

Minutes of the Ogden Valley Planning Commission Regular meeting January 27, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Pen Hollist, Chair; Ann Miller; John Howell; Greg Graves; Will Haymond; Laura Warburton

Absent/Excused: Kevin Parson

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Charlie Ewert, Principal Planner; Ronda Kippen, Planner; Christopher Crockett, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

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

1. Petitions, Applications and Public Hearings

1.1. Administrative Items

a. New Business

1. Discussion: Ogden Valley Drainage and Flooding Discussion - Jared Andersen, Weber County Engineer

Director Wilkinson said that Jared Andersen had an unexpected issue that came up and could not attend this meeting. This discussion will be held at the next meeting.

2. CUP 2015-01: Consideration and action for approval of a conditional use permit for Legacy Motorsports, an off road vehicle and recreation equipment sales and service, and rental located at 7345 East 900 South within the Commercial Valley Resort-1 (CVR-1) Zone. (Rachel Larsen, agent for Legacy Motorsports, and Carol and Garr Peterson, owners)

Ben Hatfield said that his property is zoned CVR-1; within that CVR-1 Zone as a conditional use it allows off road vehicle and recreation equipment sales, service, and rentals. The address is more commonly known as Chris's Gas Station in Huntsville. The site currently has a gas station as well as other businesses. Legacy Motorsports has proposed to rent some of this space in the existing building and has proposed to have enough parking on the site. A 20 ft. by 6 ft. area would display ATV's and UTV'S that are for sale or rent. Part of the criteria for issuance of a CUP is the ATV sales and rentals. The proposal will have minimal impacts to the community as the site is located with other commercial uses. Any repair and mechanical maintenance of the vehicles will be handled by the adjacent business. Staff is proposing recommendation of approval of the CUP application.

Rachael Larsen, the applicant who resides Hooper, indicated that they have always wanted to have a dealership and sell motorsports. They would like to do business in Weber County, bring some revenue and sales to the valley, and let people see how beautiful it is up there.

Commissioner Howell inquired as to when they would have those vehicles there, where will they be stored, and the number of vehicles involved there. Mrs. Larsen replied they are going to store them against the building. They will usually be outside, but they are working on getting an enclosed trailer so they have a place to store them at night. They are going to start out with three and as their business picks up, they will come back with a revision.

Chair Hollist asked if they will be selling and renting the ATV's. Mrs. Larsen replied their plans are to sell them and later on they could see about renting them.

There was no public for discussion.

MOTION: Commissioner Warburton moved to approve CUP 2015-01 for the Legacy Motorsports, an off road vehicle and recreation equipment sales and service and rental located at 7345 East 900 South within the Commercial Valley Resort-1 (CVR-1) Zone based on the finding of facts that it fits in with the General Plan. Commissioner Haymond seconded.

DISCUSSION: Commissioner Graves said the motion indicated sales and rentals but the applicant indicated they are not doing rentals. Commissioner Warburton replied staff has indicated sales and rentals and this prevents the applicant from coming back. Director Wilkinson added that is the use that is listed in the code. Commissioner Graves said there is no

size or the amount of vehicles they could have listed. Mr. Hatfield replied that the only limits they have is the size of the display and if they needed additional space for more vehicles they would have to come back and amend their application.

VOTE: A vote was taken with Commissioner's Miler Howell, Graves, Haymond, Warburton, and Chair Hollist voting aye. Motion Carried (6-0)

b. Old Business

1. CUP 2014-34: Blacksmith Garage Conditional Use Information Update

Chair Hollist stated that he was not sure that Ronda Kippen needed to present anything as they were just passing information along from a previous case to let the public know that the memorandum sent to the Planning Commissioners would be sent to Steven Robins who wanted to see the discussion regarding the screening of that property. Mrs. Kippen has addressed that and he wonders if that is all that needs to be done. Director Wilkinson replied that no action needs to be taken. Staff put this on the agenda in case there were any questions; if not staff will send the discussion to the applicant.

2. Elections: Chair and Vice Chair for 2015

Commissioner Miller nominated Commission Warburton for Chair. Commissioner Howell seconded.

VOTE: A vote was taken to elect Commissioner Warburton as Chair for 2015, with all members voting aye (6-0).

Commissioner Howell nominated Commissioner Hollist for Vice Chair. Commissioner Warburton seconded.

VOTE: A vote was taken to elect Commissioner Hollist as Vice Chair for 2015, with all members voting aye (6-0).

3. Meeting Schedule Approval of the 2015 Meeting Schedule

Upon reviewing the meeting schedule, the Planning Commission agreed to the meeting schedule.

VOTE: A vote was taken to approve the meeting schedule as presented with all members voting aye (6-0)

4. Public Comment for Items not on the Agenda: Steve Clarke, who resides in Eden, introduced Ken Mayhue, a resident of Eden who is also interested in Government. He is a great participant in valley affairs. He introduced Ken's daughter; Brittney Mayhue, who is here for her first government meeting. She is filling a requirement for a class. Chair Hollist welcomed them and informed Brittney of what they deal with on administrative matters. Chair Hollist invited Miss Mayhue to the work session later on the agenda.

5. Remarks from Planning Commissioners: Chair Warburton thanked Commissioner Hollist and Commissioner Miller for the work that they have done for two years, and their dedication as Chair and Vice Chair.

6. Report of the Planning Director: No remarks from the Planning Director.

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

8. Adjourn to Convene a Work Session:

Commissioner Hollist gave a brief review about the presentation for the Monastery. There were a number of people there including people from the Ogden Valley Land Trust. Their presentation was very faithful to what the Monks wanted. In the presentation they had come up with a scenario but Commissioner Hollist' opinion was that it was complete and they knew it was not complete. As for the spiritual aspect of the land that was used by the Monks, their paths were a fully considered and complete in his view. It appears this was largely done to the direction of where the Monastery is planning to go.

Steven Clarke said he had information with more questions. Scott Mendoza stated that they had interesting points, in the past it was more of a development mode, but currently it is more about agriculture land. They have taken more responsibility and the plan can now be suggested to the Monks.

WS1. DISCUSSION: Ordinance Revision: Title 108, Standards, Chapter 12, Noncomplying Structures and Noncomplying Uses/Parcels:

- **Summary:** The County is working on expanding certain public rights of way to facilitate street improvements. The right-of-way expansions may cause some abutting lots that are at the minimum zoning standards to drop below adopted standards. It is apparent that other changes could help for clarity and administration.
- **Background:** In the process of vetting language, staff found other area of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, the nonconforming use and Noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time. The original intent of such an ordinance is to make the change or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards.
- **Proposal:** Staff proposes the changes that can be found in Exhibit A, Section 108-12-15, along with new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion provided in Exhibit B. Regarding unplatted properties, the changes proposed in Exhibit A, Section 108-12-11, maintain the flexibility of the current ordinance while providing clarifications. The current ordinance only lists that zoning area and zoning width standards may make a "Lot, nonconforming." The proposed definition is no longer limiting to zoning area and zoning width standards.
- **Discussion:** Charles Ewert briefly went through the Exhibit A and Exhibit B explaining the changes. After a discussion from the Planning Commission, the members asked Mr. Ewert to continue making changes as they like where this was headed.
- **Summary:** The provisions are not proposed to be removed, but they are being revised to provide clarity.

WS2. DISCUSSION: Weber County Land Use Code Revision Process: Main Use, Accessory Use, Main Building, and Accessory Building:

- **Summary:** In the Land Use Code there is a conflict regarding how the definition of the main and accessory building works with the definition of main and accessory use. In essence, these definitions do not allow an accessory building on a lot or parcel that does not have a *main building*. The first thing listed in most zones is "*accessory building or use customarily incidental to any permitted or conditional use.*" Under existing ordinances, an accessory building may not necessarily be all that different from a main building. A "*main building*" is required to be established and adhere to certain setback standards that are more restrictive than those for an "*accessory building.*" The only substantial difference between the two building types is the setback requirements. Uses of the buildings must comply with those uses listed in whatever zone the building is located.
- **Background:** This discussion was spearheaded by an applicant that desired to build an accessory building on his property. This property is a legal, subdivided, and conforming lot. The property is vacant, with the exception of occasional agricultural uses. The property owner asserted that the structure would be accessory to the agricultural use. Due to the current Land Use Code (LUC), staff had been to find other means to help the gentleman get what he wanted, but these other means tend to be more cumbersome for the land owner and County administration. The Planning Commission should know that the difference between a main building and an accessory build is not necessarily based on the specific use of the building as provided in the listed permitted or conditional uses of the zones. If a building is defined as a main building it has to meet stricter setback requirements than a building defined as an accessory building.

- **Analysis:** The first thought about how to approach this issue, is that accessory buildings should be allowed to support main uses of land allowed by whatever zoning is in place on the land, with or without a main building. This is because some open air uses allowed in any given zone may necessitate a building that is not a main building, and should not be required to meet the main building setbacks. The second thought is that the adjacent land owners of smaller lots within a residential subdivision or neighborhood in a zone that also allows open air land uses may have a reasonable expectation for similar uses to be established on neighboring parcels. Allowing for accessory structures on vacant lots can create a built environment of shops and garages on properties in area primarily built to provide residential uses. Those accessory structures interrupt the land uses typical of residential neighborhoods. In determining appropriate policy perspectives, staff and the Planning Commission(s) are supposed to be looking to, first, the general plan and second, the intent of the zone for guidance. The following analysis takes a closer look at the general plan for both Planning Commissions, and follows with a review of the purpose and intent of specific zones:
 - The Ogden Valley General Plan establishes a goal to promote agricultural land with the following objectives:
 1. Identify and promote prime agricultural land
 2. Consider agricultural land in dedicated open space planning
 3. Develop means to compensate property owners for the loss of development rights on agricultural land
 4. Promote working farms as an integral part of the Valley's cultural heritage
 - The Western Weber General Plan, this plan does not provide a clear preference on how approach the conflicting adjacent land use issue.
- **Proposal:** In keeping with the status quo, the following proposal is only intended to clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not speak to the higher-arching implications provided in the above analysis. The erection of a building intended to support an allowed open-air use of land may occur as long as it is identified as a main building, and setback from property lines in accordance with the standards for main buildings. The additional setback requirements of the main building will assist in protecting adjacent residential uses from agricultural operations, while still enabling agricultural uses to thrive. This is a legislative consideration, and there is a lot of discretion that can go into the decision.
- **Discussion:** Charles Ewert briefly went through the Exhibit A and Exhibit B explaining the changes. After a discussion from the Planning Commission, the members asked Mr. Ewert to continue making changes as they like where this was headed.
- **Summary:** The provisions are not proposed to be removed, but they are being revised to provide clarity.

WS5. Adjournment: The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission