Minutes of the Ogden Valley Planning Commission Regular meeting September 05, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jamie Taylor, Chair;Laura Warburton, John Lewis; Robert Wood; Chris Hogge; Stephen Waldrip,

**Absent/Excused**: John Howell

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

Guests: Ashley Cross, OVBA, Chair; Athena Edmond, Local Business Owner; Dave Lorenz, Alpine Pizza & Pasta Owner

***Pledge of Allegiance***

**1. Minutes:** Approval of the August 22, 2017 meeting minutes

**MOTION:** Chair Taylor approved the meeting minutes as written.

**2. Remarks from the Planning Commissioners:** There were none.

**3. Planning Director Report:** Director Grover said that he would be leaving earlier to attend an annexation meeting in Roy.

**4. Remarks from the Legal Counsel:** There were none.

**5. Adjourn Public Meeting to convene to a work session:**

**WS1. DISCUSSION: ZTA 2017-01: An application proposing to amend the Ogden Valley Sign Code.**

Charlie Ewert said the format of the meeting he will be giving some history of the application. After that will be Ashley Cross and the other members of the Ogden Valley Business Association will give their perspective, and following that we will review the text. The three basic principles that the OVBA is asking for and following that we will dive into some of the more complicated contexts with some of the changes that staff with slide shows and things like that. The request essentially started out when a desire to allow larger signage. As we talked about sign counsel and the American Sign Counsels formulas with both the OVBA and with the Planning Commission; it was understood that would result in large signs. Another request was to allow electronic signage of some nature, and other aspect of the request is A-Frame Signage. The electronic signage has been pulled off the table, the A-Frame signage is still on the table, the sign counsel formulas which would result in really big signs are also off the table.

**Ashley Cross, Chair of Ogden Valley Business Association, and** **owner of New World Distillery:** Ashley Cross gave her presentation and said her concerns is having people from Utah find her business and having signs placed in key directional spots in the valley, as there is a noticeable intake of traffic. She talked about other businesses that would like to display their signs to help increase traffic to their businesses.

**Athena Edmonds, Simply Eden Goat Milk for Promotions, Owner:** Athena Edmonds gave her presentation and asked for the ability to play on the local playing field with appealing and conforming signage while keeping with the community’s rustic and small community feel.

**Dave Lorenz, Alpine Pizza & Pasta Owner:**  Dave Lorenz gave his presentation on the information with pictures that was handed out to everyone. In conclusion, our signage placement off the beaten trail is very crucial for the success of my business. I would like to see some modifications and changes that would accommodate us and allow us to advertise consistently to help our businesses to do a number of outreach and employment as well.

Charlie Ewert said this is the amended request from Ashley Cross and we did drop any reference from the American Sign Counsel. I didn’t forward the original framing and just worded what we have with what they were asking for in context. We also dropped the electronic sign verbiage under the sign ordinance that we currently have we allow change copy signs for five types of businesses. In the original request was to allow those to be electronic, so that’s been removed from what we had.

Charlie Ewert said let’s go to sandwich board on Page 11, Line Item 410, you will see Portable Signs, that under the prohibited section and we’re saying that’s not prohibited anymore. Move over to Portable Signs, Page 13, and he read Line Items 477 through 485. There was a discussion about the 100 feet of another and it was decided that it should say 100 feet of their other sign. Mr. Ewert made the changes.

Charlie Ewert continued with Page 13, Line Items 386 through 490. There was a discussion about the color and type of materials used. Mr. Ewert said there is a couple of point that has been brought up on this light on dark, and we understand that it’s subjective. We also understand that state code had amended this last year that said if your ordinances are subjective or if it has room for interpretation, you erred the interpretation in favor of the personal property right. So if someone comes in with white lettering on very light (almost white) background that might comply. I just didn’t want to pick up a very specific color, or color number on the RGB scale and regulate that. Maybe we need to put a little more clarification on what we mean by light on dark. It was suggested using words like rustic and that would eliminate a teal colored sign. Okay I will review this and add the word “rustic.” May I should say contrast between the text and the background has to be x, y, or z and just leave at that.

Charlie Ewert continued with Page 13, Line Items 491 through 493. There was a discussion about enforcement on the signs and it was suggested that a warning should be given first before enforcement. It was suggested doing a pamphlet for signage and handing them out. It was suggested the OVBA could be a partner in helping the county create that pamphlet because they would know what questions to ask.

Charlie Ewert asked if everyone one comfortable with the information of the A-Frame Signs. There was more questions and discussion. Mr. Ewert said let’s go back to the writing, one A-Frame will on-site and the other will be 100 feet per business owner. The HOA is the property owner. I don’t think from a Planning perspective we’re too concerned with the A-Frames on-site, it’s the ones that are off-site. Those are the ones that get bogged down in legal dispute.

Charlie Ewert said let’s go to Flags on Page 14, Line Item 514. The mention of United Nations may ruffle feathers, but what our current code says that you can only have the United States flag, State of Utah flag, a Weber County flag, and one corporate flag. Those are the only flags that you can have. If we say any flag then we’re getting all kinds of flags and that just becomes a standalone sign and every flag is a sign. Are we comfortable saying any flag from any nation recognized by the United Nations, any state within the United States of America, and Weber County. We have a height of the flag is 35 feet is the standard flag etiquette. There was a discussion and Mr. Ewert said he would come up with some language for this and will bring it back.

Charlie Ewert asked Ashley Cross, Athena Edmond, and Dave Lorenz if they had anything they wanted to discuss. He wanted to make sure that their concerns were addressed. There was a question about signs that were on a temporary basis.

Charlie Ewert said some of the things that this commission may not think should be allowed are as a temporary signs. Turn to Page 16, after Line Item 587. If you go through these sign types listed on pages 16 and 17, those are all temporary signs without a permit.

Charlie Ewert showed pictures of various signs from Jackson Hole, Wyoming and Ketchum, Utah, and Cache County. There was a discussion on the various signs that were displayed and if they would be suitable for Ogden Valley.

Charlie Ewert showed sketches of various signs of what the current code says and what it could be. Our current sign code says that the area of your building wall signs 5% of the total area of the building fix. It tells us how to calculate the open face; the width of the building, multiplied by the height, gives you how much area you have for your signage. This says 3% but in our current code you get 5% for individual units multiplied by the height.

Charlie Ewert said what if we review and I show you what is being proposed, take notes on the side, with questions that you may have, and do your own studies. We can come back at another work session. Ms. Cross asked if that was going to delay any ruling for another month. We just want to say what’s happening in the interim, which right now is a free for all. Do the free for all continue with no scheduled end? It would be nice for us to put out a statement of where we are, just not another statement that we’re continuing discussions with our statement that has been going on for a year.

Charlie Ewert said that he could bring forward the A-Frame Sign, the Open Sign, and the Flags in three weeks at the end of this month. We will have the hearing and get that done. Ms. Cross replied that is a good idea, and we’re pretty much in agreement and get this done and focus on other parts.

Courtlan Erickson asked did we discuss the flags in light of the Reed Case. Mr. Ewert replied that is something that you and I need to discuss. Maybe the Planning Commission needs to be aware of that the Reed Case is the content neutrality. You have to be content neutral when you are regulating the signage. We may come back with some recommendations on how to make changes to that section that is content neutral. Mr. Erickson said the problem can be if you look at the flag, and you have to determine if it’s a country flag, or if it is some other kind of flag and it may not be allowed. Mr. Ewert said we may stick with a dimension ratio that is approved by the International Flag Counsel or whomever.

Charlie Ewert asked do you want to keep on going and do a brief overview so that we all understand what’s in the proposal and this is not a polished or final version. Maybe put this into context and come back on the next work session. It was agreed for a quick overview and come back to a work session for discussion. Ms. Cross said so we are moving forward at the end of this month. Mr. Ewert replied yes.

Charlie Ewert said I am going to go section by section and explain what we’re doing and why as opposed to reading the changes and a lot of integrations in the sections of the code.

Charlie Ewert said Page 1, Line Item 3, Section 101-1-7 Definitions: In the definitions section we’ve got 15 different definitions on what a sign is. It’s important for the Planning Commission to know what each of those is. There are projecting signs, wall signs, sign face, sign structure, and all of those things you’ll find in definitions section. Next time I will make sure that I have that all integrated in.

Charlie Ewert said Page 2, Line Item 69: We’re going to look at currently we have a definition of frontage lot. It’s intended to be lot frontage but that term doesn’t show anywhere in the code. It is really needed in our code because we are also writing the subdivision chapter now and we will have some serious discussions about lot frontage. I am changing that to street frontage so it is clearer, and what we are talking about is the frontage of a parcel along the street. We are adding in there building frontage and building frontage is the front of the building that faces a public right-of-way or parking lot. That’s good to know when we’re talking about what sides of the building the signs are going to.

Charlie Ewert said Page 3, Line Item 75: There are two signs that you need to know the difference between, they are entrance ground sign, and the current code calls it master entrance ground sign, and the word master is not shown in the code. We eliminated master and just have entrance ground sign which is in the code. The other is ground/monuments signs and is two different things.

Charlie Ewert said the other thing that you need to be aware of in the next version; every single zone in their own individual chapters, have provisions for signs at the bottom. For some reason when this was adopted, we didn’t notice that we had those two, and there is conflict there and those are going to be gone. The individual zones that were specified here will still be there and spelled out the way that they are.

Charlie Ewert said Page 3, Line Item 86, Section 102-2-2 Planning Area Boundaries: We just changed this about a year ago, and it didn’t make sense so I am changing it again. On Page 3, Line item 95, Section 108 Standards: We’ve added Clear Site Triangle: So every intersection needs to have some kind of unobstructed distance within the triangle in the corner. So you can see the traffic flow that is coming, and specifically and more important those areas where we don’t have buildings holding that front corner. On Page 3, Line item 100, Section 108-2-8 which is our Design Review Chapter that talks about clear site triangle.

Charlie Ewert said on Page 4, Line Item 120, Chapter 7, Supplementary and Qualification Regulations: That talk about clear view and they don’t say the same thing. This now takes it out of our Design Review section, and places into our Supplementary Standards and now it says what it is supposed to say. The next item is Signs.

Charlie Ewert said on Page 5, Line Item 148 Section 110-2-1, Purpose and Intent: I am going to make some more changes to this, specifically that second section. That’s more of a manifesto on what we are exclaiming there. We hereby support the constitution, and I don’t know that we need to say that in our code.

Charlie Ewert said on Page 6, Line Item 162, Permit Required: This just has some administrative clarification to make sure it’s clear what we are talking about. On Page 6, Line Item 175, Section 110-2-3 Master Signage Plan and what this is intended to say, if you have more than one sign, you need to propose a master sign plan. It sort of says that, and what I rewrote now makes it clearer. One sign is just a land use permit, two signs it’s technically a land use permit, but it has this glorious name master sign plan, and it’s for both of those. The reason this needs to be changed, on Line Item 183 through 185, starting with each and the rest of that sentence that is supposed to be put into (2). It was suggested to change on Line Item 181 form master signage plan to master sign plan. It was suggested to clarify Line Item 184. On Page 6, Line Item 196, Section 110-2-5 Signs and this section we start dividing things out per zone. On Line Item 199, (a) Valley Commercial CV-1, CV-2, and Manufacturing MV-1, is how we are going to regulate these specific sections. My idea in the future as we are redoing this code, is to make it easy to transition into our villages if we can. This is where we say your cumulative sign area on your wall, for wall sign, projecting sign, or canopy sign is two square feet for each lineal feet of building frontage. Have your feet multiply it by 2, you have your square footage of your cumulative sign. We also have in there that your signage needs to be below the third floor. I don’t know if we are ever going to allow three floors in the Ogden Valley.

Charlie Ewert said on Page 7, Line Item 207, Part c: This is the point the OVBA general request brought up, what happens if I have a public entrance on the side of the building that is not my building frontage. Can I have a sign there? You just saw that photo in Jackson in the alley and that is appropriate. The question is how much, should every sign of the building be allowed the whole two square feet per lineal foot, or should we say this is different side, this side of the building is different because it’s not as meaningful as the frontage. So you are only allowed this amount of signage, and that’s 25 square feet or less per unit. There was a discussion about frontage and location of frontages. On Page 6, Line Items 219 through 251, we allow monument signs and if you look through 2-5 are all some brands of monument signs. A monument sign is fixed to the ground, no poles and no distance between the bottom of the sign and the ground. Is there a snow issue, with the snow accumulating to high to see the sign, and are we going to call that a maintenance problem, or do we make the sign high to allow for snow. There was a discussion on monuments signs. It was suggested that monument signs be more rustic or woody.

Charlie Ewert said on Page 18, Section 110-2-12, Sign Materials and Display Standards. He read the information of Sign Materials and said on the last sentence they could not enforce that. I am going to address that and this is where we can tackle this and have a discussion with legal on this. There was a discussion and it was suggested having the lettering lighter than the background. Mr. Ewert said he was going to work on this and incorporate the sign face standards that we were looking for in the A-Frame signs.

Charlie Ewert said as far as height and snow depth, if we’re talking about a single business being allowed 9 feet in height, they can find a way to design their sign around snow depths. There was a discussion and they agreed with this.

Charlie Ewert said on Page 7, Line Item 235, (4) Off Premise Entrance Ground Sign, this used to be a conditional use and it doesn’t make sense as a conditional use. There either is or is not a preface so we just wrote in standards that we liked. What this is, you get to have a group monument sign the represents several different businesses. If those businesses don’t have frontage on a collector right-of-way, and we don’t currently have arterials in the valley. There are pros and cons and not everybody is going to get the benefit of it. Line Item 246, (5) Driveway Approach Entrance and Exit Signs, we cannot regulate content, we cannot say that’s an entrance/exit based on what it says or that it’s narrow. We can regulate location, height, and that kind of stuff. Line Item 252, (b) (CVR-1), (AV-3), (FV-3), FR-1, FR-3, F-5, F-10, and F-40 and the only difference between this section and the previous section is there is a residential element to it, and the same with the DRR-1 Zone which has more flexibility in terms of banners and change copy signs. The regulations for change copy, projecting, canopy signs were pulled from other sections of the code and put in a place that is easier to understand. As practitioners and administrators, when you read this sign code, you have to read the entire code to know how any of it applies to any sign, and that’s not an efficient way to write an ordinance, so tried to consolidate it.

Charlie Ewert said on Page 10, Line Item 373, Section 110-2-6 has been deleted and sent to other codes.

Charlie Ewert said on Page 10, Line Item 386, Section 110-2-7-Window Signs. We made some administrative clarifications here until you get to Line Item 395. This we added for more clarification.

Charlie Ewert said on Page 11, Line Item 399, Section 110-2-8-Prohibited Signs. If you go down to Line Item 428 (9) Luminous Tube Signs and I am not sure that we need that but I left that in. Go to Line Item 435, (11) Roof Signs. I was surprised to see that those are not allowed, but if you have a pitched roof that should be no problem. A roof sign is a sign that would take the angle of the roof and project upwards.

Charles Ewert said we don’t have position on prop signs and maybe we should take a position on those.

Charles Ewert said on Page 12, Line Item 448, Section 110-2-9-Other Allowed Signs. There are a lot of changes there for clarification.

Charles Ewert said on Page 13, Line Item 477, (3) Portable Signs. This section is all new information. Go to Line Item 495 (4) Subdivision Entry Signs. This is already in there but just not clear especially when a subdivision is also a commercial subdivision. What this is intended to say if it’s a commercial subdivision, this monument sign replaces one of your commercial signs. If it is a residential subdivision, you get a monument. So basically it says if it’s not otherwise regulated by one of those other commercial sections, it shall not exceed 4 feet in height, and 10 feet wide. There was a discussion on portable signs and subdivision entry signs. Mr. Ewert said if there is a problem, they could address it later.

Charlie Ewert said on Page 14, Line Item 524, (5) Banner. This was changed because we can’t say grand opening because we can’t regulate speech but we can say banner. I put some regulations there. Go to Line Item 527 Guidance Signs that is already provided in Line Item 544, Traffic Signs.

Charlie Ewert said on Page 15, Line Item 560, Destination and Recreation Resort Zone Manual Change Copy, I just put that in the DRR-1 Section.

Charlie Ewert said on Page 19, I deleted (8), (10), (11), and (12), and it was already addressed somewhere else. Number (8) was renumbered (9) Sign Setback was changed to update and clarify.

**9. Adjournment:** The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



Kary Serrano, Secretary

Weber County Planning Commission