.**

**Respectfully Submitted,**

**Cassie Brown**

**Weber County Planning Commission**