



OGDEN VALLEY PLANNING COMMISSION

AMENDED PLANNING MEETING AGENDA

February 28, 2017
5:00 p.m.

Pledge of Allegiance
Roll Call

1. Minutes: Approval of the November 1, 2016, January 3, 2017, and February 7, 2017 Meeting Minutes
2. Consent Agenda:
 - 2.1. UVO080116 Consideration and action on a request for final approval of Old Town Eden Condominiums in the Commercial Valley (CV-2) Zone, located at 5510 E 2200 N in Eden. (Ben Toone, Applicant)
3. Petitions, Applications and Public Hearings
 - 3.1. Administrative Items
 - a. Old Business
 1. CUP 2016-16 Consideration and action for an amendment to the site plan associated with the conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center in the Forest (F-5) Zone, located at 13485 East Hwy 39 in Huntsville. (Dailey Family Limited Partnership, Applicant; Daniel Dailey, Agent)
 - b. New Business
 1. CUP 2017-01 Consideration and action on a conditional use permit application for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District in the Open Space (O-1) Zone, located at the Intersection of Retreat Drive and Mountain Ridge Drive in Eden. (Wolf Creek Water and Sewer Improvement District, Applicant; Mike Durtschi, Project Engineer, Gardner Engineering, Agent)
 - 3.2. Legislative Items
 - a. Old Business
 1. DISCUSSION: ZTA 2016-06: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.
4. Public Comment for Items not on the Agenda:
5. Remarks from Planning Commissioners:
6. Planning Director Report:
7. Remarks from Legal Counsel:
8. Adjourn Public Meeting to Convene to a Work Session
 - WS1. DISCUSSION: Ogden Valley Hydrogeology Report Update

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. to discuss agenda items. No decisions are made in this meeting.



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Ogden Valley Planning Commission Work Session dated November 01, 2016, in the Weber County Commission Chambers and Breakout Room 108, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Will Haymond; Jami Taylor, John Lewis, John Howell

Absent/Excused: Robert Wood, Greg Graves

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Ronda Kippen, Principal Planner; Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Guest: Jordon Cullimore, Property Rights Ombudsman

****Pledge of Allegiance***

****Roll Call***

Chair Warburton said that Commissioner Lewis has a conflict of interest with the consent agenda item and will be excused during that item.

MOTION: Commissioner Taylor made a motion to change the order of the work session agenda to have the Land Use Law Training be heard as the first item, and have the Rules of Order as the second item on the agenda. Chair Warburton seconded. A vote was taken with Commissioners Haymond, Howell, Taylor, Graves, Lewis, and Chair Warburton moved to approve to change the order of the agenda. Motion Carried (6-0)

1. Consent Agenda:

- 1.1. Consideration and action for final subdivision approval of The Ridge Townhomes PRUD Phase 3, consisting of 12 units located at 5300 E Moose Hollow Drive, in the Forest Residential (FR-3) Zone. (Ridge Utah Development Corporation, A Utah Corporation, Applicant; Eric Householder, Agent)**

Commissioner Lewis left the meeting.

MOTION: Commissioner Taylor moved to approve consent agenda item UVR091516; The Ridge Townhomes PRUD Phase 3 consisting of 12 units. This motion for approval is based on the accompanied staff report with the recommendations, findings, and conditions listed there within. Commissioner Howell seconded. A vote was taken with Commissioners Haymond, Howell, Taylor, Graves, and Chair Warburton moved to approve consent agenda item. Motion Carried (6-0)

Commissioner Lewis returned to the meeting.

- 2. Remarks from Planning Commissioners:** Commissioner Taylor asked staff that she would like to have a discussion in the future on looking into having a tiny homes ordinance with applications and things of that nature.

- 3. Planning Director Report:** None

- 4. Remarks from Legal Counsel:** Courtland Erickson said he would like to bring up the annual requirements for Open Public Meetings Act Training to make sure they get that on an annual basis. That statute is not very detailed in that, so there is some flexibility on how they receive that training. They need to be thinking about how they would want that, and it is flexible in the rules of when they have that training. Chair Warburton said she had talked to the Ombudsman and he is going to cover that training, so that part is taken care of.

5. Adjourn to Convene to a Work Session

WS1. TRAINING: Land Use Law Training - Office of Property Rights Ombudsman

Jordan Cullimore, Property Rights Ombudsman said a lot of the time they spend talking to property owners; as well as government entities to discuss things; for instance eminent domain and the taking. They are happy to talk with anyone about what their rights mean and getting certain facts; beyond acting the role of a mediator and eminent domain scenarios. Such as private property owners whose land is being taken by the government; they help them ensure that the property owner's rights are being considered, and that they receive just compensation at fair market value. In the land use context they do advisory opinion; if it comes to an impasse between the government entity and the property owner or developer, and how a certain statute or law or local ordinance should be interpreted. They can get arguments from both

sides and then do a legal analysis and produce an advisory opinion. Here is the website that he is talking about; <https://propertyrights.utah.gov/> if they want to check out a lot of good resources. One of the things that they can look through and research is the advisory opinions they have done from the past; subject over the years with those in advisory opinions.

Jordan Cullimore said that's it in a nutshell of what they do, but he encouraged them if they have something that he could look into and do the research, and would be happy to do so. The other thing they do is come and do this training. If they already have questions and they already know what they want to talk about, let's get going. Cities have different issues than counties, and Weber County has different issues than San Juan County. So that's one of the reason they enjoy coming in and doing this training; so they can talk about the specific issues this commission is interested in. He can begin with the distinction between legislative administrative decision and move wherever they would like to go.

Chair Warburton asked if he could tell them what legal authority he has when he makes an opinion. Mr. Cullimore replied none, the role of the ombudsman to make recommendations. Technically they are an advisory opinion, as far as if they issue an opinion in a dispute, and then if the parties don't use their opinion to resolve the dispute. They then go to court and the court rules the same way that his office advised, then the prevailing party can be awarded the attorney fees, and that is built in the statute. That has actually happened two or three times; and beyond that frankly litigation and the land use has significantly gone down since they have given the advisory opinion. By reducing litigation and if the court rules on the same issues that they ruled the same way; then there will be attorney fees involved that causes some positive law, and that's as far as their authority goes. They also have the authority to bring government to the table and mitigate; and they are required if the court mandated mitigation to come to the table, and make a good debate after.

Jordan Cullimore said as far as an entity beyond mitigation, they also do arbitration but it's not landing arbitration, and it's infrequent to get to the arbitration stage. They look at the law, they do a legal analysis, and they give their honest opinion, and they don't have to represent any one party so they can provide a neutral independent review of an issue, and that's where their authority lies.

Chair Warburton said one of the things that she heard that she really liked; there's their opinion, there's her opinion that both can provide, but then there's the law. It's really helpful to have someone like the ombudsman doing legal work where they see people code all the time and know where the holes are at.

Commissioner Lewis asked when they arrive at their opinions based on facts; would that determine their analysis based on the opinion of the information that they have decided? Mr. Cullimore replied their opinion is relied upon the law as it has been decided by the US Supreme Court and Court of Appeals as applicable. Also the Utah Supreme Court, Utah Court of Appeals, and some land use issues haven't really been addressed by Utah Courts, so in those cases they look outside of Utah to other jurisdiction. They address the issue; they've looked at the minority and majority views, and decide which one most aligns with Utah's principals, because their advisory opinions don't have any legal authority, they don't set precedence with their opinion. The Ombudsman Office has taken legal positions where the law is vague in some regards, and other advisories have said it is vague and these are the options.

Commissioner Lewis said so even though it's vague, they still base it on the law. Mr. Cullimore replied definitely, they base everything on Utah Statue or Case Law; they usually take the conservative approach in every situation. If the law is clear then they say that it's clear, and then say what it is. They make a determination on how they think this should be applied for the specific case; and give an advisory opinion. If it vague or has not been addressed by Utah Courts, then they make sure to clarify that and provide a way forward for the parties involved.

Chair Warburton said that it doesn't have to be state law because the ordinances are here locally; and it often conflicts with state law, but it can be a stricter law in most cases. So they look at this law, people bring in a grievance, and they look at the laws first. Mr. Cullimore replied that's their requirement, they look at local ordinances first, and if it confines with State Law which in most case it does, that is what governs the local ordinances.

Commissioner Taylor asked in the future if they could create a new Transfer Development Rights (TDR) Ordinance; what they should look at in regards to private property rights (both sending and receiving areas). Mr. Cullimore replied that's the extent of it; in that they have rights in two different areas, the sending and receiving area. He didn't think that Transfer

Development Rights have been used extensively in Utah; but it is an interesting principal. Just make sure that whatever rights they are transferring; that they are transferring them in a way that they are being preserved, but not overlooked.

Jordan Cullimore asked if there was a specific issue that she had some concerns. Commissioner Taylor replied if they do go through the route of setting up a sending and receiving area; and the possibility of allowing it to be transferred to anyone's property. Her concern would be those in the receiving area, either in it or adjacent to it, if that would affect their private property rights, which that is something they don't want. Mr. Cullimore said it adds an element of unpredictability potentially for people, that now it's there, and it adds a layer of complexity to a land use ordinance.

Jordan Cullimore asked if they want to keep it simple for property owners, especially in county jurisdiction, it is a good idea in rural areas with fewer regulations makes sense in most situations. If that's what they want to do make it more predictable, there are arguments against TDR's. If they want to add an element of flexibility to their code it could work; by allowing the owners to have those sending and receiving areas. They could create reservation in one area and development in another area, and those types of things. Whether or not they want Transferable Development Rights is a legislative question; and they have a lot of discretion, depending on what they want for their community. Whether or not they want them is a political question with a lot of community value implication.

Chair Warburton asked if he would touch on the proper role of the Planning Commission. One of the issues that was brought up in their rules; if somebody on this commission wanted to speak to an issue, then they had to excuse themselves and go down to speak. Would he please discuss the property role of the Planning Commission and also the Planning Commissioners? Could he talk about the difference between Legislative and Administrative and Ex Parte?

Jordan Cullimore said the reason they have the Proper Roll of the Planning Commission is all in the name. They are citizen planners; and over the years it could be argued that the Planning Commission has become administrative approval commissions and conditional use permit commissions. While there is a place for that for Planning Commission, it's important to keep in mind that you're primary role is planning. When they were talking about the General Plan, it's a visioning document; that sets goals for their community, and what they want for their community to look like. It is important to make time for the General Plan, and reach out to the community, have public meetings, have public hearings where the community can come in, look at the elements of their General Plan. They can decide what they want for each element to look like, specifically what does the community want. The two primary roles they play as the Planning Commission in that capacity; they make legislative recommendations to the County Commission. They also make administrative decisions, or in some cases they make recommendations to the County Commission. As a reserve the role of the Land Use Authority; pending subdivision approvals and conditional use permits approvals and things like that.

Jordan Cullimore said in talking about the legislative and administrative path, he had looked it up in their website, and it sounds like they have a well informed commission, with a competent staff. In their staff report there is a line in there that states what type of decision; whether it's a legislative decision, or an administrative decision, that's how they approach those decision, and they are significantly different.

John Cullimore said in legislative decisions, it about getting law ordinances, so getting a text change to an ordinance, rezones, and in those cases, a lot of it is political and preference when creating laws. Both governments are given a lot of discretions to decide within the broad range of the police power, meaning the ability to regulate for the health, safety, and welfare of the community. They have a lot of discretion especially in that welfare realm; creating a community they think is appropriate. When a court looks at a legislative decision, the court presumes that the decision is valid; they are only looking to determine whether or not arbitrary, capricious, or legal. In the legislative realm it is arbitrary or capricious, as long as it is reasonably debatable that it serves the public welfare in some way. If they are making a legislative decision, it important when talking about public hearings and public meetings; that they hold a public hearing, gather public input, and learn what the community wants and make recommendations to the County Commission.

John Cullimore said when making administrative decisions once the law is in place; and this is about subdivision approvals, conditional use permits, and those types of issues. At that point, they are afforded discretion as far as their decisions are presumed valid, as long as they are not arbitrary, capricious, or legal; but arbitrary, capricious, and legal under administrative context means that their decision are supported by substantial evidence in the record.

Chair Warburton asked if he could talk about conditional use permit. Someone comes in and it's administrative, and there are things about it that has the whole room of people very upset about this conditional use permit. Yet it is permitted, and they just put some conditions on it, so let's talk about those conditions and evidence that relates to that.

John Cullimore said so dog kennels for instance; conditional uses are more or less for all intense and purposes are permitted uses. Back in 2005, the case law was pretty clear what a conditional use was; but the statute essentially said that the conditional uses may be approved, denied, or conditionally approved. So a lot of people started looking at conditional use permits, apply the uses that they would like in the zone, and when an applicant would come in, they would decide then. So in 2005, when the Land Use Development Matters of Act was passed and updated; it clarified that conditional uses shall be approved, as long as any detrimental impacts were identified of the use, could be mitigated through reasonable conditions. If they have a dog kennel for instance, they could figure if any reasonable conditions are proposed. It is important to realize that in this context; the burden is on the property owner, or even propose reasonable conditions that could potentially mitigate their use. They understand that there are certain characteristics in the use that in specific context may create detrimental impacts. They have the ability to add additional layer of administrative review, to impose additional reasonable conditions, based upon standards in their ordinance. Those standards, so we reserve the ability to add this additional layer of administrative review, to potentially impose additional reasonable conditions, based upon standards in their ordinance. Those standards in their ordinance are basically goals that they want in their community to be addressed. Such as traffic, noise, certain emissions, and as long as they have standards for those types of things, they can look at these conditional uses, and they can impose reasonable conditions. For dogs it would be noise mitigation, distance between requirements, odors, and those types of things.

Chair Warburton said to talk about evidence, what conditions that they could impose supported by evidence, and how could they get supporting evidence if it's too loud or too smelly. Could he describe that in more detail that applied to the law? Mr. Cullimore replied evidence in of itself is not opinion; it's not conjecture, such as *"I think this would be a problem."* In substantial evidence they hear about different standards like preponderance of the evidence, beyond reasonable doubt, and those are higher standards. Substantial evidence in the legal standard is more than just a little bit. It has to be supported by substantial evidence, whatever conditions they do impose, and we're talking from a factual standpoint. It's pretty factual that dogs bark and so that is evidence. Sometime evidence is common sense as well, and with dog kennels it is common sense but it's based on fact. With dogs barking, they can make a noise restriction, it's pretty well established that dogs produce certain smells; they can put additional restrictions about how far away they are. What he means by that, they need evidence that dogs are going to bark and they are going to be loud. If they are going to impose some sort of condition related to noise or smell, they do need substantial evidence. They could have two piles of evidence that the court is looking at, and as one pile is just a little more, it is still substantial that they can rely on that in making their decision. The court is essentially going to look at the decision and decide whether or not there was substantial evidence in the record. They considered the facts, they considered what is there, and they made a decision. They just didn't go off of public clamor, and public clamor is essentially just opinion, conjecture, not supported by factual determination.

Commissioner Taylor asked let's say in this scenario; that they didn't have to allow for public comments, but someone from the public comments, and they actually provide some sort of evidence. At that point, what do they do, do they take that into account? Could he give examples of what evidence that might be? Mr. Cullimore replied they would definitely take that into account. If it's something that already exists, and they could sell if from their house, that is definitely evidence against. They don't have to rely on it, but they can consider it. That is where the discretion comes from, because in most land use decisions, there is probably going to be evidence on both sides. That's where they have to make a decision; if it's supported by substantial evidence, and if it's the best decision that balances both public interests with property owner's right. If there is a conditionally use permit in the zone, then the property owner has the right to convey that use in a reasonable manner. They could impose a reasonable condition, keeping everything within that standard of reason, and then the public interest is served, property rights are considered and respected.

In response to Commissioner Howell's statement, Mr. Cullimore replied that's probably the right decision, and that's the conjecture part. In certain cases they can deny a conditional uses, and that's only if they cannot impose reasonable conditions to mitigate but potentially detriment those impacts. If people bring up these concerns, definitely listen to them, but don't use it as a basis by use it as a basis to impose those conditions. If they get a lot of people that don't want dog kennels in their area, then amend the ordinance and prohibit them and that sometimes is a way to kind of gauge whether or not something should or should not be permitted in a certain area.

Chair Warburton said they need to talk about open meetings, hearings, and define. Mr. Cullimore said public meetings are where the meetings is conducted in a public business in view of the public. In most cases it's beneficial to have those types of things done in a public meeting. Public hearings are required when due process or when people's rights are involved. They might be making decisions that are going to affect the legislative, that's primarily where public hearings are required. At the state law level, public hearings are not required for most administrative decision, but a lot of local ordinances do require public hearing. People come in with unrealistic expectations, they think they can bring in their arguments, and then they will win. With administrative decisions they can't consider public concern or conjecture, people often go away thinking they haven't been heard, and haven't been received due process. Potentially there is a rule in the administrative decisions, if they sufficiently educate those participating. Whether that's through a handout prior to considering it, they make a statement to be affected. They're having a public hearing but keep in mind they are receiving public comment, that the only thing we can consider is evidence. It has to be factual, it has to be credible, and it has to be relevant to the decision they are making. Often the public can bring evidence, because they live in these areas, so they know what's going on.

Chair Warburton said sometimes on a CUP issue; especially if it's an intense issue, even if it's administrative, they allow them to speak because people just want to be heard, because it is important to them and they are frustrated. It's difficult because they don't understand. Mr. Cullimore replied it's not an easy answer and we all have that innate and natural desire to be heard. Sometimes it's a lose/lose situation where they just have to pick the best option. There is not really a correct one; there are pros and cons to different decisions. All they can really do is give them all the information that sets the framework within what they can make their decision, and hope they understand the next morning after they sleep on it.

Commissioner Taylor said it mentioned briefly a tool they could use as a handout, has he seen that done before to help the public understand. What is the most effective way to get new people that come here, to get an understanding and what would be the most effective way? Mr. Cullimore replied that previously he worked as a City Planner for Lindon City, down in Utah County. On each of our agendas on the back it said "Welcome to the Planning Commission" and on there it said this is what they were doing, these are the types of decision they make, but they could refer them to staff if they have it on the back. That was always something they printed on the back of our notices. They could kind of tailor the handout to say what they want it to say, and he is sure that staff could come up with something really effective. Chair Warburton said that they already do that. They've had meetings statements by the Director, they've had the chair say them, and we're talking right now about having three minutes of education prior to every meeting with different topics, and it's a challenge.

Chair Warburton asked if Mr. Cullimore had anything he would like to add. Mr. Cullimore said they are here as a resource, and he could leave one of his cards, and they have their information; please do give them a call anytime. If they want to talk about a very specific issue, and they have specific questions, they are happy to help out.

Kim Wheatley, who resides in Eden, said that he had the same question that Chair Warburton had asked but he didn't hear the reply to it. When he was reading the Weber County Planning Commission Rules of Order, in the conflict of interest section, there is a section on Planning Commission members wishing to give comments. Historically, in the commission meetings they were able to comment; but apparently they are now allowed to do that. He thought since they have two attorneys present, that they could give some clarification on what this section means, and how that could change the behavior of the Planning Commission. Chair Warburton said she appreciated on him following up on that because that was an issue for her; and they are not here to drive their own agenda. Especially when it comes to administrative; they are held to the law in that they are like quasi judicial in a sense, and are bound to law as are conditional uses. They have to be very careful as commissioners not to let their emotions decide what should be done.

John Cullimore said when they talk about the political realm, and the elected appointed officials; elected officials there is a debate, is he a principal or is he an agent. As an elected official there is no specific law that says whether or not they have to take the principal or the agent approach. Is he just channeling to public's will, or did they choose him because he has an opinion that matters. As an appointed official, they are chosen by those elected officials to make decisions that they feel are going to be best for the community. To a degree they can kind of within their mind decide whether or not they are an agent or a principal, with the understanding that they are kind of a go between, and they're trying to make a decision that is going to properly balance the public interest with the rights of property owners.

Chair Warburton said they are not elected; they are responsible to the County Commission, they are not responsible to Ogden Valley citizens. That is a hard thing sometimes and yet they are the go between. So they go consult with legal

counsel to make sure the ordinances they come up with, because they might have to be changed at the state level before they can do them here, so they are constraint. Mr. Cullimore replied he is talking within the realm of their ability to make a decision, and have that discretion when making their recommendation to the County Commission. Ultimately the County Commission will make the decision based on what their philosophy and the Planning Commission's discretion. Even though they are appointed officials, and if they are talking about legislative decisions, they were picked because the County Commissioners felt that they represent in some way a segment of the county's preferences and their will.

Chair Warburton asked legal counsel if he had any questions. Courtlan Erickson, Legal Counsel replied not at this time and he appreciated the information provided and he has talked to them about an issue, and they are a very good resource to have.

WS2. DISCUSSION: Rules of Order – Courtlan Erickson:

Courtlan Erickson said lets continue with the question that was asked before, on the bottom of Page 3, titled Planning Commission Members wishing to give comments and it is within the Conflict of Interest section that starts on the bottom of Page 2. That is a complete word for word that carries over from the previous Rules of Order in the last couple of years. There haven't been any comments or suggestions for changing that; and he has always interpreted that as within the meeting of the Conflict of Interest section. If a Planning Commissioner has some sort of interest in an issue and would want to leave a comment, then they need to go down and comment as a member of the public. As he understood it, which he could see may not be clear with the rule that someone had a conflict; they need to leave the meeting during that time which the matter is being discussed and voted upon. If they actually want to comment as an interested person, they don't have to leave the meeting; but they can go down and make their comments. But it does say right after that, after commenting the member shall leave the commission chambers and not be here during the discussion or voting.

Chair Warburton said she had an example of when that happened. It was right before she was placed on the commission, and it was about Powder Mountain issues, and it was a very intent meeting with lots of people that were all the way back. There was a commissioner, Keith Rounkles who got up and picked all his stuff up, and he walked to the podium, made his comments as a citizen, said he was done and was fed up as a commissioner and walked out. To her that is a great example of someone who is not willing to speak as a commissioner and abide by the commission rules and he was done. So if they want to go down and speak as a citizen that would be what this is talking about. They couldn't be bi-partisan to have such a strong opinion that no matter what happens, and they could still stay as a commissioner, and make your opinion known based on facts. Mr. Erickson said even if they didn't quit the Planning Commission, they speak as a citizen, and at that point leave the room. He asked if this needed to be clarified.

Commissioner Lewis said he was sitting here and listening on remarks that people make about Powder Mountain, and in his experience and expertise about the resort, he has obtained a lot of information. At what point does it make sense to voice his opinion where he is at, versus leaving his chair to go down to the podium and sound off about an issue. Commissioner Graves replied all of us up here have various experiences and levels of expertise in certain areas. We often comment from this position based on that experience through expertise. In the past that has been viewed as a positive thing for the commission, because they've got not just opinion but expertise, with experience backing up what they are saying. It has never come up that they had to be down there and not up here, and it was never addressed.

Director Grover said that if they look where it is written, it's all under Conflict of Interest. If they have a conflict of interest, and they want to present something towards that, then they can present that and then they would have to leave the room. This is only if they have a conflict of interest that this falls on. Chair Warburton said she looked at that and for some reason couldn't put it together.

Commissioner Haymond said that he didn't think it was their place to discuss an item until after the motion has been on the table, at that point that's when they discuss and not prior to that. At that point they are asking questions, gathering information, and forming a decision of what they are going to make. Chair Warburton said again so if it's a conflict of interest for somebody, and they really wanted to make a statement about it, then they go down make their statement and excuse themselves.

Courtlan Erickson suggested putting this paragraph currently on Page; and put it under the conflict of interest at the bottom of Page 2. Down near the bottom where it says, *"what a commissioner needs to do if a commissioner has a conflict of interest."*

Where it states, *“they shall leave the meeting,”* maybe add a sentence or saying *“but if the commissioner wants to comment on that issue that is going to be discussed; the commissioner may comment and then must leave the meeting.”* Is that a better place for this to make sure that it is properly understood in the context where it should be? Commissioner Graves replied it would be very helpful.

Commissioner Taylor said even if it just says; they are wishing to do that refer to letter d unless they want to be more specific. Chair Warburton said while they are in this section; the issue with ex parte contacts can only come when they have an administrative issue before them. For example the neighbor wants to have a dog kennel; they go fill out an application, they then become the applicant. Then all the neighbors get upset. That’s administrative and if she goes and talks to the applicant, she now has ex parte communication and that is absolutely not okay. She still thinks they need to address the fact that if there are four of the commissioners in any given meeting, that creates a quorum, and that’s no okay. She thinks that they can somehow cause some problems, and she is uncomfortable with that three could go but the others couldn’t. She wants to find a way to tell the others they can’t go to the meeting without feeling uncomfortable and that bothers her.

Commissioner Haymond said that he was glad she brought this up because he wanted to speak on that also. It doesn’t bother him, but he does agree with her that if three go, the rest can’t go because those three are there and it’s not fair. He didn’t see a problem with reaching out to other groups and really just sitting and listening to what’s happening out there. All that discussion doesn’t go anywhere, and it actually gets brought to them at this meeting. He didn’t see a problem if he wanted to go learn more about a subject; he didn’t inject himself into their conversation, and just sat there and just listened. Chair Warburton replied that she thought he could be part of the conversation, because that was his job as a legislative aspect.

Commissioner Haymond asked but administratively couldn’t he just sit there and listen. Commissioner Howell replied as long as he was not expressing his opinion, and just gathering information. Chair Warburton said it’s the appearance that if he went to a meeting and it was legislative; there’s a group there talking about a petition and they plan to have an application before this commission. He is there listening to their conversation, they may have the idea that they are swaying his opinion. There are people that are against this application and they find out that one of the Planning Commissioners went to the meeting, and they have no idea that if he spoke or not, but the fact that he was at that meeting. So that just clouds everything about the commission; so in an administrative time no.

Commissioner Haymond said maybe he wants to go anyway, and goes out on a limb, and shows up for something, and they give their opinion and he doesn’t say anything, he brings it to the meeting and he declares the ex parte communication, and they all vote whether he can stay or go. Commissioner Howell said that he didn’t think he had ex parte communication when he didn’t say anything, he didn’t express an opinion, and he didn’t discuss anything. Chair Warburton said it would be extremely difficult in an administrative situation; let’s say a that group of developers have put in an application, and now they are going to have a meeting. There are five or six developers and they are having this meeting, and they just go and sit and listen, it could be extremely difficult to not show any opinion, but if he thought he could, then that would be up to him.

Commissioner Haymond said the principals of Summit held a lot of town hall meetings; most of that was related to administrative, and not legislative. Being a resident of Eden and living close to Summit; he felt that he could be affected by what they would be doing. So by him going to those town hall meetings; could possibly be ex parte communication, and is not allowed. Chair Warburton said that she didn’t go to one of them, she was really careful, and she couldn’t afford giving them the impression that they were special.

Commissioner Haymond said that he thought they did that when they went up there on field trip and had lunch with them. Chair Warburton replied that’s different, they were all there as a group. Field trips are allowed, they are healthy, and they did the same thing with Snow Basin. Commissioner Howell added that was just a fact finding project, to see what they were doing, to check out different things, and how they were progressing. Commissioner Graves said with Snow Basin it was different, they did a lot of talking as a group; and that’s how ended up with a park. Doing some talking and discussion as they were there, and they exchange of ideas. From these ideas, they ended up with some things they had hoped they could eventually get. Things could go from a legislative situation to administrative situation in one sentence.

Chair Warburton said when she got on this commission, she was told that she couldn’t talk to anybody, but she felt that it was important at the right time that they could be able to talk to people. There are people out there that think that things

are done behind closed doors and being dishonest. She felt they really needed to avoid that at all costs. There are times when she has ran into their neighbors, and they have an application, wanting to talk, and she would tell them not to talk to her about it and she declared it at the meeting. Commissioner Graves replied that they should have that ability to make the decision to go, and make sure that they declare it, and then it can be determined if they should disqualify themselves, and then let the group decide so at least it's clear. They still have the right to participate in stuff that is going to affect them, and just because they are in this group, doesn't mean that have now isolated from all issues in the valley, unless it comes from up here, and they should still be able to act as a citizen, do they give up to be the other.

Director Grover said that they are definitely allowed to go visit Summit or any of those, but if it's dealing with an administrative application they should try and stay away from engaging in communication relating to that application. If they do, then they need to disclose it. If it's a legislative that's a totally different situation; with legislative they want to go out, they want to get input from the public, and find out what their thoughts are about those things. When it comes to administrative, they do have a little bit of a different hat that they have to look at, and he would just think about, if there is an application in here, and they want to talk about that that is where they need to draw the line. But it's only to chat with Summit, or chat with the Snow Basin friends, Wolf Creek friends, or whoever that may be. If there is not an application on the table, that's okay; but it becomes ex parte when there is an administrative application in here.

Commissioner Howell that he has had people approach him with an item that is coming up, and he just tells them that he would love to talk about it, but they need to come to the meeting where they can discuss it, and hear what they have to say. Director Grover replied that is the best way to handle it, because does set the county up for some issue because they are representative now of the county, but they are also a citizen out there, so they just need to be very cognizant with the hat that they are wearing at that time. He would just keep that rule, and if there is an application that is before they, try to back off if it is administrative. If it's legislative, they can engage in those conversations because they can bring that input to the body. Chair Warburton said they just need to come here in the public forum; the public deserves to hear the public discussion, have input when appropriate, and be a part of it and it needs to be part of the record.

Commissioner Taylor said what was done the general plan, the intention was good. The intention and the reason for it was they wanted to hear from people who are not able to speak out in different situations, and who are not comfortable with that. For example; could they call a meeting at the library with the GEM, and still have it an open meeting. They go somewhere and maybe still get some kind of conversation, and it can be a little more flexible, and still be an open meeting without having any hostility. Chair Warburton replied they can't do that, it's not appropriate that it has to be an open meeting.

Director Grover said in a situation, where someone would like to do that, and they invite GEM or the Land Trust to come to the forum, and express their comments. That would be up to them and how they would like that to function. He could see some pros that came from that, and also negative that came from that too. He thinks all in all how that happened with the general plan; that majority of the interest of the citizens, but it did generate a few phone calls that staff had to address, and they finally did get some information that may have not been available to the commission.

Chair Warburton said the GEM is very active in the community, and on the things that she heard as a Utah Land Institute; is listen to the people that aren't so loud, and listen to the people that aren't talking. One of the reasons that they did get the people to help them is because they wanted everybody's opinion. GEM is very verbal, they sent letters, they came and they had representatives here for every single meeting. He sends out emails all over and he is the one person that is here all the time, and to turn around and have just a special meeting just for them. There are a lot of people that have issues with the GEM Committee; and if we were to make a special meeting just for them, then it would appear to them that we were bias. She thinks the way it was handled was very professional and very good and there were plenty of ways to contact us. In the two year process of the General Plan, she didn't see that the GEM was slighted at all.

Kim Wheatley said that he wanted to clarify something, their purpose is to engage the public and if they didn't put out those emails, and call different friends, there would have been less people here. To get people to engage, they know what their fundamental principle and vision was to engage comment. They are partners in that process, as opposed to saying bad things about people trying to do that process; but trying to maintain the public participation is an enormous task, and they need to be partners.

Scott Mendoza asked legal counsel about ex parte; and if he were a developer, and he came in with an application, and as an applicant or developer, he has proposed something and he finds out that a Planning Commissioner has been in a meeting and exposed the information, could he talk about something like that. Mr. Courtland replied that his understanding is that the reviewing court is just going to look at the decision that was made, the reasons on the record for their decision, look at the evidence, and as far as any allegations, that there was ex parte cut or anything like that. He was not aware of whether or not that could be something that could be used to overturn a decision that was otherwise supported by substantial evidence on the record, supporting what is a reasonable decision, and that is something that he would have to look into that. But his understanding right now, he didn't think the courts would overturn a decision, based solely on that. Commissioner Graves said the value when they make their motions, to give the reasons why they are making their motion, and that's the evidence they are looking for in the record in their motions.

Chair Warburton said on a consent agenda, they are not having a public hearing, why is she asking if any member of the audience wants to pull it, especially if the item is not something that she would have a public hearing on anyway. Mr. Erickson replied that was based on the letter g that was added after the last time they discussed this on Page 7. Chair Warburton said if any of the other commissioners would ask if there were anyone that would like to have the consent item be removed, that didn't make sense for them to come up and say something about that. Mr. Erickson replied that he only added this because it was discussed the last time, but the consensus was to add something like that. The one thing he can think of is it requires for discussion and explanation, at least in theory.

Chair Warburton said a consent agenda item, the director has already decided it should be on there, and it's difficult for a CUP to be on a consent agenda. But a consent agenda item does not have the obligation to have a public hearing. Mr. Erickson replied it is still a public meeting and if there is a desire, on the part of the chair to allow further discussion and explanation, then this gives that ability to grant the public wishes on this. Chair Warburton said then this needs to be reworded, that the chair has the option of allowing anybody other than the commission, the desire to have that removed. Mr. Erickson asked to restate the last item because what they said doesn't match to what he understood. Chair Warburton replied to have somebody in the audience, who is not a member of the commission, raise their hand and want to amend the agenda, by removing a consent agenda, and pulling the item to a regular agenda item is not an order.

Commissioner Lewis asked where that is in the rules though. Chair Warburton replied it says on Page 7, under g, if any person other than the commissioner asks for a consent agenda item to be discussed, the chair shall decide whether or not that item should be removed from the consent agenda. We have been doing that, if there is a consent agenda and we ask if anybody else wants that item to be removed. Commissioner Haymond said that's just an extra effort to have an item that is none controversial. It's just belief on the director's part that it is not controversial, then they can talk about it in the pre-meeting, if it is none controversial. Commissioner Graves said if there is some evidence that someone is aware of that it needs to be presented, that would change how that would be dealt with.

Chair Warburton said that just needs to be changed. Commissioner Lewis said doesn't it say the chair shall decide. Chair Warburton replied it say any person other than the commissioner, so they can ask and we decide. Mr. Erickson said so what they are saying, if the chair wants to, the chair may ask whether anybody wants this removed. So they're saying that we should clarify, that's not going to be something that anybody, only if the chair asks for the audience.

Courtlan Erickson asked if they should take that out and rely on the chair, if they are going to ask the question of the members of the audience, if that inherently means it shouldn't be on the consent agenda item because they anticipate some kind of controversy. Chair Warburton replied that's what she would think, and that was her position on the whole thing. Mr. Erickson replied if that is the case, and then why not just take this out and say, members of the audience, and maybe if somebody came here in advance and said he wanted to comment on this, and they could say let's take it off the consent agenda. Commissioner Haymond said do they remember the gentleman, after they had just passed the consent agenda with three items on it, and there was a development out in Huntsville, and after they approved the consent agenda and passed it, he stood up and walked up front. We gave him the opportunity for public to speak but he didn't understand it, but it's on record that we gave him the opportunity to speak. He got up and had questions on the development at that point.

Commissioner Howell said that in the past what they've done here, if something is on the consent agenda, and they have some people that want to be heard, then it would be changed to administrative by a vote. Chair Warburton said there is a developer behind every one of these applications, and they have a right to have a speedy trial so to speak. What they have

heard in all the education they've heard in the last two conferences that they've been to, and she gets accused of having the meetings too long, so let's shorten the meetings up by doing what they are required to do.

Commissioner Haymond said the only reason to ask is so they don't get public thinking that they don't understand. Commissioner Howell said that people don't think that they have input to anything as a public and they want to be heard. Commissioner Taylor said that she liked having it in there as written. She thinks the consent agenda item can move things more quickly, and having items on there that are administrative items is okay. There are people who come to the meeting to hear the item and know that their time was well spent.

Chair Warburton said as long as they do the changes, and just say that the chair just has the option to ask the audience, to anyone other than the commission. Mr. Erickson said so if someone from the public asks that without the chair asking first. Chair Warburton said as the chair, she would just tell to come on up, because she wants to pull that. Mr. Erickson replied that's the way it is written right now. If they raise their hand at the beginning, they then invite them up, if they make their request.

Commissioner Haymond asked if it was on an administrative item, not on consent agenda, they would give them the opportunity to speak to it. The only reason they say they don't on the consent agenda is because that's our opinion and the director's opinion that it's non-controversial. He just thinks that it's valuable for someone to be able to speak, to object the consent agenda if they have something to speak on. Commissioner Graves said and that would be after all the administrative stuff is done. In terms of phrasing it or express this, in the past when they have asked this question, it is not who would like to pull this. Is there anyone that would like to speak against this item? If there is somebody that is against it; now they have identified that there is a conflict here. If there is, then the chair is in a position to decide do we pull it or not pull it. The way it's worded changes that a little bit and it's just another way to look at it. It doesn't flat out imply that they have the right to yank anything off. All they are doing is asking if anybody has any objection.

Commissioner Haymond said that he like that was being said; instead of saying is there anyone here to speak to items on the consent agenda. Chair Warburton said would anybody like to pull it in with a problem on the consent agenda. Commissioner Graves said it started out originally the language that they had when they would follow stuff, if anyone would like to speak against any item on the consent agenda. The choice still remained here though, it never goes out, they are just asking for more information in making a decision here. Mr. Erickson said generally with the consent agenda, to his understanding, as soon as one member of the Planning Commission expresses opposition, there is no longer a choice, it comes off automatically.

Courtlan Erickson said the way he understood to be written right now; under g it says, there is no obligation to make any announcement or tell the members of the public that they can voice opposition or anything like that. But if anybody does, then the chair says yes they are going to remove it, or no we are not going to remove it from the consent agenda. The chair retains that discretion. Commissioner Graves replied that he is okay with the way it is, and let the chair decide how they want to handle it. They want to say something, or not say something. So if they don't say something, it just goes on through and the way we go. Chair Warburton said she was good and asked if anybody else had anything else to add.

Chair Warburton said on Page 7, under e, Order and Decorum. There is a new order and they want to do that to do that legally. They were going to do a new order where the applicant is going to present. Director Grover said they did include that, and what they have here is, the chair will introduce the item, after that being the director who would talk about the type of use, what decision will be made, who is it going to be reviewed under, what zone it's in, and then they would have the applicant, which is under c, present that, and then whoever is assigned, that individual staff would come up and give their presentation and recommendation.

Director Grover said that they added that b in there, and what they are going to be doing, they are going to be trying that out on the next few items. There will be this staff standardized Power Point Presentations, where staff will be having the analysis for a conditional use permit, the analysis for a subdivision, the analysis for development review. Chair Warburton it would be the educational portion that they are talking about. Director Grover said that the end of that meeting, he would like to discuss with the commission, and see how they felt like it went.

Chair Warburton asked if everybody understood the recitation with the Findings of Facts. She is looking at Motions, on Page 9, under e & f. What they are not doing right now that they need to do; is when the person that makes the initial

motion, they need to make finding of facts as to why that motion should be carried. Whether it's in the General Plan, supported by the General Plan or whatever else is offered by staff, however they feel is appropriate to support their motion. Commissioner Haymond said they are doing that by referencing the recommendations in the findings and facts report, those are all the things that go into that. Chair Warburton said she always thought that but is that enough. Commissioner Haymond replied that he believed that it does, if the staff report contains specific findings which they do.

Courtlan Erickson said that the staff reports that he has seen have been quite extensive and specific in their findings and recommendations and conditions were appropriate, and if there is a clear reference it is sufficient.

Chair Warburton asked if there was anyone that had any changes they wanted made. Commissioner Haymond asked legal counsel if there was anything that he wanted to point out, any considerable changes that he made, and he talked about recommendations awhile ago. Mr. Erickson replied he did that, and there were some additional feedback the last time or two that they have discussed that he did incorporate that. The director provided the new order of the applicant and he believed that has been through the process. He appreciated the comments from the Planning Commission members wishing to have comment and he would work on the revision of that. He would look into any legal liability that could result from any ex parte contact. Otherwise, he didn't end up writing beyond any changes that were agreed upon on the ex parte contact discussion.

Commissioner Taylor said that she had one suggestion, when he talked about division; she would be in support of something that said in an effort to, the Planning Division would not have more than two Planning Commissioners pre-arranging a meeting, and not more than one Planning Commission attend one of these meetings, and she didn't know if it was out of line to put that. Chair Warburton said that she had thought of that too, one is fine to go just don't plan with somebody else to go. Commissioner Graves said so if two showed up, do they need to flip a coin of who goes home. The response was yes. Chair Warburton said if they were at a meeting with GEM, and four of us showed up, three of us would have to go. Otherwise we represent a quorum at that point.

Courtlan Erickson said that may be questionable; because a lot of that depends on the meeting was convened. If it was actually a Planning Commission meeting, is it a meeting of this public body. Commissioner Haymond said it would be of public record. Chair Warburton said then when it's a public meeting, then it has to be announced publically, and it goes back to an open meeting. Mr. Erickson said for the record that didn't constitute a public meeting, but any of these restrictions that they are talking about, they could be self imposed. They can feel free to say as a rule that they are going to impose on themselves, no more than one of those attending the meeting to discuss the legislative issue.

Chair Warburton asked if he could look into the quorum issue, if there a majority of us and there is a quorum. Mr. Erickson replied sure, and what he was trying to say, if three of them choose to get together, and arrange some kind of meeting with members of the public, on a legislative issue, there is no legal prohibition on that. He understands that they are saying that it really is an internal division of the Planning Commission issue, and that is up to them. It's not prohibited by law for three of them to meet and do that, and it's an internal questions. Chair Warburton said that she gets that it's not prohibited, but the once a quorum shows up, then it needs to be noticed.

Kim Wheatley said when he read these he thought they were great; they've been in place pretty much the way they've done things throughout the years. But that only provides sort of a structure, and in rehearsing back the conversation that they just had, he thinks they could do a lot to mend, to take the tension out of our planning and our community, by not using phrases like if anybody is opposed to this. That is not what they are asking for, what they are asking for if anybody could present evidence that they should take this off of the consent agenda. That's what they are asking for, they are not asking if people are opposed, but they set it up that way in all of the language and all of the meetings, and he is not picking on the chair but all chairs. This is a place they are supposed to present factual evidence, and he is talking about the administrative side of it. He thinks that they could use more tender language and educate people along the same way. Sort of inviting them up and taking it off the consent agenda, only if it's evidence they are presenting, not public clamor.

Courtlan Erickson said that he could answer the question about the quorum attending a non-planning commission meeting. There could be different situations where there could be some grey area, but the law is a meeting open to the public, the public body shall give not less than 24 hours of each meeting. The common word that is used for this general requirement is the word meeting. A meeting has a very specific definition under the Open Public Meeting Act; *"Meeting means the convening of a public body, or specified body, with a quorum present, including a work shop or executive session, whether in person or by*

means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon, a matter over which the body has jurisdiction or advisory power.” So the key words there are the convening of a public body, quorum present, for the purpose of discussing, receiving comments, about or from the public about, or acting upon a matter. Convening is also defined and it means, *“The calling together of a public body, a person authorized to do so, for the express purpose of discussing or acting upon, subject over which that public body has jurisdiction advisory power.”* So if the chair calls multiple members of the Planning Commission together to attend a meeting of another group or Novation, for the purpose of gathering information that probably is a meeting that would be prohibited. But if there is some other group or another entity holding a meeting, and four members of the Planning Commission happened to attend, he didn't see that as the convening of a Planning Commission, with a quorum present, that isn't the convening of that body for the purpose of discussing and receiving comments from the public about or acting upon that matter. Now they will notice in there, there are a lot of facts that have to line up to make it a meeting or not a meeting. So we have to be very careful, if four of them show up at some kind of meeting, and it turns into a situation where they are receiving comments about an issue that is going to be before them whether it's legislative or administrative, that gets a lot to go through what a meeting is. If they independently show up in a meeting somewhere, and sitting there listening, that could be an argument that is not a meeting.

Chair Warburton said so Commissioner Graves calls four of them and says lets go to this meeting. So he's called it and they go, and they head out to that meeting, doesn't that constitute a public meeting. Courtland Erickson said that they would have to look at the facts of each situation. Chair Warburton said if they just heard about it and four or five of them showed up, then that is just fine. Mr. Erickson asked if she was talking about going to a GEM meeting. Chair Warburton replied yes. Chair Warburton said so we go, and the minute people start asking questions about a topic that comes up, an application and it's administrative, that would be a problem, because those people are giving us information. Mr. Erickson replied that could turn problematic, it depends on how strictly they read these words. It could still be argued nobody convenes that quorum with the express purpose of meeting to gather public comments. Chair Warburton said we just need to be careful. Mr. Erickson replied that does have a bad appearance. The black and white answer is there are times when four of them can attend a meeting, then it wouldn't be considered a Planning Commission public meeting, but there are a lot of facts they need to line up one way or another.

WS3. Adjournment: The meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Work Session February 7, 2017, in the Weber County Commission Chambers and Breakout Room 108 commencing at 5:00 p.m.

Present: Jami Taylor, Chair; Greg Graves, John Howell, John Lewis, Robert Wood

Absent/Excused: Laura Warburton, Will Haymond

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

Pledge of Allegiance

Roll Call:

1. Minutes: Approval of the May 03, 2016, July 05, 2016,, and January 24, 2017 Meeting Minutes

Chair Taylor moved to approve the meeting minutes with the noted corrections.

2. Legislative Items:

a. Old Business: Public Meeting:

1. Legislative Action Item: Action to Table the Ogden Valley Lighting and Signage Ordinance to a later date.

Chair Taylor said they received a memorandum in their packet that explained that staff is currently working with the sign industry and have not prepared to offer a recommendation. They are respectfully asking that this commission table the ordinance for a date that is certain. Director Grover replied that they could table it to February 28, 2017, and they should have everything ready by then.

MOTION: Commissioner Howell moved to table the Ogden Valley Lighting and Signage Ordinance to a later date. Commissioner Lewis seconded.

FRIENDLY AMENDMENT: Commissioner Wood added a friendly amendment to table to the next meeting on February 28, 2017. Commissioner Lewis seconded.

VOTE: A vote was taken with Commissioners Howell, Lewis, Wood and Chair Taylor voting aye. Motion Carried (4-0)

At this time Commissioner Graves arrived.

Chair Taylor asked if there were anyone from the public that would like to make a comment.

Ron Gleason, 252 N 8750 E, Huntsville said that he was disappointed with the tabling; particularly the main reason for it and the emphasis was on the lights. Signs were going to be addressed later. Now the signs are dragging out addressing lighting changes. He thinks that it's getting off track; and he is disappointed that it was pushed out to February 28, 2017, and possibly later if they don't get the information they need.

3. Remarks from Planning Commissioners: None

4. Planning Director Report: None

5. Remarks from Legal Counsel: None

6. Adjourn Public Meeting to Convene to a Work Session

WS1. TRAINING: Planning Commission Training

Courtlan Erickson, Legal Counsel reviewed the following:

- Open and Public Meeting Act
 - Annual Training
 - Purpose of the Act
 - How is the Act interpreted by the courts
 - Pop Quiz & Answers
- Public Hearings
 - General Principles
 - State Law Highlights
 - County Ordinances
- Public Comments: When Not in a Public Hearing
 - Eight Minute Clip – Mismanagement 101-Mock Public Meeting
 - Public Comments
 - When Not in Public Hearing
 - Read Prepared Statement
 - Pros? Cons? Other Thoughts?
 - Helpful Public Comments
 - Public Comments that are not Helpful
- Motions
 - Ten Minute Clip – Ineffective Handling of Motions
 - Key Points
 - Examples of Approvals
 - Examples of Denials
- Conflicts of Interest
 - General Definition
 - Examples
 - Why Avoid Conflicts
 - Grey Area Abounds
 - Utah Code Chapter 17-16a
 - Bottom Line – Conflicts
- Ex-Parte Communications
 - General Definition
 - General Principles
 - Why Avoid Improper Ex-Parte Communications
 - Consequences
 - Bottom Line – Ex-Parte Communications
 - Questions

Adjourn to Convene a Work Session in the breakout room:

WS2. DISCUSSION: Ogden Valley Lighting and Signage Ordinance:

Charlie Ewert said he received a call from Mrs. Creager and she thought that we were going to make a decision tonight, and he explained that they would just be going through the changes made. So at the next work session, there should be more people at the meeting. He wanted to give an update on the lighting ordinance and they are still moving forward. The Planning Commission recommendation from last time came up with two options. The first option is that all existing residential grandfathered with incentives for them; and all new residential and all commercial from here on out after seven years will be required to comply.

Commissioner Howell asked where he came up with seven, that seems like a very long time. Maybe three or five would be more reasonable, and this way they could move forward on this. In seven years they would have to start all over again. Mr. Ewert replied they could do five years or ten years. That number came from Springdale and that what they did, they came back and once they hit the seven year mark, they had to come back and do some rethinking with the legislative consequences. Ketchum did one year; and they estimated that they have about 50% compliance.

Charlie Ewert said that the second option is that residential grandfathered forever and so is commercial that’s covered; and they will see that as they get into ordinance.

Commissioner Howell said that commercial from now on has to have a lighting plan; new residential has to have a lighting plan and they will need to combined. Mr. Ewert replied and that was one of the options with the residential being grandfathered in. So there are two different options, one option is that residential has to comply; the second option is any residential whether it’s old or new doesn’t have to comply.

Director Grover said in their recommendation the last time, they encouraged us to look at new construction. There were a few that said they wanted to look at incentives but the majority of the commission was new. One thing he wanted them to be aware of; he reached out to each one of the County Commissioners to get their take on where it’s at. They want to look at the possibility of incentives for the first six months; and then see how it’s working, then come back and look at the ordinance. He didn’t want that to sway their decision in any way; he wants them to vote how they want to vote, and so does the County Commission.

Commissioner Howell said if they require new construction to comply, this would get the ball rolling. Have some meetings to show what the new construction has to do; what the new residential has to do, and try to get the old residences to do the same. Director Grover said in the last meeting if he remembered right, the majority felt that was a compromise, instead of mandating on all residential.

Chair Taylor asked for those that want to speak, they need to come up so that they could be recorded.

Ron Gleason asked to clarify on the memo from Mr. Ewert sent out; alternative two, second paragraph reads, *"new residential and commercial can comply after seven years."* That is different than what he orally stated. Mr. Ewert replied in the first one is residential grandfathered, and the second one is residential and commercial to comply after seven years; and all new residential would comply.

Ron Gleason said that it isn't what it reads, alternative two, second sentence reads, *"new residential and commercial need to comply after seven years,"* so new residential to comply after seven years. Mr. Ewert replied that he confused himself; so only existing residential is grandfathered forever; in alternative two is all new residential and commercial to comply after seven years. He understood the confusion; it would be that everything complies as if it was brand new from here on out, it has to comply.

Miranda Menzies said for clarification what he is actually saying that all new residential and commercial would comply immediately as proposed by Commissioner Howell. Mr. Ewert replied after the effective date. Ms. Menzies replied after the effective date, so you could make the effective date of the legislation to be out six months to give everybody time to get onboard and discuss it. Director Grover said it could be effective immediately; that depends what the County Commission chose from the Planning Commission.

Charlie Ewert said go to Page 3, Section 109-16-2-c – Applicability, Line Item 132 to 140, and said that section would still stay and he read the added comments. He said to go to Page 7, Section 108-16-7: Required replacement of nonconforming outdoor lighting. Line Item 196 to 305 and he noted the changes in these sections.

Commissioner Graves said this is saying that the light fixture has to be in place by March 1, 2017. So if somebody is in the middle of construction, they have their permit, they have their plans approved and everything, but they haven't got the light mounted or up yet, are they going to have to switch them. Commissioner Lewis said that he would suggest that with the plans and permit, that if they already issue the permit that enforces that already. Commissioner Graves said at the time of the issuance of the permit or something like that.

Commissioner Lewis asked if they were handing the County Commissioners options a or b? Mr. Ewert replied they could give them either option, but staff will talk to them about all potential alternatives. Mr. Lewis said he would like to send them a letter to press upon them from a builder's point of view; once they know what it is about it is nothing at all. Everyone who is there isn't really going to be affected for seven more years so they don't really care. Everybody else is just people who are buying lots that they haven't built yet; and they are not here to say, they aren't going to vote for them anyway. That would seem a political reason not to start right way; and he didn't see the push unit. It's not like there are going to be a bunch of voters coming in and say this ridiculous. Current homeowners aren't affected; commercial's not going to show up.

Commissioner Howell said these public meetings in the schools; they could find out what has been done, what they are asking from commercial, and then go from there. However, the problem right now, they can't buy them anywhere. He has been to three different places and they don't carry them.

Commissioner Lewis said it's a dividing line that people who are already there, are going to ask if they are going to make them change what they have, as soon as they don't do that, then they're off the hook. Commissioner Graves said yes that's where the push back comes from. Commissioner Wood said if they aren't going to require it, then you educate them and let them. Commissioner Graves said that's where the incentive is in there; the encouragement and education come into play, trying to make them see the wisdom of making that switch.

Charlie Ewert said somebody may be thinking of switching over to a 20 or 30 year watts, but for whatever reason they can't or don't have the incentive. The county might be willing to pay a small amount or whatever that incentive might be. Commissioner Graves said that the Water Conservancy District do that all the time; try and encourage people to switch out to the low flow toilets, surge showerheads, or even outdoor irrigation plots and things like that. They will pay part and sometimes all, and that depends on what it is.

Commissioner Lewis said he is worried that if they as a board wanted this, but if they didn't emphasize doing it now, then the chances are that in six months, they will relook at this, and then all of a sudden it's seven more years before they address this. Then everything is doubled in size and all of a sudden they have a big problem. Commissioner Graves replied that he thinks sooner is better. Commissioner Howell said they need to consider immediately. Chair Taylor said it seems everyone is in agreement, and she also agrees with Commissioner Lewis. If they choose to go that route, that would be their choice, if this is what they all want, then it's up to them for consideration.

Commissioner Wood said we're talking new businesses and new residences. Mr. Ewert replied all new construction with the exception of agricultural that is still in the list of exceptions. Commissioner Howell said that he was sure they would have a good reception on this; because and a number of people that he has met up there, and once they are educated they will jump on the bandwagon.

Charlie Ewert said moving on to #2, he has an existing home and his lighting is grandfathered in, but he wants to replace a light out. Does he get that grandfathering forever; so does he get to replace that light with whatever he wants, or at the point that he replaces that light he has to come into compliance. Because the way this is written, if you are going to replace a light get a light source that meets the ordinance. Commissioner Howell replied he would think that if they are going to replace it, they would fall in line. Commissioner Graves replied make sure in your description in the changing of the fixture, not just replacing a light bulb. If he changes a light bulb and then that triggers him to go replace a new fixture. If he is going to take that whole fixture down; put something brand new, that may be a different story.

Commissioner Lewis said if they are going to replace one fixture, then they would have to replace all the fixtures in the house so they would match. Commissioner Howell said that you really need to get them where they have them someplace, they are not anywhere. Commissioner Graves replied when people start asking, Marcus Four is bond; and again they don't have to have it by next week; they have seven years.

Charlie Ewert said as far as education; they want to make sure that in their office, they have all the educational resources. When somebody says how am I supposed to comply with this, they get a pamphlet. The pamphlet will have information on a whole bunch of websites, what they can do on Amazon; here is information on the local places that have this, and they may want to reach out to the local lighting companies. Commissioner Graves said that they would get a positive response.

Commissioner Wood asked how they would enforce that. He understood that they would educate people, but if he went out and replaced his fixture, he doesn't get a permit, he just replaces it. Mr. Ewert replied with street view, with historic photographs, and it's going to take a challenge. Someone is going to challenge with they didn't replace the light with the right light source that they should have in accordance with the ordinance. It's going to be glare, it's going to light trespassing, it's going to be a number of things that indicate that it's not the same as it used to be. When did you switch that out, is there evidence that it predated this time, and if it did, they will leave them alone. Commissioner Howell said that it's going to be a volunteer thing with the residences.

Charles Ewert said that most of the places they interviewed in enforcing this; Ketchum said they got about 90% commercial compliance, and 30-40% residential and maybe 50%. There was also Springdale; they said they almost have from what they can tell 100% compliance with commercial; they are 70% compliance with residential, yet they don't have that many residents. They are able to go and do light surveys and count on paper how many houses are non-compliance. He is not sure that that are going to get 100% compliance, and the people who are egregious offenders will get caught; and maybe that's not something that needs to be looked right now.

Commissioner Wood said it's the education part; if you have information on it, and it's like what was said before for new construction, it's about as easy if you can find them. As far as hooking them up, they might as well put on a good one; but getting the word out is going to be a key component.

Charlie Ewert read Section 108-16-7 – Required replacement of nonconforming outdoor lighting, Line Items 302 through 305. He added that they could have it no less than three times a year. The challenge is they don't want to raise something that they are going to miss. If they miss it, does it invalidate the seven year effective date? That is why he said one year but he thinks that they do it every quarter; something in the paper, handing something to the people in the counter. Right now they have big stacks of Weber County Trail Maps and those go really fast; people who come in want one. Maybe while they are handing that out the trails they could slip this in there.

Commissioner Wood asked to clarify if they are talking about new construction regardless, and residential would be grandfathered, how the seven year plays into that. Mr. Ewert replied the seven year would be for all commercial at that point.

Commissioner Howell said it would be nice to encourage these lighting places to get these kinds of lights. They have to get some good ones, and he has about \$2,000 in lighting out there and they are all brass. Mr. Ewert replied that is one of his biggest complaints about the local stores right now.

Charlie Ewert said the other thing that is hanging us up right now is on Page 19 of 21; Line Item 563. He wanted to talk about the two alternatives, either a or b. Make it super easy to go through your motions and say, we are good with this language, we are choosing option a or option b. That way when he gets it to the County Commission, he will just strike out the language that is not applicable.

Commissioner Wood asked where is option a, and option b; you explained it orally but is it written down. Mr. Ewert replied yes go to page 3, Line Item 132. [Except as may be provided in Section 108-16-2] That doesn't need to be there if they are going straight to residential exception.

Chair Taylor said this is where they would want the public hearing to go with all the options; or is this something that he might be okay with us making a request of how you would like the public hearing to go with a or b but then higher to. Commissioner Graves said that he thinks that they ought to make their recommendation first. Chair Taylor said that she thinks it would cause a lot less confusion; if they are already getting mixed up, it is going to cause more confusion. If after you have gone through it, maybe they can give him their recommendation.

Commissioner Wood asked so option a is on Line Item 132. Mr. Ewert replied for alternative one is all residential grandfathered forever. If they look at line 132, you don't need that sentence that is in the bracket. It is already straight out grandfathers everything, so he would just strike it if they go with option 2. He tried to make it simple but his simplicity might have made it more complex. Commissioner Wood said so now it's option a and b, not option 1 and 2. Mr. Ewert replied its Option 1 and Option 2. Option 1 is residential grandfathered forever. All new commercial would be required immediately, and all existing commercial would be required within seven years. Option 2 is existing residential is grandfathered, new residential has to comply at time of construction, existing commercial gets seven years, new commercial has to comply.

Commissioner Wood asked is Option 1 and 2 stated as such or is it just understood. Mr. Ewert replied that it's not listed in writing right here as 1 or 2, it's just that he wrote it for both, stuck in some brackets, if they strike out the brackets, they would have it one. Commissioner Wood said that in your comment, it seemed to be clearer if we decided to go with Option 1 or Option 2, as he had stated and have it written there. All the commissioners agreed.

Director Grover said if this commission wants to give them a different time frame; they could do that as well. Mr. Ewert asked Options 1 and 2 was clear, and then when he gets to the last part, he would like to hear what they would like.

Charlie Ewert said the last part; go to Page 19 of 21, Line Item 563 to 566. He said this is a different standard than the other traditional standards. The traditional standard is candle foot; however the back of the light bulb doesn't list candle foot, most of the time. It lists lumens and watts but it doesn't list candle foot. So they are trying to make it simple for the user and for the county; for the user to comply with and for the county to enforce. Those 50 lumens per square foot is an untested number. Just for example, if they turn over to the picture on Line Item 606, Page 21 of 21, the one that says ocean is a 33 square foot sign. It's allowed two 65 watt light bulbs; is that going to be enough. That is the question he asked the sign industry.

Chair Taylor said that is what they've been waiting for to hear their recommendation. Mr. Ewert replied that he could bring in a 33 square foot sign and two light bulbs; and turn the lights off, but once you get ambient light out there and that's why they use candle foot, because that takes into affect the ambient light. He is waiting for the lighting industry to give their input. He already knew from talking to Yesco and Reagan Signs; and Reagan said they are more billboards and they don't care that much about this but they would take a look at the ordinance. Yesco said yes they would look through the ordinance, and they would ship it off to the National Association of Sign, the legislative council and have them look at it. They will give us a full opinion of whether or not they like it. The answer is probably going to be they don't like it because it's perk strip in regulation. The only thing he asked them is whether or not 50 lumens per square foot is enough, and they are going to give us the opinion of the whole ordinance.

Commissioner Graves asked when is that anticipated? Mr. Ewert replied that he doesn't think that they are going to get a favorable response from the sign industry. They like things that their clients like, and their clients like big, bright signs that are grab attention. What he is encouraging them to do is focus in on what the real question is, when they get their response.

Miranda Menzies said she wanted to make a point; the National Sign folks are going to see that as seen from the majority of the population, which is in the east coast; and when they come here is different. The level of darkness is much greater here and they don't have the background ambient light; compared to what they have driving down the road in Ohio. They go to a light somewhere else and the street lights are everywhere else; the sign has to be brighter to jump out, but here they don't have background lighting that it's brighter from a lower level of lighting.

Charlie Ewert said so the 50 lumens per square foot, that came from the lighting engineer for Maverick and he didn't recommend it. He asked him how he felt about that; his response was that it's going to be on the low side of that. Now the 50 lumens per square foot also came out of the International Dark Sky Association; the idea from the model ordinance but it didn't come directly from that. It was a derived from numbers in some medical calculations. Miranda Menzies suggested speaking to Ketchum and Springdale, and see how they handled that.

Richard Menzies said that they have had a really good discussion and he wanted to add his two cents worth. He personally has spotted dark sky working with Janet. He would like the alternative 2, to comply after three years, or whatever this commission decides, he is just presenting as a public hearing option.

Charlie Ewert said as far as lumens per square foot, they don't have to put a cap. If they are saying no internal lumination, no direct visible light, maybe it's just reflective light at that point, and then let the market govern. It could really be by its size, you can get a lot of light when you don't need that much light. It's a community character question, how much light is too much light. From the market prospective, how little light is too little light?

Commissioner Graves said if they have a number whatever that number turns out to be, at least there is something definite that they can measure and determine. Otherwise it's all subjective, and after that it's somebody's opinion and that's all it is. Commissioner Wood said he would like to have the standard, so when the person is going to put a sign they know before they pay for it. Commissioner Graves replied stick a light meter there and it reads what it reads, and if it's below it passes and if it's above it doesn't.

Charlie Ewert said the great thing about this depends on the light source, if you get an LED Track Light, which is actually what this Ocean picture is light up with. If it's the goose necks, they just put in a higher wattage bulb and

they get lighter. Those guys get the easy switch out or the lower wattage. Now if you get these LED lights, they are custom tailored to a certain light out. Commissioner Graves said if they know what that output is going to be going in, that's part of your custom order.

Charlie Ewert said maybe instead of under estimating which he thinks they did on the 15th, maybe they need to go a little higher. Maybe they stick with 100; this is assuming that we don't have the information that they hopefully get out of the sign company. Stick to a 100 which is equivalent to four 65 watt bulb on a 33 square foot sign, which is 6 x 6 or 11 x 3, do the math.

Chair Taylor asked if he knew what Ketchum was doing. Mr. Ewert replied that they didn't have a specific light intense regulation on their lights. It's down directional, it's no light trespass, and they don't see the bulb. They don't have a specific regulation and maybe the market governs. Or maybe the cost for power governs the decision on how bright that light should be.

Commissioner Graves said that he is okay with having a number as long as it's reasonable. Chair Taylor said that 100 may be a little more reasonable. Commissioner Graves said it's something definite, it's something they can measure, and it's not opinion. Director Grover said that if they see that it's excessive; they could come back and amend that, but if it's too low and businesses wants more they would give it to them.

Commissioner Graves said with regard to that, he would rather start not extremely low but a little on the lower side, and if they have to adjust it make it brighter; because it's tough making it go down the other way. It's like giving somebody a cost test, but its better go high first, it's always easier to come down. If they give them a low number, and try to jack it up then you have nothing but a fight on your hand.

Commissioner Wood said that he knew that staff is trying to get these companies to know what we're talking about. Mr. Ewert said don't you want me to bring in a demonstration, he could fashion something up, turn the lights off. Commissioner Graves asked if he had something to measure with, so they know what they are looking at. Mr. Ewert replied that's easy, first you take the lumens bulb, and divide it by the square foot.

Charlie Ewert said let me work on the science of this and then when they get down to the hearing, then he would cut the lights off and show them what this looks like. Chair Taylor said it wouldn't be a proper public hearing without dark sky if you didn't turn the lights off.

Commissioner Lewis said that turning the lights off in here wouldn't be the same as being outside. If he just look at that, it's probably two light bulbs, and if you are talking twice that big, then four is probably reasonable. He didn't know if two bulbs are 50 lumens, and if 100 is unreasonable. Commissioner Graves said that he didn't know either but that's a number he still has a feel for. He would rather have it a little bit reasonable but lower and make it brighter later, because it's a fight going the other way.

Commissioner Lewis said that he has a sign up in the front of his office, and it's roughly 5 x 5 and there is one bulb sticking at it that, and not that he is trying to push for four, but he thought that one was enough. He wouldn't bother with two just so he wouldn't have to pay for it. Mr. Ewert asked so you are saying that it's a 5 x 5, so 25 square feet, and you have one bulb and how many watts do you have on your light bulb. Commissioner Lewis replied it's a 65 watt bulb.

Commissioner Howell said on the outdoor lighting, if it's really dark, he would be surprised how much a 25 watt bulb puts out. Commissioner Lewis said there is nothing around that would split that up. Commissioner Lewis said that you wouldn't be able to see it and you would need at least two, and he may see something from what he sees.

Charlie Ewert said that is why they are realigning the ordinance; the village areas have a little bit higher tolerance. Maybe they split the difference and go 75 lumens and that is assuming they don't get good lighting information from the lighting industry, and if does he will report to them on what that is.

Charlie Ewert said he wanted to address one other thing. He was talking to Kirk Langford about this, this is regarding conservation properties signs. He stuck it in there really quick because he knew it needed to get it fixed. The concern that he has is maybe doing a free standing sign which would be the width; and it shall be no greater than eight feet and the height shall be no greater than ten feet. His concern is he's got rock face and they're off the road. The road drops down ten or so feet; he wants to prop it up on the rock base, and then have it go up another eight or ten feet from that. I don't see any issues, but he had to talk to this commission about that.

Charlie Ewert said let's talk about a commercial property where it drops off the main road and it down there. On a conservation sign, they are only allowed one monument sign, and that monument sign cannot be no closer than the right-of-way of ten feet, or whatever our standard is. So that monument sign is down there as they are driving by, is that reasonable.

Chair Taylor replied that it is reasonable to her. He should be able to raise it up a bit based on side of view. Mr. Ewert replied that what he would probably do is the sign height would be measured from some average of road grade, or something like that.

Commissioner Graves said that he didn't want it, he has a steep enough slope, then the next thing you know, they're going to have something like a billboard being high enough. Mr. Ewert replied they are still governing the sign face, and it can't be still no more than. Commissioner Graves said because he still have a massive structure holding it up. Mr. Ewert replied that's the issue; he has two poles or one pole with the sign up on top. Commissioner Graves said that could become very unsightly.

Commissioner Wood said if they use the road as the level; let them use the base on the road level. Commissioner Graves said how far back, he could still have a 30 foot base, if he has a big enough slope off of this thing. There may be situations where they actually have some of that; he can think of property just along 39 there as they go along the dam, it drops off pretty quick.

Commissioner Lewis said it goes up pretty quickly. Commissioner Graves replied exactly. Commissioner Wood said how big and then it goes down, and if he used the level of the river on the side and the road is flat, then you go by the level of the road. But if it's going way down with the road, then he might have a 30 foot pole. Chair Taylor said that's going to open up for a terrible site. Commissioner Wood said to make it eye level, that would be nicer for the guy if it was level. Commissioner Graves said do some good lighting and back it up and put it down, that's the best answer.

Chair Taylor said that this has a lot of allowance anyway, with a height of ten feet. Mr. Ewert replied yes ten feet, but he is only looking for eight feet, and he wants to do a three foot base, with an eight foot sign on top of that. Maybe there is a little bit of tweaking that he could do, if they are just talking about conservation signs and maybe that's okay because he didn't see a lot of them.

Charlie Ewert said the reason he was asking the question so broadly was because conservation is not the only thing this is going to be applied to. Commissioner Lewis said with road mount gets things out of the snow and the weeds that would automatically grow three feet no matter what; they would need some kind of base. Commissioner Graves said that based created something you could construct or do a little grading and create your base with that.

Commissioner Howell said put it in a different location. Mr. Ewert said that is the other responses, finding a different spot for the signage. He said he got his answer and he will make it clear that a small base of some sort, that two or three feet is fine, and that's it. Not thirty foot tall poles with the sign on top.

Commissioner Graves said so ten feet is what they are saying the tallest it could be. Mr. Ewert replied this conservation sign. Commissioner Graves replied and to him he wouldn't have a problem with ten and he could be persuaded to go up to twelve, but he didn't care if have of it was base and half of it was sign.

DISCUSSION: Tiny Homes

Charlie Ewert brought up picture of tiny homes and said there standards in the code that must be met for tiny homes to be considered in the valley. In Chapter 15 –Standards for Single-Family Dwelling, Section 108-15-1 – Codes and Standards it states, *“Any dwelling or other structure which is designed or intended for human habitation, which is to be located in the county outside of a mobile home park, mobile home subdivision, or manufactured home subdivision or PRUD, must meet standards of the uniform building and other codes as adopted by the Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by the United States Department of Housing and Urban Development and must not have been altered in violation of such codes.”*

Charlie Ewert read Section 108-15-2 – Additional Requirements.

Planning Staff demonstrated by measuring how large these tiny houses could be. A discussion was ensured between Planning Staff and Planning Commission, and the consensus was that because of the size of the homes, they would not fit everywhere in the valley. It was suggested in areas like the village homes or other areas, they would be more adequate.

Charlie Ewert said that he would obtain information on tiny homes and bring back for more discussion.

WS4. DISCUSSION: Administrative Ordinance Amendments

Charlie Ewert said Utility Setbacks is located right after lighting on Page 1, where it states Utility Setbacks. In Section 101-1-7 – Definitions: Under Quasi-public he has added (see also “utility”). Then he read the definition: *“Utility: The term “utility” means utility facilities, lines, and right-of-way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also “quasi-public.”*

Charlie Ewert said in Chapter 10 – The title was change and the word “AND” was replace with “OR”.

Charlie Ewert said in Section 108-1-1 – Location: The sentence was changed with the word “and” was replaced with “or”. He read Section 108-10-2 – Site development standard for public utility substation or structures: (was changed and “*minimum lot area*” and “*None*” was taken out. New information was added.

Charlie Ewert said Section 108-10-3: was taken out.

Charlie Ewert said in Section 104-29-2 – Development Standards (Table) and reviewed the table.

The Planning Commission and staff had a discussion and they approved the changes.

WS4. DISCUSSION: Administrative Ordinance Amendments

Charlie Ewert said General Amendment is located under Title 101 – General Provisions. In Section 101-1-7 Definitions: Lot of Record (lawfully created lot). There have been some changes beginning with #4 has been deleted and #5 is now #4, #6 has been deleted and #7 is now #5. The next paragraph has been completely deleted.

Charlie Ewert said on Recreation Lodge, right after guest sleeping rooms, *“for nightly accommodations”* has been added.

Charlie Ewert said that Township Amendments: Part 1, Title 2 – Administration: Chapter 17. This chapter has been deleted and put on reserve because of a legislative change and “*Township*” is no longer used. In title 102 – Administration: Chapter 5 – Rezoning Procedures has been added. In Sec.102-5-5 Concept Development Plan, the word “*township*” has been deleted.

Charlie Ewert said under Land Use Permit Expiration Amendments: Title 101 – General Provisions: Sect. 101-1-7 Definitions: and read the information that was added. .

Charlie Ewert said in Section 102-4-3 – Land Use Permit revocation the following changes and he read the changes that were made. .

Charlie Ewert said in Title 108 Standards, Chapter 4 Conditional Uses, Section 108-4-8 – Revocation and Expiration. The following changes were made: In the first paragraph, after (a) “Revocation” was added; the after are provided in “Section 102-4-3” was added. After (b) “Expiration. Rules for expiration are provided in Section 102-4-3” and the paragraph was deleted.

Charlie Ewert said in Title 106 Subdivisions, Chapter 1 General Provisions, Section 106-1-8 – Final Plat Requirements and Approval Procedure, (b) Final Plat Required, in subsection (2) the date was changed from 30 to 45 days.

Charlie Ewert said in Special Event Code, Part 1, Title 38 Special Events, Section 38-1-6 Same – Application Process, subsection (a) was changed to: *All applications for special event permits shall be made “to the Weber County Planning Division” on a special event permit application form and shall include the following information.*

Charlie Ewert said in Restricted Lot Amendments, Title 101 General Provisions, Section 101-1-7 – Definitions, the changes were made to the following: Lot Restricted: The term “restricted lot” means “a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.” And or and subparagraph (2) were deleted.

The Planning Commission and staff had a discussion and they approved the changes.

Section 104-29-3 – Transferable Development Right (TDR): the Planning Staff and Planning Commission had a discussion between TDR’s and ADU’s.

WS5. Adjournment: The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting January 3, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Greg Graves, John Howell, John Lewis, Will Haymond; Robert Wood, Jami Taylor

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Charles Ewert, Principal Planner; Ronda Kippen, Principal Planner; Steve Burton, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

Director Grover said he would like to introduce the first item. On the agenda is a consideration and action of a conditional use permit for a public utility substation. Then Steve Burton, our new Planning will give a quick outline of the item. Then we'll have a presentation by Mr. Pen Hollist where this commission will make some collaboration. Then Steve Burton will come back and indicated how this meets the ordinance and also staff's recommendations on this item.

Chair Warburton asked the Planning Commission if there were any ex parte communication on this item. There were none.

1. Petitions, Applications and Public Hearings

1.1. Administrative Items

a. New Business

1. CUP 2016-20: Consideration and action on a conditional use permit application for a public utility substation (250,000 gallon water storage tank) for Liberty Pipeline Company located at 7970 North Durfee Way in the Forest 5 (F-5) Zone. (Liberty Pipeline Company c/o Pen Hollist, Director; Applicant; Mike Durtschi, Project Engineer, Agent)

Steve Burton said this is a consideration and action on a conditional use permit application for a public utility substation for a water storage tank for Liberty Pipeline Company. They have included a scenario and a proposal which is the site plan that was submitted. It is located in the F-5 Zone which allows "water pumping plants and reservoirs" as well as "public utility substations and transmission lines" only when authorized by a conditional use permit. This proposal is in conformance with the minimum lot area, width, and yard regulations of the F-5 Zone. Standards to consider under safety for persons and property; considerable traffic congestion or delays is not anticipated as this proposal is not considered large scale construction. A condition of approval has been added to the Planning Division recommendation, to ensure the contractor cleans all equipment prior to exiting this site, and sweeps the road as needed. Removing of any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along the County roads.

Steve Burton said that consideration for persons and property, a proposed easement of approximately 4.2 acres will surround the property area, and the project area is .95 acres. Amenities, service, and infrastructure, 250,000 gallon water tank with 1,100 linear feet of distribution piping will be buried with six inches of top soil. These improvements will provide emergency storage to the entire system and will increase Liberty Pipeline Company's upper area storage and flow capacity needed to meet state requirements for fire events. In considering for the environment, the applicant has provided the following considerations in their Storm Water Protection Plan. As far as the General Plan, the proposed use is in conformance with the Ogden Valley General Plan as it provides additional water sources to meet the demand of the valley existing water system throughout the developing areas. The applicant has provided a technical specification report outlined on work to be performed on the project. This proposal upon meeting with the Planning Division recommendations, it is in conformance with the Land Use Code. The Planning Division recommends approval of CUP 2016-20 is subject to all review agency requirements and with the following conditions:

1. *Prior to the issuance of the conditional use permit, a final signed copy of the easements and/or lease agreement for the access, location and affiliated construction for the proposed water storage tank will need to be provided to the Planning Division.*
2. *Prior to commencing work, Liberty Pipeline Company will need to receive the approval from the applicable agencies for the new water storage tank and distribution line, including all permits outlined in the Engineering Division's review.*
3. *All equipment leaving the site will be cleaned prior to entering the County right-of-way and the contractor will be responsible for sweeping the County roadway, as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along the County right-of-way.*

Pen Hollist, resides in Liberty UT, Vice President of Liberty Pipeline Company, and representing Durfee Creek Homeowners Association for Brent Olson who is unable to attend. He stated that the Liberty Pipeline Board and the Durfee Creek Board have entered into the easement agreement; which is really an expanded easement agreement, and there is already one of their tanks there. They have in the easement agreement positioned three more tanks and that is why they are talking about nine acres. The homeowners have agreed to all the terms and conditions the Board has agreed to the terms and conditions. Liberty Council has approved the language and Durfee Creek Council is currently reviewing the language. There is no conceptual difference between the two boards. They are doing this because at present; the North West corner of their service area has one source of water, which in February and March comes down to 46 gallons per minute. When the snow starts to melt and the rains come, it goes up to an excess of 250 gallons per minute.

Pen Hollist said it is critical in those winter months before the aquifer starts to discharge. Right now they are down to 61 gallons per minute, and he would anticipate that it would continue to fall. That is about two times our daily average need, so they need more storage and they need an additional source of water. If they recall in 2015, they came and asked for a conditional use permit to drill the Camp Lomondi Well; it turned out that was on the wrong side of the fault and it yielded neither the quantity nor quality of water. So they are going to be back in the next month or so, asking for another conditional use permit. This time to refurbish the existing Durfee Creek Well and filter the water, and it's not high quality water but they will filter it at a cost about \$100,000. They don't intend to remove any material from the site; the cut that they make on the uphill side will be used for the fill on the downhill side, and then they will cover topsoil through the whole thing. So they are not removing material; they will be removing the tracks, track hoses, and parts that come off there, and they will clean the road as specified.

Chair Warburton asked could he explain how this works with the state; does he have more rights to the water, is he not collecting it currently? Mr. Hollist replied yes, they have more than enough acre feet. They have Parson Lady Latimer has audited their water rights, and they are also using those water rights as collateral for all of this that they are doing. Those rights are worth about \$2.5 million dollars.

Chair Warburton asked because this is a CUP, and because he is representing the owners of the land, are there any conditions that he would like to be put on there that would be helpful. Mr. Hollist replied no, he didn't think so.

MOTION: Commissioner Tyler moved to approve CUP 2016-20 which is a conditional use permit application for a public utility substation for Liberty Pipeline Company. This motion for approval is based on the accompanied staff report and the recommendation findings and conditions listed there within. Commissioner Howell seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

Director Grover said this item is a legislative item; as such they will be having a public hearing associated with this item. The item that is before you is a public hearing to consider a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone. The individual who will be presenting this is Ronda Kippen. The applicant is not here, and she will be representing him as his request at the same time.

1.2. Legislative Items

a. New Business

1. ZTA 2016-07: Public hearing to consider a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone Chapter §104-29 in the Uniform Land Use Code of Weber County Utah. (Summit Mountain Holding Group, L.L.C., Applicant; Jeff Werbelow, Summit Mountain Holding Group, Agent)

Ronda Kippen said the item that is being presented tonight is a request to amend the development standards outlined in Land Use Code §104-29; which is the development standards in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone. The applicant is requesting that the side yard setbacks be reduced from an 8 foot minimum side yard setback; with a minimum overall side yard setback of 18 feet to a 5 foot setback with no minimum combinations. The applicant does intend on maintaining in the CC&R's and 8 foot minimum side yard setback with a minimum overall side yard setback of 18 feet. However, the applicant would like the ability to vary these standards on a case by case basis in order to protect and preserve the natural habitat on the mountains. On May 24, 2016, the Weber County Commission passed a text amendment that included this area of the land use code; that modified the lot sizes, the lot widths, the

setbacks, and maximum building height. Since that time they have now issued 8 building permits, so they are actively constructing homes and starting to run into some setbacks.

Ronda Kippen said one of the setbacks is on one specific lot that the developer has identified as a "century trees" which is basically trees that are over 100 years old, and they want to protect these trees. In order to allow the homeowner to build the home they would like to build in this location, the need to move the home over 3 feet. This is not something that staff could support as a variance as this is a self imposed hardship. So they have petitioned the county to reduce the side yard setback by 3 feet, to allow for them to grant on a case by case variances. In this evaluation she was able to read their brand new 2016 Ogden Valley General Plan, and she was able find in numerous areas in the code that supported of such as request. In the Community Character it states, *"The rural character of the Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, and abundant wildlife and small villages."* By protecting these groves of trees it will preserve the natural habitat on the mountain. The other thing they don't want to do is tear down trees in these areas that can be sensitive to the slopes stability, so maintaining these trees up there it would help keep the mountain in tack. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. Residents want to ensure that new development enhances, not detract from Ogden Valley's character by encouraging creative development designs that preserve natural, agricultural, and other open spaces, including clustered and mixed-use developments; therefore, *"a goal of Weber County is to protect the Valley's Sense of openness and rural Character"* by *"encouraging and preservation and maintenance of significant trees, shrubs, and other natural vegetation in riparian and other natural areas."*

Ronda Kippen said based on this evaluation the proposal conforms to the 2016 Ogden Valley General Plan; by providing flexible development standards that could be used to preserve physical features and create development patterns that are compatible with and complement the natural environment and rural character of the Valley. Under the Ogden Valley destination and Recreation Resort (DRR-1) Zone is: *"The purpose and intent of that zone is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general Plan."* Based on this evaluation, staff feels that the text amendment is supported by the language in the DRR-1 Zone and in the General Plan. By concentrating the residential uses to preserve the open landscape and wildlife habitat, in addition a very important goal in the DRR-1 development is the preservation of the open space and the maintenance of the Ogden Valley's rural character and natural system. The Planning Division supports this request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone from 8 feet for a total two required of not less than 18 feet to a minimum of 5 feet due to the support found in the 2016 Ogden Valley General Plan and by meeting the proposal of the intent DRR-1 Zone. This recommendation is based on the findings listed in the staff report.

Commissioner Lewis said that he wanted to understand the rural character part and what they are trying to accomplish. He understands the grove of trees but is conflicted with the worst case; that they end up with stuff that is literally 10 feet apart, 2 feet ease fronts, and they barely have 6 feet between roofs. That didn't seem very rural either. Those are the two conflicts, and he did want to see a bunch of trees, but he didn't want to see a bunch of worst cases, and it is possible that it might not happen that way, but it something to think about.

Chair Warburton asked staff if they ran this by the engineers, and if someone chose to build that close, they would not be in danger in anyway. Ms. Kippen replied yes, they have no concerns, and with the Building Department anything 10 feet apart wouldn't require a fire wall, so they had no concerns with it being 5 feet.

Chair Warburton opened for Public Hearing.

Ron Gleason, 252 N 8750 E in Huntsville, said they are making a change to an ordinance and they know that making a change to an ordinance is difficult choice to make, that has consequences for anything that comes down the line. This is the first resort but they know there are other resorts that may or should come online at some point. His question is do they need to change the ordinance or can the applicant go to the Board of Adjustment for the individual lots that this affects. The packet said that there are possibly three areas that are affected by groves of trees and the example given was one single lot. Wouldn't it be better to go to the Board of Adjustment for this one, or would it be to change the whole ordinance.

Kim Wheatley, who resides in Huntsville, said he liked the idea of being flexible in the area, but tangling that with having this available outside the general character of comments. They wouldn't want this to apply in all other subdivisions because it would also lend to that rural character. The idea of the CC&R's that are drafted and applied by Summit would not necessarily be in place for any of the other future resorts. They've always had a policy to stay independent with CC&R's, and he didn't know if this is the time to say their CC&R's could handle this, because that would be a big leap and should be something they ought to consider.

Chair Warburton closed for Public Hearing

Ronda Kippen said that was something they approached staff; requesting a variance and if that could take place. There are five different standards that have to be met in order to be granting a variance, and they have to meet all five standards. In order for a variance to be granted, all five of those have to be met. Basically where this gets thrown out in determining whether or not, enforcement of the land use code will cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. Basically they would tell them to build a smaller house to design around the tree.

Chair Warburton said in her experience as stated earlier, they wouldn't get a permit. Ms. Kippen replied they would not get a variance for this. That is what the court has come down to; they have to meet all five criteria in order to be granted a variance. The courts have come out with five items and all five have to be met. There is not just one area that has "century trees" on the mountain; there are multiple areas that are there. They need the flexibility to be able to locate the houses a little closer in different areas. All of the subdivisions that went in up there do have building envelopes and they are quite a ways from the side yard setbacks. So they have to remove the building envelope and push the house over. So as far as seeing the houses close together that is not something they anticipate seeing. Just because they have 100, maybe 40 of the lots have already been platted with building envelopes on them.

Chair Warburton said this doesn't change the unit that they have rights to build the development units, and in future properties like Mr. Wheatley brought up, they will have the same thing that will be limited by years, but they will also have the Development Agreement to look at it when they decide how to plan and it just gives flexibility. Ms. Kippen replied no it doesn't change the units, and it really does after these subdivisions come in, the first thing they do is go through the zoning development agreement. They look at the conceptual plan to make sure that it meets to what was approved. If it doesn't meet that and they can't see that there is supposed to be some houses there, or townhomes, or large lodge, then they would have go back to the developer and say there is just no way to have these things. There are ways that they are processing that application, making sure that it is in conformance with the general conceptual plan that was adopted for the Zoning Development Agreement.

Chair Warburton said in the best case scenario, they can have a resort zone come in and they have certain units they can build, and they will put them all together and they will have a lot more open. Ms. Kippen replied that this commission would have that legislative decision in designing that. If they wanted to see them all clustered together, and all of this open space over there, they have the legislative right to say they don't like that.

Commissioner Howell asked when they make an application for a variance like this, does the Planning Department go out there and inspect this. Ms. Kippen replied no, because this is a text that would affect all of Ogden Valley Destination Resort Zones. It is not just specific to one site; as far as going out and inspecting that, as far as staff they can look at the plats that have been recorded, and see that there is building envelopes on those. They are going to keep those homes further away than 10 feet.

Commissioner Howell asked if this would this be on a case by case. Ms. Kippen replied yes when a building permit comes in from Summit, they have to have their architectural review committee approval. If something comes in showing less than 8 feet, there is going to be findings in there as to why they granted them that variance on there. It's just not something that we will typically see 5 feet coming through because they do have their CC&R's and they don't enforce that. So we have to make sure that they have approved the siting of the house, the architectural details of the house, and everything. So we get a letter from them on every building permit saying that they have approved the site plan, the architectural detail, everything, and that is part of the development agreement that they would do that. On those case by case situations, she would anticipate that they would give them an explanation as to why they are allowing this site to go as close as 5 feet.

Chair Warburton said she thought what Commissioner Howell was asking was other developments outside of Summit. The only other development that is a deal one is Snow Basin or whoever applies for and was granted that zoning with three acres or more. Then they have to come forward with a plan that goes into a development agreement so it's quite a process. Ronda Kippen replied they take these conceptual plans to heart.

Commissioner Wood said that he was concern about the 8 to 10 feet, and if they have 4 feet of snow on the roof, and it gets pushed off they are not going to get it within 5 feet. It's going to go into the neighbor's yard and his will go into their yard and that's not a good situation. Ms. Kippen replied just to give them an idea of their development standards are already like. As far as their front yard, they have no setbacks, as far as their read yard they have 10 foot setbacks. Other zones throughout Weber County both in Ogden Valley and Western Weber planning areas; for outbuildings they can be as close as one foot. There is a criterion in the code to allow for structures to be very close to property lines; and those are something that they have let the neighbors work out. So you could have a detached garage one foot away from you neighbors one foot away, so technically two feet away separating the structures.

Commissioner Lewis said that he needs to point out, that this will apply to every other resort that goes to get a DRR-1 Zone; so Wolf Creek for instance could go get that done if they bought a few more acres, and have it up to 1,000 acres like it was. There is already a development agreement in place, they wouldn't be able to stop them from putting thing 10 feet apart, so it will affect everything that is up in that zone.

Director Grover said when they look at the intent of the resort zones; it is meant for clustering and to create a different type of experience that they would have in other areas in the valley. So reducing setbacks and things like that probably isn't uncommon in those types of zones. Chair Warburton said that their job is to ask is it safe, does it comply with the General Plan, and then they let people do what they have to do to be successful. Her main concern is it safe, yes it is limited, are they going to have a rash of houses all built that close together, she didn't think so.

Ronda Kippen said they will have some townhomes and those have to deal with setbacks; so they build right next to each other. The definition for recreation resort is to create something different, something unique, and something will draw people there. As for the single family residence that they talking about going down to 5 feet, they are going out there for some elbow room. She doesn't think they want to be that close to their neighbor, but they do have the right. It is definitely something different, and unique, and to preserve.

MOTION: Commissioner Taylor moved to recommend approval to the County Commission for ZTA 2016-07 on a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone Chapter §104-29 in the Uniform Land Use Code of Weber County Utah. This is based on determination that this is in conformance with the General Plan, and it is also based on a public hearing, and the accompanied staff report and the findings listed there with them. Commissioner Howell seconded.

DISCUSSION: Commissioner Graves said that the 5 feet does seem pretty close 10 foot wall to wall, but they do have the engineer's report which doesn't indicate a safety issue there as far as they're concerned. He realized that a pile of snow could get in between there and that may cause some grieve between neighbors and that is something they would have to work out. He wished there was some other way to grant them this flexibility; without having to changed the ordinance. There are two places right now that have this, and he is willing to at this point to concede that. If they do find that this is a problem that it can always be changed back or change that to something different. He is sure that staff would own up what they said, and review future phases and future projects that come in that they are looking closely at how things are spaced. He finds it ironic to have vast amount of property and have to quibble over three feet because they can't find the right kind of envelope. They could solve these kinds of problems before they come up. But you have to get out of their truck and walk on the site in order to do that. Commissioner Howell said the only concern that he had at Snowbasin is that their annual snowfall can to 500 inches. Commissioner Haymond said that he was struggling with it too. They are looking at changing law based on two specific instances to allow it to have a 5 foot setback and everywhere it's been said a couple of times that their CC&R will prohibit that and allow them some flexibility. He has a hard time changing the law because a couple of people didn't plan correctly and I want to save trees too. Chair Warburton said that it's important that they are not adding density; and they are not giving them the right to build more, it's giving them the right to do with their land what they want, based on safety and it's already been determined.

VOTE: Commissioner Taylor, Howell, Graves, Lewis, and Chair Warburton voted aye. Commissioner Wood and Commissioner Haymond voted nay. Motion Carried (5-2)

Director Grover said this item they have looked at this in work sessions before and now they have detailed language for this commission to look at. They would also like for them to look at other consideration that would be presented to them on this. So they item they will be looking at will be dealing with the public hearing to discussed the proposed amendment to the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley. Charlie Ewert will be presenting this item and after that they can open it up for public hearing.

Chair Warburton asked the audience how many wanted to speak on this issue and several raised their hands. She indicated that the staff report states that they can make a decision tonight, but they wanted to hear from those that wanted to speak. This commission understands that they won't be making any decision tonight; especially the signage until they could delve into it, get some facts, and much later they would make a decision on that outside the ordinance.

b. Old Business

1. ZTA 2016-06: Public Hearing to discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

Charlie Ewert said asked if they would like to go back to the slideshow that they've already seen, if so he could bring that up, otherwise he would just jump into the text. Chair Warburton suggested to the audience for them to take notes so when they spoke they could refer to the line number and whatever else you have an issue with. Mr. Ewert asked if she wanted him to through the images from the slide show; it sets the baseline for why they are looking at Dark Sky.

Charlie Ewert talked about the following from his slideshow presentation:

- Direct Artificial Light – reflection, glare, artificial source
- Good Neighbor Lighting –direct light source and shielding
- Light Pollution – what causes light pollution
- Light Trespass – what it is and how to shield it
- Color Temperature – medical recommendations
- Canopy Lighting – related to commercial and different lighting
- Parking Lot Lighting – light being consistent
- Recreation Activity Area Lighting – having flood light with shielding
- Sign Lighting – external lighting and reflective lighting

Charlie Ewert said the primary reason they are looking at this is to keep the Dark Sky Accreditation of North Fork Park but also keep a little bit of Astro-Tourism dollars coming in to the Ogden Valley. They've got recreation, destination in areas in which they went through the General Plan process; they kept hearing don't kill the goose that laid the golden egg. When they asked what that statement meant, some people thought it meant, they really love their valley and they didn't want it to change. Other people thought it meant, if this is going to be a competitive recreation destination they need to have a unique product that other places don't have. This speaks more to the latter part of the conversation.

Charlie Ewert said that he would like to go through the changes in the proposed text from what the Planning Commission looked at last time. Chair Warburton said they should go through it and they would like to hear what they are proposing.

Charlie Ewert said that a couple of new definitions have come out:

- Artificial Light Source: Means the part of the lighting device that produces light. See Section 108-16-9 for graphic depiction

- Light Trespass: Means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction
- Outdoor Lighting: Means the illumination of an outdoor area or object by any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or object by direct artificial light projected from an indoor artificial light source through a window, door, or similar opening.
- Outdoor Lighting Recreation Facility: Means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction

Charlie Ewert said that they did a little bit of administrative work in sign definition and they off at conservation property signs. Here is an area that is a little bit new, they wanted to catch this and it seemed like an easy fix to get into their code. There was a request recently for a sign to go up on a large farm that had a conservation easement on it. Our ordinance didn't have the support for that kind of a sign that it needed, and they just wanted to make sure that it got in here. As they discussed in the last meeting there is some sensitivity on regulating the content of what's on a sign. So what they did here is they defined what a conservation property sign is.

- Conservation Property Sign: Means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by UCA§57-18-3

Charlie Ewert said these other three sign definitions here were definitions that were already in the code with the exception of Pole Sign which they had two definitions which they combined so line item 107 was combined with line item 100. He reviewed Section 108-16-1. Purpose and Intent: Line Item 111 through Line Item 123.

Charlie Ewert said you see the underline is one of the changes from last time, from the last Planning Commission meeting to this Planning Commission meeting. What they heard from the last Planning Commission Meeting when they went back to the General Plan; and saw some of the descending comments, they heard that there may be a desire to think about it a little bit differently. So the proposing language is to think about this differently and they are just seeing if it sticks. In the last version, that section of the single-family, two-family, or three-family residential was not there; and the lighting ordinance would have been applicable to all residential. He reviewed Section 108-16-3. General Standards: Line Item 146 through Line Item 157.

Charlie Ewert said those are the four standards, when they get into 108-16-4 they get into some specific standards. These specific standards are intended to be applied to non-residential uses. In reference to Section 108-16-4-5d, that light is typically more daylight and they talked to the ski resorts about this and both ski resorts said this was more than they needed so they were comfortable with the regulations. He reviewed Section 108-16-4. Specific Standards: Line Item 158 through Line Item 190.

Charlie Ewert said now they get into the exemptions, and those standards were so simple and a big blanket that just wanted to make sure they carved out some exemptions so that it wasn't quite so rigid. It is important to note that the Ogden Valley Starry Nights Association has committed to \$1,000.00 to help farmers retrofit their light sources with shielding which is about \$30.00 per shielding device. He reviewed Section 108-16-5. Exemptions: Line Item 191 through Line Item 277.

Charlie Ewert said those were the exemptions to the rules. The next section talks about procedures for compliance. This gets into the question about enforcement. How is the county going to ensure that this is appropriately enforced or implemented? If you look at Line Item 279 on implementations. He reviewed Section 108-16-6. Procedures for Compliance: Line Item 279 through Line Item 292.

Charlie Ewert said that they are trying to make the ordinance simple to administer and simple to apply. Staying away from the hard terminology that only lighting engineers understand; but also to the best of their ability staying away from the requirements for the applicant to go and hire a professional. The only time they would require an applicant to hire a professional lighting engineer to light their site; if what they provide just doesn't give us enough evidence that it complies. He reviewed Section 108-16-7. Required Replacement of Nonconforming Outdoor Lighting: Line Item 294 through 321.

Charlie Ewert said violations and enforcements, they can see that he has some notes and with changes to the next draft. He reviewed Section 108-16-8. Violations and Enforcement: Line Items 323 through Line Items 356.

Charlie Ewert said they wanted to make sure that the ordinance that they are working on was easy to use and easy to understand. They tried to use plain language and anywhere they didn't use plain language, they would be happy to go back. Sometimes they use more words to say something plainly and they tried to not do that either. In trying to make it easier to read, they wanted to put in some graphic depictions on how to appropriately comply. So they have the different definitions of what a direct light source is. He showed examples of unshielded light, unshielded versus shielded light, examples of light trespass. He gave reasons of why something is or isn't in compliance.

Charlie Ewert said now get into the chapter of the Ogden Valley Signs. The only reason they got into the Ogden Valley Sign Ordinance in the first place was to talk about lighting. They took the liberties of making some administrative corrections as they did and he will walk through those. The Planning Commission in the last meeting asked them to propose some language; if they are going to amortizing or phasing out nonconforming lighting over a seven year period, why wouldn't they do the same thing with signs. The Planning Department and possibly the Planning Commission have had complaints from business owners; complaining that there is not a level playing field, because they get that sign but they no longer get it. Just because theirs has been grandfathered and his isn't; people can't see their business than his, so they need to find a way to phase some of those things out. They can see that in the language here; none of this language that he has been reading has to happen. They just need to let him know where they want some modifications.

Chapter 2 – Ogden Valley Signs

Section 110-2-2. Applicability: Charlie Ewert said there are no changes in that. He reviewed Section 110-2-4. Nonconforming Signs: Line Items 386 through Line Items 415.

Charlie Ewert said the only change to prohibited signs that they put in here is electronic change copy signs that is permitted in 110-2-9(b)(13) and manual change copy signs is permitted in Section 110-2-10. What this except is permitted in 110-2-9(b)(13) reference to signs that are put up for traffic control purposes as authorized by government or agencies. They talked about that at the last Planning Commission meeting. The Virtual Message Sign (VMS) that say "Road to Powder Mountain to slick, tire chains require." He wanted to make sure those happened.

Charlie Ewert said in the other sign section, what this section previously had was a list of other signs that aren't already regulated by sign codes. The leader line for that section is, *"In addition to being regulated by other ordinances and state or federal law, the following signs are only regulated in the following manner:"* This section used to say they are "only regulated" in the following manner. He didn't think that was the intent of the original author. Basically they are exempt from any requirements except for whatever is written here. He reviewed Section 110-2-9. Other Signs: Line Items 426 through Line Items 509.

Charlie Ewert said in the temporary sign usage they are not changing what the code says, but they are taking a table that took five pages and they are reducing the table that is one and a half pages, and trying to make the code a little bit easier to use. So Sign materials and display standards; these are the standards that he was talking about earlier. He reviewed Section 110-2-12. Sign Material and Display Standards: Line Item 516 through Line Item 590.

Charlie Ewert said the next section is examples of sign illumination. They just did what they did on the other page with things that apply and things that don't comply; with each of these sign types and how to help identify what their signage is. He described Section 110-2-15. Examples of Sign Illumination: Line Item 593 through Line Item 595:

Commissioner Howell asked if they had any plans for any presentation in the future for schools and for education of the valley people. Mr. Ewert replied that is a good idea but they don't have plans right now, but as part of the educational campaign they will start making plans.

Chair Warburton said what should like to see in this code, the County shall create a financial incentive for businesses, if they comply before the deadline of March 1st. Whatever that financial is, it would have to be created with the input from the County Commissioners and everybody. She would like to see that incentives also be given to single, double,

and multi-family residences to do the same, and that would be ongoing. Along with the educational campaign, there should be some financial incentives and that should be ongoing.

Charlie Ewert said that Weber County Basin Conservancy has an incentive that if you buy the smart sprinkler control module; they would offset the difference in cost between the standard to the smart. If they go to home depot and you buy the \$100.00 computer versus the \$50.00 computer, the \$100.00 dollar computer connects to the internet and it would tell them what type of weather. Chair Warburton said there are all kinds of ways, whether it is private or public, rather than mandate through an ordinance.

Chair Warburton opened for Public Hearing.

Ron Gleason, 252 N 8750 E, in Huntsville, said for the commissioner's that weren't here for the last meeting. He would like to review that he supports this ordinance, but he would like to see the residential portion mandated. It's important and it's the only way they are going to achieve the objective that is laid out in the general plan and to keep the accreditation of North Fork Park. It states that it was a goal but there is nothing in the changes mentioned by planning to figure out how they are going to track that. They went over the incentives and he didn't think that incentives should be in the equation, particularly the height incentive and increase in density. They said not to change these things; do not increase density or the maximum height allowed by structures. Specifically line items 132 through 139; Section 108-16-2 Applicability, this has to do with the education program, and it states may educate, may require, and this needs to be tightened up to state will educate, will require. If they are going to put something in the ordinance it needs to be clear and tightened up. Lines 459 to 460, Section 110-2-12(b)(8) Athletic Field Scoreboard Sign, where it talked about 120 square feet maximum. He believed there are current signs there is current athletic in the valley; one in Eden Park and the other one at Snow Crest Middle School. He asked if someone had gone to look at those and checked to size and if they needed to be changed. If they are going to put sizes, they need to enforce them. The General Plan shows that they have 3,762 built units already, another 7,863 platted that could go up at any time with another 4,000 more there. They need to get all the residents covered, and they need to start the seven year compliance and get those done and covered as soon as possible.

Ashley Cross, 3790 E 1950 N, in Nordic Valley, said she was the owner of New World Distillery, she is a destination distillery, and her building is 100% compliance with the IDA lighting standards. If she were offered an incentive for putting lights there were in compliance with the building and drafting a plan to be in compliance, she would refuse the incentive. She didn't want anybody to think that her building, her practices, and her products are in compliance because she is receiving incentives to do that. She is would ask the Ogden Valley Business Association be involved in future discussions related to signage; be uniform so they could have attractive signage and still advertise for their businesses.

Miranda Menzies, 3807 North Elkridge Trail in Eden, said she was pleased with moving forward with the Lighting Ordinance. She sent an email to Mr. Ewert, and she has been involved with the HOA in Highlands and the Wolf Creek overall. She would merely observe that she didn't think this lighting ordinance would be effective unless they include residences. The 3,760 Units in the valley and she would be guess that it would be 3,500 that are houses. They could use some sense on how it works; Highlands and Wolf Creek in general, have attempted to use the old commercial lighting ordinances to residential buildings for the last six years. They can still see Wolf Creek from all over the valley, and it isn't just those portions of Wolf Creek. Moose Hollow is visible from the entire valley, and it's not just from the exterior lighting, but also the interior lighting shining through those windows. All of these can lights that are up on the ceiling, because of these bench homes in Nordic Valley, Green Hills, and Wolf Creek are above the valley floor direct illumination towards the valley floor, the can lights in the cathedral ceilings become direct illumination out of the windows, and down to the valley floor. That is the sort of education they need and she would strongly suggest, trying to bring all of the exterior lighting on the residences into the education part for the interior lighting, which appears that the light fixtures they put in to the residences around Wolf Creek, what she sees what is described in this ordinance, she doesn't think they need them. Even though they were put in as Night Sky lighting compliance, because they have light bulbs inside of translucent fixtures, and now it appears to be nonconforming. They see it potentially from the other direction because out here people don't freak out in the dark, because they can be seen with lights, with moonlight, and all of these light sources, they are trying to be dark and not trying to be lit, so it's a different objective. She thinks they need education on interior lighting coming out through the windows including the ceiling light, but she does think they need to bring the businesses which are very few, felt that they are not being picked on; they need to

bring the residences into it on their exterior lighting and the entry lighting. One of the key things that we show our guests they come from the eastern part of the county, we take them outside and show them the Milky Way. You cannot see it in any of the eastern half of the country, but here they can and it's special so let's try to keep it.

Richard Menzies, 3807 North Elkridge Trail in Eden, said he fully supports what his wife said. He fully supports what was said before, if they have all of these houses that are increasing and they know that, if they don't address the residential thing with the outdoor lighting, they are going to lose their Dark Sky Accreditation.

Janet Muir, 6908 East Elkhorn Drive in Eden, said she didn't know about dark sky lighting until four years ago. One of the pleasant discoveries was that dark sky lighting gives you a lot better security. As Matt Bell said glare is the sheriff's enemy, you cannot see what is going on. A motion detector is your friend, a shielded light is your friend, so you actually get dark sky lighting that is neighbor friendly, good neighbor lighting, and it gives you better security so that's a triple win. This whole other undertaking with several chapters; with one of them being with Director Grover and Mr. Ewert, where they talked about the APA Utah Conference, with some of these ordinances that was being presented. Some of that was in coordination the University of Utah, the committee with Dark Sky studies and she and others were involved in that. The model ordinances they collect at the University of Utah, and just recently Eagle Mountain, Torrey, and Moab, Springdale, Kanab, and Jackson are all going dark sky. Ketchum is becoming dark sky community as craters of the moon go into accreditation. Springdale is doing the same thing to Zion. Page Arizona with that substation and it's been amazing to her how that APA Presentation has unfolded. She has spent a couple of years looking at dark sky ordinances, and Mr. Ewert just absorbed it. There is a standard and what the standard is, Weber State University and their team finds every fall when they go to 25 locations in North Fork Park and take ten readings at each location. They have 250 readings and those are histogram, analyzed, and if they fall below a certain point they lose it. She didn't if incentives work for single-family residences, and multi-family residences have been covered since 2000. We are at a Gold Standard and that's Death Valley. We're not silver we're bronze and we keep saying we're bronze and we're proud of it. We were the first in the world that served in adjacent. Now Antelope Island is in the process and they are doing the west side of the island. The Wasatch Front is at the center, is where this is happening in this great corridor of International Dark Sky Parks. Below Bronze Accreditation and they could go to Plan B, and create a Dark Sky Corridor and try to buy a couple of more years, but the readings don't lie. They are analyzed by Jeremy Bryson, Professor of Geography at Weber State, so all this doesn't matter if they start getting 19 readings. For example, Springdale if you are a certain amount feet altitude and your interior light shine down, and you need to cover those windows, because the atria are lanterns. The Board of the IDA is filled with astronomers. She is all for education, and "shall" is a better word than "may", and she is all for incentives. At some point with all deliberate speed, most of these communities are covering residences, and there was no seven year period.

Tom Ferguson, part owner of the Valley Market, 2555 North Wolf Creek Drive, said that he came here for an educational process, and learning what this is all about. This is fairly new to him and his partner, so they are just trying to learn what is going on. He does appreciate all the comments and the education that Mr. Ewert gave. He doesn't live in Ogden Valley but it is important to him and his partner, to keep the residents that are there that shop at their store is happy, and they want to be involved in anything with that. He would support some funding and some incentives to come into compliance. He has no idea where they are at with their compliance at their store. Would be happy to get into compliance but some incentives would make sense. Education would continue to be important and necessary for them to understand and the education would be important and necessary for them to understand and feel good with all the changes that are proposed.

Commissioner Lewis said that as a business owner up there with a lot of commercial potential; Ms. Muir has done a unbelievably good job of educating us, and he in particular. He has gone from this is not good, they just can't turn the light out, to okay there is a practical side to this. Just given a little bit of education and digging into this, they would find that the Valley Market is a great establishment, and they all want to be safe and go there. They would be surprised how close they are already with complying. A lot of it was if I look at and feel like bulb or not. A lot of time it is here and it could easily be there and it wouldn't take much. You would be how close you are in compliance and it wouldn't take much, and he has really embraced this and fully supports it.

Chair Warburton said that she appreciated that he has good neighbors, and they support so many things in the valley. Mr. Ferguson replied that they love being part of the valley and want to come in compliance with the feelings of the valley. Change is a good thing, for instance the digital signs, and that's how they came about being at this meeting

tonight. They wanted to put a digital and they came across the ordinance that didn't allow it up there. As a business owner that would help his business. Chair Warburton suggested that he contact Mr. Ewert for more information or get on Miradi.

Mike Seguin, 3752 East Viking Drive in Nordic Valley, Owner of Mad Moose Cafe, said that he is a big supporter of the Night Sky Program and there are a lot of good things that can come out of it, if everybody's concerns could be addressed. He has been a beneficiary of Mr. Ewert effort in Weber County being able to get his sign issue addressed and changed. His proposal is one that he is not hearing, associated with the sign ordinance changes. That is one of public safety relative to the changes that are forthcoming in the way the ordinance is written now. What that comes from is the United States Sign Counsel; and they have done a lot of work with Pen State University, on identifying sign sizes, sign lighting, and the speed in which traffic moves past signs, businesses, and so forth. He has seen a lot of changes in the valley; and he has seen the growth as well. It also seems since he has taken over Mad Moose, several accidents in front of his place. What he sees happening is a 50 MPH speed limit past a business like his with restrictions on sign sizes, it create a public safety issue/concern. He thinks that makes a difference because if they are seeing accidents up there because the sign is too small or poorly lit; and people are rear ending each other and things like that. That is something to address in this ordinance changes and he wanted to propose that. Along with that and it might be worth that, and there are other issues to address, because they are just talking about night sky. There are many issues in the ordinance that he has taken a very close look at it; and he wondered if there is merit, are they tackling all the issues at once, or are they deciding not to and just addressing night skies right now. There is scientific data that can help support the changes that are being made, that address these safety issues. If they going to do down light from where it's at now, do they need to look at maybe a night sky compliance sign that is actually larger. For example, if you are driving by his place at 50 miles per hour, and he only has a 10 x 10 sign, and they are using whatever to look for his place, they are slowing down, and he sees these close calls coming out of his parking lot. He would urge not just to look at night skies in the ordinance, why not put a committee together and tackle all of the issues and some of the incongruency in the sign ordinance. But more specifically make sure they are considering the public safety aspect of this not directly being addressed in the ordinance.

Gaye Creager, 1539 N 5900 E, in Eden UT said this was very educational but she did want to address the safety, health, and welfare here and she didn't feel it was there. One thing is that elementary school, her daughter lives west of it, and the lights have been enforced to come down. She said that there were kids on the roof, hanging around the elementary school. He son was jogging by at night when he heard voices, and he couldn't see them, but there were shadows, and the kids were all over the place. They do need lighting in certain places; let's not forget safety, health, and welfare. Mr. Ewert said that agriculture was exempt, that the lighting needed to be shield. She wanted to see her barn yard and her corral, and she doesn't want something that gives her a radius of something. Her mother heard a knock on the door and there was a questionable person at the door and she didn't answer the door. When the Sheriff came, he wanted to know about him, and she said he was there. The Sheriff looked around the yard and couldn't find him and as he was driving out, in his rear view mirror he saw this fellow climbing out through the corral. She is big on this safety issue.

Verl Creager, 1539 N 5900 E, Eden UT said fully support what his wife just said. It bothered him to drive past the elementary school and there is hardly any light on there and he doesn't like that. He knows the people on the east side of it and they have complained about the lighting and that could be cut down, and turn some lights on the other parts of the school and in the parking lot. If you go over to Snow Crest and those lights are on in the parking area and the lights are on in the schools. He thinks that the elementary needs to have those lights on as well. As far as their yard lights go, it is unshielded, and that is the way he would want it to stay. He doesn't like going out in the yard at night; about a year ago there was a mountain lion that was killed from their most west corral. He doesn't like going out there thinking that if something is coming up behind him scratching him as he is walking around his yard. A year ago and something as be able to see around and have as much lighting and in the barnyard is where they need it.

Vickie McKinney, 3688 N Elkridge Trail, in Eden UT, said that she is very much in support of the dark sky that Ms. Muir has and her committee has put together. She wanted to speak to the Astro Tourism; and if they look at the website in Sedona Arizona, there are numerous comments about people coming from California and from the east coast because they don't see stars on the east and west coast. They have supported this and they are a dark sky compliant community. She felt that if this was advertised that they are a dark sky compliant community; where people are able to come out and be able to see the stars that they haven't been able to see before.

Kim Wheatley, 3984 S 2000 E, in Huntsville UT, said that about 16-17 years ago, he was on the same committee with Craig, when the original dark sky ordinance was passed. They said let's see if they can maintain the dark skies. They had the political was with all of that time to only go for commercial. That's really why it's kind of limited for not having it for single residences and more for commercial consideration and they knew they could make it happen there but not on the residential side. Now 16 years later; what they really have statistics so they can see what is going to happen, and what their potential is. And more importantly for our economic development plan which is being rolled out by the county soon, is the Ogden Valley their anchor for this tourism kind of thing and that plan. It is central to our General Plan idea, of rural atmosphere with kind of a prime in it with the dark skyline. You have experts here, and he has watched these people for the last 30 years working on this. If there is anybody that is an expert here, and they are telling you that we won't have a prayer for maintaining this Dark Sky Certification if they put in another 7,000 houses out there and have it that anybody can do what they want, because a few people will do a lot if they can. So he would encourage them at this time to have the political support of the County Commission. Now is the chance to either say let's do it, or they should just quietly quit talking about dark skies because it will be gone quickly.

Janet Muir said that one of the reasons they don't have more Ogden Valley Business Association here; was because Ashley and Mike worked to coordinate a meeting that they had and the Planning Staff came to this meeting. We want them to fit in with the rural character of the community so people will come and patronize their establishment and we firmly believe it. These are wonderful businesses that they have up here and they can make themselves distinctive. That meeting was quite a full meeting and at the end of it, they were simply in a different place and it was great. The other thing that she was very glad to hear, because the security issue is huge; and what those light blockers on the agricultural lights do, they keep it from shooting up to the sky where there are no bad guys. So they get a huge radius, and the most affective crime stopper is a motion detector. It's when they talked to some very nice folks, the beautiful Pioneer Memorial in Liberty, where the light was on until 1:00 a.m. You would never know that someone was there stealing because the light was always on, but when you have a motion detector, and when you have directed light, you can actually see what's going on. That is part of the public safety education is security. She also wanted to say with the Mad Moose Café and the Valley Market has retrofitted their lighting to meet the dark sky and they did it voluntarily. The question on the voluntarily side, can it happen in such way, that they don't lose their accreditation.

Commissioner Howell said when they have this presentation sometime down the line; they could have a list of lighting companies that handle this type of lighting. Janet Muir replied the International Dark Sky Association in Tucson, darksky.org has a data base that they can search residential, commercial, Ballard type, manufactured, it's expensive, and it will give you many options. It's under find a fixture in darksky.org is the largest dark sky fixture database in the world.

Chair Warburton closed for Public Hearing

Commissioner Graves said he is support of the Dark Sky Concept here, and he realized how important it is to get single family residence in particular to participate to make this work. To be honest he struggles a little bit mandating people what to do with their own property. He struggles with that and he thinks the cause is good, and what they are trying to accomplish is more than admirable. There has to be a way that they can do this without and he likes the incentives. He sees a lot of this in the water conservation arena, where there are all kinds of incentives to change out your indoor fixtures, or change out your sprinklers, and the kind of landscape that you have to conserve water. It is effective in terms of water conservation if the significance and the importance of having a Dark Sky up there were universally known; he thinks they would have more compliance than what we imagine.

Chair Warburton said that she would like to change Line Item 132 through Line Item 139 to shall, she support that. She said in her recommendation that the county shall create incentives. Somehow that turned into Dark Sky Compliance and so that exits, with very little regulations and she likes that it's there. She knows that there is a sense of urgency, but she would like to try the incentive way and education because obviously that's working. Even with the fact that you are saying with a little bit of education, there weren't that many Christmas lights up and that's valuable. I am for that education and incentives.

Commissioner Wood said he was born and grew up in the valley but his wasn't from here. She pointed out the benefit of having to see the stars, and he has taken it for granted all his life. It just seems odd that they are directing everything towards the businesses and nothing to the residences. Obviously there are more residences than there are

businesses in the valley. It's probably easier not to pick on the private homeowner, if we leave them out of it, then they are only dealing with a few businesses. That's what the people talked about there are so many more residents, and he wondered can we just not worry about private residents.

Chair Warburton said that for her it's a matter of principal. If they can encourage, educate, and recommend that's a better way to go. It has to do with health and safety. Anything that causes danger to a human being inside the house, that she is okay with regulating. She is okay with education because she thinks that people would really do this. It has been demonstrated that they are doing this. So if they keep doing that, and they really put in an education concept and then every person that comes in and applies for a permit to build a house, a barn, or whatever and they hand them the steps and say if you do this you'll get this. Then for the ones that are already existing, and she doesn't really see it as being lazy, or don't want to make the extra effort, or picking on businesses and they always are always getting mandated.,

Commissioner Wood said that he didn't know where he stood exactly, but it does seem that if they are worrying about Night Sky, do they have to weigh it against the right for everybody to have lights that shine up in the sky because they want them or they don't want to change them. If it comes down to if we don't change it are we going to end our Dark Sky, and how important is that to us, and having meetings in the schools and how important is that to the people. Chair Warburton said what would happen if they would lose their night sky accreditation and they come back and do this again.

Commissioner Howell said that if they mandate the businesses and educate the residents, he believed that they would come around. With new construction they can tell them this is what they have to have, and go from there.

Commissioner Haymond said that he agreed with Commissioner Howell; when they are building a new home, the cost difference to go dark sky friendly is miniscule compared to retrofitting this same house. He thinks with the new construction and moving forward; they really need making that a regulation. The sticky part with the seven year retrofit requirement; but the ratio of residential to commercial in the valley is huge.

Commissioner Lewis said that he agreed with Commissioner Haymond, he didn't believe that this is going to work if they don't somehow mandate the residential in some way; if you go forward its really easy. It used to be that you didn't have a gallon and a half toilet now; but it used be that you didn't have that, and it's no different. It's no different, you just buy that kind of light fixture versus this, and it's really going forward. It's the next six years, ten years, and twenty years from now; they need to start, but if they don't start doing something, they are not going to have that Milky Way anymore.

Commissioner Taylor said that is a compromise that she would be willing to do, and felt that some of us have some political dogma attached to it. She just listens to what everybody had to say and open houses for the General Plan what they put together. The majority of the people that kept appearing have said, and it really leans toward do you want it or not. It's different when we're getting as local as we can, and say this is what we want, and from she hears this is what they want. If they are going to do it, she would say that the majority of the residents do support some sort of residential regulations, and if they grandfather it in, any residents that are here now that helped us vote, unless they make a change to the exterior are good to go and she thinks it should be regulated and mandated for future residents.

Chair Warburton said that when she read the notes that they put out at the open house, nowhere did it say mandate residential. She thinks it was an entirely different discussion, and why there wasn't a full disclosure of what the intention was and what could possibly happen, but definitely support the dark sky, and it would have been different if they had more input.

Commissioner Taylor asked what about agricultural. The residents really want to support agriculture no matter what, and so does she and that's what they are losing. At the same time it's good to understand both sides, what can be done and she is not sure and residential she is pretty much set.

Commissioner Graves said that would be one that he thinks would be really nice to have heavily incentivized; to actually demonstrate those who have them, it makes a good experience certainly for fears of walking in a narrow line whether or not with that property showing this beam of light that shines of everything they need to see. He really

thinks that if they saw it, they would be how surprised how defective without it having bay out into a crowd in the middle of the night.

Commissioner Howell said if they could put together this presentation; maybe they could have some exhibits there to show what they do, and people relate to that.

Commissioner Taylor said educations would be good, but if they are going to support agricultural, they would actually have to really listen. There are a lot of issues there that we don't understand because we're not farmers and we're not doing this and we really need to listen and with education it would take care of parts of it.

Chair Warburton said with the education aspects of it would then educate and then they would have the choice to change it or not. Commissioner Taylor replied that she understood that but with the new residential coming in, it's just not ideal and she didn't think it's going to accomplish what needs to happen. The valley wants to keep it dark skies. Chair Warburton replied to what extent and what cost, that's why she questioned because she didn't see that specific question in there. You need to know if you were to mandated right now on what you have, especially when they were first talking, those definite one kinds. They started out by talking about regulating what people could have residential inside their houses; and even Janet Muir said she was not in favor of that. Commissioner Taylor said that she agreed that they need to know where to draw the line.

Chair Warburton said there are three things going on in here, they have mandating for new houses moving forward, incentivizing current homes, and leaving the incentivizing farms for agricultural, and business is business, and they have that. The other one is incentivizes homes period, and she would also like to incentivize business as well, and do it before the set fee and just get everybody excited about it. She asked if anybody was in favor of that one, where it's no education for residential, and who likes that.

Commissioner Graves said that he didn't want them to decide right now, but he did appreciate her articulating the options that they have, and let that ferment a little bit because they aren't making any decisions. Chair Warburton said that they need to give Mr. Ewert direction. The next scenario is that current homes are incentive, homes that are residential going forward are mandated and that one case. The other scenario is where residential is only incentives, and everything else would stay the same. They could also do residential that would include multi-family up to three, and Wolf Creek is commercial and that's four or more, and it comes down to mandating residential from this time forward versus incentivizing residential from this time forward.

Commissioner Graves and there is a third one mandating everything. They may have the seven years to get stuff done but its still mandating that they get it done. The Planning Commission did not want this.

Chair Warburton said the other one is where it's half and half moving forward, mandating residential new construction, and current residential would be incentivized. The sticky point is residential, is that what you would rather have. Commissioner Howell said mandating new business, and mandating new construction, present residential is requesting. Chair Warburton said that is the direction that he is going to go. That is the will of the majority of the commission.

Charlie Ewert said he had a question about incentivizing or mandating agricultural. Commissioner Taylor replied that she would like to hear form more people that have agricultural. Chair Warburton said that they said not incentivized. Commissioner Taylor said she didn't know. Chair Warburton said that she didn't have but she could call people and talk to people that have farms, but what they don't want to do is have so many meetings, because they will always have someone new, and they would have to start all over again. Mr. Ewert said may he reiterate the question. What they are asking him to do is that current homes get incentive to comply, new construction is mandated, agricultural is incentive, and also over that seven year implementation, everything is incentive.

Chair Warburton said that she would like to see it all incentivized, and as long as it is done before that seven years. Charlie Ewert said that incentivized per the seven year period, would be applicable to all those that aren't changing out their lights already, that aren't changing their building phases, and they aren't changing their site plan.

Courtland Erickson said if they were done with that topic on the agenda. Just to be very clear, you may want to either ask some to make a motion, and no one wants to make a motion, they could move one. Chair Warburton said they could either table to a time certain, and she would recommend that, or they could make another motion. In the past they have been told to table it to a time certain, so the public knows that it's going to continue on, which is probably the more respectful thing to do.

MOTION: Commissioner Taylor moved to table ZTA 2016-06 to the first meeting in February. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

2. **Elections:** Chair and Vice Chair for 2017

MOTION: Commissioner Taylor nominated John Lewis for vice chair. Chair Warburton seconded. A vote was taken with Commissioners Graves, Howell, Haymond, Wood, Taylor, and Chair Warburton voting aye. Commissioner Lewis voted nay. Motion Carried (6-1)

MOTION: Commissioner Howell nominated Commissioner Taylor for chair. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

3. **Meeting Schedule:** Approval of the 2017 Meeting Schedule

MOTION: Commissioner Graves moved to approve the meeting schedule. Commissioner Wood seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Haymond, Wood, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

4. **Public Comment for Items not on the Agenda:** None

5. **Remarks from Planning Commissioners:** Commissioner Graves thanked Commissioner Warburton for being Chair and it was not an easy position to be in. It does take awhile to do it but it is a good experience. Chair Taylor said thank you and she agreed with Commissioner Graves.

Commissioner Howell thanked Mr. Ewert for an incredible job that he is doing on this.

6. **Report from Planning Director:** Director Grover said he wanted to thank Commissioner Warburton from the planning staff, and he has learned a lot in the past year. They are having a Planning Commission dinner on January 11th, and would like to see their spouse or significant other. On January 12th will be Sherris Retirement party, and he is trying to keep them all straight. Right now he is still trying to work out some things in the budget; he is not sure they will be able to get the Planning Commissioner to the New York Conference. Typically they have one from each commission to that; and he is trying to balance those things just right. Tomorrow registration open to everyone and he will be sending an email out to this commission on that; but he is hoping that he can work something out. We have a new employee and her name is Tammy Aydelotte. They are reclassifying Sherris position to a Planner I/Office Manager, and she will be doing the minutes for the Western Weber Planning Commission meetings and the Board of Adjustment meetings. She will start working in the Planning Division beginning on January 13, 2017. They are stealing her from the Assessor's Office.

Director Grover said the dialogue on Dark Skies was handled very well. He knows that there are some conflicting issues, and you discussed that in a very diplomatic and professional manner.

7. **The meeting was adjourned at 8:20 p.m.**

Respectfully Submitted,
Kary Serrano, Secretary
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for final approval of Old Town Eden Condominiums.
Type of Decision:	Administrative
Agenda Date:	Tuesday, February 28, 2017
Applicant:	Ben Toone
File Number:	UVO080116

Property Information

Approximate Address:	5510 E 2200 N, Eden, UT
Project Area:	1.37 acres
Zoning:	CV-2
Existing Land Use:	Commercial
Proposed Land Use:	Commercial
Parcel ID:	22-051-0082
Township, Range, Section:	Township 7 North, Range 1 East, Section 35

Adjacent Land Use

North:	Agriculture	South:	2200 North
East:	Weber Fire District	West:	5500 East

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Applicable Ordinances

- Title 104, Zones, Chapter 21, Commercial Valley Zones (CV-1) Zone
- Title 106, Subdivisions

Background

The applicant has submitted a request for final approval of the Old Town Eden Condominiums, consisting of 4 units. As part of the subdivision review process, the proposal has been reviewed against the current subdivision ordinance and the standards in the CV-2 zone. The proposed subdivision is located at 5510 E 2200 N, Eden, UT and is in the CV-2 zone. All 4 units within the subdivision are existing buildings, 3 of the units are currently commercial businesses and 1 unit is a closed shop/garage for storage.

The preliminary plan of this proposal was approved by the Ogden Valley Planning Commission in a public meeting held on January 24, 2017. Preliminary approval was granted based on the following conditions:

1. A deferral agreement for curb and gutter, and sidewalks must be filed and recorded with the final Mylar.
2. The proposed subdivision must comply with the Complete Street standards as outlined in LUC 104-21-4(c).

The final plat has been reviewed against the standards in the Uniform Land Use Code of Weber County, Utah (LUC). The following is staff's evaluation of the request.

Analysis

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights and to protect the features and character of Ogden Valley that residents value. The Ogden Valley General Plan also explains the vision for commercial development as follows. *The Ogden Valley community desires sustainable and thriving local businesses in Ogden Valley.*

As such, this proposal is in conformance with the Ogden Valley General Plan.

Zoning: The subject property is located in the Commercial Valley (CV-2) zone.

The purpose of the CV-1 and CV-2 zones is identified in the LUC §104-21-1 as:

(a) *The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs.*

...

(c) *The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.*

The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. The proposed subdivision is in conformance with County code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: There are no minimum lot area or minimum lot width requirements for the CV-2 zone. There are also no minimum side yard setbacks in this zone. Per the LUC 104-21-4 (c), *A complete street design is required when the front setback is less than 20 feet, and may include a ten foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the planning commission.*

The applicant has provided a complete street design as part of the final plat. The proposed complete street design provides safe mobility by creating safer parking areas and an extended walkway for pedestrians. The Planning and Engineering departments have given approval of the complete street design. The applicant will be required to provide a financial guarantee for improvements and shall enter into a subdivision improvement agreement with the county.

Culinary water and sanitary sewage disposal: A will serve letter has been provided by the Eden Water Works Company regarding culinary water. As a review agency for this proposal, the Weber Morgan Health Department has stated that condominiums are able to have multiple dwelling units under individual ownership, serviced by a single onsite wastewater system without the sponsorship of a body politic.

Additional design standards and requirements: The proposed subdivision does not require the realignment of or the creation of a new street system. An encroachment agreement between the applicant and Weber County was recorded in 2008, allowing the existing buildings and facilities to encroach upon the county right-of-way.

Deferrals for curb and gutter, and sidewalk will be required as outlined in LUC 106-4-2 (e) and (f).

Review Agencies: To date, the proposed subdivision has received approval from the Engineering Division, the Surveyor's Office, the Weber Fire District, and the Weber Morgan Health Department.

Tax clearance: According to the preliminary title report, delinquent taxes for the property exist for previous years. The Treasurer has been in contact with the Planning Division about this application and has stated that he has no concerns with the taxes being paid after final approval.

Staff Recommendation

Staff recommends final approval of the Old Town Eden Condominiums, consisting of 4 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A deferral agreement for curb and gutter, and sidewalks must be filed and recorded with the final Mylar.
2. A guarantee of Improvements will be required as outlined in LUC § 106-4-3.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. The proposed subdivision will not be detrimental to public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

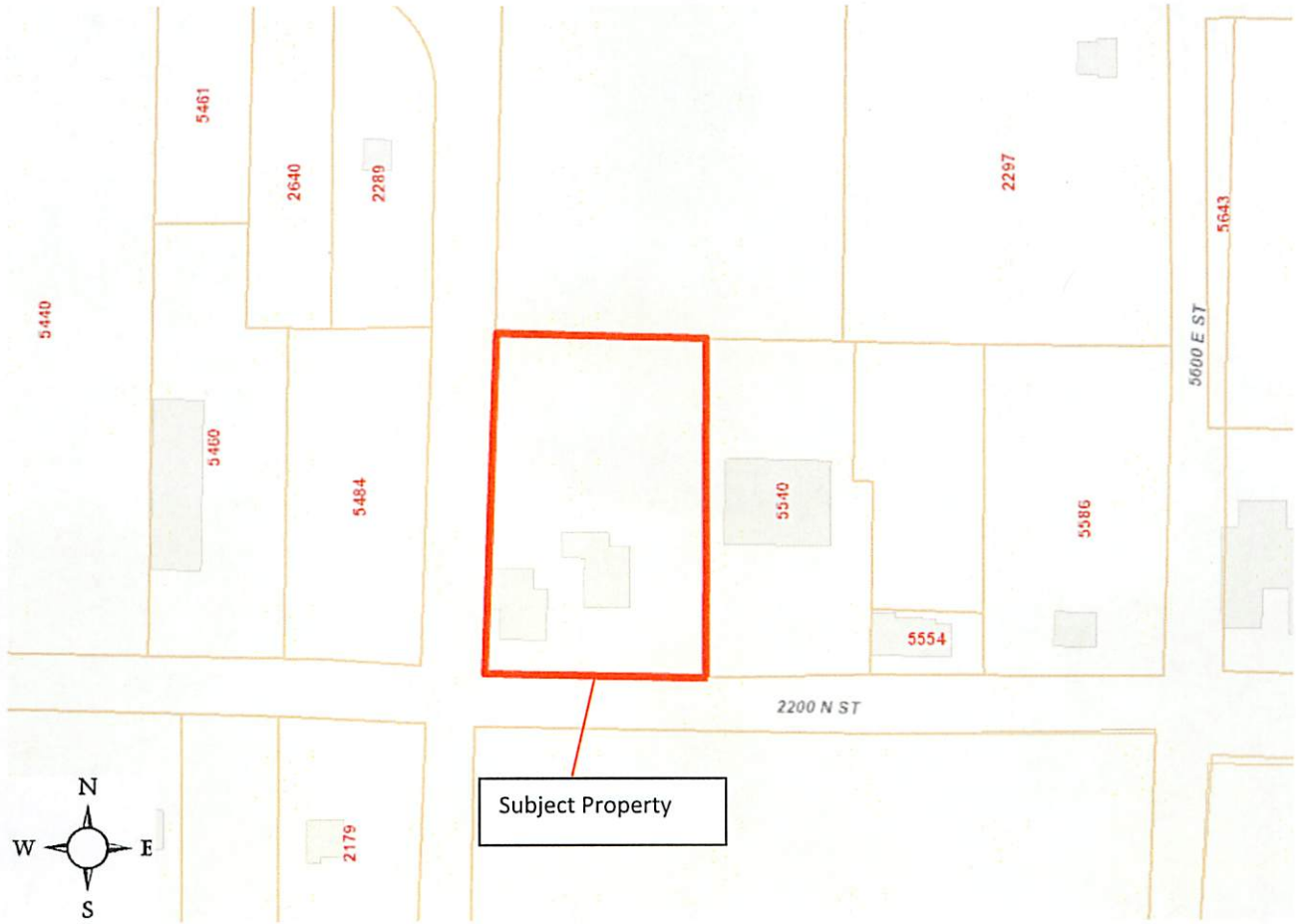
Exhibits

- A. Proposed Final Plat with Complete Street Design

Map 1



Map 2



Old Town Eden Condominiums

An Expandable Utah Condominium Project

A Part of Section 35, Township 7 North, Range 1 East, S18&M
Eden, Weber County, Utah
January 2017

Unit 1:	5210 East 2300 North
Unit 2:	5226 East 2300 North
Unit 3:	2226 North 5500 East
Unit 4:	2232 North 5500 East

Legend

- Found Well & Marker
- Water & Gas
- Sat. Road & Right of Way
- Right of Way
- (N/S) North-South Line
- (E/W) East-West Line
- W.C.S. Water County Survey
- West. Survey Bearing or Distance
- 5297 Highway Plan Information
- TT
- Finished Floor
- RT
- Building Eave

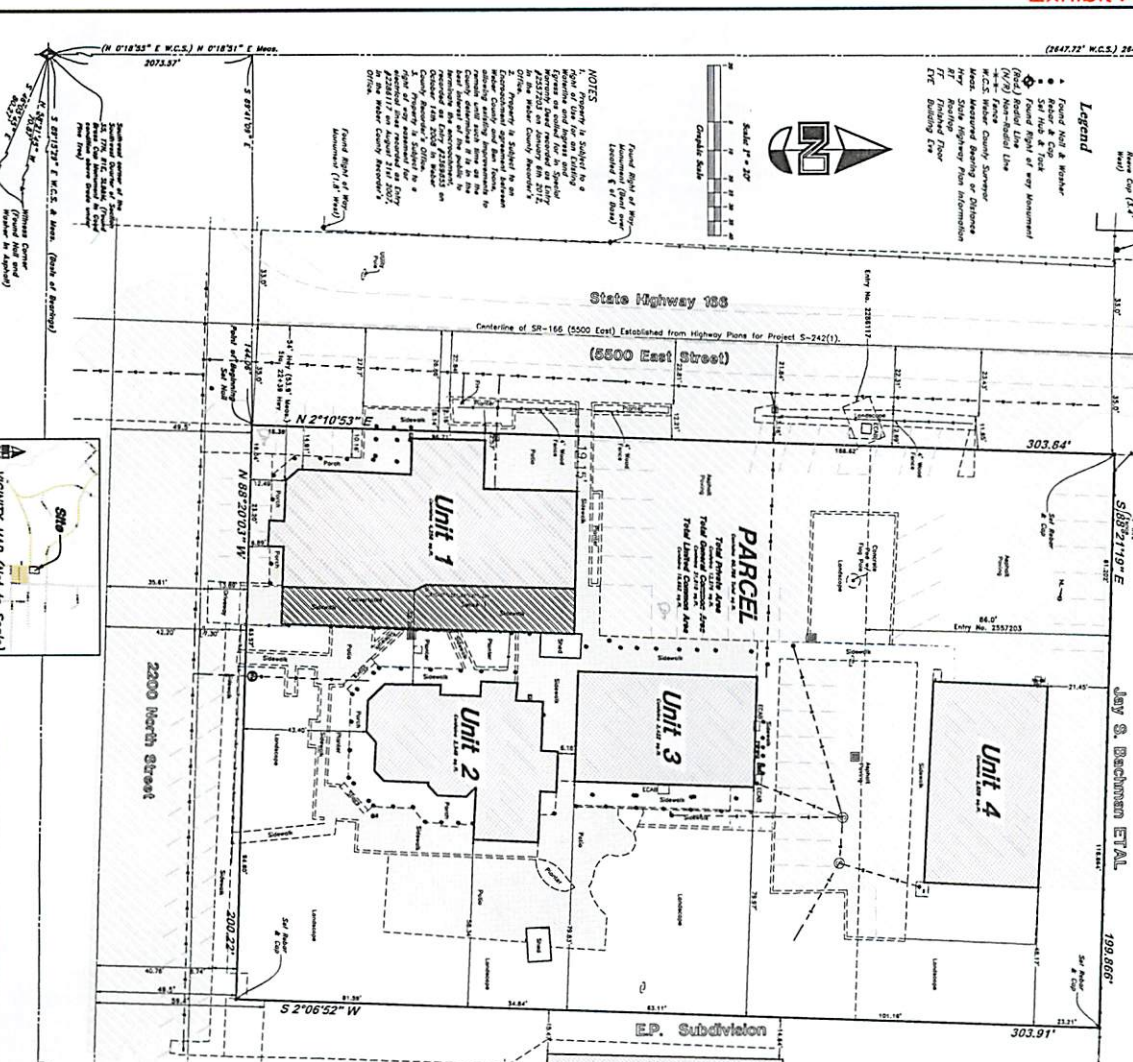


NOTES

1. Point of view for an existing monument should be clearly marked and described. A monument should not be placed on any boundary line.

2. Property is subject to a 5% sales tax which is levied by the County and the State. The amount of this tax is to be determined by the County Auditor on or before October 1st of each year. The amount of this tax is to be determined by the County Auditor on or before October 1st of each year.

3. The amount of this tax is to be determined by the County Auditor on or before October 1st of each year.



MARRIAGE

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

ACKNOWLEDGMENT

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

OWNER'S DEDICATION

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

BOUNDARY DESCRIPTION

A part of the Southeast Quarter of Section 35, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Eden, Weber County, Utah.

WEBER COUNTY SURRENDER

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY ACCEPTANCE

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY ENGINEER

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY ATTORNEY

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY PLANNING COMMISSION APPROVAL

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY HEALTH DEPARTMENT

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

WEBER COUNTY RECORDS

I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

UNIT 1: 5210 East 2300 North

UNIT 2: 5226 East 2300 North

UNIT 3: 2226 North 5500 East

UNIT 4: 2232 North 5500 East

ACKNOWLEDGMENT

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WEBER COUNTY PLANNING COMMISSION APPROVAL

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WEBER COUNTY HEALTH DEPARTMENT

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WEBER COUNTY RECORDS

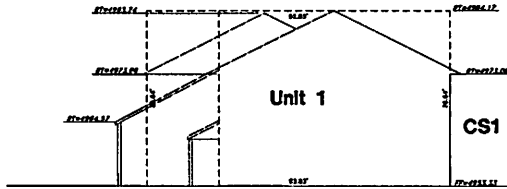
I, _____, do hereby certify that I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270. I am a Provisional Land Surveyor in the State of Utah, and that I hold Certificate No. 421270.

NOTES:

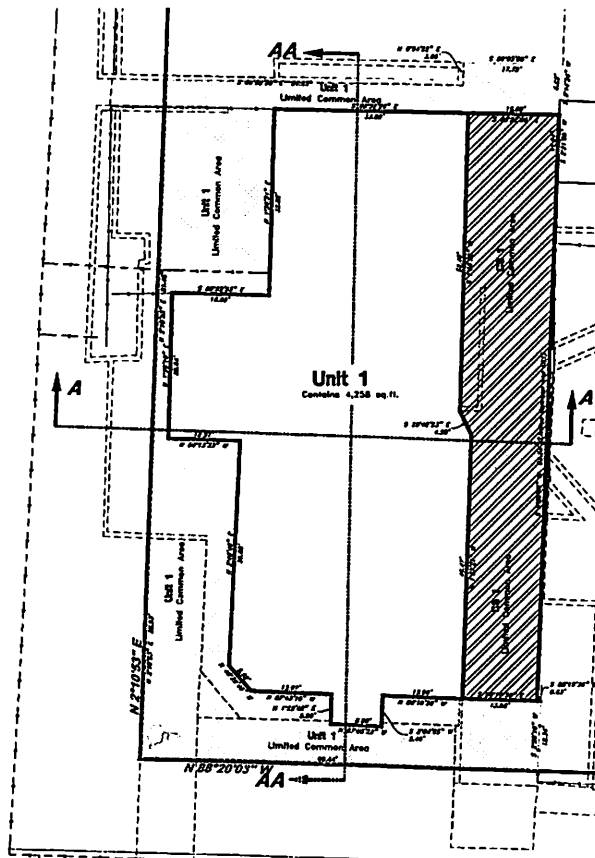
1. Each subdivision unit includes within the project is shown and is delineated by one of the following:
 - (a) boundary of lands shown on the plat;
 - (b) boundary of lands shown on the plat;
 - (c) boundary of lands shown on the plat;
2. All corners shall be established with permanent monuments, and in which they are situated on/over the project.
3. All corners shall be established with permanent monuments, and in which they are situated on/over the project.
4. The monument shall be established in a permanent manner.
5. All corners shall be established in a permanent manner.
6. All corners shall be established in a permanent manner.
7. All corners shall be established in a permanent manner.
8. All corners shall be established in a permanent manner.
9. All corners shall be established in a permanent manner.
10. All corners shall be established in a permanent manner.

Old Town Eden Condominiums

An Expandable Utah Condominium Project
 A Part of Section 35, Township 7 North, Range 1 East, SLB&M
 Eden, Weber County, Utah
 January 2017



Section A-A



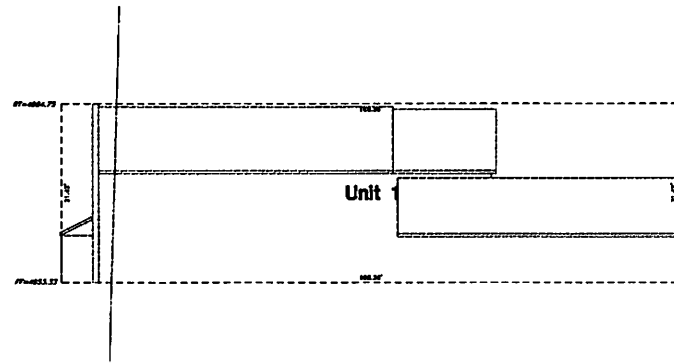
Unit 1

Parking Site Table						
Basel Unit	Tenant	Usage	Total Sq. Ft.	Sq. Ft. for Parking	Required Parking	
General Store (Bookstore/ Main Level)	Carles & Markye	Restaurant	4,356	3,169	1 Space per Table	
General Store North (Office upstairs)	PPP	Real Estate	600	600	1 Space per Two Employees (+4 Spaces for Client Use)	
General Store Main (Upstairs Showroom)	PPP	Showroom	1,300	645	01 Unknown Use Defined	
General Store (Small Office upstairs)	PPP	Office x 4	415	415	1 Space per Employee (+4 Spaces for Client use)	
Old Victorian House	Growth/Type	Ten Bar (No Smoking)	1,450	1,141	2 Seats + Topo Case	
Old Victorian House	Dale Smith	Business	2,448	2,448	2 Dts for Dts	
A Bay	Yellow Hair	hair Salon	600	740	2 Spaces per Staff Member (ready hours of regular)	
B Bay	Free Spill Spa	Spa	600	402	2 Spaces per staff Member	
C Bay 2/3	Free Spill Spa	Spa	600	402	Same Business as above	
C Bay 1/3	Shen Spa	Therapy	242	144	Single Massage Table	
Suite 1 (Full Service)	Clyde Mortgage	Mortgage	258	250	1 Space per Staff Member (+1 for Client Use)	
Suite 2 (Full Service)	Enrich Home	Contractors Office	223	220	Single Office of Contractor	
Suite 3 (Full Service)	Keller Williams	Real Estate	182	182	1 Space per Two Employees (+4 Spaces for Client Use)	
Suite 4 (Full Service)	Loaning Office	Percent	182	182		
Suite 5 (Full Service)	Clyde Mortgage	Mortgage	182	182	1 Space per Two Employees (+4 Spaces for Client Use)	
Suite 6 (Full Service)	Verand	Office	144	144		
Hotel Building	Sunnat	Warehouse	2,800	2,800	2 Spaces per 3 Employee	
Total			17,207	14,324		



Legend

- o Found Well & Washer
- o Rebar & Cap
- o Set And & Top
- o Found Right of way Monument
- (Red) Redded Line (1/2") Near-Redded Line
- o-to- Fence
- W.C.S. Weber County Surveyor
- Moire. Measured Bearing or Distance
- Way State Highway Plat Information
- RT Rooftop
- TF Finished Floor
- EYE Building Eye



Section AA-AA

NOTES:

1. Each condominium unit shall be within the project as shown and is designed by one of the following:
 Unit, consisting of 4 Units, followed by a unit number (See Sheet 3 Rev 1).
 General Common areas and facilities -
 Private ownership -
 Limited common areas and facilities -
 Convertible Space -
2. All patios, decks, or balconies, associated with the project are considered Limited Common Areas. They are not to be used or reserved for the use of the respective condominium unit to which they are attached and/or appurtenant.
3. All other areas associated with the project, but not shown with diagonal stripes or areas labeled are considered Common Area, including auxiliary areas over their roof area.
4. Dimensions on Sheet 1 are to include foundation only.
5. All Common Area is considered to be an easement for public utility and drainage purposes.
6. Convertible Units shall not occur after 3 years from the recording of the declaration (or shorter if specified in declaration) unless 75% of unit owners vote in favor of conversion.

GREAT BASIN
 8748 SOUTH 1475 EAST OGDEN, UTAH 84403
 MAIN 1001324-4515 S.L.C 1001521-0223 FAX 1001392-7544
 WWW.GREATBASINENGINEERING.COM

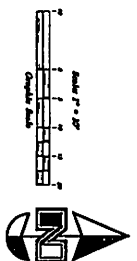
Sheet 2 of 3

WEBER COUNTY RECORDER
 COUNTY NO. _____ FILED FOR RECORD AND
 RECORDED IN BOOK _____ OF OFFICIAL
 RECORDS, PAGE _____ RECORDED
 FOR _____

WEBER COUNTY RECORDER
 BY _____ DATE _____

Old Town Eden Condominiums

An Expandable Utah Condominium Project
 A Part of Section 35, Township 7 North, Range 1 East, SLB&M
 Eden, Weber County, Utah
 January 2017

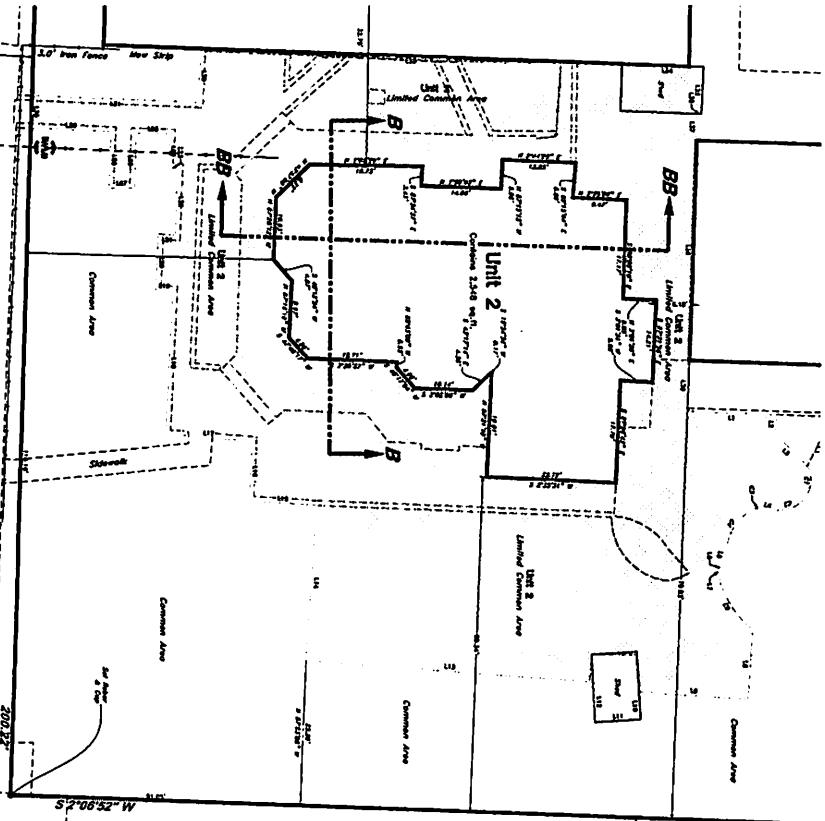


UNIT 01A			UNIT 02A		
Lot	Area	Length	Lot	Area	Length
U1	1,234.56	100.00	U1	1,234.56	100.00
U2	1,234.56	100.00	U2	1,234.56	100.00
U3	1,234.56	100.00	U3	1,234.56	100.00
U4	1,234.56	100.00	U4	1,234.56	100.00
U5	1,234.56	100.00	U5	1,234.56	100.00
U6	1,234.56	100.00	U6	1,234.56	100.00
U7	1,234.56	100.00	U7	1,234.56	100.00
U8	1,234.56	100.00	U8	1,234.56	100.00
U9	1,234.56	100.00	U9	1,234.56	100.00
U10	1,234.56	100.00	U10	1,234.56	100.00
U11	1,234.56	100.00	U11	1,234.56	100.00
U12	1,234.56	100.00	U12	1,234.56	100.00
U13	1,234.56	100.00	U13	1,234.56	100.00
U14	1,234.56	100.00	U14	1,234.56	100.00
U15	1,234.56	100.00	U15	1,234.56	100.00
U16	1,234.56	100.00	U16	1,234.56	100.00
U17	1,234.56	100.00	U17	1,234.56	100.00
U18	1,234.56	100.00	U18	1,234.56	100.00
U19	1,234.56	100.00	U19	1,234.56	100.00
U20	1,234.56	100.00	U20	1,234.56	100.00

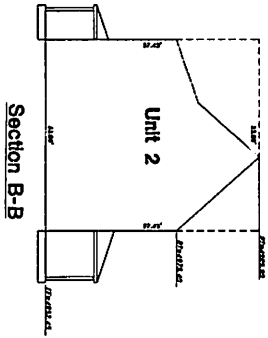
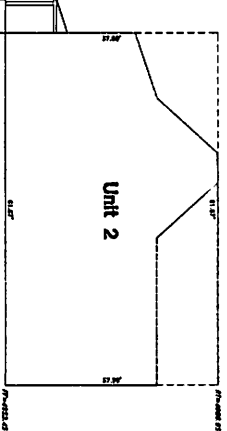
COMMON DATA		
Code	Value	Description
01	1,234.56	Common Area
02	1,234.56	Common Area
03	1,234.56	Common Area
04	1,234.56	Common Area
05	1,234.56	Common Area
06	1,234.56	Common Area
07	1,234.56	Common Area
08	1,234.56	Common Area
09	1,234.56	Common Area
10	1,234.56	Common Area
11	1,234.56	Common Area
12	1,234.56	Common Area
13	1,234.56	Common Area
14	1,234.56	Common Area
15	1,234.56	Common Area
16	1,234.56	Common Area
17	1,234.56	Common Area
18	1,234.56	Common Area
19	1,234.56	Common Area
20	1,234.56	Common Area

Legend

- 1. Faded Lot 2 Number
- 2. Faded Lot 2 Area
- 3. Faded Lot 2 Length
- 4. Faded Lot 2 Width
- 5. Faded Lot 2 Perimeter
- 6. Faded Lot 2 Volume
- 7. Faded Lot 2 Area
- 8. Faded Lot 2 Length
- 9. Faded Lot 2 Width
- 10. Faded Lot 2 Perimeter
- 11. Faded Lot 2 Volume
- 12. Faded Lot 2 Area
- 13. Faded Lot 2 Length
- 14. Faded Lot 2 Width
- 15. Faded Lot 2 Perimeter
- 16. Faded Lot 2 Volume
- 17. Faded Lot 2 Area
- 18. Faded Lot 2 Length
- 19. Faded Lot 2 Width
- 20. Faded Lot 2 Perimeter



Section	Area	Volume	Perimeter	Notes
Unit 2	1,234.56	1,234.56	1,234.56	Unit 2
Common Area	1,234.56	1,234.56	1,234.56	Common Area
Parking Space	1,234.56	1,234.56	1,234.56	Parking Space
Section BB-BB	1,234.56	1,234.56	1,234.56	Section BB-BB
Section B-B	1,234.56	1,234.56	1,234.56	Section B-B



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 5748 SOUTH 1475 EAST GROSS, UTAH 84403
 MAIN 801.964.4418 FAX 801.964.4419
 WWW.GREATBASINUTAH.COM

Sheet 3 of 3

SEWER COUNTY RECORDS

DATE: _____ TIME: _____

BY: _____

FOR: _____

PROJECT: _____

SCALE: _____

DATE: _____

BY: _____

FOR: _____

PROJECT: _____

SCALE: _____

NOTES:

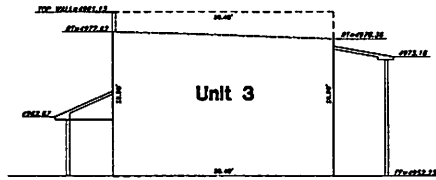
1. All dimensions are in feet and inches.
2. All dimensions are rounded to the nearest 1/8 inch.
3. All dimensions are rounded to the nearest 1/4 inch.
4. All dimensions are rounded to the nearest 1/2 inch.
5. All dimensions are rounded to the nearest 1 inch.
6. All dimensions are rounded to the nearest 2 inches.
7. All dimensions are rounded to the nearest 4 inches.
8. All dimensions are rounded to the nearest 8 inches.
9. All dimensions are rounded to the nearest 16 inches.
10. All dimensions are rounded to the nearest 32 inches.

Old Town Eden Condominiums

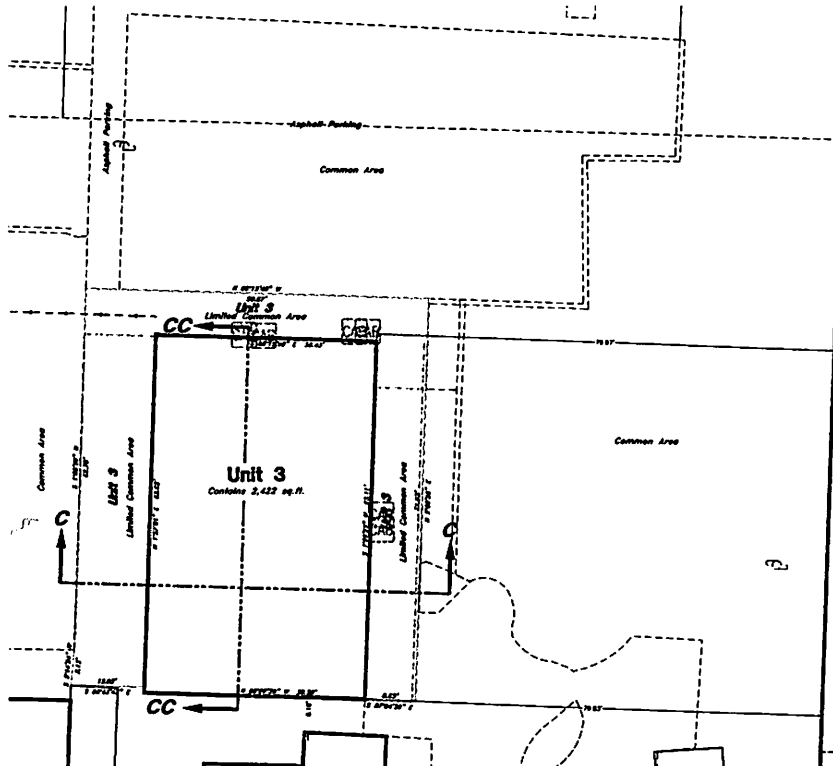
An Expandable Utah Condominium Project
 A Part of Section 35, Township 7 North, Range 1 East, SLB&M
 Eden, Weber County, Utah
 January 2017

Legend

- ▲ Found Nail & Washer
- Rebar & Cap
- Set Hub & Tack
- ⊕ Found Right of Way Monument
- (Red) 3/8" Radius Line
- (N/2) Non-Radius Line
- 3"- FENCE
- W.C.S. Weber County Surveyor
- Meas. Measured Bearing or Distance
- Hwy State Highway Plan Information
- RT Right-of-Way
- TT Finished Floor
- EYE Building Eye



Section C-C

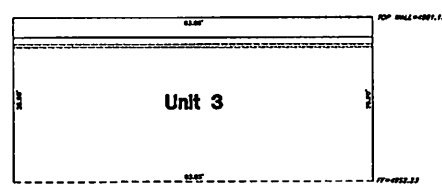


Unit 3

Parking Site Table					
Residential Units	Tenant	Usage	Total Sq. Ft.	Sq. Ft. for Parking	Required Parking
General Store (Discounted Multi Level)	Carles & Hartlage	Restaurant	4,250	3,189	1 Space per Table
General Store Merch (Office Spots)	FWW	Retail Store	800	800	1 Space per Two Employees (+4 Spaces for Client Use)
General Store Merch (Spokane Showroom)	FWW	Showroom	1,300	843	07 Unknown Use Defined
General Store (Small Office Spots)	FWW	Office + 4	415	415	1 Space per Employee (+4 Spaces for Client Use)
Old Victorian House	Growth/Type	Tea Bar (No Seating)	1,430	1,141	2 Seats + Table Class
Old Victorian House	Dale Smith	Residence	2,448	2,448	2 Side by Side
A Bay	Valley Hair	Hair Salon	800	740	2 Spaces per Staff Member (Carry Over All Spaces)
B Bay	Free Spirit Spa	Spa	800	462	2 Spaces per Staff Member
C Bay 2/3	Free Spirit Spa	Spa	800	462	Same Business as above
C Bay 1/3	Shen Yee	Therapy	242	144	Single Massage Table
Suite 1 (Full Service)	Clyde Mortgage	Mortgage	288	290	1 Space per Staff Member (+3 Spaces for Client Use)
Suite 2 (Full Service)	Condon Home	Contractors Office	288	250	Single Office of Contractor
Suite 3 (Full Service)	Keller Williams	Retail Office	182	182	1 Space per Two Employees (+4 Spaces for Client Use)
Suite 4 (Full Service)	Leasing Office	Yvesat	182	182	
Suite 5 (Full Service)	Clyde Mortgage	Mortgage	182	182	1 Space per Two Employees (+4 Spaces for Client Use)
Suite 6 (Full Service)	Yvesat	Office	144	144	
Hotel Building	Sarnoff	Warehouse	2,800	2,800	2 Spaces per 3 Employees
Total			17,207	14,324	

NOTES:

1. Each condominium unit contained within the project is an item and is designated by one of the following:
 Unit, consisting of 4 data followed by a unit number (See Sheet 2 here of).
- General Common areas and facilities -
- Private ownership -
- Limited common areas and facilities -
- Convertible Space -
2. All patios, decks, or balconies contained within the project are considered Limited Common areas. They are not table and covered for the use of the respective condominium unit to which they are attached and are apartment.
3. All other areas contained within the project, but not shown with attached area or area label, are considered Common Areas, including auxiliary cover over pool area.
4. Dimensions on Sheet 1 are in interior foundation.
5. All Common Area is considered to be an easement for public utility and drainage purposes.
6. Convertible Units shall not occur after 3 years from the recording of the declaration (or shorter if specified in declaration) unless 75% of unit owners vote in favor of conversion.



Section CC-CC

GREAT BASIN ENGINEERING

5748 SOUTH 1475 EAST EDEN, UTAH 84403
 MAIN (303) 946-6819 BILL (303) 946-1022 FAX (303) 946-7544
 WWW.GREATBASINENGINEERING.COM

Sheet 4 of 5

WEBER COUNTY RECORDER

ENTRY NO. _____ FILED FOR RECORD AND

RECORDS BY BOOK _____ OF OFFICIAL

RECORDS PAGE _____ RECORDED

DATE _____

WEBER COUNTY RECORDER

BY _____

DATE _____



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for an amendment to the site plan associated with the conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center.

Agenda Date: Tuesday, February 28, 2017

Type of Decision: Administrative

Applicant: Dailey Family Limited Partnership

Authorized Agent: Daniel Dailey

File Number: CUP# 2016-16

Property Information

Approximate Address: 13485 East Hwy 39 Huntsville, UT

Project Area: 17.39 Acres

Zoning: Forest Zone (F-5)

Existing Land Use: Agri-Tourism

Proposed Land Use: Agri-Tourism

Parcel ID: 23-021-0001

Township, Range, Section: Township 7 North, Range 3 East, Section 32

Adjacent Land Use

North:	Forest Residential	South:	Forest Residential
East:	Agriculture	West:	Forest Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 9 Forest Zones (F-5)
- Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 104, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 108, Chapter 21 Agri-Tourism
- Title 110, Chapter 2, Ogden Valley Signs

Development History

- Approval of the Dancing Moose Farms Art & Ecology Center Agri-Tourism conditional use permit on February 24, 2015 by the Ogden Valley Planning Commission.
- Approval of the Dancing Moose Farms Art & Ecology Center Agri-tourism Farm Stay and Development Agreement as part of an approved conditional use permit for an Agri-Tourism operation by the Weber County Commission on December 8, 2015.

Summary and Background

The applicant is requesting approval of an amendment to the conditional use permit for an agri-tourism operation as an accessory use to the existing agricultural uses located at approximately 13485 East Hwy 39 Huntsville, UT. The farm, known as Dancing Moose Farms Art & Ecology Center, consists of approximately 17.39 acres and lies in the Forest 5 Zone (F-5) which allows Agri-Tourism only when authorized by a conditional use permit.

In order to meet the conditions of the Fire District, the applicant needs to locate the yurt structures closer to Highway 39. This amendment will address the revised site plan and architectural details of the proposed water tank, farm stand, restroom facility, an animal shelter, a chicken coop and the proposed location of a farm house which will be constructed in the future.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The 2016 Ogden Valley General Plan identifies agriculture as a prominent feature of the Valley and has set goals and objectives to promote and protect working farms by supporting agricultural operations in the Ogden Valley (see the 2016 Ogden Valley General Plan Land Use Element of the General Plan, Gateways and Viewsheds Goal 2 and Land Use Goal 2).

Zoning: The subject property is located within the F-5 Zone which is categorized as a "Forest Zone". The intent of the forest zones can be further described per LUC §104-9-1 as follows:

- a. *The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.*
- b. *The objectives in establishing the forest zones are:*
 1. *To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;*
 2. *To reduce the hazards of flood and fire;*
 3. *To prevent sanitation and pollution problems and protect the watershed;*
 4. *To provide areas for private and public recreation and recreation resorts; and*
 5. *To provide areas for homes, summer homes, and summer camp sites.*

The F-5 Zone has specific standards identified in the LUC §104-9-4 that shall be met as part of the development process. The standards are as follows:

- Minimum lot area: 5 acres
 - LUC§108-21-3(2)(b) requires the minimum lot area for all agri-tourism parcels to consist of an area not less than twice the minimum lot area per the zone.
- Minimum lot width: 300'
- Minimum yard setbacks:
 - Front: 30'
 - Side: 20'
 - Rear: 30'
- Main Building height:
 - Maximum: 35'
- Accessory building height:
 - Maximum: 25', unless meeting requirements of LUC §108-7-16, Large accessory buildings

Conditional Use Review: Agri-tourism is conditionally allowed in the F-5 Zone. The current proposal for the "Dancing Moose Farm Art & Ecology Center" is an amendment to the previously approved site plan associated with the conditional use permit (see Exhibit B). A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required materials to facilitate a thorough review of the proposed project.

Agri-tourism Applicability and Review: General development standards have been established to ensure the purpose and intent of the LUC §108-21 has been met and to provide an acceptable level of assurance that authentic, agriculturally related products and experiences are offered to the public. The applicant has been working with multiple review agencies including the Natural Resources Conservation Service (NRCS), Weber Basin Water, the Weber Morgan Health Department, the Utah Department of Agriculture and Food, and UDOT to receive the required approvals for this endeavor. An ongoing working relationship will be necessary with these agencies during the development process to ensure any additional requirements have been met.

- **Narrative:** The applicant has provided an extensive narrative (see Exhibit A) that depicts the overall vision for the agri-tourism operation, the agriculturally related and non-agriculturally related products, uses, activities, facilities and equipment, the anticipated daily operations, patrons, employees and parking needs.
- **General site and building design/layout:** The applicant has provided an amended site plan for the 17.39 acre parcel to address the Fire District's concerns. The amended site plan identifies both the existing and future structures on the site (see Exhibit B). The existing improvements located on the site are a well, a septic system, a 30'x60' high tunnel green house and a shed. Adequate ingress and egress to the parking area off of Highway 39 has been installed and demonstrated on the site plan. A compacted gravel parking area, consisting of approximately 92 spaces has also been provided. This parking area will be used by both visitors and employees of the farm.

The future site improvements include a water tank with screening, 2" waterline, 10'x 20' farm stand, a 5'x 15' chicken coop, a 24' diameter dining yurt with landscaping berm and screening, restrooms with screening, three 20' diameter yurts, art piece display areas between the individual yurts, an animal shelter, a residential building envelope and a 15'x 40' RV pad for private, temporary use of the property owner (see Exhibit C).

Locations for temporary restrooms and a temporary dumpster for "Special Events" have not been located on the site plan; however, the applicant has proposed that these areas will be screened using a combination of landscaping and wooden structures; which will enable him to incorporate the temporary facilities into the agri-tourism operation and completely screen them from the street and the adjacent property.

One "Gate or Arch" sign will be integrated with the entrance feature at the existing driveway entrance off of Highway 39. The sign will be constructed with unfinished steel and allowed to rust naturally. "Dancing Moose Farm Art & Ecology Center" along with the farm symbols will be cut out of the "sign portion" in the entrance feature, utilizing the natural back light of the Ogden Valley sky (see Exhibit D). Additional signage and lighting has not been requested at this time.

- **Production:** The Dancing Moose Farms is a working farm consisting of the expansive gardens, chicken coops, beehives, agricultural animals including but not limited to cows, pigs and goats, greenhouses and a full nursery stock including both trees and perennial plants. The applicant plans to have a Harvest Market/Stand to sell the produce and products from the onsite gardens and products from other local Weber County farms.
- **Agri-tourism uses/activities:** To ensure an acceptable balance and mixture of agriculture and non-agriculture related uses/activities a minimum of one-half of all uses and activities will be agriculturally related. The proposed activities and uses consist of the following:

Educational Classes on the following topics will be provided:

- | | |
|-----------------------------------|---|
| 1. Permaculture principles | 12. Yoga retreats |
| 2. Broad scale site design | 13. Permaculture certificate class |
| 3. Pattern understanding (nature) | 14. Solar panel installation and design |
| 4. Structures | 15. Honey "the art of" apiary |
| 5. Home garden | 16. Chickens 101 |
| 6. Orchards | 17. Composting |
| 7. Animal forage systems | 18. Cordwood construction |
| 8. Urban community strategies | 19. Cob pizza oven construction |
| 9. Alternative building | 20. Cheese making |
| 10. Summer hikes | 21. Canning |
| 11. Winter snowshoe classes | 22. Herbs as medicine |

Agriculture facilities include:

1. Chicken coops
2. Barn
3. High tunnel green houses
4. Plant propagation greenhouses
5. Agro-ecology Research & Education Center
6. Beehives
7. Water pump and watering stations
8. Shed
9. Water Tank

Non-agricultural facilities include:

1. Classroom
2. Yurt (dining) dinners & events
3. Farm stays and yoga retreats
4. Family reunions and weddings
5. Music events
6. Special events
7. Kid programs (School programs, Nurture the Creative Mind, etc.)

- **Hours of operation:** During the growing season the applicant plans to have 3-5 interns (woofers) working on the farm and helping teach classes from April to October. Dancing Moose Farms public hours of operation will be 8:00 am – 10:00 pm and will employ five to six farm hands per day. The applicant anticipates having a maximum of 14 students per day for the permaculture classes and approximately 20 farm visitors per week. Due to the “Small Farm” designation, a “Multi-farmer open air (farmer’s) market” is not considered a permitted use per LUC §108-21-5-Permitted uses/activities table; however, if the applicant is desirous to sponsor such an event, it would be classified as a “Special Event” which is permitted and a special event permit will be required.
- **Development agreement:** The applicant has entered into and recorded a farm stay and a commercial development agreement provided by Weber County on the 17.39 acres, utilized as part of an approved agri-tourism operation. A single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption are excepted from this requirement. A condition of approval has been added to ensure that an amendment to development agreement is executed and recorded based on the revisions being made to the site plan prior to the issuance of any building permits as a part of the approved conditional use permit.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under “Decision Requirements”, which states:

a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Planning Commission will need to determine if the revised site plan associated with the agri-tourism operation has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the standards in the Uniform Land Use Code of Weber County for conditional uses including the following considerations?
 - *Standards relating to safety for persons and property.*
 - *Standards relating to infrastructure, amenities, and services.*
 - *Standards relating to the environment.*
 - *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.*
 - *Standards relating to performance.*
 - *Standards generally.*
- If the applicable standards are not met, then what conditions could be added in order to comply?
- Have the “Decision Requirements” and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2016-16, a conditional use permit amendment for an agri-tourism operation identified as the Dancing Moose Farms Art & Ecology Center located at 13485 East Hwy 39 Huntsville, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. An amendment to the farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, with the exception of a single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption as defined in the Weber County Land Use Code.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will protect and preserve agricultural property in the Ogden Valley.
3. The proposed use, if the condition outlined above is imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if condition outlined above is imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Site Plan
- C. Architectural Renderings
- D. Signage Plan

Map 1



**Dancing Moose Farms
Huntsville Art & Ecology Center
Weber County Conditional Use Permit Application**

EXHIBIT A

The Huntsville Art & Ecology Center will live these three values;

1. Care of the earth
2. Care of people
3. Share excess

In keeping with these values the DMF Huntsville Art & Ecology Center will follow strict design guidelines by:

- Building structures that follow Ogden Valley Architectural and Landscaping screening standards
 - Special Event Portable restrooms will be painted a neutral color to blend in with natural surroundings
 - Special Event Portable restrooms and dumpsters will be screened using a combination of natural screening (i.e. trees & shrubs) and wooden structures.
- Using natural materials, colors and designs
- Providing adequate parking (see site plan)
- Mitigating and controlling traffic (currently working with UDOT)
- Having Carbon Architects provide building and site design services
- Following Ogden Valley ordinances for landscaping and signage
- Following estimated number of users guidelines as per Weber County Code of Ordinances Part II – Land Use Code/Title 108 – Standards/Chapter 21 Agri-Tourism;
 - 5-6 farm staff per day (SEC. 108-21-5)
 - Public hours of operation will be 8:00am – 10:00pm
 - 14 students during 14 day permaculture classes
 - Approximately 20 farm visitors per week
 - Approximately 20-30 vendors on Saturdays during the Special Event Farm Stand/Market season (most produce will be sold to local restaurants and/or at Grounds for Coffee.

The DMF Huntsville Art and Ecology Center will be a working farm consisting of expansive gardens, chicken coops, beehives, a variety of animals (cows, pigs, goats, etc.), greenhouses and full nursery stock (trees & perennial plants).

We plan to have a Harvest Market/stand to sell local products and produce from the gardens as well as products from the local Weber County Farms.

In the future we plan on building a permanent farm house for owners.

During the growing season we would have 3-5 interns (woofers) working on the farm and helping teach classes from April to October.

Besides being a working farm we plan on being an educational facility. We will provide classes on the following topics.

1. Permaculture principles (www.permaculturenews.org)
2. Broad scale site design
3. Pattern understanding (nature)
4. Structures

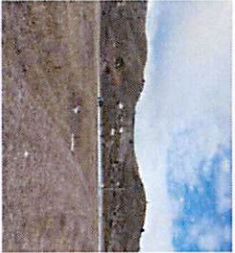
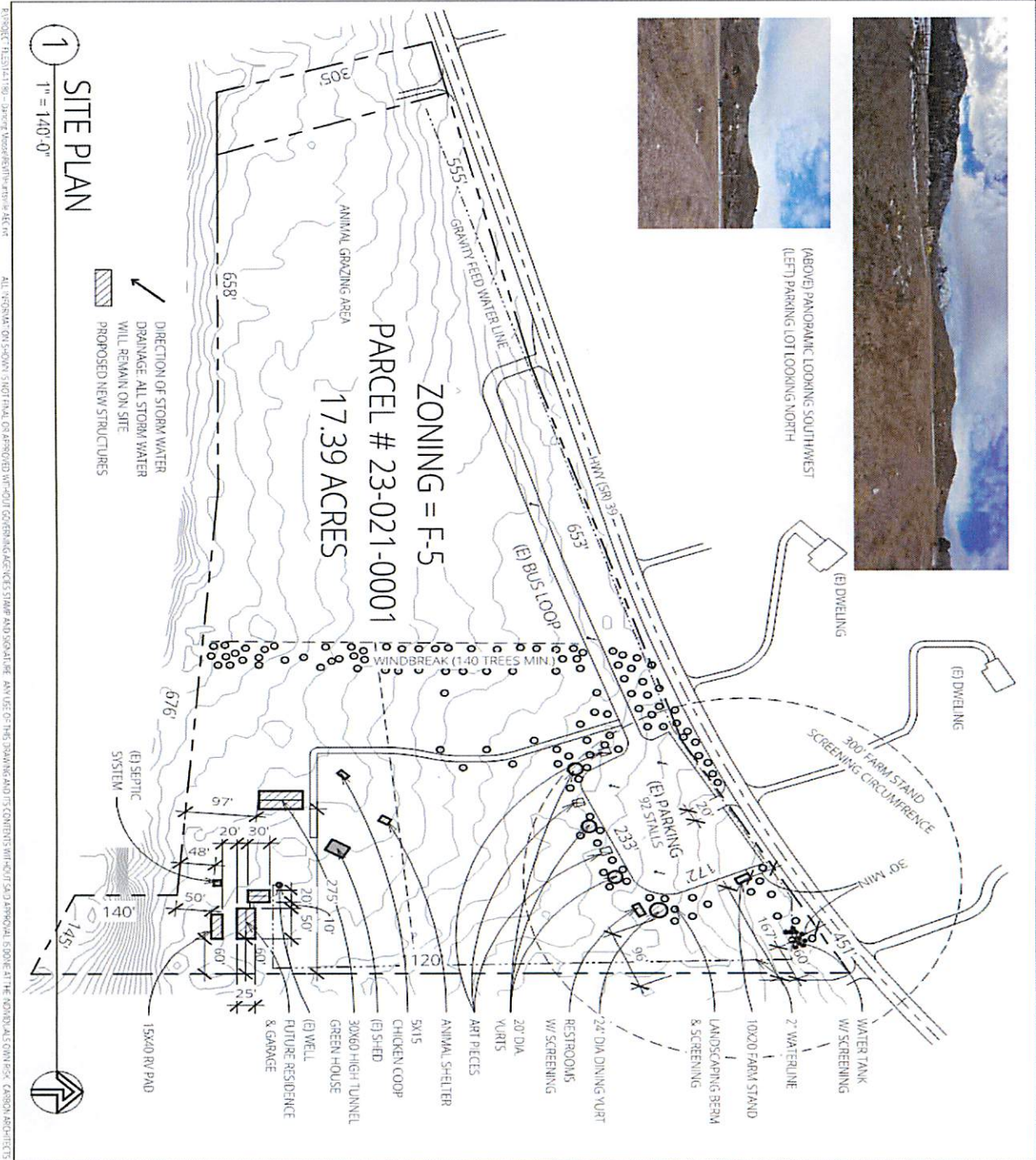
5. Home garden
6. Orchards
7. Animal forage systems
8. Urban community strategies
9. Alternative building
10. Summer hikes
11. Winter snowshoe classes
12. Yoga retreats
13. Permaculture certificate class (14 day intensive)
14. Solar panel installation and design
15. Honey "the art of" apiary
16. Chickens 101
17. Composting
18. Cordwood construction
19. Cob pizza oven construction
20. Cheese making
21. Canning
22. Herbs as medicine

Agriculture facilities;

1. Chicken coops
2. Barn
3. High tunnel green houses
4. Plant propagation greenhouses
5. Agro-ecology Research and Education Center
6. Beehives
7. Water pump and watering stations
8. Shed

Non-agricultural facilities;

1. Classroom
2. Yurt (dining) dinners & events
3. Farm stays for Agro-ecology classes only
4. Family reunions and weddings
5. Music events
6. Special events
7. Kid programs (i.e. school programs, Nuture the Creative Mind, etc.)



(ABOVE) PANORAMIC LOOKING SOUTH WEST
(LEFT) PARKING LOT LOOKING NORTH

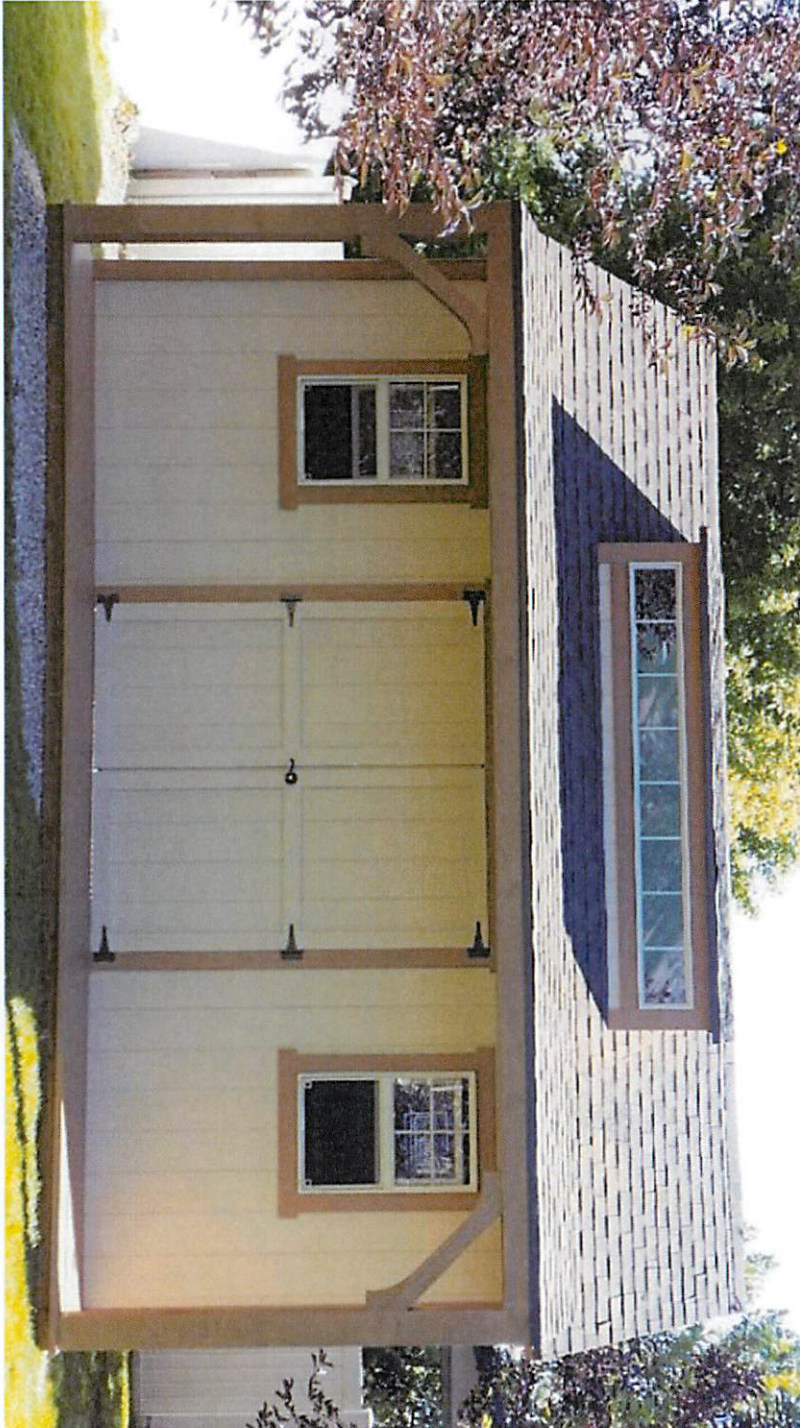


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<p>SITE PLAN</p> <p>CARBON PROJECT # 14-1180</p> <p>SHEET NUMBER</p> <p>A102</p>	<p>PROJECT NAME</p> <p>DANCING MOOSE FARM ART & ECOLOGY CENTER</p> <p>DAN DAILEY</p> <p>13485 EAST HWY 39 HUNTSVILLE, UT</p>	<p>CARBON ARCHITECTS</p>
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FARM STAND PERSPECTIVE AND DIMENSIONS

Orchard Style Shed: 10' x 12' x 12'



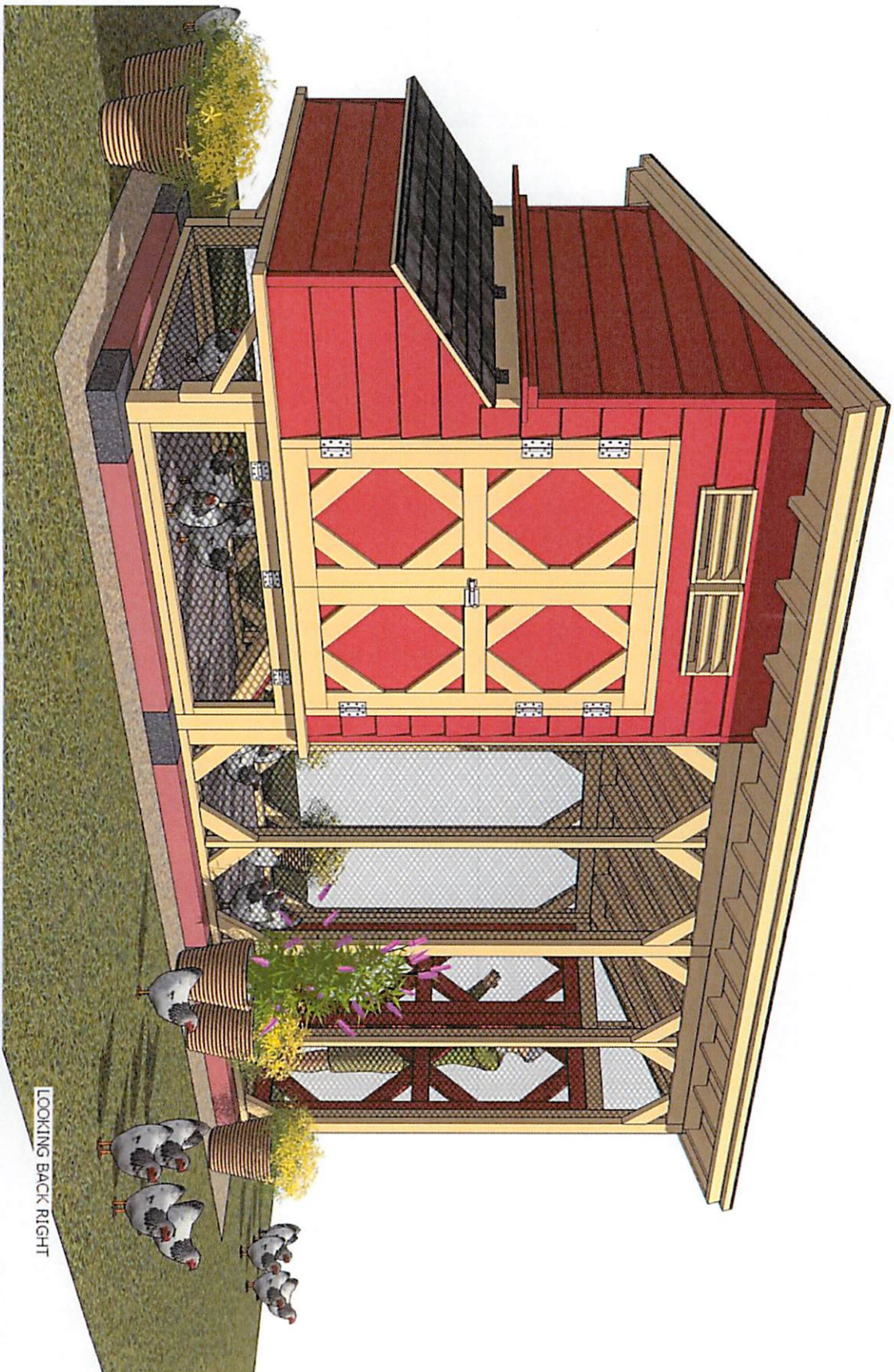
DANCING MOOSE FARM – ANIMAL SHELTER STRUCTURE - PERSPECTIVE AND DIMENSIONS

Lean-To Shed: 10' x 14' x 10'



Exhibit C

H101 - Chicken Coop Plans Construction - Lumber: 4x4 - 6'x4'(horizontal) = 3 1/2'x3 1/2'(Actual); 2x4 - 2'x4'(horizontal) - 1 1/2'x3 1/2'(Actual); 2x2 - 2'x2'(horizontal) - 1 1/2'x1 1/2'(Actual); 1x1 - 1'x1'(horizontal) - 3/4'x3/4'(Actual); 1x4 - 1'x4'(horizontal) - 3/4'x3 1/2'(Actual); 1x8 - 1'x8'(horizontal) - 3/4'x7 1/4'(Actual); 1x2 - 1'x2'(horizontal) - 3/4'x1 1/2'(Actual); Plywood 3/4" thick (Actual);



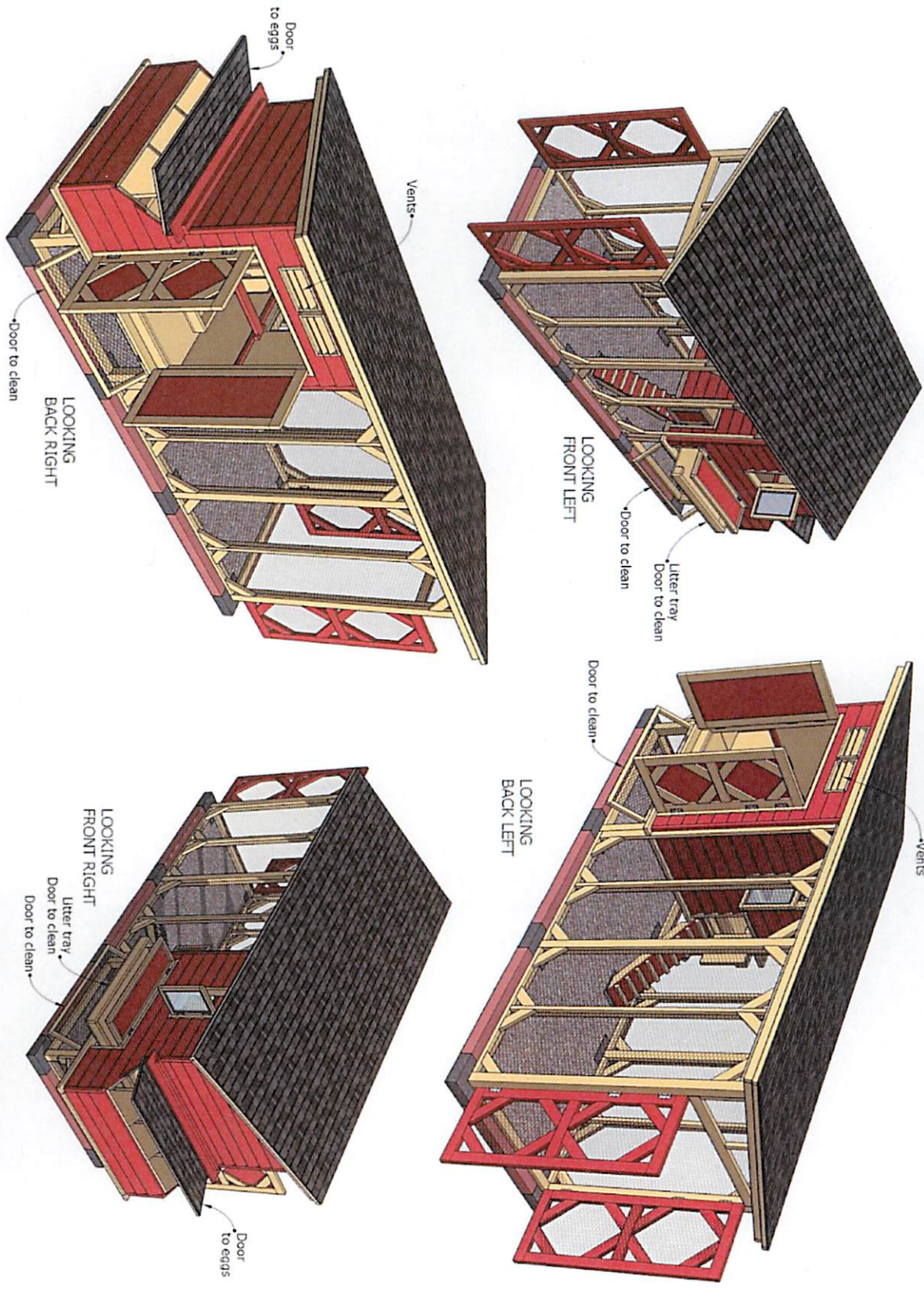
LOOKING BACK RIGHT

Ground-Level Perspective
 1.0 - Concept Design



There are many Useful and Free Plans - Articles - Tips - Guide at:
www.homegardensignplan.com
 dog house - chicken coop - horse barn - garden shed - and more

M101 - Chicken Coop Plans Construction - Lumber: 4x4 - 4'x4'(Nominal) - 3 1/2"x3 1/2"(Actual); 2x4 - 2"x4'(Nominal) - 1 1/2"x3 1/2"(Actual); 2x2 - 2"x2'(Nominal) - 1 1/2"x1 1/2"(Actual); 1x1 - 1"x1'(Nominal) - 3/4"x3/4"(Actual); 1x4 - 1"x4'(Nominal) - 3/4"x3 1/2"(Actual); 1x6 - 1"x6'(Nominal) - 3/4"x7 1/2"(Actual); 1x2 - 1"x2'(Nominal) - 3/4"x1 1/2"(Actual); Plywood 3/4" thickness (Actual).

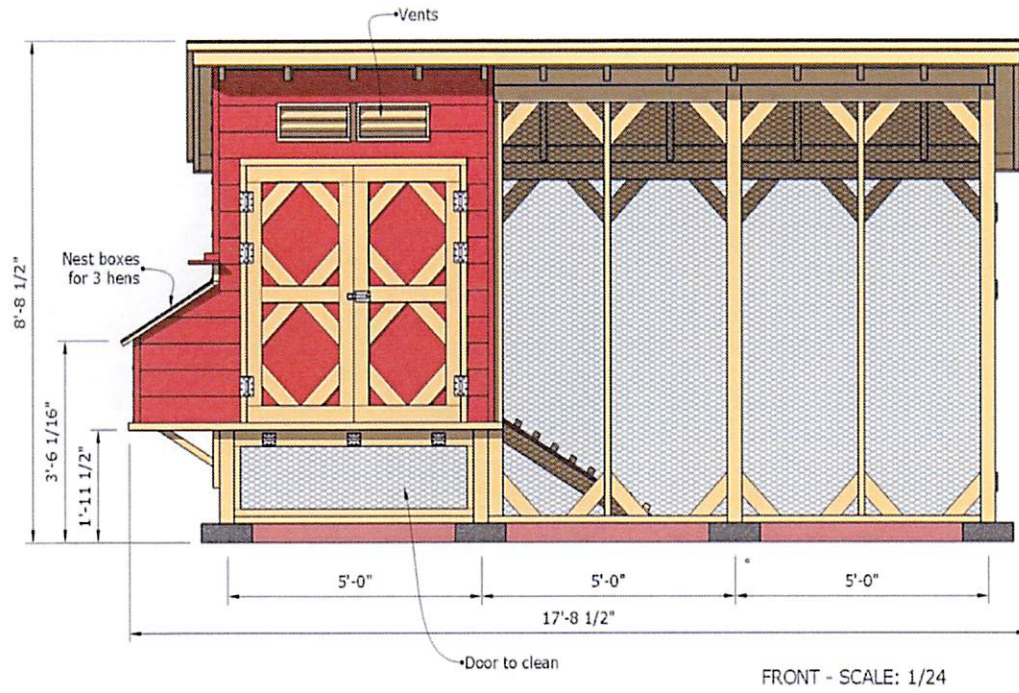


Perspective
1.0 - Concept Design

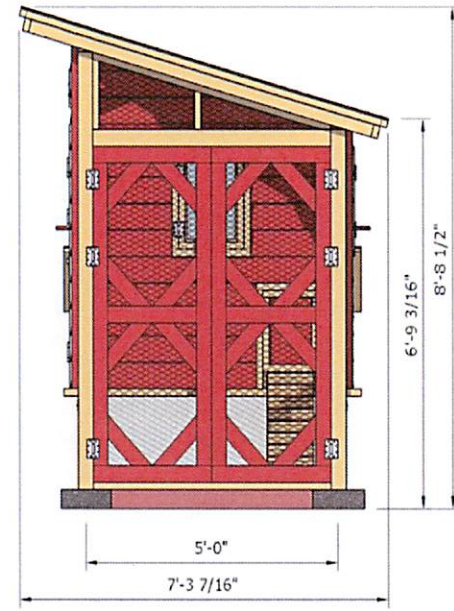


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dog house - chicken coop - horse barn - garden shed - and more

M101 - Chicken Coop Plans Construction - Lumber: 4x4: 4"x4"(Nominal)=3 1/2"x3 1/2"(Actual); 2x4: 2"x4"(Nominal)=1 1/2"x3 1/2"(Actual); 2x2: 2"x2"(Nominal)=1 1/2"x1 1/2"(Actual); 1x1: 1"x1"(Nominal)=3/4"x3/4"(Actual); 1x4: 1"x4"(Nominal)=3/4"x3 1/2"(Actual); 1x8: 1"x8"(Nominal)=3/4"x7 1/4"(Actual); 1x2: 1"x2"(Nominal)=3/4"x1 1/2"(Actual); Plywood 3/4" thickness (Actual);



FRONT - SCALE: 1/24



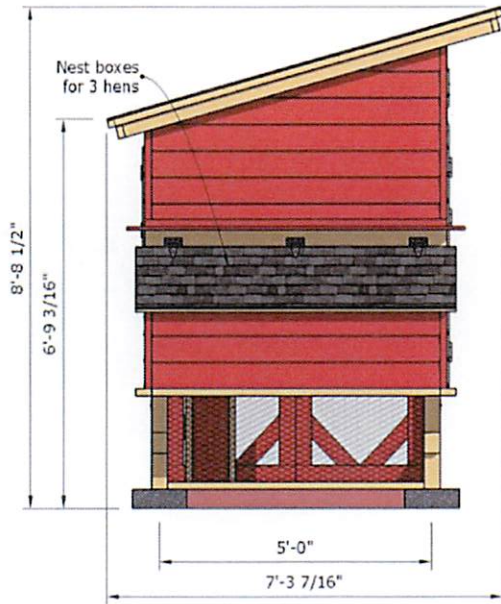
RIGHT - SCALE: 1/24

Exhibit C

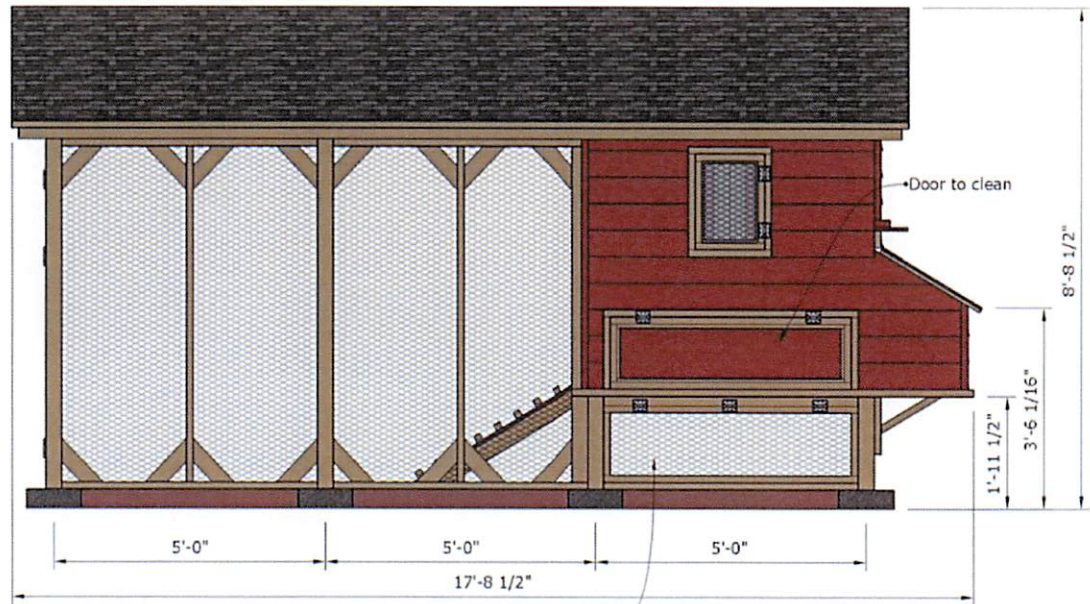
Facade Design
1.0 - Concept Design

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www.homegardendesignplan.com
dog house - chicken coop - horse barn - garden shed - and more

H101 - Chicken Coop Plans Construction - Lumber: 4x4: 4"x4"(Nominal)=3 1/2"x3 1/2"(Actual); 2x4: 2"x4"(Nominal)=1 1/2"x3 1/2"(Actual); 2x2: 2"x2"(Nominal)=1 1/2"x1 1/2"(Actual); 1x1: 1"x1"(Nominal)=3/4"x3/4"(Actual); 1x4: 1"x4"(Nominal)=3/4"x3 1/2"(Actual); 1x8: 1"x8"(Nominal)=3/4"x7 1/4"(Actual); 1x2: 1"x2"(Nominal)=3/4"x1 1/2"(Actual); Plywood 3/4" thickness (Actual);



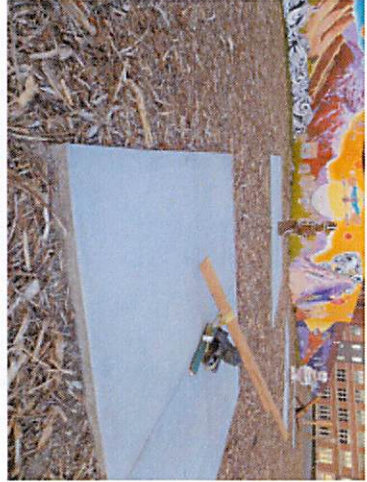
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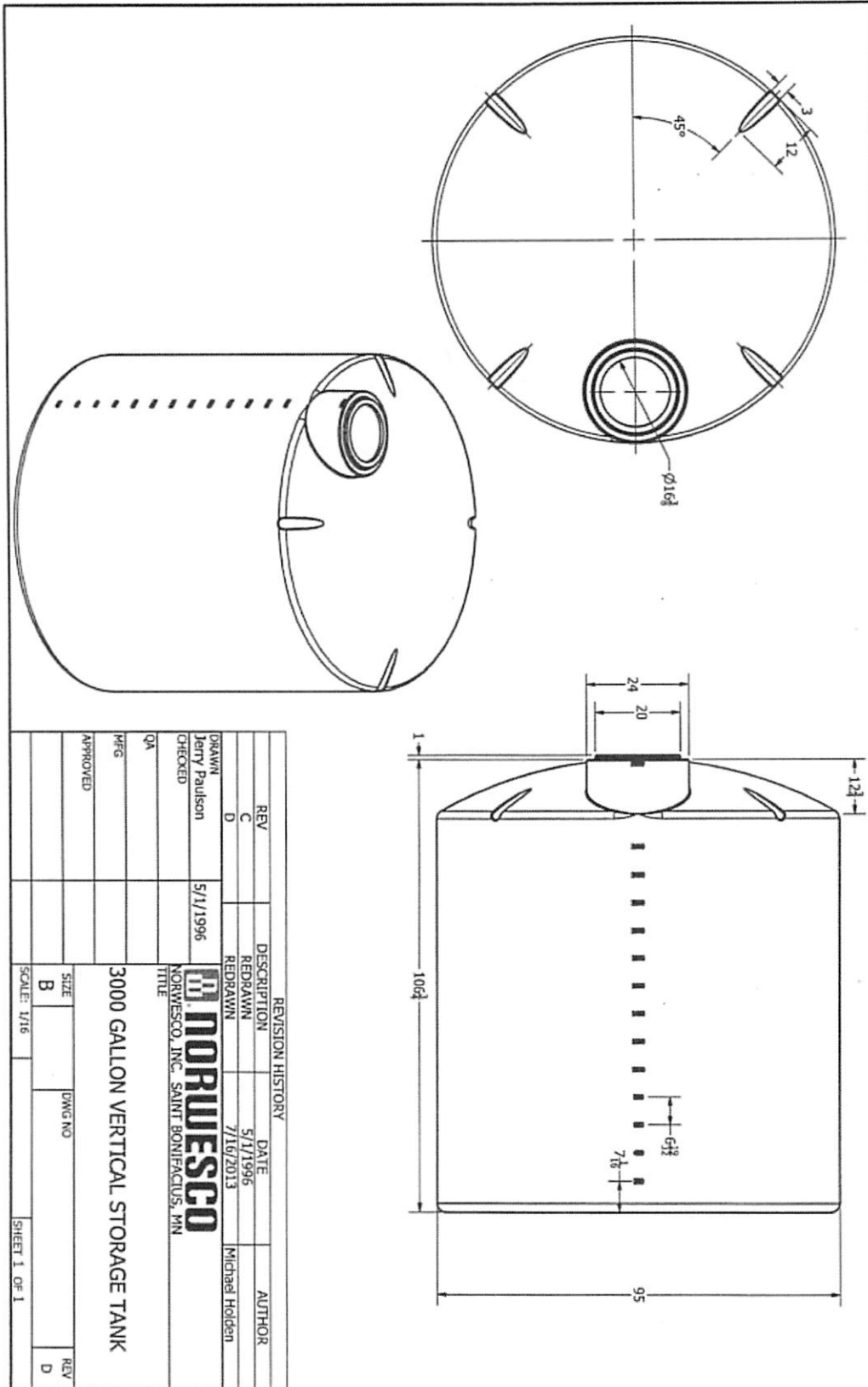


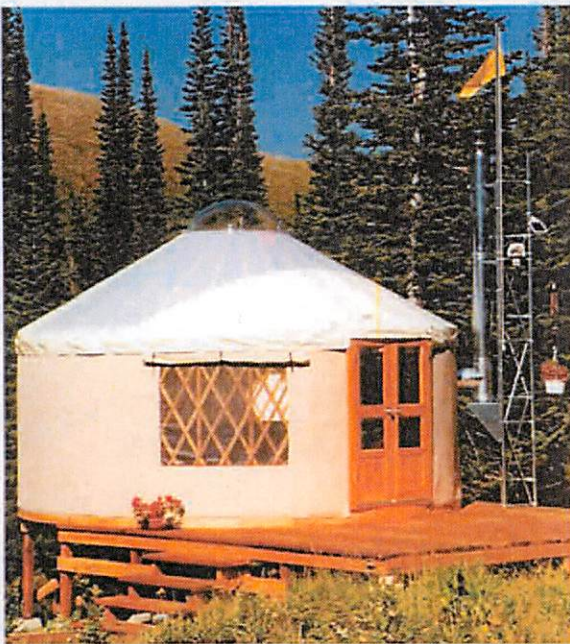
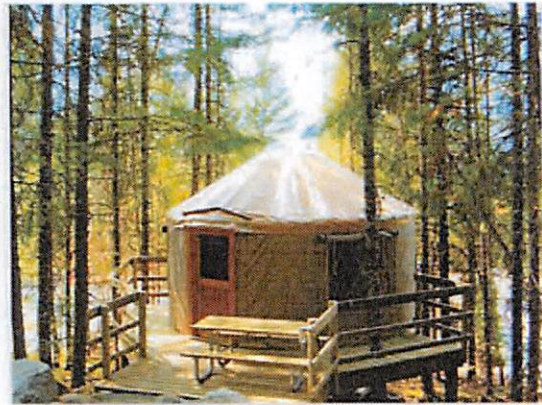
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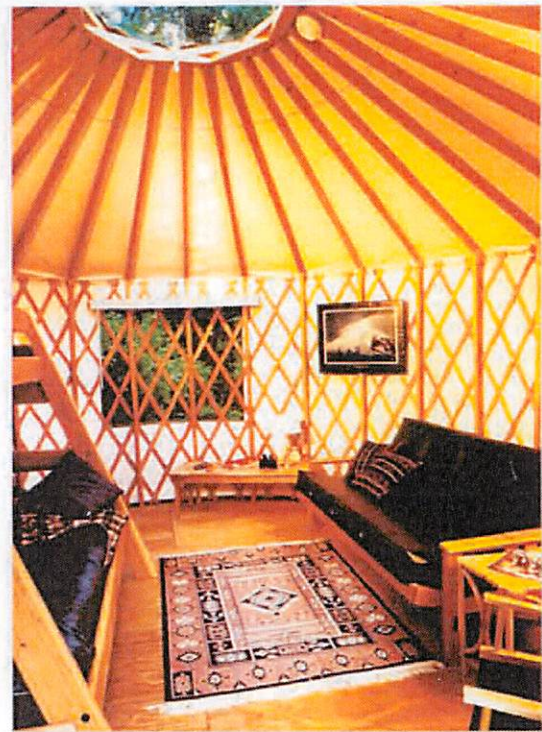
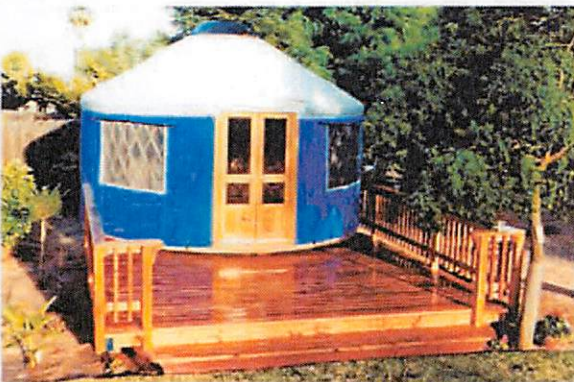
DANCING MOOSE FARM – ART PIECES EXAMPLES





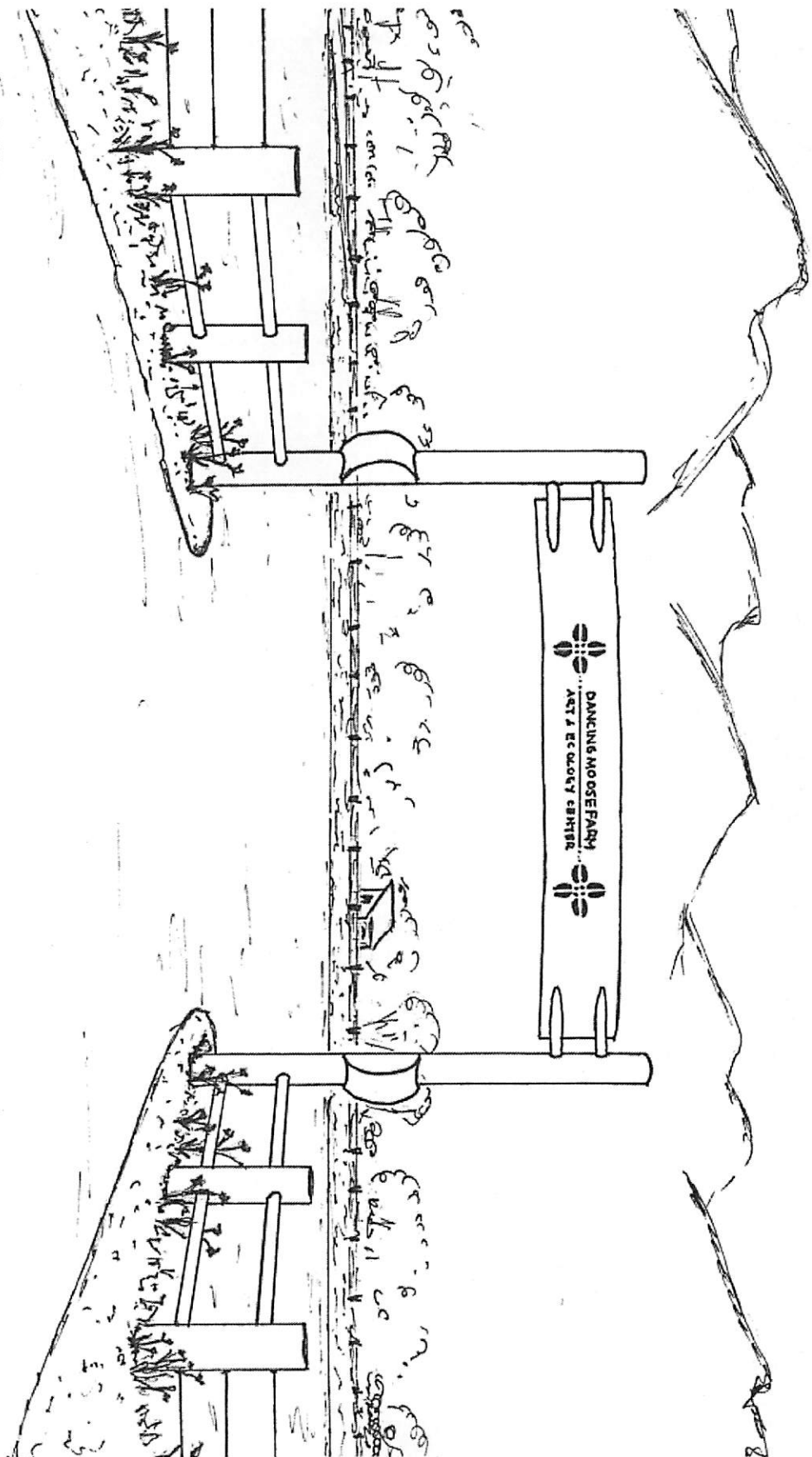


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MAIN ENTRY SIGN PERSPECTIVE



- SIGN MATERIAL SHALL BE:
- POST AND RAILS - UNFINISHED STEEL (NATURAL RUST)
- MAIN SUPPORT POST - UNFINISHED STEEL (NATURAL RUST)
- SIGN - UNFINISHED STEEL (NATURAL RUST) WITH CUT OUT LETTERS AND SYMBOLS



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit application for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District.

Type of Decision: Administrative

Agenda Date: Tuesday, February 28, 2017

Applicant: Wolf Creek Water and Sewer Improvement District

Authorized Agent: Mike Durtschi, project engineer (Gardner Engineering)

File Number: CUP# 2017-01

Property Information

Approximate Address: Intersection of Retreat Dr and Mountain Ridge Dr, Eden, UT

Project Area: 42,870 Sq. Ft.

Zoning: Open Space Zone (O-1)

Existing Land Use: Water Storage Tank

Proposed Land Use: Water Storage Tank

Parcel ID: 22-016-0096

Township, Range, Section: Township 7 North, Range 1 East, Section 22

Adjacent Land Use

North: Forest	South: Residential
East: Forest	West: Residential

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RK

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 26 Open Space Zone (O-1)
- Title 104, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 10 Public Buildings and Public Utility Substations and Structures

Summary and Background

Wolf Creek Water and Sewer Improvement District is requesting approval of a conditional use permit to construct a 500,000 gallon water storage tank located at approximately 3955 N Retreat Dr, Eden. These improvements will provide the storage capacity needed to meet the added demands of proposed development within the water system boundaries.

The proposed tank will be located approximately 40 feet from an existing tank. The application states that the property boundary of the existing tank will be adjusted to include the new tank upon approval of the Conditional Use Permit. The applicant has also provided a copy of a quit claim deed, adjusting the boundary of the existing tank to include the proposed tank.

The proposed tank's diameter is 75 feet and the tank depth is 16 feet. The tank will be buried with 6 inches of top soil. The property lies in the Open Space Zone (O-1) which allows "Public utility substations" only when authorized by a conditional use permit.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the

proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The Ogden Valley General Plan identifies the need for additional culinary water and new water infrastructure based on projected growth (see the 2016 Ogden Valley General Plan Chapter 7: Utilities and Public Services). The proposed use conforms to the Ogden Valley General Plan by providing additional water sources to meet the demands of the Valley's existing water systems throughout developing areas.

Zoning: The subject property is located within the O-1 Zone. The purpose and intent of the Open Space Zone can be further described per LUC §104-26-1 as follows:

The open space zone is specifically intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a floodplain, on areas of severe slope, areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.

The O-1 Zone has specific standards identified in the LUC §104-26-4 that shall be met as part of the development process. The applicable standards are as follows:

- Minimum yard setbacks:
 - Front: 30'
 - Side: 20'
 - Rear: 30'
- Minimum lot area: 5 acres
- Minimum lot width: 300'
- Main Building height:
 - Maximum: 35'

The proposed use is conditionally allowed in the O-1 zone and has been reviewed as a "Public utility substation". The location and arrangement of public utility substations and structures must be in accordance with construction plans submitted to and approved by the planning commission. The minimum lot area for all public utility substations per LUC §108-10-2 is waived.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects.

A site plan showing the Ogden Valley sensitive lands stream corridors identified in LUC §104-28-2 has been submitted as part of the application. The site plan shows that the tank will be located outside of the intermittent stream corridor located on site. The Engineering Division must verify by site visit, that the proposed tank will be located outside of the intermittent stream corridor.

Prior to commencing work, Wolf Creek Water and Sewer Improvement District will need to receive approval from the applicable agencies for the new tank. A condition has been made part of the Planning Division's recommendation to ensure that these standards are met.

Design Review: The proposed conditional use mandates a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* As part of this consideration, the applicant has provided a detailed site plan (see Exhibit B). Considerable traffic congestion or delay is not anticipated with this proposal. Per the County Engineering Division, the contractor will be responsible to guarantee site materials are not tracked onto the County roadways. A condition of approval has been added to the Planning Division's recommendation to ensure the contractor cleans all equipment prior to exiting the site and sweeps the County roadway as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along County roads.

- *Considerations relating to landscaping.* The applicant has outlined the following considerations to landscaping in the project specifications submitted with the application: *5.2.3.7 Planted Areas: Prior to placing topsoil and/or sod, examine and repair the subgrade as necessary to assure a smooth and even surface which will match grade and contours of surrounding undisturbed ground. Finish grade construction areas to match grade prior to construction activities.*
- *Considerations relating to buildings and site layout.* The proposed water tank will not require a new pump house or other new buildings. The buried water tank has a diameter of 75 feet and a depth of 16 feet.
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division including but not limited to storm water and surface water drainage, retention facilities, and site clean-up of the property. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: Prior to the commencement of work, the applicant will need to receive the approval from all applicable agencies for the proposed water system improvements. A condition has been made part of the Planning Division's recommendations to ensure that all conditions of the review agencies will be met.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Decision requirements", which states:

a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Planning Commission will need to determine if the request for a water storage tank has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Standards relating to safety for persons and property.
- Standards relating to infrastructure, amenities, and services.
- Standards relating to the environment.
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
- Standards relating to performance.
- Standards generally.
- If the applicable standards are not met, then what conditions could be added in order to comply?
- Have the "Decision Requirements" and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2017-01, a conditional use permit for Wolf Creek Water and Sewer Improvement District's water storage tank to be located at approximately 3955 N Retreat Dr, Eden. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Prior to the issuance of the conditional use permit, the Engineering Division must verify by site visit, that the proposed tank will be located outside of the intermittent stream corridor.
2. All equipment leaving the site will be cleaned prior to entering the County right-of-way and the contractor will be responsible for sweeping the County roadway, as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along the County right-of-way.

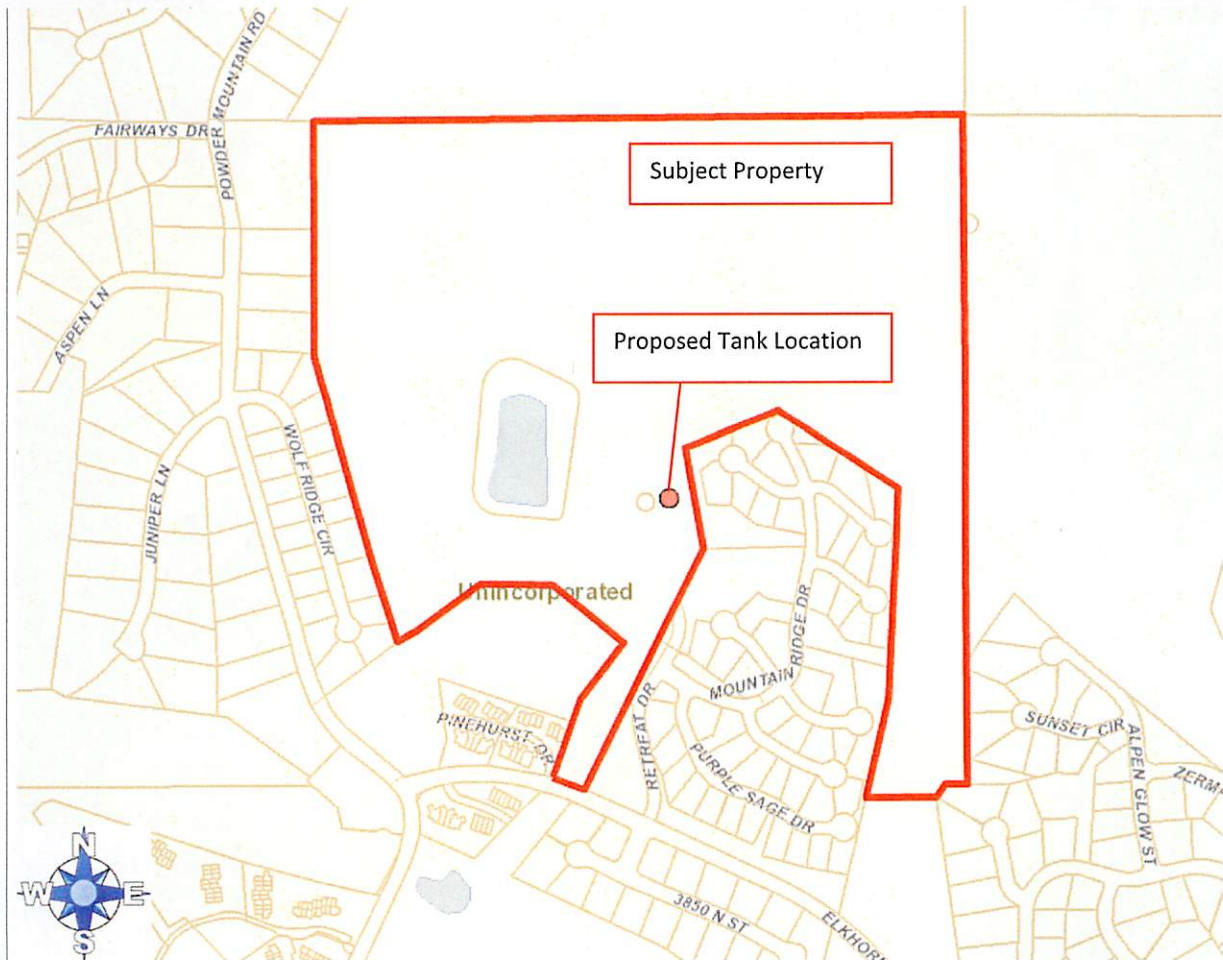
This recommendation is based on the following findings:

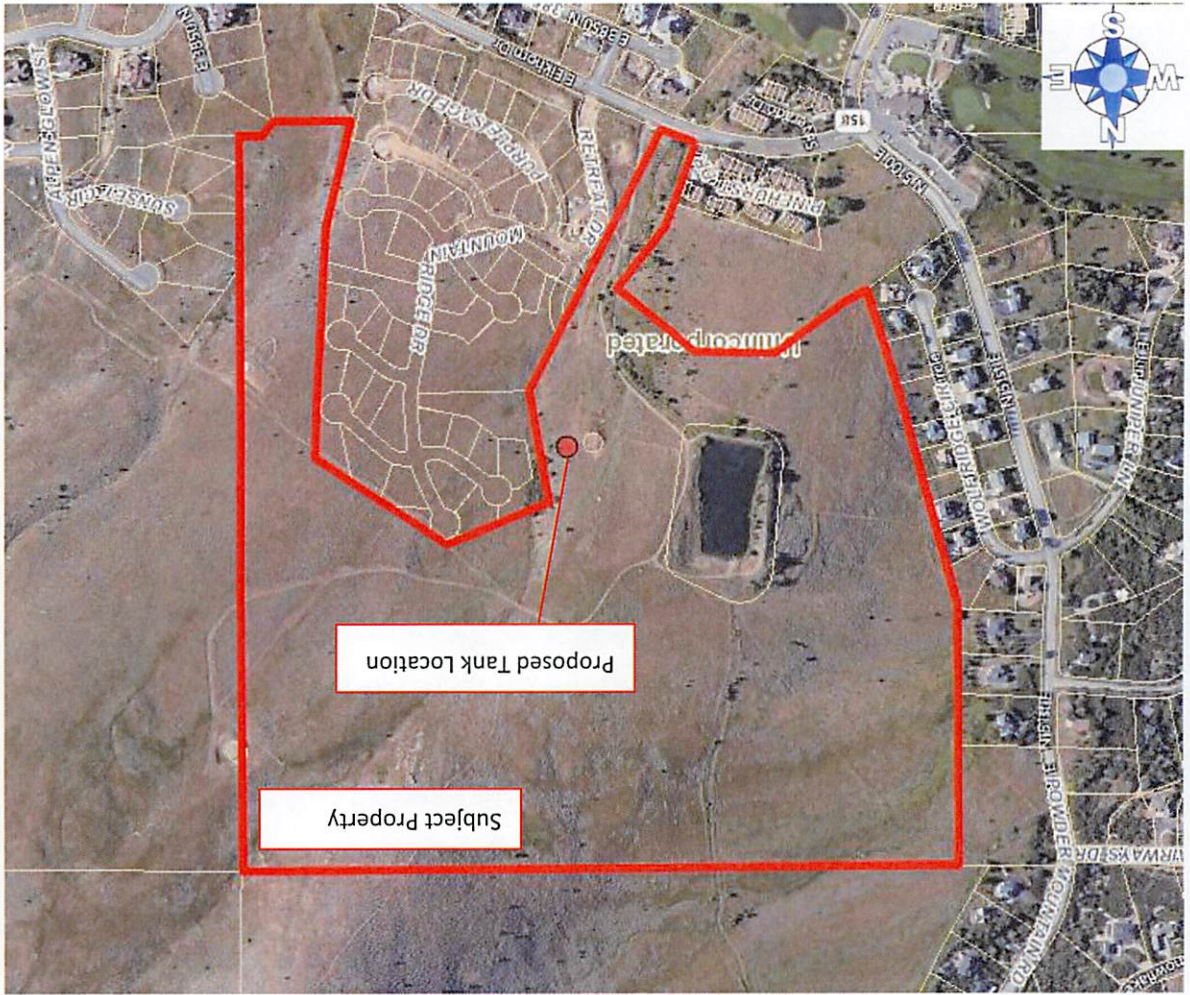
1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will provide the needed water sources to meet the demands the Ogden Valley.
3. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Site and Building Plan

Map 1





Map 2

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) WOLF CREEK WATER AND SEWER IMPROVEMENT DISTRICT		Mailing Address of Property Owner(s) WOLF CREEK WATER AND SEWER I.D. 3632 NORTH WOLF CREEK DRIVE EDEN, UT 84310	
Phone 801-721-4171	Fax		
Email Address rthomas@wcwsid.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Gardner Engineering (Mike Durtsch)		Mailing Address of Authorized Person 5150 S 375 E Ogden, UT 84405	
Phone 8014760202	Fax 8014760066		
Email Address miked@gecivil.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name 500,000 Gallon Tank		Total Acreage 92.1	Current Zoning O-1
Approximate Address Site Access at Intersection of Retreat Dr and Mountain Ridge Dr Eden, UT		Land Serial Number(s) existing parcel 22-016-0096 Upon approval of CUP is is intended that the boundary of parcel 22-016-0070 be adjusted to include the new tank	
Proposed Use Utility Building - Culinary Water Tank			
Project Narrative <p>Wolf Creek Water and Sewer Improvement District in need of more storage capacity to meet the added demands from proposed development in the northern part of the system, is proposing to build a 500,000 gallon water tank near the existing 250,000 gallon tank. The parcel 22-016-0070 will have a boundary adjustment done to include the new tank.</p> <p>Submitted with this application are the Construction Plans, and construction documents, including a Geotechnical and Geological Hazard Investigation Report for the proposed project.</p> <p>SWPPP Permit will be provided by contractor before construction begins.</p>			

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

The proposed location is near existing facilities and will provide needed storage capacity to the system at an appropriate elevation to supply water at the needed pressure.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

Construction of the project will follow county guidelines mitigating any harm to the community. Use of the facility will only generate infrequent and minimal maintenance traffic. As such no appreciable safety issues are foreseen.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

Land Use Ordinance Sec.104-9-3(14) Water pumping plants and reservoirs.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The project conforms to the goals, policies and governing principles and land use of the General Plan for Weber County.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

SWPPP and BMP's will be implemented on site during construction. It is anticipated that no appreciable environmental impact will be experienced during construction of the project. It is anticipated that no appreciable environmental impact will result from the completed and operational project.

Property Owner Affidavit

I (We), Wolf Creek Water and Sewer I.D. (Rob Thomas), depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.


(Property Owner)

(Property Owner)

Subscribed and sworn to me this 11 day of JAN, 20 17






(Notary)

Authorized Representative Affidavit

I (We), Wolf Creek Water and Sewer I.D. (Rob Thomas), the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Gardner Engineering (Mike Durtschi), to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

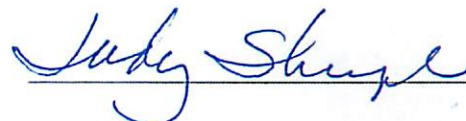

(Property Owner)

(Property Owner)

Dated this 11 day of JAN, 20 17, personally appeared before me JUDY SHUPE, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.




(Notary)

Wolf Creek Water and Sewer Improvement District

500,000 Gallon Tank

WEBER COUNTY CONDITIONAL USE PERMIT

Prepared By



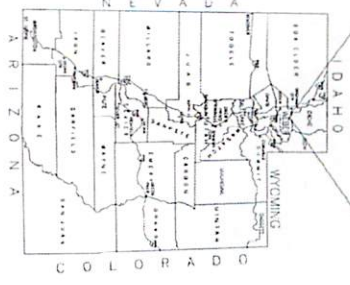
JANUARY 2017



500,000 GALLON TANK WOLF CREEK WATER + SEWER I. D. PART OF SECTION 22, TOWNSHIP 7N, RANGE 1E, SALT LAKE BASE AND MERIDIAN EDEN, WEBER, UTAH

GENERAL NOTES

PROJECT
LOCATION



SHEET INDEX

SHEET C0	COVER
SHEET V1	VICINITY MAP
SHEET C1	SITE PLAN
SHEET C2	EXCAVATION PLAN
SHEET C3	GRADING PLAN
SHEETS D1-D3	DETAILS
SHEETS SW1-SW7	SWPPP
SHEETS S1-S4	STRUCTURAL DRAWINGS

PROJECT ENGINEER
DAN WHITE P.E.
GARDNER ENGINEERING
5150 S 375 E
OGDEN, UT 84405
(801) 476-0202
DAN@GECIVIL.COM
DAN@GECIVIL.COM

SYSTEM OPERATOR
WOLF CREEK WATER AND
SEWER I.D.
ROB THOMAS
3532 N. WOLF CREEK DR
EDEN, UT 84310
801-781-4171

Know what's below.
Call 811 before you dig.
UTAH STATE DEPARTMENT OF HERITAGE AND ARTS
811 SERVICE OF UTAH
www.knowwhat'sbelow.org
1-800-462-4111

SWPPP GENERAL NOTES

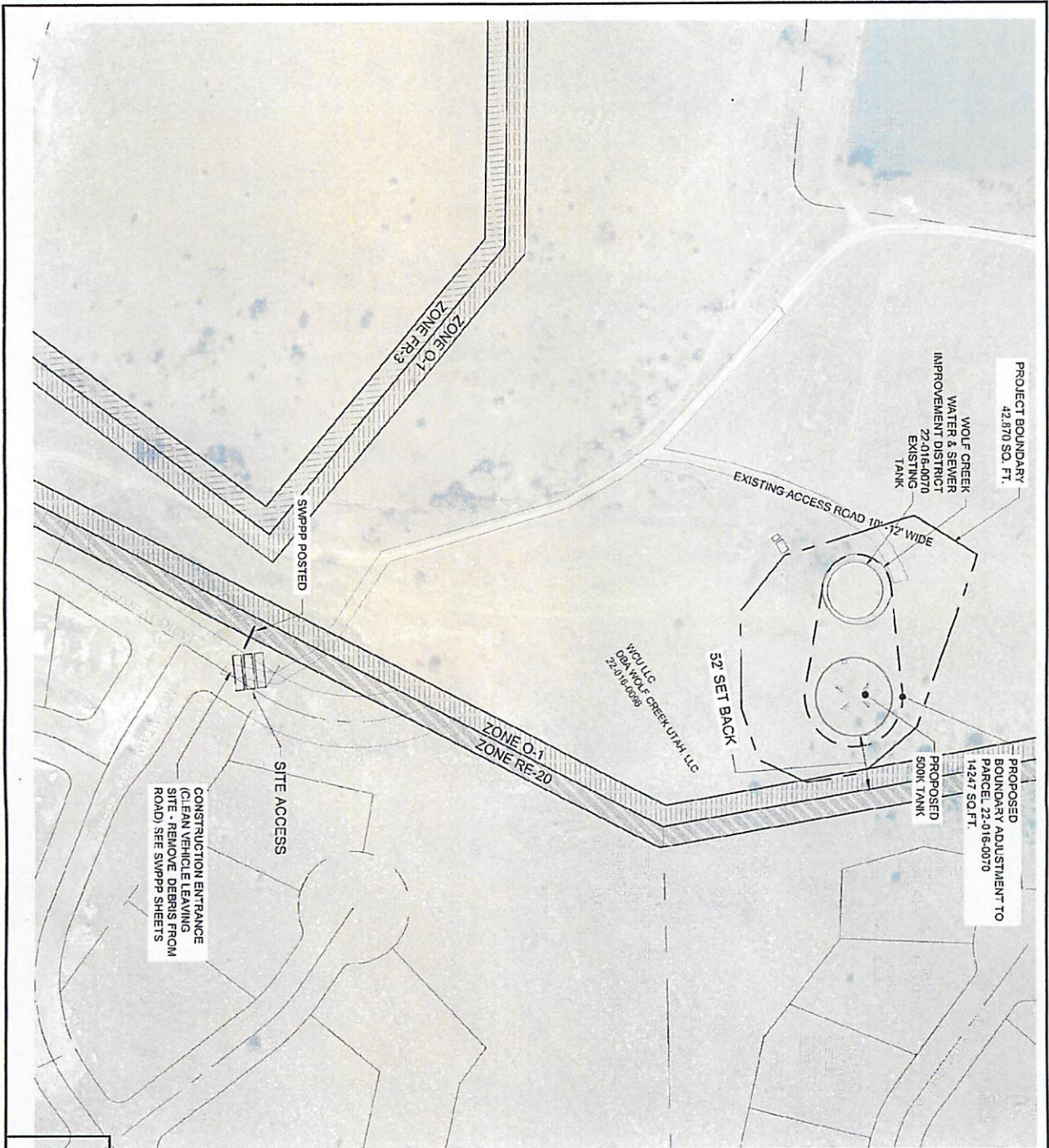
- CONSTRUCTION SHALL OBTAIN ALL NECESSARY PERMITS AS REQUIRED BY THE COUNTY DEVELOPMENT DEPARTMENT AND CITY OF EDEN OR BY STATE.
- ALL SITE EROSION MANAGEMENT MEASURES SHALL BE INSTALLED AS REQUIRED BY THE COUNTY DEVELOPMENT DEPARTMENT AND CITY OF EDEN BEFORE ANY EXCAVATION OR GRADING BEGINS. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.
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GENERAL GRADING NOTES

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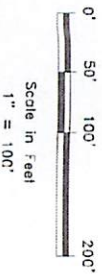
CULINARY WATER GENERAL NOTES

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CONSTRUCTION ENTRANCE
(CLEAN VEHICLE LEAVING
SITE - REMOVE DEBRIS FROM
ROAD) SEE SWPPP SHEETS

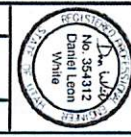
CURRENTLY ZONED O-1
PROPERTY 92.1 ACRES
AFFECTED AREA = 0.98 ACRES



V1
10

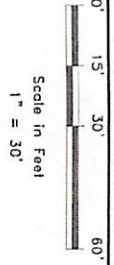
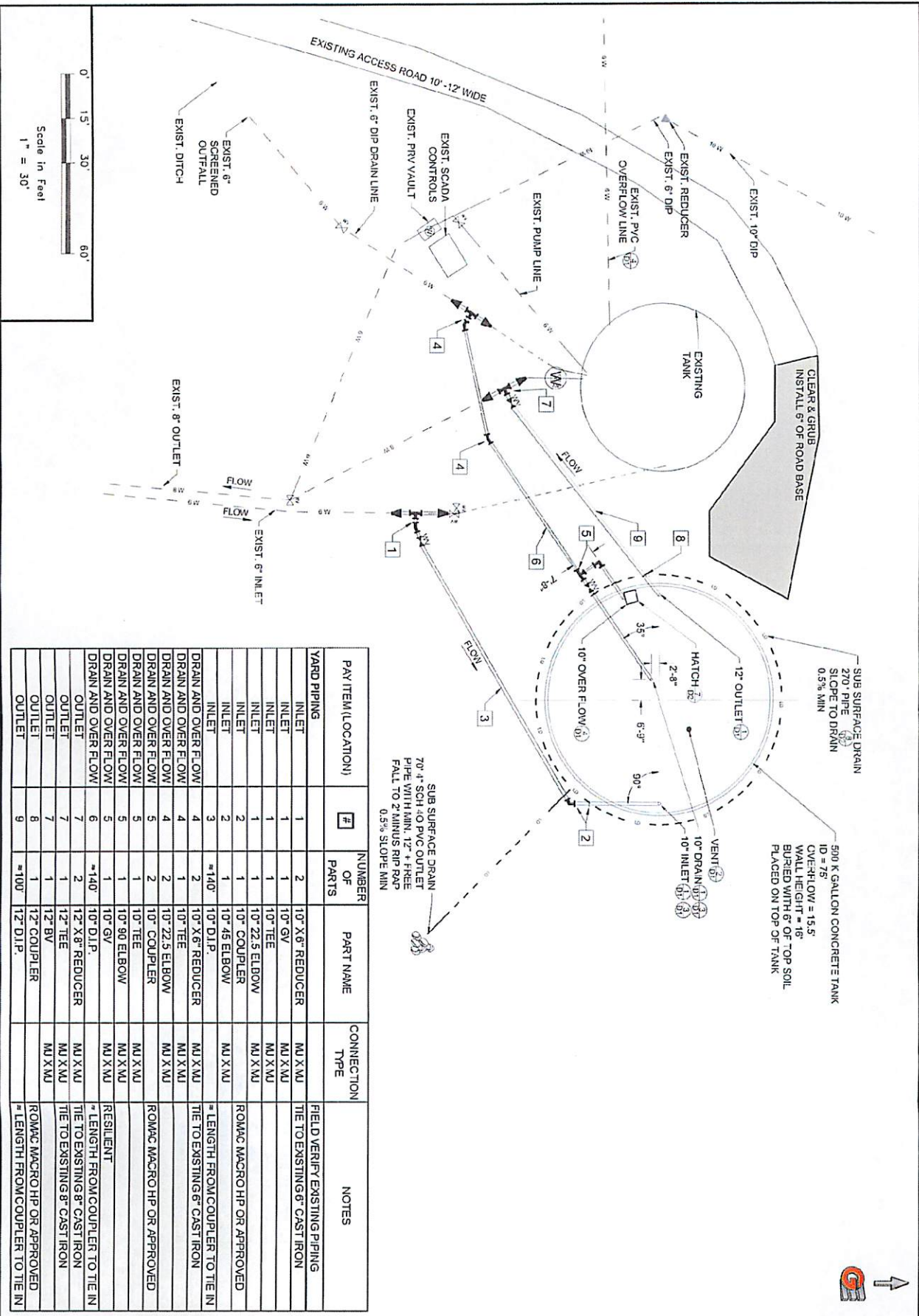
GARDNER ENGINEERING
CIVIL • LAND PLANNING
MUNICIPAL • LAND SURVEYING
5150 SOUTH 476 EAST OGDEN, UT
OFFICE: 801.476.0202 FAX: 801.476.0066

VICINITY MAP
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I. D.
EDEN, WEBER, UTAH




Revisions	
Date	Description

Date: 1/11/2017
Scale: 1" = 100'
Designed: MDD
Created: MDD
Checked: DLW




PAY ITEM (LOCATION)	#	NUMBER OF PARTS	PART NAME	CONNECTION TYPE	NOTES
YARD PIPING					
INLET	1	2	10" X 6" REDUCER	MJ X MJ	FIELD VERIFY EXISTING PIPING
INLET	1	1	10" GV	MJ X MJ	TIE TO EXISTING 6" CAST IRON
INLET	1	1	10" TEE	MJ X MJ	
INLET	1	1	10" 22.5 ELBOW	MJ X MJ	
INLET	2	1	10" COUPLER	MJ X MJ	ROMAC MACRO HP OR APPROVED
INLET	2	1	10" 45 ELBOW	MJ X MJ	
INLET	3	1	10" D.I.P.		= LENGTH FROM COUPLER TO THE IN
DRAIN AND OVER FLOW	4	2	10" X 6" REDUCER	MJ X MJ	TIE TO EXISTING 6" CAST IRON
DRAIN AND OVER FLOW	4	1	10" TEE	MJ X MJ	
DRAIN AND OVER FLOW	4	2	10" 22.5 ELBOW	MJ X MJ	
DRAIN AND OVER FLOW	5	2	10" COUPLER	MJ X MJ	ROMAC MACRO HP OR APPROVED
DRAIN AND OVER FLOW	5	1	10" TEE	MJ X MJ	
DRAIN AND OVER FLOW	5	1	10" 90 ELBOW	MJ X MJ	
DRAIN AND OVER FLOW	5	1	10" GV	MJ X MJ	RESILIENT
DRAIN AND OVER FLOW	5	1	10" D.I.P.		= LENGTH FROM COUPLER TO THE IN
OUTLET	7	2	12" X 8" REDUCER	MJ X MJ	TIE TO EXISTING 8" CAST IRON
OUTLET	7	1	12" TEE	MJ X MJ	TIE TO EXISTING 8" CAST IRON
OUTLET	7	1	12" BV	MJ X MJ	
OUTLET	8	1	12" COUPLER		ROMAC MACRO HP OR APPROVED
OUTLET	9	1	12" D.I.P.		= LENGTH FROM COUPLER TO THE IN



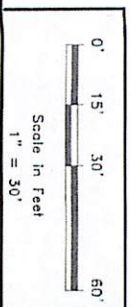
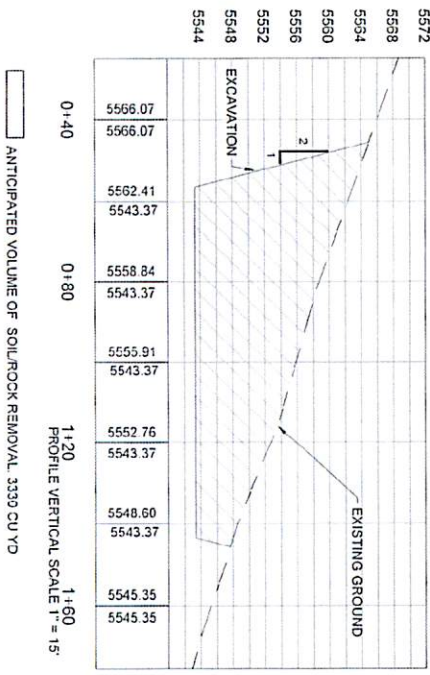
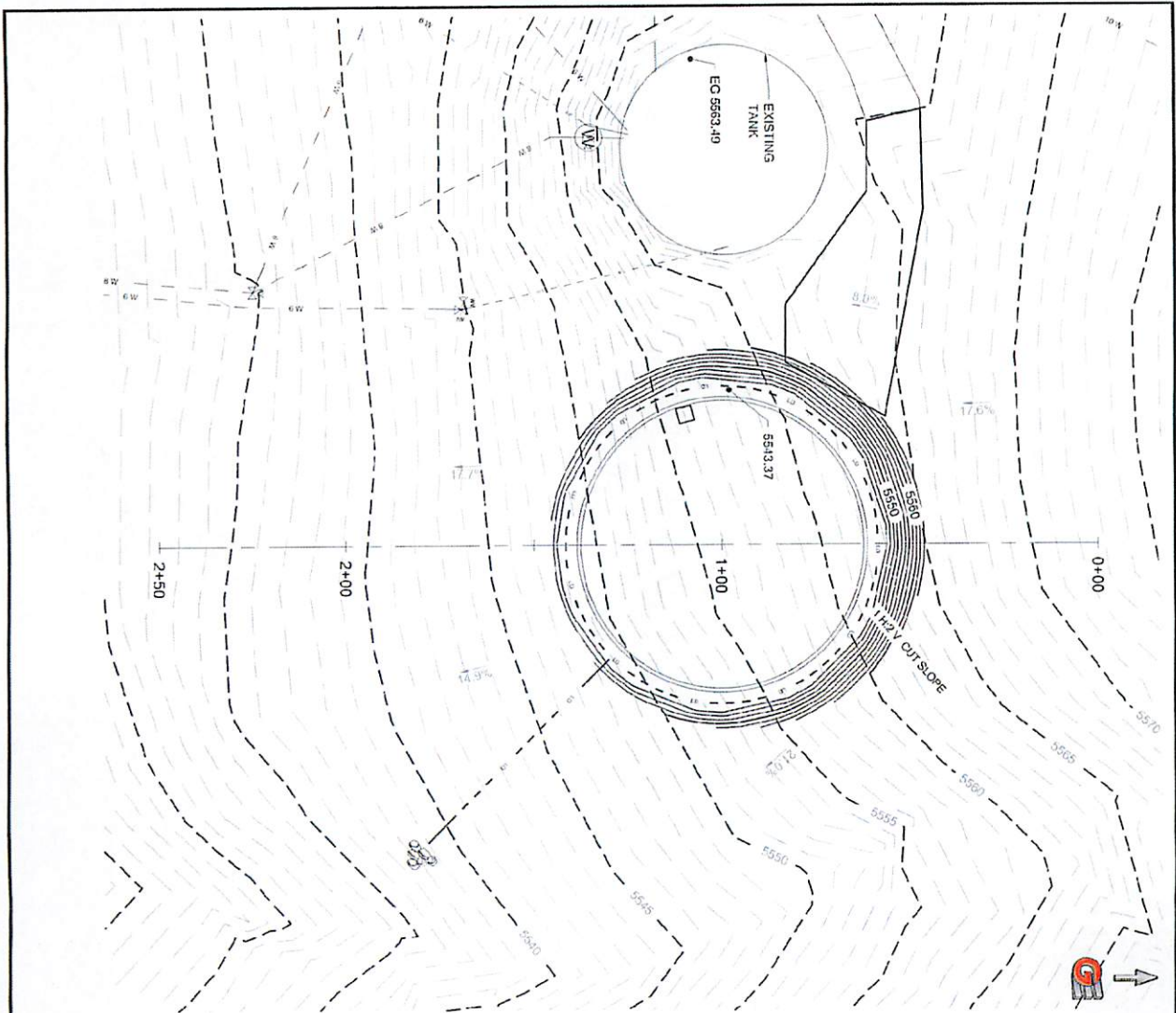
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TANK SITE PLAN
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I. D.
EDEN, WEBER, UTAH



Revisions	
Date	Description

Date: 1/11/2017
Scale: 1" = 30'
Designed: MDD
Drafted: MDD
Checked: DLW



<p>GARDNER ENGINEERING CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING</p> <p>2150 SOUTH 375 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066</p>	<p>TANK EXCAVATION 500,000 GALLON TANK WOLF CREEK WATER + SEWER I. D. EDEN, WEBER, UTAH</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Revisions</th> </tr> <tr> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Revisions		Date	Description							<p>Date: 1/11/2017 Scale: 1" = 30' Designed: MDD Drafted: MDD Checked: DLW</p>
	Revisions													
Date	Description													
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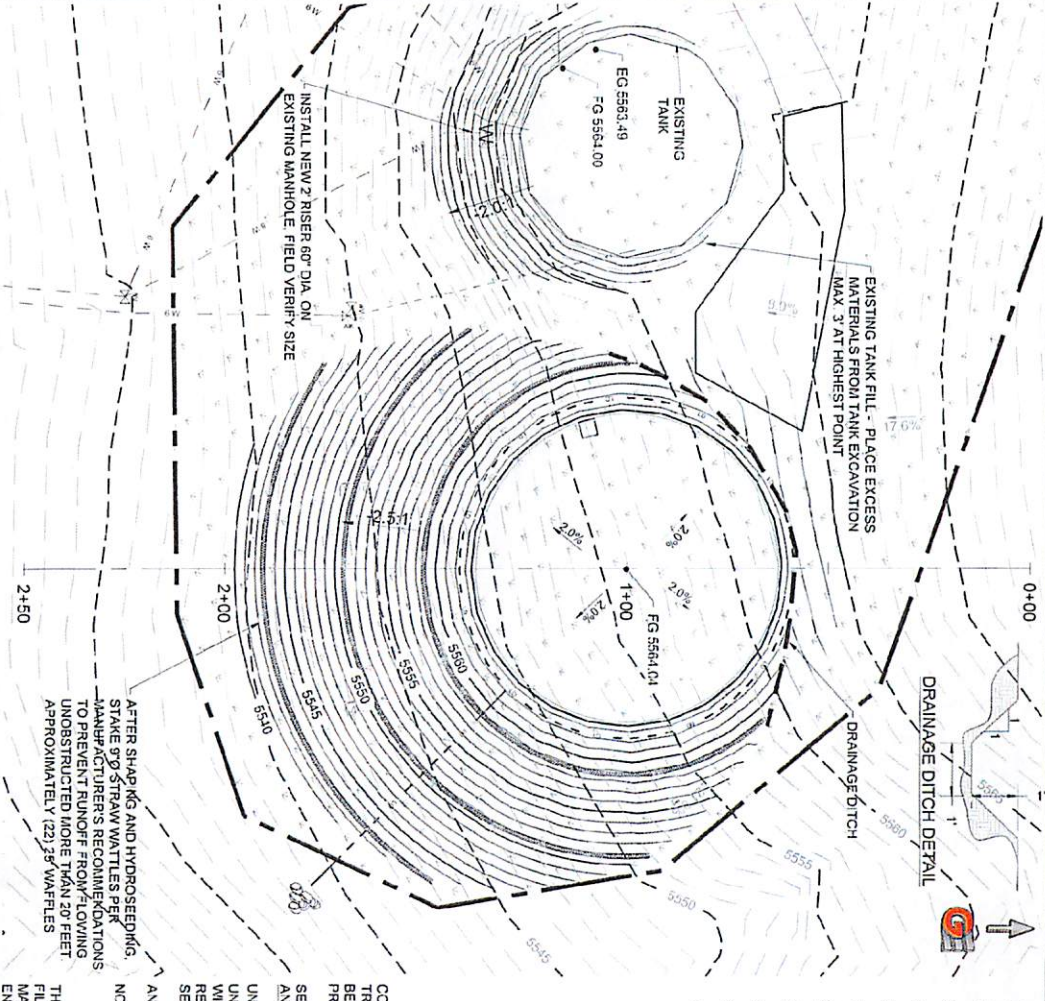
Species

Stipa capensis (Stipa capensis) ssp.	10
Stipa capensis (Stipa capensis) ssp.	10
Western whitegrass (Panicum sp.)	10
Stipa capensis (Stipa capensis) ssp.	2.5
Lewis flax (Lathyrus sp.)	2.5
Total	45

P/S Pounds per Acre

DRYLAND SEED MIX ANTICIPATED AREA = 0.95 ACRES

IMPORT 3" OF TOP SOIL, HYDROSEED WITH 2000#/AC WOOD MULCH, 100#/AC LIMBINDER TACKIFIER, HYDRO SEEDING TO TAKE PLACE BETWEEN OCTOBER 1 AND NOVEMBER 15 - APPROXIMATELY 42,000 SQ. FT.
BREAK UP COMPACTED SURFACES USED FOR STAGING OR OTHER AREAS DISTURBED DURING CONSTRUCTION AND HYDROSEED

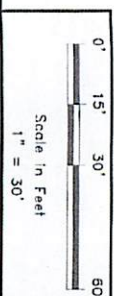
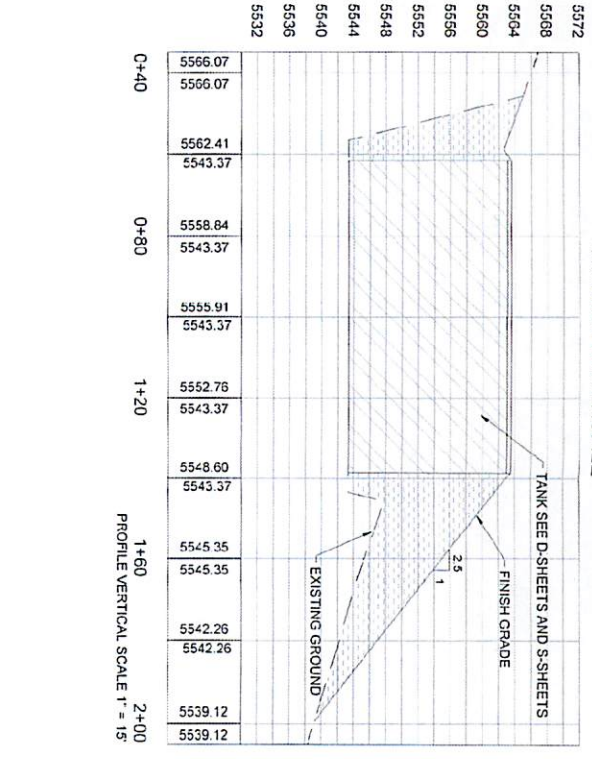


CONCRETE MUST CURE AT LEAST 7 DAYS AND THE 7 DAY BREAKS OF SAMPLED CONCRETE MUST BE ON TRAJECTORY TO REACH FULL DESIGN STRENGTH AND PASS LEAK TEST BEFORE BACKFILLING NEXT TO TANK BEGINS.
PROVIDE ADEQUATE DUST CONTROL THROUGHOUT CONSTRUCTION
SEE EXCAVATION PLAN FOR ANTICIPATED EXCAVATION VOLUMES
ANTICIPATED FILL VOLUMES SEE DETAIL 9D2.

UNDER SLAB STRUCTURAL FILL (REFER TO GEOTECH REPORT) - 12" MIN. 360 TONS
UNDER SLAB FILL GRAVEL - 3" OR 1" WASHED DEPTH VARIES AT - 12" - 230 TONS
WITHIN 2" OF TANK WALLS - 2" MINUS IMPORT OR SCREENED NATIVE 580 TONS
REPLACEMENT OF EXCAVATED MATERIALS AT PROPOSED TANK AND EXISTING TANK - PER PLANS AND TYPICAL SECTION ON THIS SHEET 3200 CUBIC YARDS

ANTICIPATED EXCESS MATERIALS WILL BE USED TO BUILD DRIVING SURFACE
NOTE: SITE RESTORATION BID ITEM CUT AND FILL SLOPES. TOP DRESS WITH 3" OF SANDY LOAM TOP SOIL ON 4" OF 2" MINUS WELL GRADED MATERIAL.

THE COURSE OF 2" MINUS MATERIAL IS INTENDED TO FILL Voids AND PREVENT THE TOPSOIL LAYER FROM FILTERING INTO THE LARGER VOIDS BELOW. THE CONTRACTOR SHALL SCREEN AND STOCKPILE OR IMPORT TO MATERIALS AS NEEDED OR OTHER PROCEDURES AND METHODS AT NO ADDITIONAL COST TO THE OWNER TO ENSURE THAT THE TOPSOIL IS AVAILABLE ON THE SURFACE OF THE FILL TO ACT AS A SEEDBED FOR THE HYDRO SEED.



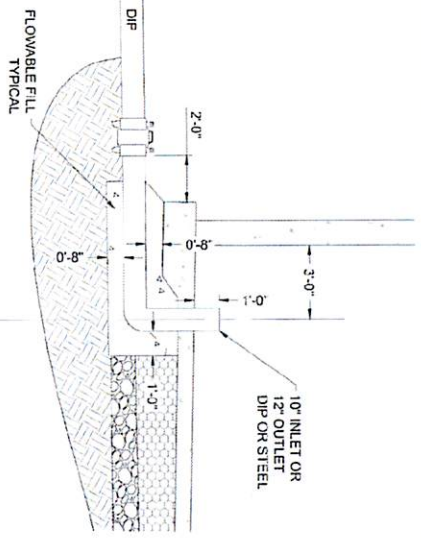
C3
10

GARDNER ENGINEERING
CIVIL-LAND PLANNING
MUNICIPAL-LAND SURVEYING
5150 SOUTH 375 EAST OGDEN, UT
OFFICE: 801-476-0202 FAX: 801-476-0066

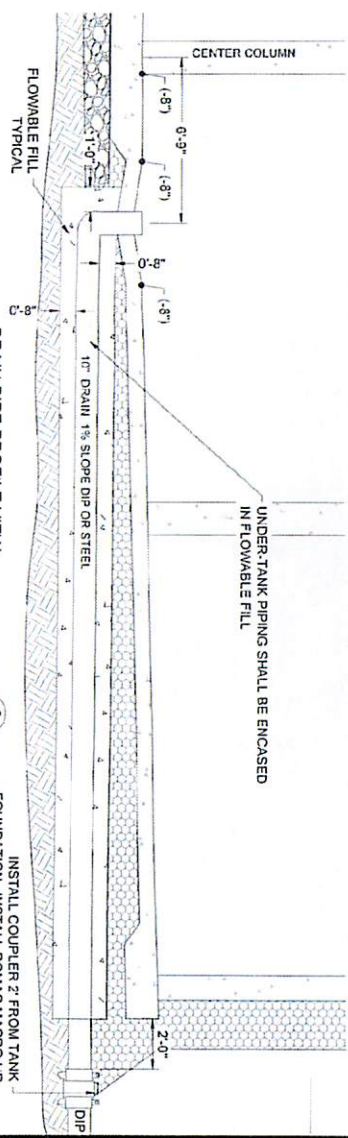
TANK GRADING
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I.D.
EDEN, WEBER, UTAH



Revisions		Date	1/11/2017
Date	Description	Scale	1" = 30'
		Designed	MDD
		Drafted	MDD
		Checked	D.L.W

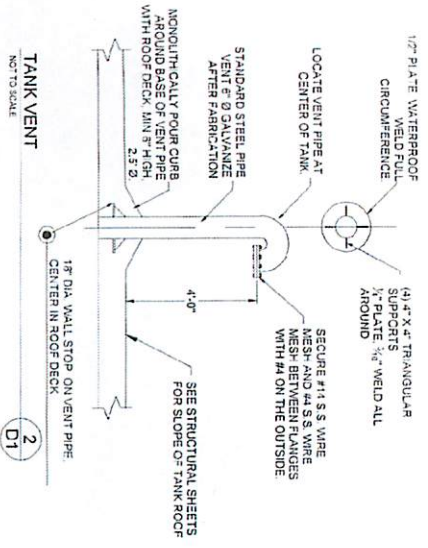


1
INLET/OUTLET PROFILE VIEW
NOT TO SCALE
D1

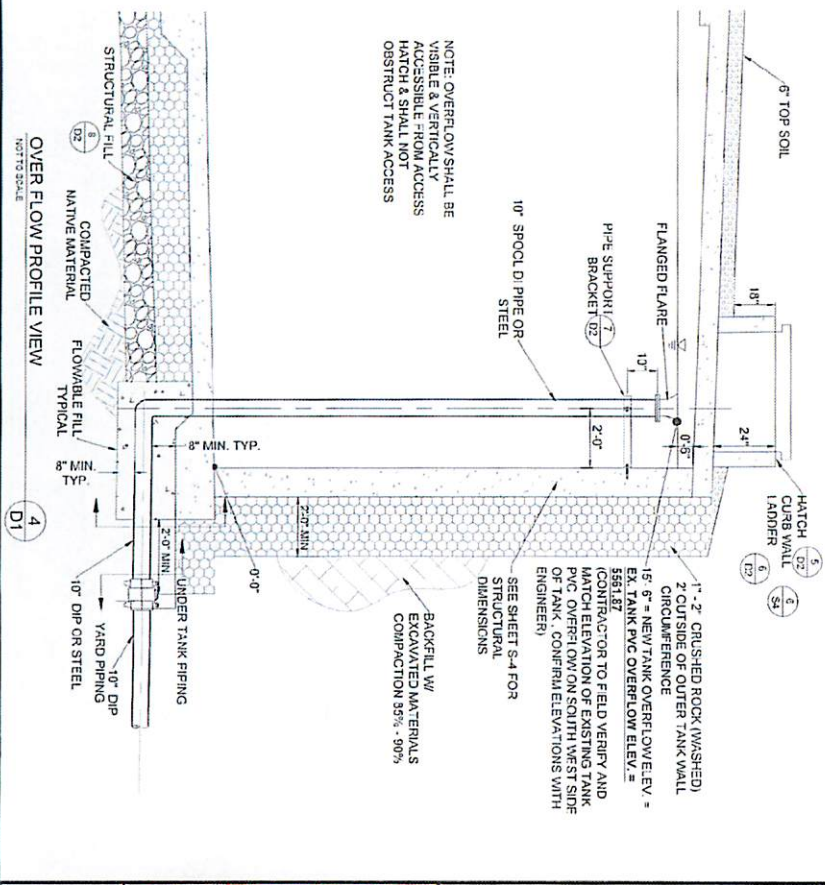


3
DRAIN PIPE PROFILE VIEW
NOT TO SCALE
D1

NOTE: ALL PIPING SHALL BE DUCTILE IRON OR STEEL WITHIN 2' OF TANK. ALL PIPING AND FITTINGS IN CONTACT WITH CONCRETE SHALL HAVE PROTECTIVE COATING OR BE ENCASED IN A MIN. 3 MIL POLYWRAP.

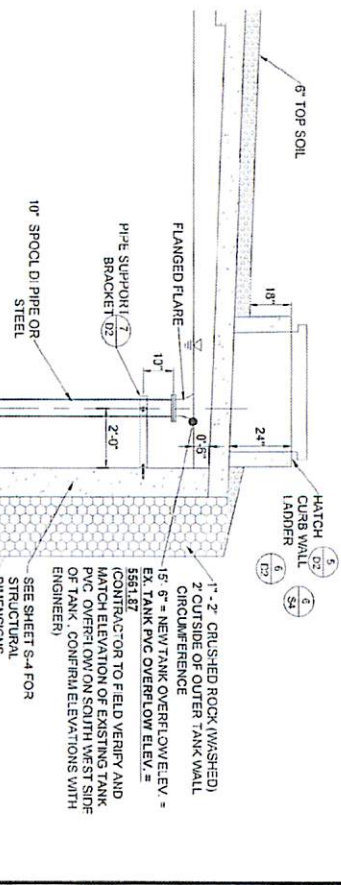


2
TANK VENT
NOT TO SCALE
D1



4
OVER FLOW PROFILE VIEW
NOT TO SCALE
D1

NOTE: OVERFLOW SHALL BE VISIBLE & VERTICALLY ACCESSIBLE FROM ACCESS HATCH & SHALL NOT OBSTRUCT TANK ACCESS



INSTALL COUPLER 2' FROM TANK FOUNDATION. INSTALL ROMAC MARGO HP COUPLER OR APPROVED EQUAL TO ACCOMMODATE TANK SETTLEMENT (T.P.P.)

D1
10

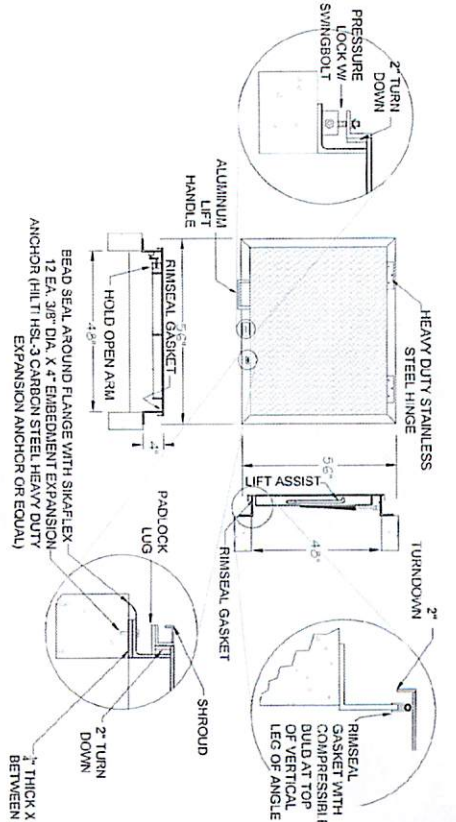
GARDNER ENGINEERING
CIVIL - LAND PLANNING
MUNICIPAL - LAND SURVEYING
5150 SOUTH 175 EAST OGDEN, UT
OFFICE: 801.476.0202 FAX: 801.476.0066

TANK DETAILS
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I. D.
EDEN, WEBER, UTAH

REGISTERED PROFESSIONAL ENGINEER
No. 35412
Daniel Leon White

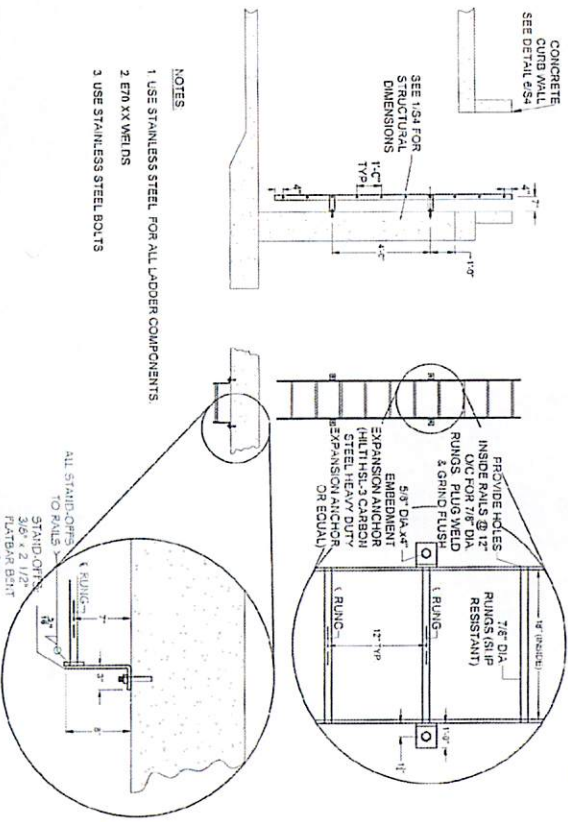
Revisions		Date	Description

Date: 1/11/2017
Scale:
Designed: MDD
Drawn: MDD
Checked: DLW

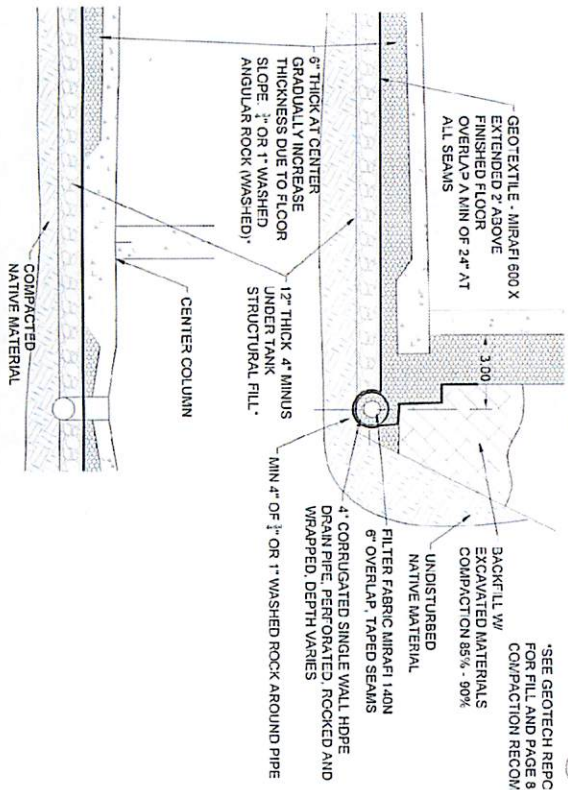


- 1.) MODEL: TH4818701-AS MANUFACTURED BY EJO OR APPROVED EQUAL WESTERN REGIONAL OFFICE IN TOOELE UT. TEL: 801-544-5728 FAX: 801-544-5721
- 2.) UNIT DESIGNED FLOODLIGHT RATED FOR (150 PSF).
- 3.) COVER SHALL BE EQUIPPED WITH A HOLD OPEN ARM. DOOR SHALL LOCK OPEN IN THE 90 DEGREE POSITION.
- 4.) EXTERIOR OF FRAME WHICH COMES IN CONTACT WITH CONCRETE SHALL HAVE ONE COAT BLACK BITUMINOUS PAINT.
- 5.) COVER SHALL BE SUPPLIED WITH SHROUDED PADLOCK LUGS AND PRESSURE LOCKS.
- 6.) UNIT SUPPLIED WITH A RIMS EAL GASKET ON INSIDE VERTICAL LEG OF ANGLE.
- 7.) THICK X FLANGE WIDTH NEOPRENE GASKET BETWEEN MOUNTING FLANGE AND ACCESS CURB

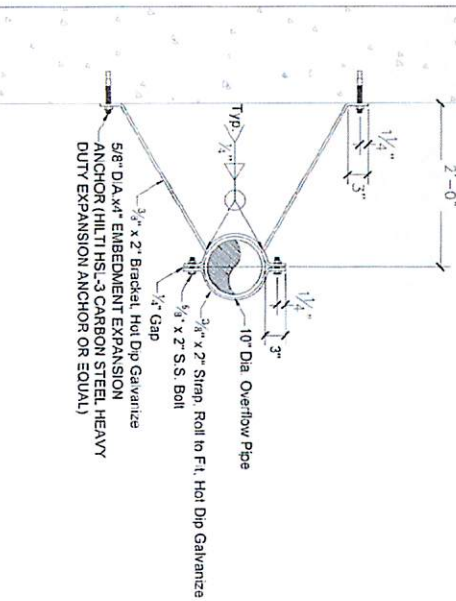
5 WATER TANK HATCH NOT TO SCALE



6 LADDER DETAIL NOT TO SCALE



7 PIPE SUPPORT BRACKET DETAIL NOT TO SCALE



8 UNDER DRAIN/FILL DETAIL NOT TO SCALE

SEE GEOTECH REPORT PAGE 9 FOR FILL AND PAGE 8 FOR COMPACTION RECOMMENDATIONS

1.) MODEL: TH4818701-AS MANUFACTURED BY EJO OR APPROVED EQUAL WESTERN REGIONAL OFFICE IN TOOELE UT. TEL: 801-544-5728 FAX: 801-544-5721

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D2

GARDNER ENGINEERING

CIVIL - LAND PLANNING
MUNICIPAL - LAND SURVEYING

5150 SOUTH 975 EAST OGDEN, UT
OFFICE: 801-476-0202 FAX: 801-476-0065

TANK DETAILS 2

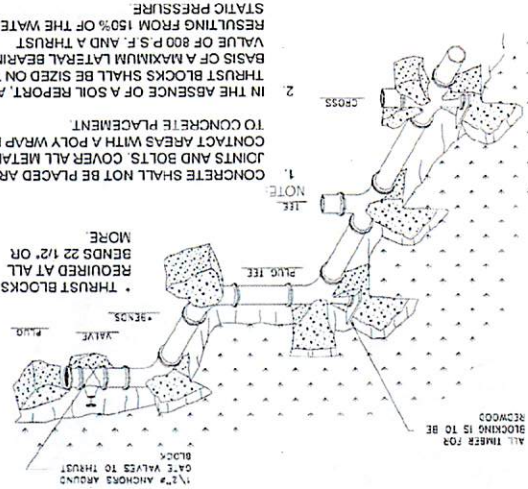
500,000 GALLON TANK

WOLF CREEK WATER + SEWER I. D.

EDEN, WEBER, UTAH

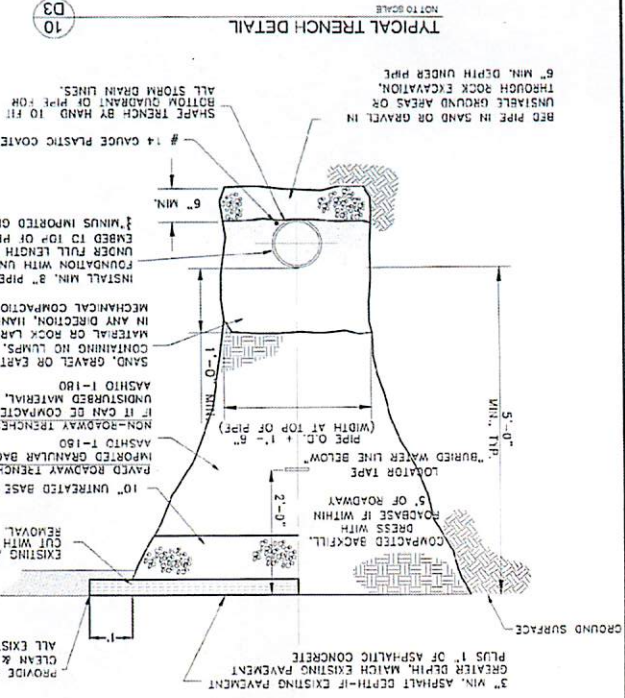
Revisions		Date: 1/11/2017
Date	Description	Scale: #####

Designed: MDD
 Created: MDD
 Checked: D.W.



CONCRETE SHALL NOT BE PLACED AROUND JOINTS AND BOLTS. COVER ALL METAL CONTACT AREAS WITH A POLY WRAP PRIOR TO CONCRETE PLACEMENT.

2. IN THE ABSENCE OF A SOIL REPORT, ALL THRUST BLOCKS SHALL BE SIZED ON THE BASIS OF A MAXIMUM LATERAL BEARING VALUE OF 800 P.S.F. AND A THRUST RESULTING FROM 150% OF THE WATER LINE STATIC PRESSURE.



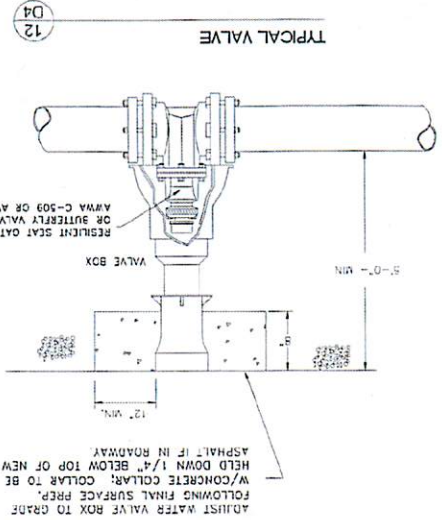
THRUST BLOCKING DETAIL

TABLE OF BEARING AREAS IN SQ. FT FOR CONCRETE THRUST BLOCKING

FOR 100 P.S.I. INTERNAL STATIC PRESSURE AND 1000 LBS. PER SQ. FT. SOIL BEARING CAPACITY.

NOTE: IS BRANCH SIZE.

SIZE	BRANCH	TEES*	VALVES	FLANGES	WELDED	WELDED
30"	45"	22"	11"	11"	11"	11"
10"	10"	0.5"	0.5"	0.7"	0.7"	0.7"
4"	4"	1.0"	0.5"	1.5"	1.3"	1.3"
6"	4.0"	2.2"	1.1"	2.8"	2.8"	2.8"
8"	7.1"	3.8"	2.0"	5.0"	3.0"	3.0"
10"	11.1"	6.4"	3.0"	8.5"	5.0"	5.0"
12"	15.0"	9.4"	4.0"	12.0"	7.5"	7.5"
14"	21.7"	13.9"	5.0"	17.0"	11.0"	11.0"
16"	29.4"	19.4"	6.0"	23.0"	15.0"	15.0"
18"	38.0"	26.0"	7.0"	31.0"	20.0"	20.0"
20"	47.0"	34.0"	8.0"	40.0"	27.0"	27.0"
24"	68.0"	49.0"	11.0"	57.0"	39.0"	39.0"
26"	84.0"	60.0"	13.0"	70.0"	48.0"	48.0"
28"	100.0"	73.0"	15.0"	84.0"	59.0"	59.0"
36"	144.0"	108.0"	22.0"	126.0"	87.0"	87.0"



TYPICAL VALVE

ALL VALVES, TEES, CROSSES AND BENDS SHALL ALSO BE FITTED WITH MECHANICAL RESTRAINTS, SUCH AS MEGA LUGS OR APPROVED EQUAL.

AREAS GIVEN IN TABLE ARE BASED UPON AN INTERNAL STATIC PRESSURE OF 100 P.S.I. AND A SOIL BEARING CAPACITY OF 1000 LBS PER SQ. FT. BEARING AREAS FOR ANY PRESSURE AND SOIL BEARING CAPACITY MAY BE OBTAINED BY MULTIPLYING THE TABULATED VALUES BY A CORRECTION FACTOR "F".

F = ACTUAL SOIL BEARING CAPACITY IN HUNDREDS OF LBS./SQ. IN.

EXAMPLE: TO FIND BEARING AREA FOR R-90° BEND WITH A STATIC INTERNAL PRESSURE OF 1500 P.S.I. AND WITH A SOIL BEARING CAPACITY OF 3000 LBS. PER SQ. FT. $F = 1.5 / 3 = 0.5$ TABULATED VALUE = 7.1 SQ. FT. $0.5 \times 7.1 = 3.56 \sim 4$ SQ. FT. (-OR ZFT. LONG BY ZFT. HIGH.)

D3

D3

10

12

D4

9

D3

GARDNER ENGINEERING
CIVIL & LAND PLANNING
MULTI-STATE LICENSED ENGINEERS
OFFICE: 301 EAST 600 SOUTH, SUITE 100, OGDEN, UTAH 84401

DETAILS 3

500,000 GALLON TANK

WOLF CREEK WATER + SEWER I.D

EDEN, WEBER, UTAH

REGISTERED PROFESSIONAL ENGINEER

STATE OF UTAH

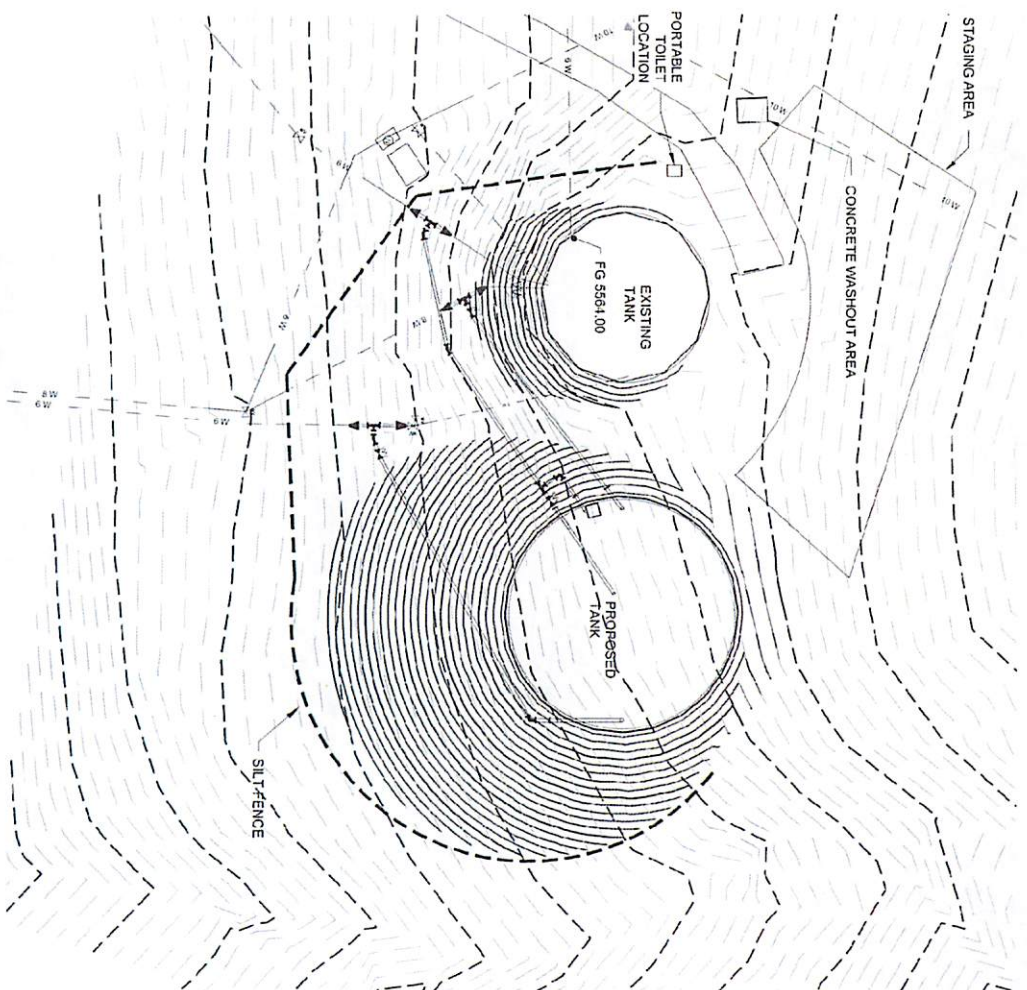
NO. 354312

Daniel Lehn

WHITE

Date	Revisions

Date	Drawn	Checked
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	MMO	MMO
	MMO	MMO
	MMO	MMO
	MMO	MMO

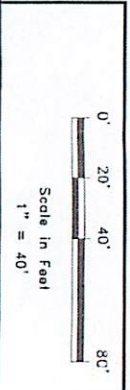
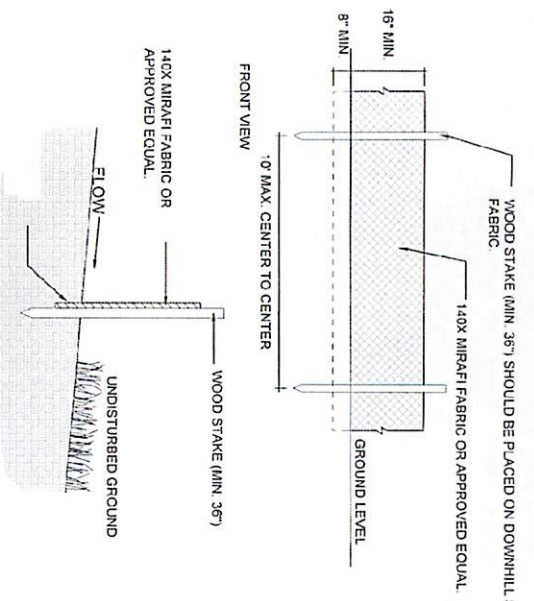
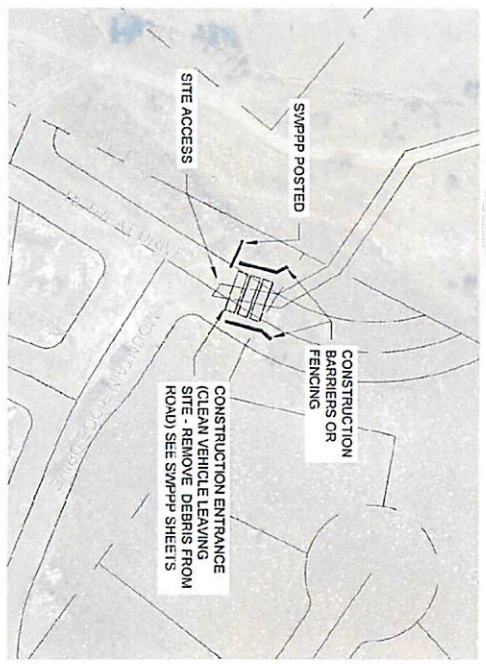


NOTE: ALL CONSTRUCTION TO CONFORM TO WEBER COUNTY STANDARDS AND SPECIFICATIONS.

LEGEND

--- SILT FENCE

NOTE: ALL CONSTRUCTION TO CONFORM TO WEBER COUNTY STANDARDS AND SPECIFICATIONS.



SW1
10

GARDNER ENGINEERING
CIVIL - LAND PLANNING
MUNICIPAL - LAND SURVEYING
5150 SOUTH 1325 EAST OGDEN, UT
OFFICE: 801-476-0202 FAX: 801-476-0866

SWWP PLAN
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I.D.
EDEN, WEBER, UTAH



Revisions		Date	Description

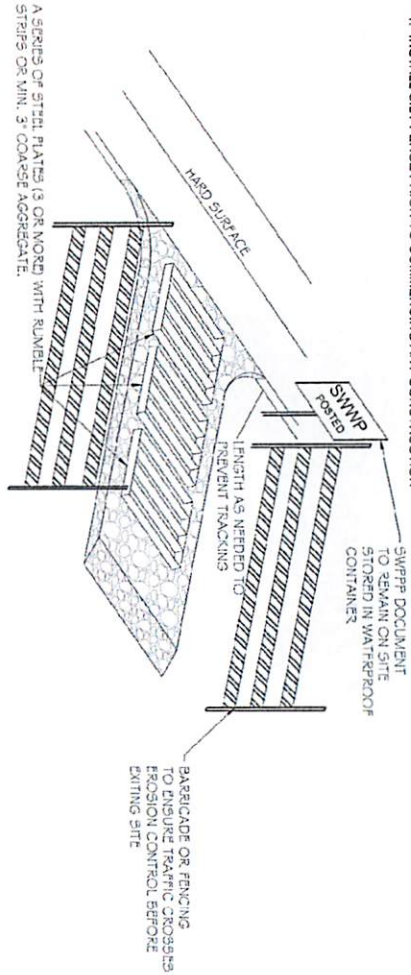
Date: 1/11/2017
Scale: 1" = 40'
Designed: MDD
Drafted: MDD
Checked: DLW

NOTE: ALL CONSTRUCTION TO CONFORM TO WEBER COUNTY STANDARDS AND SPECIFICATIONS. INSPECTION TO BE PERFORMED WEEKLY BY A RSI OR OTHER CERTIFIED INSPECTOR.

- STREET MAINTENANCE NOTES:**
1. REMOVE ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS IMMEDIATELY.
 2. SWEEP PAVED AREAS THAT RECEIVE CONSTRUCTION TRAFFIC WHENEVER SEDIMENT BECOMES VISIBLE.
 3. PAVEMENT WASHING WITH WATER IS PROHIBITED IF IT RESULTS IN A DISCHARGE TO THE STORM DRAIN SYSTEM OR NATURAL WATERWAY.

EROSION CONTROL NOTES:

1. INSTALL SILT FENCE PRIOR TO COMMENCING ANY CONSTRUCTION



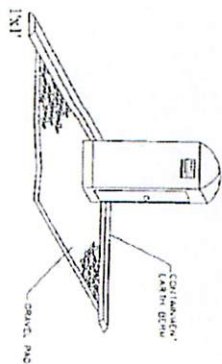
ENTRANCE STABILIZATION NOTES:

1. SEDIMENTS AND OTHER MATERIALS SHALL NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS SHALL BE STABILIZED SO AS TO PREVENT SEDIMENT FROM BEING DEPOSITED INTO THE STORM DRAIN SYSTEMS. DEPOSITIONS MUST BE SWEEP UP IMMEDIATELY AND MUST NOT BE WASHED DOWN BY RAIN OR OTHER MEANS INTO THE STORM DRAIN SYSTEM.
2. STABILIZED CONSTRUCTION ENTRANCE SHALL BE:
 - a. LOCATED AT ANY POINT WHERE TRAFFIC WILL BE ENTERING OR LEAVING A CONSTRUCTION SITE TO OR FROM A HARD DRIVING SURFACE.
 - b. A SERIES OF STEEL PLATES WITH RUMBLE STRIPS, AND/OR MIN. 3 COARSE AGGREGATE WITH LENGTH, WIDTH AND THICKNESS AS NEEDED TO ADEQUATELY PREVENT ANY TRACKING ONTO PAVED SURFACES.
3. ADDING A WASH RACK WITH A SEDIMENT TRAP LARGE ENOUGH TO COLLECT ALL WASH WATER CAN GREATLY IMPROVE EFFICIENCY.
4. ALL VEHICLES ACCESSING THE CONSTRUCTION SITE SHALL UTILIZE THE STABILIZED CONSTRUCTION ENTRANCE SITES.

TEMPORARY ON-SITE FACILITIES (PORTA-POTTY)

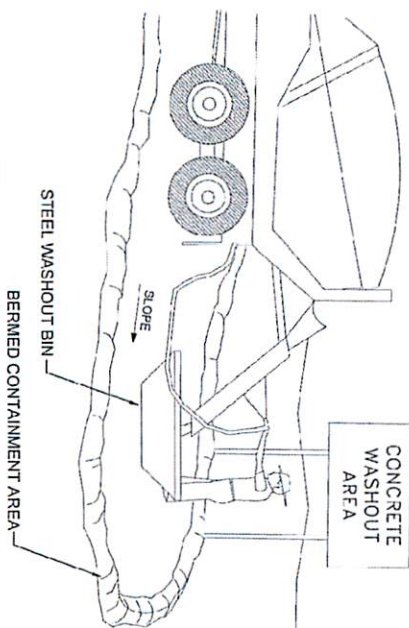
NOTES:

1. PREPARE LEVEL, GRAVEL SURFACE AND PROVIDE CLEAR ACCESS TO THE TOILETS FOR SERVICING AND FOR ON-SITE PERSONNEL.
2. CONSTRUCT EARTH BERM PERIMETER CONTROL FOR SPILL/PROTECTION LEAK.
3. STAKE PORTA-POTTY TO GROUND TO PREVENT TIP OVER.



CONCRETE WASTE MANAGEMENT NOTES:

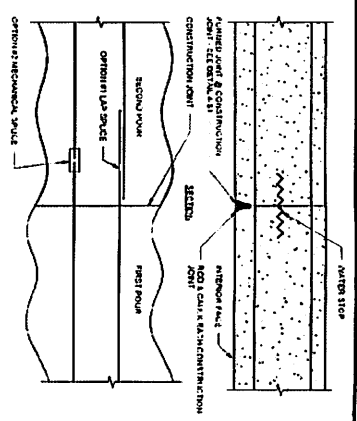
1. EXCESS AND WASTE CONCRETE SHALL BE DISPOSED OF OFF SITE OR AT DESIGNATED AREAS ONLY.
2. EXCESS AND WASTE CONCRETE SHALL NOT BE WASHED INTO THE STREET OR INTO A DRAINAGE SYSTEM.
3. FOR WASHOUT OF CONCRETE AND MORTAR PRODUCTS ON-SITE A DESIGNATED CONTAINMENT FACILITY OF SUFFICIENT CAPACITY TO RETAIN LIQUID AND SOLID WASTE SHALL BE PROVIDED.
4. ON-SITE CONCRETE WASHOUT CONTAINMENT FACILITY SHALL BE A STEEL BIN OR APPROVED ALTERNATE.
5. SLURRY FROM CONCRETE AND ASPHALT SAW CUTTING SHALL BE VACUUMED OR CONTAINED, DRIED, PICKED UP AND DISPOSED OF PROPERLY.
6. CONCRETE WASH OUT TO BE EMPTIED WHEN IT REACHES 3/4 CAPACITY.



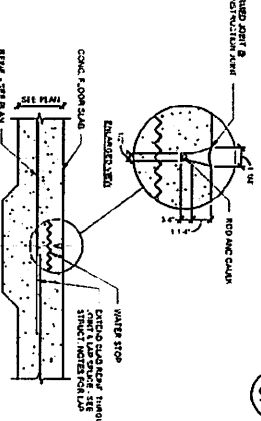
<p>GARDNER ENGINEERING CIVIL - LAND PLANNING MUNICIPAL - LAND SURVEYING 2150 SOUTH 325 EAST OGDEN, UT OFFICE: (801) 476-0202 FAX: (801) 476-0066</p>	<p>SWW DETAILS 500,000 GALLON TANK</p>		<p>Date: 1/11/2017 Scale: ##### Designed: MDD Drafted: MDD Checked: DLW</p>						
	<p>WOLF CREEK WATER + SEWER I. D. EDEN, WEBER, UTAH</p>		<table border="1"> <thead> <tr> <th colspan="2">Revisions</th> </tr> <tr> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Revisions		Date	Description		
Revisions									
Date	Description								

STRUCTURAL NOTES

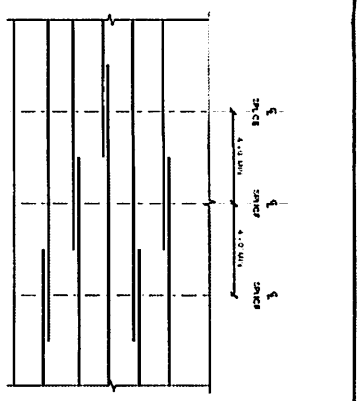
1. THE STRUCTURAL NOTES ARE INTENDED TO COMPLEMENT THE PROJECT SPECIFICATIONS AND SHALL BE READ IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND WITH ALL OTHER CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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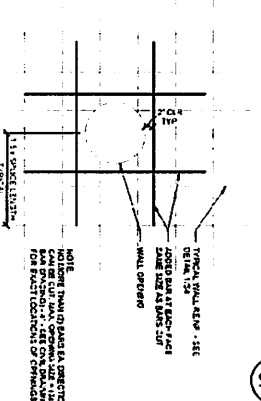
TYPICAL CONST. JOINT IN WALL DETAIL
SCALE: 1/4" = 1'-0"



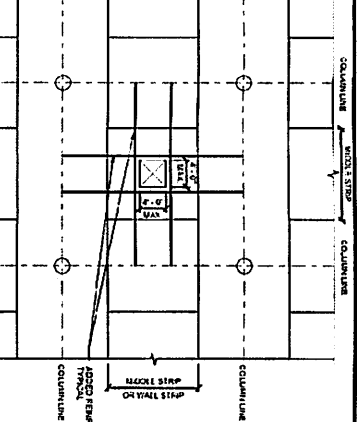
TYPICAL CONST. JOINT IN FLOOR SLAB DETAIL
SCALE: 1/4" = 1'-0"



TYPICAL REINFORCING BAR SPICE DETAIL
SCALE: 1/4" = 1'-0"



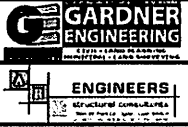
TYPICAL WALL OPENING DETAIL
SCALE: 1/4" = 1'-0"



TYPICAL ROOF OPENING DETAIL
SCALE: 1/4" = 1'-0"

Structural Specifications	
SHEET NUMBER	SHEET NAME
DATE	PROJECT NAME
PROJECT NUMBER	PROJECT ADDRESS
PROJECT LOCATION	PROJECT CONTACT
PROJECT DESCRIPTION	PROJECT PHONE
PROJECT DRAWN BY	PROJECT CHECKED BY
PROJECT DATE	PROJECT SCALE

S1



STRUCTURAL NOTES
500 000 GAL 10H TANK
WOLF CREEK WATER + SEWER I.D.
EDEN, WEBER, UTAH

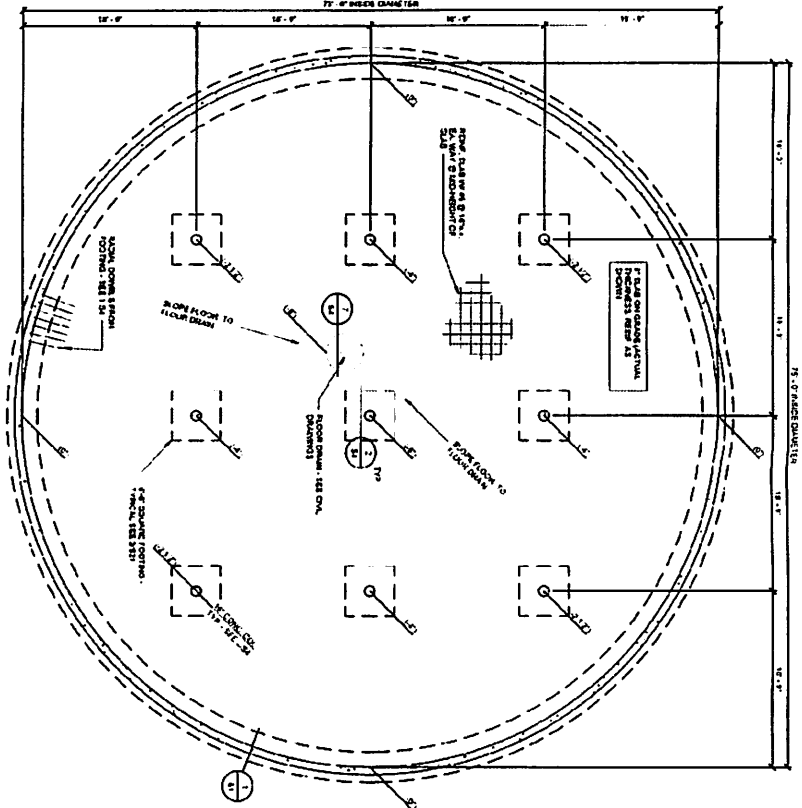


REVISION	DATE	DESCRIPTION	DATE	2016.11.28
1				
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3				
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FOOTING & FOUNDATION PLAN

A

NOTE:
 1. ALL FOOTING & FOUNDATION TO BE PLACED
 2. BOTTOM REINFORCING TO BE PLACED
 3. REINFORCING TO BE PLACED AT
 4. REINFORCING TO BE PLACED AT
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GARDNER ENGINEERING
 1000 N. 1000 W. SALT LAKE CITY, UT 84119
 (801) 488-1111
ENGINEERS
 Structural, Civil, Electrical, Mechanical, and Plumbing

FOOTING & FOUNDATION PLAN
 500,000 GALLON TANK
 WOLF CREEK WATER + SEWER I.D.
 EDEN, WEBER, UTAH

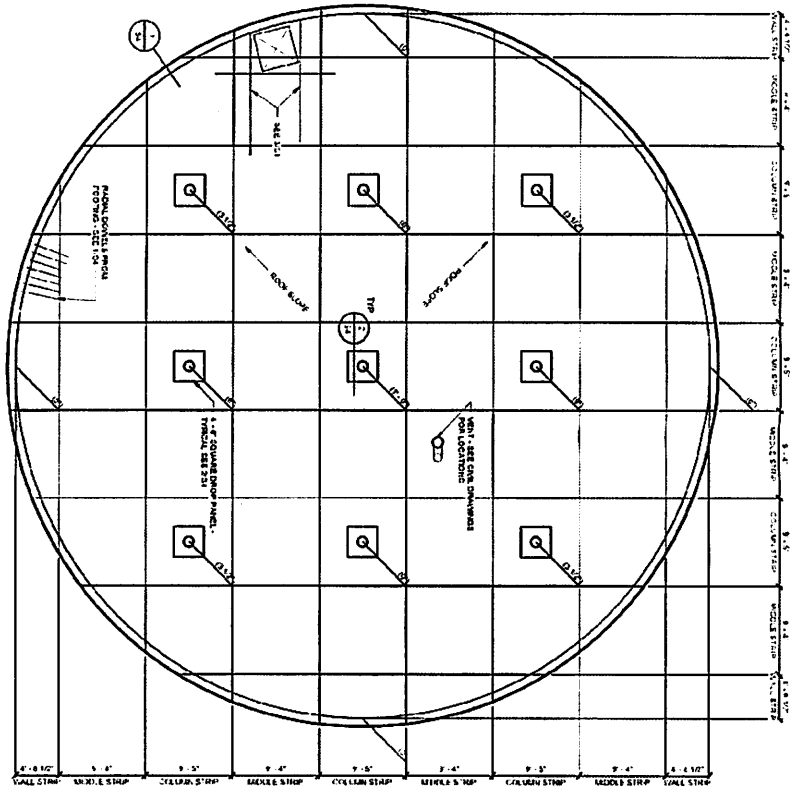


REVISION	
DATE	DESCRIPTION

Date: 2018.11.29
 Engineer: Z. Harbeck
 Drawn By: J. Harbeck
 Checked By: Z. Harbeck
 ARW Project No.: 11482

ROOF SLAB PLAN
SCALE: 1/4" = 1'-0"

NOTE:
ROOF SLABS TO BE REINFORCED WITH 1" DIA. BARS AT 12" O.C.
SEE ELEVATIONS AT COUSERS
FOR REINFORCEMENT DETAILS
NOTE:
SEE STANDARD ENGINEERING SITE PLAN FOR
REINFORCEMENT DETAILS



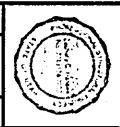
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GARDNER ENGINEERING
1150 S. 1000 W. SUITE 100
MIDWINTER, UTAH 84044
PHONE: 435-734-1111
FAX: 435-734-1112
WWW.GARDNERENGINEERING.COM

ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS
STATE OF UTAH

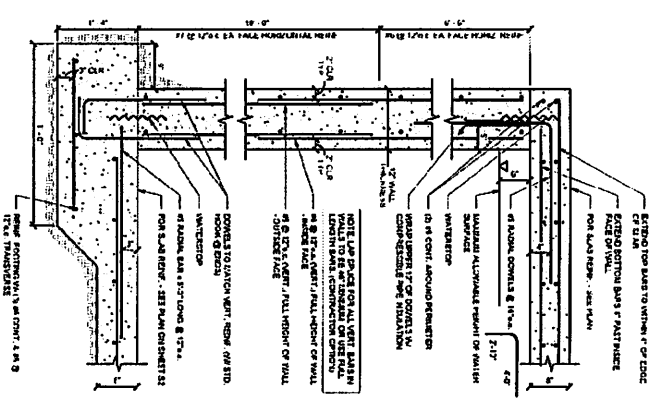
ROOF FRAMING PLAN
500,000 GALLON TANK
WOLF CREEK WATER + SEWER I.D.
EDEN, WEBER, UTAH



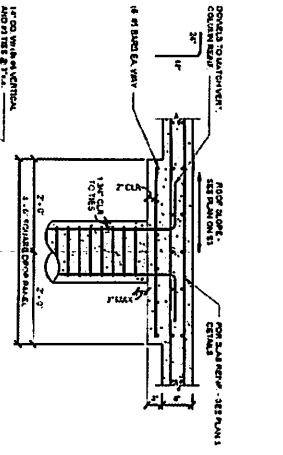
REVISION	
DATE	DESCRIPTION

Date: 2/11/21
 Engineer: J. Hines
 Drawn By: D. Hines
 Checked By: J. Hines
 AIRW Project No.: 1410

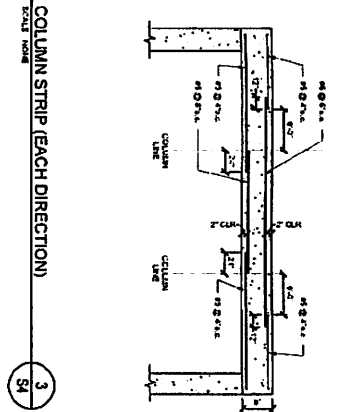
DWG



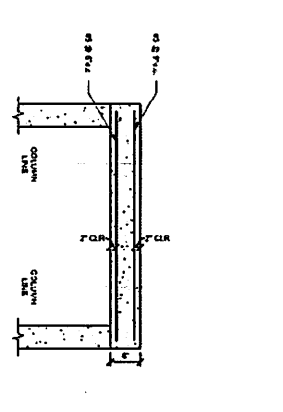
TYPICAL RESERVOIR WALL SECTION
SCALE: NONE



TYPICAL INTERIOR COLUMN
SCALE: NONE

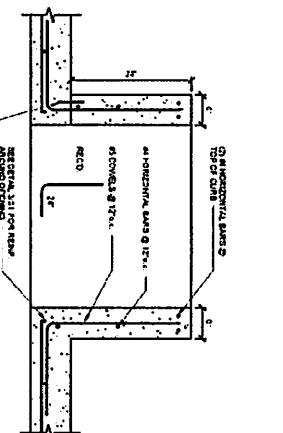


COLUMN STRIP (EACH DIRECTION)
SCALE: NONE

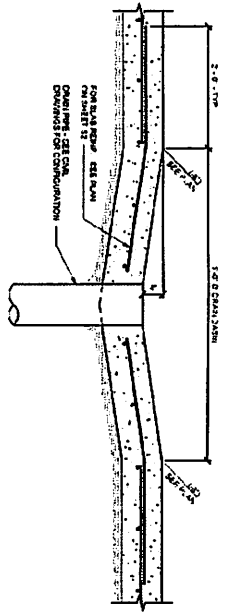


MIDDLE STRIP (EACH DIRECTION)
SCALE: NONE

WALL STRIP (EACH DIRECTION)
SCALE: NONE



CURB WALL SECTION
SCALE: NONE



DRAIN BASIN
SCALE: NONE

S4	 GARDNER ENGINEERS ENGINEERS Structural Consultants	DETAILS 500 000 GAI I ON TANK WOLF CREEK WATER + SEWER I.D. EDEN, WEBER, UTAH		REVISION DATE DESCRIPTION	Date 2/18/12 Engineer J. H. Jones Drawn By D. Bakken Checked By J. H. Jones ARW Project No. 16492
		DWS:			



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

Agenda Date: Tuesday, February 28, 2017

Staff Report Date: Friday, February 17, 2016

Applicant: Weber County Planning Division

File Number: ZTA 2016-06

Miradi Project Address: <https://miradi.co.weber.ut.us/projects/view/2591>

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

§108-16: Ogden Valley [Outdoor] Lighting

§110-2: Ogden Valley Signs

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

Over the past several months the Planning Commission has been working to create a dark sky ordinance to send to the County Commission for formal consideration. The ordinance draft attached is a result of that effort. This staff review will offer an analysis of the differences between this draft and the draft the Planning Commission reviewed in their last meeting. For other older comparisons, please refer to the staff report dated November 29, 2016, and the staff report dated December 17, 2016.

Policy Analysis

Exhibit B tracks the changes between the version the Planning Commission reviewed on January 3, 2017, and the current proposal. A clean copy and the track change copy that tracks the entirety of changes between the current code and the proposed code can be found on Miradi. <https://miradi.co.weber.ut.us/projects/view/2591>.

Policy Considerations:

At present the primary point of deliberation over the ordinance proposal is whether the ordinance should be applicable to residential dwellings, and if so, should it also be applicable to *existing* dwellings.

In the last Planning Commission work session two alternatives were presented. The first was to permanently exempt residential dwellings from complying with this code. The second was to only exempt current dwellings (in existence at the time of the code's adoption), but require all new construction to comply.

The alternatives could look something like the following (highlighting added for emphasis on differences):

Alternative One

...

Sec. 108-16-2. - Applicability.

- (a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after March 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.
- (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be phased out as outlined in Section 108-16-7 of this chapter.
- (c) *Lighting for residential use.* The lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses. For the purpose of facilitating education and for tracking the effect of not applying a mandate, the county may require submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final lighting plans shall be submitted either at the time of application submittal or prior to certificate of occupancy, at the Planning Director's determination. The county may also require the applicant to sign an acknowledgement of review of educational materials.
- (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

...

Sec. 108-16-5. - Exemptions.

The following artificial light sources are exempt from the requirements of this chapter:

- (1) *Agricultural and residential lighting.* Lighting for agricultural and residential uses.

...

Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.

After the effect of this chapter, which is March 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (1) *Lighting conversion.* Any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within seven years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this seven year period and to assist the public in understanding and complying with this chapter;

Alternative Two

...

Sec. 108-16-2. - Applicability.

- (a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after March 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.
- (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be phased out as outlined in Section 108-16-7 of this chapter.
- (c) *Lighting for residential use.* Except as may be provided in Section 108-16-7, the lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or approved on or before March 1, 2017. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses. For the purpose of facilitating education and for tracking the effect of not applying a mandate, the county may require submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final lighting plans shall be submitted either at the time of application submittal or prior to certificate of occupancy, at the Planning Director's determination. The county may also require the applicant to sign an acknowledgement of review of educational materials.
- (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

...

Sec. 108-16-5. - Exemptions.

The following artificial light sources are exempt from the requirements of this chapter:

- (1) *Agricultural lighting.*- Lighting for agricultural uses.

...

Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.

After the effect of this chapter, which is March 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before March 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within seven years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this seven year period and to assist the public in understanding and complying with this chapter;

The direction given from the Planning Commission in their work session was to incorporate the second alternative into the proposal for their final consideration. The attached proposal does so.

The sign industry has weighed in on the proposal. Their primary concern was regarding how certain parts of our current sign code conflicts with a recent supreme court ruling (Reed v. Gilbert) regarding content based regulation of signs and free speech protections. These concerns will be addressed in a separate sign ordinance amendment. Another concern they had was regarding the basis of the lumen per square foot limit in section 110-2-12(b)(3)d. They didn't understand the basis for the measurement.

To be sure the Planning Commission is clear, this threshold is derived from lighting measurements given in the IDA model lighting code. It is not a direct metric from their code, but based on lighting guides for various uses. In the last work session the Planning Commission decided to increase this measurement to 75 lumens per square foot. If enacted, we will want to monitor the effect of it.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. The new 2016 Ogden Valley General Plan offers us guidance on what the community desires:

The vision for the community character section of the general plan is as follows:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, *dark skies*, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character [italics added].¹

The community's desire to maintain an identity and character of being a dark sky destination is specifically written into this vision. Further, the general plan provides the following:

Dark Sky Preservation: Ogden Valley residents have expressed a strong desire to preserve their legacy dark skies. In 2000, dark-sky lighting and sign ordinances were passed, and in spring 2015, North Fork Park became the world's 21st International Dark Sky Park, constituting a northern anchor for the national parks in Utah that have also been accredited. Astrotourism (a natural companion to agritourism) is an accelerating trend that not only can support the local economy but also can honor Ogden Valley's rural heritage and distinct natural beauty.²

This suggests that there is a desire to not only enhance the character of the valley by offering excellent visibility of the night sky, but to also take advantage of an emerging high value tourism trend for economic development

¹ See 2016 Ogden Valley General Plan page 4.

² See 2016 Ogden Valley General Plan page 5.

purposes.

The plan recommends goals, principles, and implementation strategies to protect the nighttime sky:

Dark Sky Preservation Goal 1: A goal of Weber County is to protect the night sky in order to preserve the Valley's rural character and heritage.

Dark Sky Preservation Principle 1.1: Encourage programs for residential and agricultural dark-sky-lighting compliance.

Dark Sky Preservation Implementation 1.1.1: Review the current dark-sky lighting ordinance for consistency with dark-sky principle and current technology; identify possible updates. Consider amendments as necessary.

Dark Sky Preservation Principle 1.2: Promote the accreditation of North Fork Park as the world's 21st International Dark Sky Park, and encourage astro-, agri-, and ecotourism development.

Dark Sky Preservation Implementation 1.2.1: Evaluate current dark-sky sign ordinance for community character effectiveness and competitiveness with other Amenity West communities; identify possible updates.³

Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley's rural character.

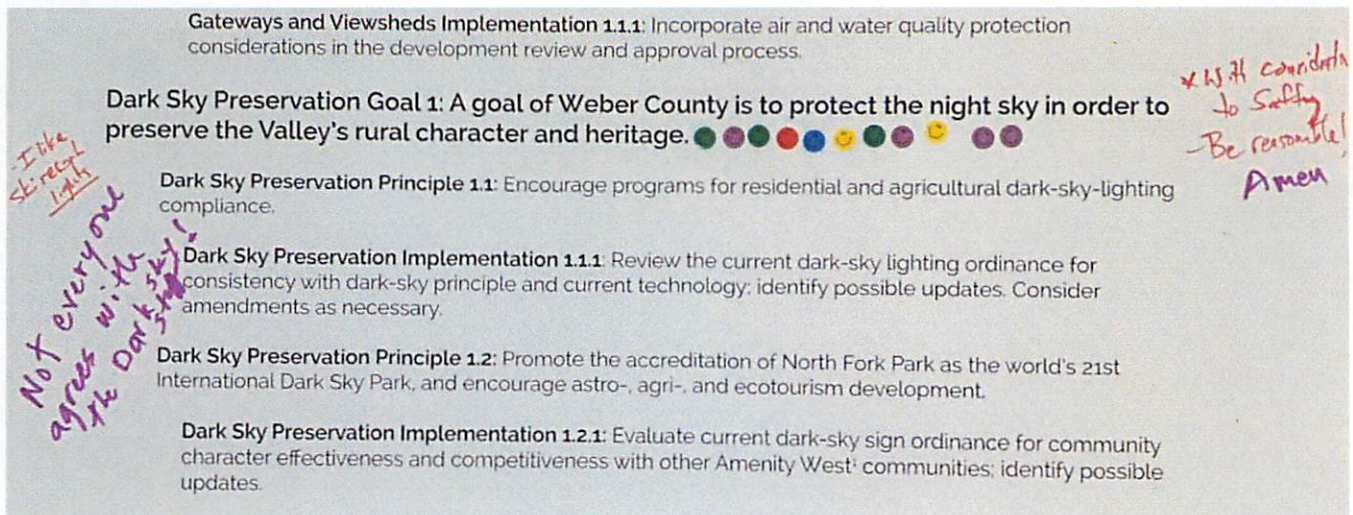
Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.⁴

The plan also references the need for better nighttime lighting ordinances in the Commercial Development Implementation strategy 2.1.1.

The Planning Commission can easily find support for the proposed ordinance in the 2016 Ogden Valley General Plan.

General Plan public comment. When considering the public sentiment regarding night sky protection, there was much support for it from the public that were present at the final general plan open house. However, it was not without a few critics. To evaluate the parts of the plan that the public liked and disliked, we asked participants to place a "smiley face" sticker next to the provisions they liked and to write constructive criticism next to the provisions they did not like. The results can be seen in this image:



Past Action on this Item

³ See 2016 Ogden Valley General Plan page 8.

⁴ See 2016 Ogden Valley General Plan page 26.

No action has occurred on this item. The Planning Commission has discussed the Ogden Valley Lighting ordinance in three work sessions and one regular meeting.

Noticing Compliance

A hearing for this item was held on January 3, 2017 with the Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit B and Exhibit C and offer staff critical feedback for additional amendments. At a time that the Planning Commission is comfortable with the proposal, it could be passed to the County Commission with the following findings:

1. The changes are supported by, and are part of the execution of, the 2016 Ogden Valley General Plan.
2. The changes are necessary to reduce conflicting provisions in the Land Use Code.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Proposed Ordinance [Track-Changes only from the version the Planning Commission reviewed in on January 3, 2017].
- C. Public Comment.

Exhibit A: Summary, list, and key to proposed changes

The following code changes are being proposed to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 108-16: Ogden Valley [Outdoor] Lighting

§ 110-2: Ogden Valley Signs

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

DRAFT 2/15/17

1 **Sec. 101-1-7. - Definitions.**

2 When used in this Code, the following words and phrases have the meaning ascribed to them in this
3 section, unless the context indicates a different meaning:

4 ...

5 *Custom exempt meat cutting.* The term "custom exempt meat cutting" means the cutting, wrapping,
6 and preparation of meat for human consumption; provided, however, that the source of meat shall be
7 limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

8 *Dark sky.* The term "dark sky" means a night-time sky that is substantially free of interference from
9 artificial light.

10 *Dairy.* The term "dairy" means a commercial establishment for the manufacture or processing of
11 dairy products.

12 ...

13 *Glamorous camping (glamping), agri-tourism.* The term "agri-tourism glamorous camping (glamping)"
14 means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis,
15 fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and
16 comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not
17 be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

18 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light
19 reflected off a reflective surface, that causes visual discomfort or reduced visibility.

20 *Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent
21 ground elevation)" means the lowest point of elevation of the finished surface of the natural ground,
22 paving or sidewalk within the area between the building and the property line or, when the property line is
23 more than five feet from the building, between the building or structure and a line five feet from the
24 building or structure.

25 ...

26 *Landscape plan.* The term "landscape plan" means:

- 27 (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to
28 location, height and materials of walls, fences, hedges and screen plantings;
- 29 (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and
30 asphalt;
- 31 (3) Number, type and mature and planted size of all landscape plantings; method of irrigation,
32 location of water meter, piping, pumps, timers, point of connection and any blow-out or
33 winterizing system; location, type and size of any existing trees over four-inch caliper;
- 34 (4) Location, type and size of any existing landscaping not planned for removal; location, type and
35 size of any decorative lighting systems.

36 *Light, direct artificial.* The term "direct artificial light" means any light cast directly to an illuminated
37 area from an artificial light source, as defined by this section, or from any surface on or within the artificial
38 light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source.
39 This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective
40 surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not
41 primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also [Section](#)
42 [108-16-9](#) for a graphic depiction.

43 *Light pollution.* The term "light pollution" means any artificial light that is emitted either directly or
44 indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical
45 observations; interferes with the natural functioning of native wildlife, or disrupts the community character
46 as defined in the applicable general plan for the area.

Comment [c1]: Check reference

DRAFT 2/15/17

47 *Light source, artificial.* The term "artificial light source" means the part of a lighting device that
48 produces light. See also Section 108-16-9 for a graphic depiction.

Comment [c2]: Check reference

49 *Light trespass.* The term "light trespass" means the projection of any light from a direct artificial light
50 outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless
51 the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully
52 permitted. See also Section 108-16-11 for a graphic depiction.

Comment [c3]: Check reference

53 *Lighting, outdoor.* The term "outdoor lighting" means the illumination of an outdoor area or object by
54 any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or
55 object by direct artificial light projected from an indoor artificial light source through a window, door, or
56 similar opening.

Comment [c4]: Check reference

Comment [c5]: See standards/exemptions in 108-16-5

57 *Lighting, recreation facility.* The term "recreation facility lighting" means outdoor lighting used to
58 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,
59 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-
60 16-15 for a graphic depiction.

Comment [c6]: Check reference

Comment [c7]: Check reference

61 *Livestock feed yard.* The term "livestock feed yard" means a commercial operation on a parcel of
62 land where livestock are kept in corrals or yards for extended periods of time at a density which permits
63 little movement and where all feed is provided for the purpose of fattening or maintaining the condition of
64 livestock prior to their shipment to a stockyard for sale, etc.

65 ...

66 *Qualified professional.* The term "qualified professional" means a professionally trained person with
67 the requisite academic degree, experience and professional certification or license in the field or fields
68 relating to the subject matter being studied or analyzed.

69 ...

70 *Sign area.* The term "sign area" means the area of a sign that is used for display purposes, including
71 the minimum frame and supports. In computing sign area, only one side of back to back signs covering
72 the same subject shall be computed when the signs are parallel or diverge from a common edge by an
73 angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate
74 background, sign area shall be computed on the basis of the least rectangle, triangle or circle large
75 enough to frame the display.

76 *Sign face.* The term "sign face" means the area of a sign that is designed to present or convey a
77 message or attract attention, exclusive of structural support members.

78 ...

79 *Sign.* The term "sign" means any object, device, display, or structure, or part thereof that is used to
80 advertise, identify, display, direct or attract attention to an object, person, institution, organization,
81 business, product, service, event, or location by any means, including, but not limited to words, letters,
82 figures, designs, symbols, fixtures, colors, illumination, or projected images.

83 *Sign, advertising.* The term "advertising sign" means an off-premises sign 20 square feet or less in
84 area.

85 *Sign, animated.* The term "animated sign" means a sign employing actual motion, the illusion of
86 motion or light and/or color changes achieved through mechanical, electrical or electronic means.

87 *Sign, athletic field scoreboard.* The term "athletic field scoreboard sign" means a sign which is
88 erected at a public or private park or public or private school for the purpose of providing game scores or
89 other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent
90 of the total sign area.

91 ...

92 *Sign, conservation property.* The term "conservation property sign" means a sign that is placed on a
93 parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an
94 organization or government entity as authorized by UCA §57-18-3.

DRAFT 2/15/17

95 ...

96 *Sign, development.* The term "development sign" means a temporary business sign identifying a
97 construction project or subdivision development. The sign may contain the name of the project, name and
98 an address of the construction firms, architect and developer.

99 ...

100 *Sign, freestanding (pole sign).* The term "freestanding sign " or "pole sign" means any sign supported
101 by one or more poles or a support that is placed on or anchored in the ground and that is independent,
102 unattached, or not braced from any building or other structure.

103 ...

104 *Sign, illuminated.* The term "illuminated sign" means a sign which has characters, letters, figures,
105 designs, or outline illuminated by electric lights or luminous tubes as a part of the sign.

106 ...

107 *Sign, pole.* See sign, freestanding.

108 ...

109 **CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING**

110 **Sec. 108-16-1. - Purpose and intent.**

111 The purpose and intent of this chapter is to promote the community character of the Ogden Valley,
112 as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the
113 preservation of a dark sky. This chapter is also intended to promote the health, safety, and general
114 welfare of Ogden Valley residents and visitors by:

- 115 (1) Reducing, eliminating, or preventing light trespass;
- 116 (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- 117 (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- 118 (4) Preventing unsightly and unsafe glare;
- 119 (5) Promoting energy conservation;
- 120 (6) Maintaining nighttime safety, utility, and security;
- 121 (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- 122 (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of
- 123 accreditation of local parks by the International Dark Sky association.

Comment [c8]: New definition in 101-1-7.

124 **Sec. 108-16-2. - Applicability.**

125 (a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after
126 March 1, 2017, shall conform to the requirements established by this chapter. This chapter does not
127 apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.

128 (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that
129 does not meet the requirements of this chapter and is not exempted by this chapter shall be
130 considered a nonconforming use and as such shall be phased out as outlined in Section 108-16-7 of
131 this chapter.

Comment [c9]: Check reference.

Field Code Changed

132 (c) *Lighting for residential use.* Except as may be provided in Section 108-16-7, the lighting standards
133 of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence
134 or approved on or before March 1, 2017. The county shall employ educational methods and
135 incentives to encourage voluntary compliance for these residential uses. For the purpose of
136 facilitating education and for tracking the effect of not applying a mandate, the county may require

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137 submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final
138 lighting plans shall be submitted either at the time of application submittal or prior to certificate of
139 occupancy, at the Planning Director's determination. The county may also require the applicant to
140 sign an acknowledgement of review of educational materials.

141 (d) *Conflict*. Should this chapter be found to be in conflict with other sections of this code, the more
142 restrictive shall apply.

143 **Sec. 108-16-3. - General standards.**

144 (a) *Light shielding and direction*. Unless specifically exempted in Section 108-16-5, all outdoor lighting
145 shall be fully shielded and downward directed in compliance with the following, examples of which
146 are graphically depicted in Section 108-16-10:

- 147 (1) No artificial light source shall project direct artificial light into the night-time sky;
- 148 (2) No artificial light source shall be placed at a location, angle, or height that creates a light
149 trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.
- 150 (3) The shielding shall be made of completely opaque material such that light escapes only through
151 the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or
152 allows light to escape through it in any other manner is not permitted.
- 153 (4) Shielding may be attained by light fixture design, building design, or other site design features
154 such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with
155 (1) through (3) of this subsection.

Comment [c10]: Check reference

156 (b) *Light color*. Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light
157 source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature
158 chart, as graphically depicted in Section 108-16-12.

Comment [c11]: Check reference

159 **Sec. 108-16-4. - Specific standards.**

160 In addition to the general standards of Section 108-16-3, The following are specific standards that
161 apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily,
162 recreation, and resort uses:

- 163 (1) *Light curfew*. Unless exempt in Section 108-16-5, and except for residential uses, all outdoor
164 lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of
165 business, whichever is later, except the following:
 - 166 a. Lighting to illuminate the entrance of the building;
 - 167 b. Safety lighting of parking lots and pedestrian areas;
 - 168 c. Lighting necessary for after-hours business.
- 169 (2) *Flashing or flickering light*. No flickering or flashing lights shall be permitted.
- 170 (3) *Canopy lighting*. All direct artificial light sources shall be sufficiently recessed so as not to
171 project direct light greater than five feet from the outside perimeter of the canopy, and shall not
172 produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be
173 calculated by combining the total lumen output of each artificial light source and dividing by the
174 square footage of the canopy. See Section 108-16-13 for a graphic depiction.
- 175 (4) *Parking lot lighting*. All artificial light sources in open-air parking lots shall not exceed a ratio of
176 two lumens per square foot of parking lot area. This ratio shall be calculated by combining the
177 total lumen output of each artificial light source divided by the square footage of the parking lot
178 area. See Section 108-16-14 for a graphic depiction.
- 179 (5) *Recreation facility lighting*. Recreation facility lighting, as defined in Section 101-1-7, shall
180 comply with the following:

Comment [c12]: Measurable

Comment [c13]: Measurable.
The rough equivalent of "rural light" from the IDA model code.

Comment [c14]: Check reference

Comment [c15]: Check reference

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- 181 a. The lighting for the recreation activity area shall only be directed onto the area where
- 182 the recreation activities are occurring. It shall not be allowed to illuminate surfaces that
- 183 are not essential to the function of the recreation activity.
- 184 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity
- 185 area. This ratio shall be calculated by combining the total lumen output of each artificial
- 186 light source divided by the square footage of the recreation activity area. See Section
- 187 108-16-15 for a graphic depiction.
- 188 c. The recreation activity area shall be lit only when it is in use.
- 189 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity
- 190 area.

Comment [c16]: This is typical of non-professional/non-semi-professional courts/fields/etc.

Comment [c17]: Discussed standard with ski areas. It is more than enough for their purposes.

Comment [c18]: Check reference

191 (6) Sign lighting. Sign lighting shall comply with the requirements of 110-2-12.

192 Sec. 108-16-5. - Exemptions.

193 The following artificial light sources are exempt from the requirements of this chapter:

- 194 (1) Agricultural lighting. Lighting for agricultural uses.
- 195 (2) Federal and state flag lighting. The outdoor lighting of a United States or State of Utah official
- 196 flag, provided it is in compliance with the following:
 - 197 a. The light shall be downward directed from the top of the flag pole;
 - 198 b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to
 - 199 the best effort practicable, only the area which the flag occupies in all wind conditions; and
 - 200 c. The light level shall be minimized to create the least amount of impact on the dark sky,
 - 201 while still offering noticeable illumination of the flag;
- 202 (3) Federal and state facilities lighting. Federal and state facilities are exempt from the
- 203 requirements of this chapter. However, they are encouraged to cooperate and to coordinate
- 204 with the County the construction of their facilities in compliance with this chapter;
- 205 (4) Fossil fuel lighting. Fossil fuel light, produced directly by the combustion of natural gas or other
- 206 utility-type fossil fuels;
- 207 (5) Holiday or festive lighting. Holiday or festive outdoor lighting for residential uses, provided it is in
- 208 compliance with the following:
 - 209 a. That the lighting shall not create a hazard or glare nuisance; and
 - 210 b. That the lighting shall be temporary in nature and not permanently installed. It shall be
 - 211 removed within a reasonable time after the end of the holiday or festive event, but at least
 - 212 once per year;
- 213 (6) Low output light source. An artificial light source having an output equal to or less than one
- 214 hundred five lumens, provided that the cumulative lumen output of all low output light sources
- 215 shall not exceed a ratio of one and a half lumens per square foot of cumulative area intended to
- 216 be illuminated. This ratio shall be calculated by combining the total lumen output of each low
- 217 output light source divided by the square footage of the area intended to be illuminated. The low
- 218 output light sources shall be distributed across the area intended to be illuminated and not
- 219 organized in a focused location;
- 220 (7) Mobile lighting. Lighting affixed to a vehicle, provided the lighting is not intended for the
- 221 stationary illumination of an area;
- 222 (8) Motion sensor controlled light source. An artificial light source that has a light output equal to or
- 223 less than nine hundred lumens, and is controlled by a motion sensor, provided it is in compliance
- 224 with the following:

Comment [c19]: Measurable

Comment [c20]: Measurable

Comment [c21]: 7 watts incandescent bulbs
This will allow some flexibility for pathway lights and string lighting.

Comment [c22]: Measurable

Comment [c23]: Measurable

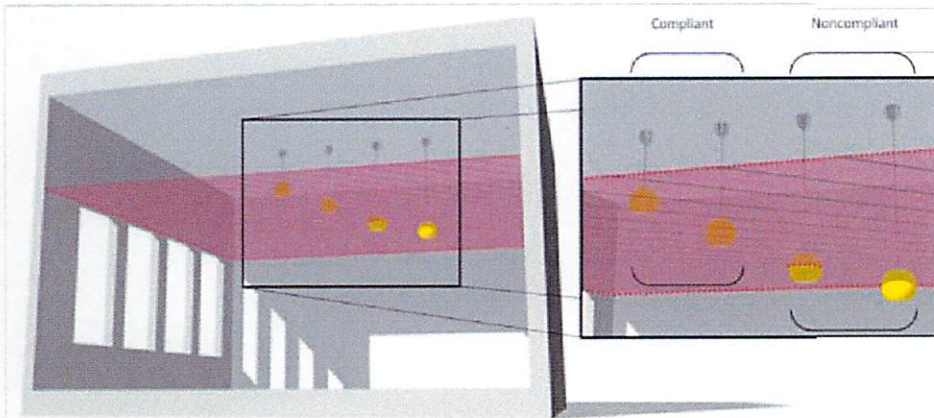
Comment [c24]: 60 watt incandescent

Comment [c25]: Measurable

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- 225 a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last
- 226 detection of motion; and
- 227 b. That the artificial light source is sufficiently shielded in a manner that prevents glare on
- 228 adjacent properties or roadways;
- 229 (9) *Outdoor lighting projected from indoors.* An artificial light source that is projected from indoors to
- 230 outdoors through windows, doors, or similar openings, provided that this exemption only applies
- 231 to direct artificial light when it is positioned above an imaginary line that extends horizontally
- 232 from the top of any window, door, or similar opening. Light-blocking shades, blinds, or similar
- 233 coverings may be used to satisfy this standard. In the following example the two pendant lights
- 234 on the left are above the horizontal, while the two pendant lights to the right extend below the
- 235 horizontal and are not permitted:

Comment [c26]: Measurable



- 236
- 237 (10) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or
- 238 security hazards, the Land Use Authority may exempt an artificial light source if it is shown to be
- 239 necessary. The Land Use Authority may apply reasonable conditions to ensure optimal
- 240 compliance with the purpose and intent of this chapter. Evidence demonstrating that it is
- 241 necessary shall be one or both of the following:
- 242 a. Submitted proof of lighting requirements from a property insurance company that
- 243 demonstrates that compliance with this chapter will render the property uninsurable. The
- 244 minimum amount of lighting required by the property insurance company shall be
- 245 considered the maximum for the purposes of this chapter; or
- 246 b. Submitted reasonable research findings, from a qualified professional, as defined by
- 247 Section 101-1-7, that offer a compelling argument for the need for the exemption.
- 248 However, if the Land Use Authority is aware of other research findings that refute what is
- 249 submitted, then the Land Use Authority must determine which research findings are more
- 250 persuasive under the circumstances. If the Land Use Authority grants the exemption, then
- 251 the minimum amount of lighting necessary to ensure appropriate safety or security, as
- 252 recommended by the qualified professional, shall be considered the maximum for the
- 253 purposes of this chapter;

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- 254 (11) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a
- 255 wedding, party, social gathering, or other similar event that occurs on an occasional basis,
- 256 provided it is in compliance with the following:
 - 257 a. Occasional event lighting shall be turned off by 10:30pm and any remaining lighting shall
 - 258 comply with this chapter; and
 - 259 b. Occasional events shall not occur more than twice per month;
- 260 (12) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it is
- 261 not intended to illuminate features above water;
- 262 (13) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a
- 263 government agency or at their direction;
- 264 (14) *Tower lighting.* Tower lighting required by the FAA or the FCC, provided that it shall not exceed
- 265 the minimum requirements of those agencies. Collision markers shall have a dual mode for day
- 266 and night to minimize impact to the night sky and migrating birds; and
- 267 (15) *Traffic control devices.* Traffic control devices and signals.

Comment [c27]: Measurable

Comment [c28]: Measurable

269 **Sec. 108-16-6. - Procedures for compliance.**

- 270 (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain
- 271 evidence that the proposed work complies with this chapter.
- 272 (b) *Contents of application or submittal.*
 - 273 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the
 - 274 application submittal shall contain the following:
 - 275 a. Plans indicating the location of all artificial light sources on the premises, including their
 - 276 height above the ground.
 - 277 b. Description of each artificial light source device, and supporting structure. This description
 - 278 may include, but is not limited to, device specifications from the manufacturer, drawings,
 - 279 details, and cross sections, when available.
 - 280 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be
 - 281 complete and shall be presented in a manner that clearly demonstrates compliance with this
 - 282 chapter. The Land Use Authority may require the applicant to submit photometric schematics
 - 283 and attestation from a qualified professional that the submittal complies with this chapter.

284 **Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.**

285 After the effect of this chapter, which is March 1, 2017, all outdoor lighting that does not comply with
286 the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming
287 outdoor lighting shall be phased out in accordance with the following schedule:

- 288 (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family
289 dwelling in existence or approved on or before March 1, 2017, aAny nonconforming outdoor
290 artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements
291 of this chapter within seven years after the effect of this chapter. The County shall provide
292 frequent public notice of the effect, but no less than one per year. After the effect of this chapter,
293 The county shall employ educational methods and incentives to encourage voluntary
294 compliance prior to this seven year period and to assist the public in understanding and
295 complying with this chapter;
- 296 (2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall
297 comply with the requirements of this chapter;

Comment [c29]: Measurable

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298 (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds
299 25 percent of the building's exterior area, excluding roof area, whether by a single modification
300 project or by an accumulation of separate modification projects, all nonconforming outdoor
301 lighting on the premises on or within 25 feet of the building shall be brought into compliance with
302 the requirements of this chapter. This shall not include repainting or re-roofing,

Comment [c30]: Measurable

Comment [c31]: Measurable

303 (4) *Building expansion.* When a building's expansion exceeds the threshold established in this
304 subsection, whether by a single expansion project or by an accumulation of separate expansion
305 projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building
306 shall be brought into compliance with the requirements of this chapter. The established
307 threshold of expansion shall be the smaller of the following:

Comment [c32]: Measurable

308 a. 25 percent of the total area of the building as it exists on March 1, 2017; or

Comment [c33]: Measurable

309 b. 2,500 square feet; and

Comment [c34]: Measurable

310 (5) *Site improvements.* When a site improvement which requires a land use permit, conditional use
311 permit, or design review approval, modifies an area that exceeds the threshold established in
312 this subsection, whether by a single modification project or by an accumulation of separate
313 modification projects, all nonconforming outdoor lighting on the premises shall be brought into
314 compliance with the requirements of this chapter. The established threshold of modification
315 shall be the smaller of the following:

316 a. 25 percent of the site area; or

Comment [c35]: Measurable

317 b. 20,000 square feet.

Comment [c36]: Measurable

318 **Sec. 108-16-8. – Violations and enforcement.**

319 (a) *Violations.* The following constitute violations of this chapter:

320 (1) The installation, maintenance, or operation of any outdoor artificial light source not in
321 compliance with the provisions of this chapter.

322 (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been
323 issued without the review and approval of the Land Use Authority when such alteration does not
324 conform to the provisions of this chapter.

325 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a
326 manner that does not comply with this chapter.

327 (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in
328 Section 101-1-13. If the violation constitutes a safety hazard, typical enforcement measures shall be
329 employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter
330 shall be addressed as follows:

331 (1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant
332 outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20
333 calendar days after the previous courtesy letter if a previous courtesy letter does not either
334 cause the resolution of the violation or cause the landowner to initiate resolution with the County
335 as provided in subsection (b)(3) of this section. Educational information about how to
336 appropriately comply with this chapter shall also be sent and a method of contacting the county
337 for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that
338 it is the last courtesy letter, and future contact will be in the form of a notice to comply.

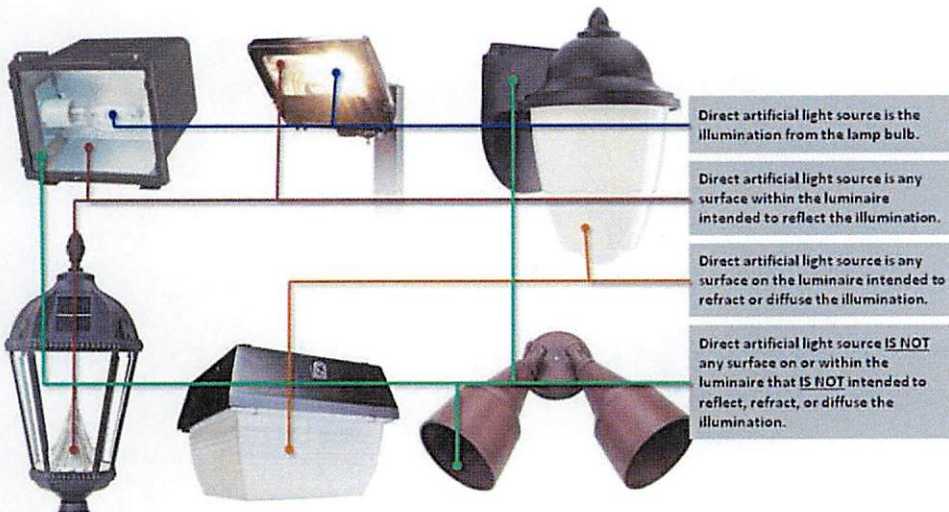
339 (2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the
340 resolution of the violation or cause the landowner to initiate resolution with the County as
341 provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner.
342 The notice shall include, with specificity, the violation, and shall give the landowner 30 days to
343 comply with this chapter or initiate resolution with the County as provided in subsection (b)(3) of
344 this section. The notice shall also include educational information about how to appropriately
345 comply with this chapter.

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346 (3) If a landowner initiates resolution of a violation of this chapter with the County, the County shall
347 give the landowner no less than six months and no more than 12 months to comply with this
348 chapter if the landowner clearly demonstrates that good faith efforts will resolve the violation
349 within the six month period given. If the landowner does not clearly demonstrate that good faith
350 efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice
351 shall include, with specificity, the violation and shall give the landowner 30 days to comply with
352 this chapter.

353 (4) If, after steps 1-3 of this subsection have been satisfied, a landowner fails to initiate resolution of
354 a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of
355 this section, typical enforcement measures shall be employed. Additionally, the final approval of
356 current or future plans, the issuance of a certificate of occupancy, or the acceptance of new
357 applications authorized by this Land Use Code may be withheld until compliance with this
358 chapter is demonstrated.

359 Sec. 108-16-9. – Examples of direct artificial light.



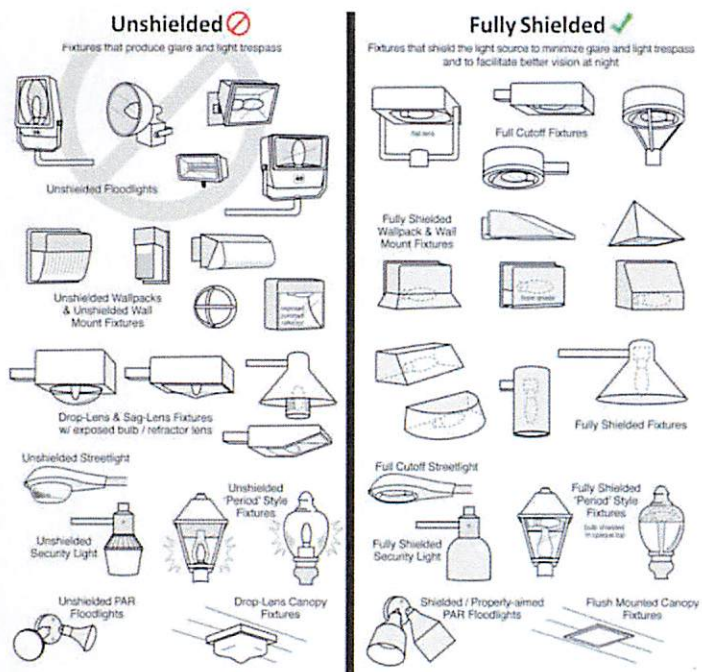
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361 Sec. 108-16-10. – Examples of unshielded and shielded light sources.

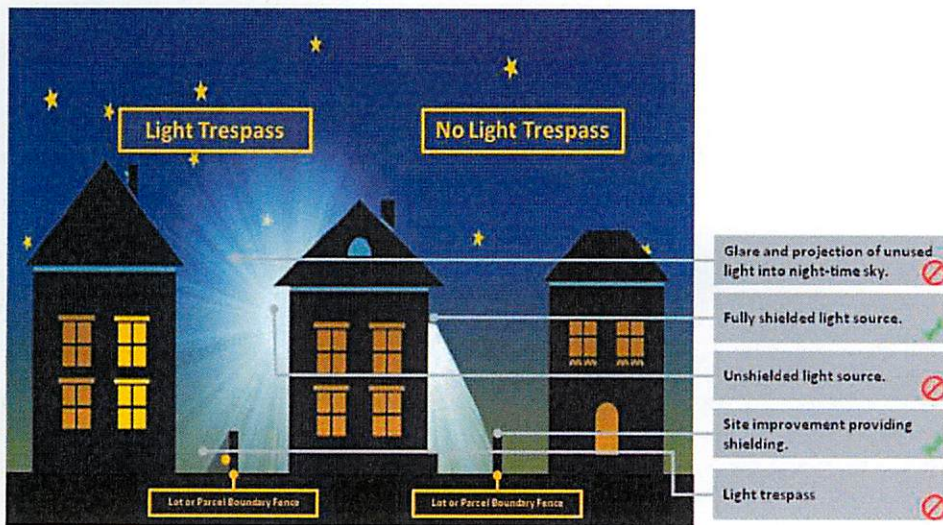


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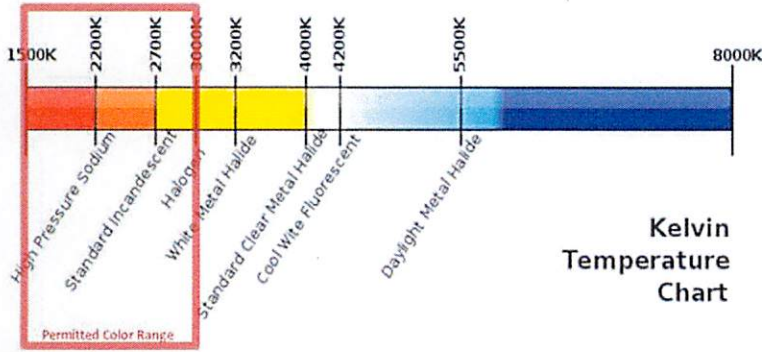
363
364 Sec. 108-16-11. – Example of light trespass.



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366 Sec. 108-16-12. – Standard Kelvin temperature chart.



367
368 Sec. 108-16-13. – Example of canopy lighting.

Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
$\frac{5040 \text{ Square Feet of Canopy Area}}{5040 \text{ Square Feet of Canopy Area}} =$	
Total combined lumens less than or equal to 8 lumens per square foot.	
Fully shielded, recessed light source. Only incidental reflection.	
Direct light projected no greater than five feet from canopy perimeter.	

369
370 Sec. 108-16-14. – Example of parking lot lighting.

Lumen per Square Foot Ratio	
(60) 8000 Lumen Bulbs	1.92 Lumens per Square Foot of Parking Lot Area
$\frac{250,000 \text{ Square Feet of Parking Lot Area}}{250,000 \text{ Square Feet of Parking Lot Area}} =$	
Total combined lumens less than or equal to 2 lumens per square foot.	
Parking lot lighting spill-over shielded by wall.	
Direct artificial light source only visible when on parking lot area.	
No spill-over onto non-parking lot area.	

371
372 Sec. 108-16-15. – Example of recreation facility lighting.

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374 ...

375 CHAPTER 2. - OGDEN VALLEY SIGNS

376 ...

377 Sec. 110-2-2. - Applicability.

378 (a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use
 379 permit, and meeting the standards set forth in this section. Signs conforming to the requirements of
 380 this section which identify seasonal business may be removed for the seasons during which the
 381 business is not in operation, and may be reinstalled without a new permit. All applications for land
 382 use permits shall be accompanied by plans, designs, specifications and drawings stating specifically
 383 all dimensions, lighting (see also Section 108-16-6), colors and plan of installation stating clearances
 384 and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered
 385 pursuant to the permit.

386 ...

387 Sec. 110-2-4. - Nonconforming signs.

388 After the effect of this chapter, which is March 1, 2017, any sign that does not comply with the
 389 requirements of this chapter shall be considered a nonconforming sign. A nonconforming sign that is not
 390 defined as a billboard under UCA 17-27a-103 shall be phased out in accordance with the following
 391 schedule:

Comment [c37]: This is all borrowed from the phase-out in the proposed lighting chapter.

392 (1) *Sign replacement.* The replacement of any nonconforming sign shall comply with the
 393 requirements of this chapter;

394 (2) *Building exterior modification.* When the replacement of a building's exterior materials exceeds
 395 25 percent of the building's exterior area, excluding roof area, whether by a single modification
 396 project or by an accumulation of separate modification projects, all nonconforming signs on the
 397 premises on or within 25 feet of the building shall be brought into compliance with the
 398 requirements of this chapter. This shall not include repainting or re-roofing,

Comment [c38]: Measurable

Comment [c39]: Measurable

399 (3) *Building expansion.* When a building's expansion exceeds the threshold established in this
 400 subsection, whether by a single expansion project or by an accumulation of separate expansion
 401 projects, all nonconforming signs on the premises on or within 25 feet of the building shall be
 402 brought into compliance with the requirements of this chapter. The established threshold of
 403 expansion shall be the smaller of the following:

Comment [c40]: Measurable

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404 a. 25 percent of the total area of the building as it exists on March 1, 2017; or

Comment [c41]: Measurable

405 b. 2,500 square feet; and

Comment [c42]: Measurable

406 (4) *Site improvements*. When a site improvement which requires a land use permit, conditional use
407 permit, or design review approval, modifies an area that exceeds the threshold established in
408 this subsection, whether by a single modification project or by an accumulation of separate
409 modification projects, all nonconforming signs on the premises shall be brought into compliance
410 with the requirements of this chapter. The established threshold of modification shall be the
411 smaller of the following:

412 a. 25 percent of the site area; or

Comment [c43]: Measurable

413 b. 20,000 square feet.

Comment [c44]: Measurable

414 ...

415 **Sec. 110-2-8. - Prohibited signs.**

416 ...

417 (7) Changeable copy signs. Electronic changeable copy signs, except as permitted in 110-2-
418 9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10.

Field Code Changed

419 ...

420 **Sec. 110-2-9. - Other signs.**

421 (a) The following signs are allowed in any zone:

422 (1) *Conservation property sign*. A conservation property sign, as defined in Section 101-1-7, may
423 be erected on any property complying with the minimum provisions of the definition. The sign
424 shall either be a monument sign or a freestanding sign (pole sign) in compliance with the
425 following:

426 a. *Monument sign*. For a monument sign the width shall be no greater than ten feet and the
427 height shall be no greater than eight feet, with a sign face no greater than 24 square feet.

428 b. *Freestanding sign (pole sign)*. For a freestanding sign (pole sign) the width shall be no
429 greater than eight feet and the height shall be no greater than ten feet with a sign face no
430 greater than 24 square feet. The sign face shall be mounted between the sign poles, which
431 shall be constructed of timbers that measure at least eight inches by eight inches and
432 extend from the ground to the top of the sign face. The top of the sign face and the bottom
433 of the sign face shall be completely bounded by timbers that have a minimum vertical
434 height of eight inches. When placed adjacent to a street with shoulders that slope
435 downward toward the sign base, a freestanding sign may be installed atop a rock or
436 earthen-berm base that is no greater than three feet in height.

437 c. *Example*. The following images are examples of each:

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- (2) **Gate or arch sign.** A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to verify compliance with applicable standards, and a building permit to verify proper installation of footings and to ensure wind tolerance, is required.
 - (3) **Subdivision entry signs.** An approved, recorded subdivision may locate one sign at each entrance. The sign shall be a ground or monument sign, and shall meet all specifications/requirements for monument signs in Section 110-2-5. In the event the location of the subdivision entry sign is in a zone not governed by Section 110-2-5, the dimensions of the sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.
- (b) The following signs are allowed in any zone and are exempt from the standards of Section 110-2-12(a):
- (1) **Addressing numbers.** Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt Section 110-2-12(b)(8).
 - (2) **Athletic field scoreboard signs.** An athletic field scoreboard sign shall not exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3).
 - (3) **Business signs.** No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business. (4) **Flags.** Official governmental flags of the United States, the State of Utah or Weber County, and which are properly displayed, and provided they are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this subsection. Flagpole height may not exceed the maximum height allowed in the zone for which it is being placed. If over the height allowed in the zone, the flagpole shall have a conditional use permit approved by the planning commission. Governmental uses, such as libraries and schools, shall be exempt from height requirements of this sub-section.
 - (5) **Grand opening signs.** On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.
 - (6) **Guidance signs.** Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of Section 110-2-12.

Comment [c45]: Moved from list below

Comment [c46]: Moved from list below

Field Code Changed

DRAFT 2/15/17

- 473 (7) *Historical signs.* Historical name signs for sites and/or structures designated by the board of
474 county commissioners as having historical significance to the county (and as identified in the
475 Ogden Valley Master Plan).
- 476 (8) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the
477 mural has no connection or advertising context to any business conducted or any product or
478 service offered therein.
- 479 (9) *Nameplate signs.* Nameplate signs not to exceed four square feet that identify the
480 occupants/owners and/or home occupation of a residential property.
- 481 (10) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.
- 482 (11) *Signs on vehicles.* Signs for business identification which may include name, address, and
483 telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- 484 (12) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be
485 works of art and which are placed on private property clearly for the benefit and interest of the
486 general public.
- 487 (13) *Traffic signs.* All signs erected in or adjacent to a public right-of-way by a public agency or in a
488 private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt
489 from all of the standards of Section 110-2-12.

490 ...

491 **Sec. 110-2-11. - Temporary sign usage.**

492 ...

493 (3) *Additional standards.* The following table applies to temporary sign use:

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Sign Type	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
Occasional Signs:									
Campaign signs	60 days prior to the election	Completion of the election	N	32 square feet	6 feet	No limit	32 square feet	8 feet	No limit
Construction signs	Duration of construction	Completion of construction	N	32 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Property/real estate sign	Duration of listing	Closing/lease commencement date	N	8 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP	32 square feet	6 feet	1 per street frontage	Not Applicable	Not Applicable	Not Applicable
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP	20 square feet	N/A	1 sign attached to the office	Not Applicable	Not Applicable	Not Applicable

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Continued...	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
Seasonal Signs:									
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP	32 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Political sign	No limit	No limit	N	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Event Signs:									
Public event sign	30 days prior to the event	End of event	Y/SEP	4 square feet	3 feet	1 per street frontage	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 feet	N/A	1 per street frontage
Public event directional sign	30 days prior to the event	End of event	Y/SEP	8 square feet	4 feet	No limit off-premises directional signs	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	60 days prior to the event	End of event	Y/SEP	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs	16 square feet onsite	6 feet	No limit onsite signs, either ground or banner signs
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 square feet	N/A	1 per street frontage
Special event directional sign	1 day prior to the event	End of event	Y/SEP	8 square feet offsite	4 feet	No limit off-premises directional signs	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event off-site sign	30 days prior to the event	End of event	Y/SEP	32 square feet	10 feet	2 offsite per event either a ground sign or banner	32 square feet	10 feet	2 offsite per event either a ground sign or banner

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494 Sec. 110-2-12. - Sign materials and display standards.

495 (a) Sign materials. All materials used to construct signs, supports or fasteners shall conform to the
496 following standards:

497 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,
498 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which
499 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper,
500 brass, wrought iron, and other metals may remain untreated and allowed to develop a natural
501 patina.

502 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,
503 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,
504 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,
505 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
506 Support structures shall use natural, muted earth-tone colors including browns, black, grays,
507 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.

508 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the
509 standards of this section.

510 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street
511 right-of-way, entrance or exit.

512 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices
513 shall be allowed to project or be located within a public right-of-way.

514 (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the
515 requirements of Chapter 108-16 and the following provisions, examples of which are graphically
516 depicted in Section 110-2-15.

Comment [c47]: Check reference

517 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be
518 downward directed from the top of the sign, and oriented so as to illuminate only the sign
519 area, as defined in Section 101-1-7, excluding the supports.

520 b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area
521 or beyond the sign area, including by means of diffusion or refraction through a translucent
522 or transparent surface. However, direct artificial light, excluding diffused or refracted light,
523 for a sign area that does not have a frame or separate background, as in the case of a logo
524 or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or
525 reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign
526 area, provided that:

Comment [c48]: Measurable

- 527 1. It shall not exceed six inches beyond the sign area,
- 528 2. It shall be shielded so as not to project light onto any other surface.

529 d. Exterior lighting of a sign shall not exceed a ratio of 50-75 lumens per square foot of sign
530 area. This ratio shall be calculated by combining the total lumen output of each artificial
531 light source divided by the square footage of the sign area. See Section 110-2-15 for a
532 graphic depiction.

Comment [c49]: Measurable. This measurable is still being reviewed by the sign industry to help determine whether it works.

Comment [c50]: Check reference

533 e. The Land Use Authority may require the applicant to submit photometric schematics and
534 attestation from a qualified professional that the submittal complies with this chapter.

535 (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six
536 inches or more below the top of the parapet wall.

537 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,
538 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the
539 effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or
540 impair driver visibility upon roads.

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- 541 (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a
542 way that prevents free ingress or egress from any door, window or fire escape, and no sign
543 shall be attached to a standpipe or fire escape.
- 544 (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form
545 or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of
546 displaying a sign.
- 547 (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the
548 lowest edge of the overhang eight feet to the driving or walking surface below.
- 549 (9) *Sign setbacks.*
- 550 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a
551 minimum of ten feet from any property line. Signs fronting on state highways shall be set
552 back ten feet from the right-of-way.
- 553 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,
554 except for signs set by public agencies for safety purposes, such as the state department
555 of transportation.
- 556 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in
557 title 108, chapter 7 of the Weber County Land Use Code.
- 558 (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be
559 landscaped in accordance with the requirements of applicable chapters of the Weber County
560 Land Use Code. The planning commission may exempt some monument/ground signs from this
561 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly
562 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
563 impractical.
- 564 (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public
565 street or approved private road, and is accessed via a pedestrian area or common parking and
566 driveway area, the linear footage of building or storefront facing the pedestrian area or common
567 parking area shall substitute for purposes of determining allowable signage.
- 568 (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as
569 provided in Section 101-1-7.
- 570 ...
- 571 **Sec. 110-2-15. – Examples of sign illumination.**

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- Unacceptable color temperature.
- Fully shielded artificial light source.
No visible direct artificial light.
- Light buffers no more than six inches around perimeter of sign area.



- Acceptable color temperature.
- Direct artificial light source projected by means of diffusion through translucent surface.
- Light buffers no more than six inches around perimeter of sign area.

572



Lumen per Square Foot Ratio

1650 Lumen Bulb	50 Lumens per
33 Square Feet of Sign Area	Square Foot of Sign Area
=	

- Total combined lumens less than or equal to 50 lumens per square foot.
- Acceptable color temperature.
- Light only illuminates sign area.
- No visible direct artificial light.

573

574



2438 Washington Blvd.
Ogden, UT 84401
p: 1-801-778-6250
www.visitogden.com

December 22, 2016

Ogden Valley Planning Commission,

The Dark Skies initiative has been such an incredible force to watch take shape in our community. The passion of those involved, coupled with the product we have to offer has led to a quick entry into the astro-tourism market.

Tourism in Weber County is an economic development engine that not only spurs visitation, but as such drives economic growth and provides economic impact. More than 1100 hotel rooms are booked each night and more than 9000 jobs are generated by travel spending in our community. In 2015, the direct annual travel spending in the county was \$244.3 million, which generated \$7.3 million in total tax revenue for Weber County. The revenues generated from tourism efforts translates to \$1300 in tax relief per household.

The economic impact generated by group business booked by Visit Ogden alone generated more than \$10 million in local economic impact. This does not take into account business that booked without our assistance, or the thousands of leisure travelers that come to take advantage of our trails, our history, our ski resorts, our downtown, or any of our numerous other amenities and attractions.

The promotion of our Dark Skies Park in North Fork continues to be a part of our strategic plan for 2017. As we find it increasingly necessary to diversify our product offerings to continue the growth and development of our tourism product, the Dark Skies Park has given us yet another avenue to promote our wondrous and beautiful landscape.

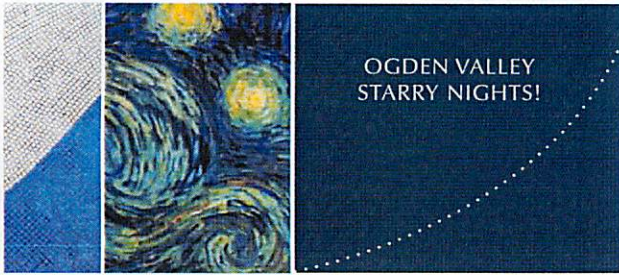
As the Utah Office of Tourism also continues to support and increasingly promote the dark skies opportunities in our state, we have received requests to host groups and media in the park. In February, we will be hosting journalists who have written for respected publications including Conde Nast, Outside, National Geographic, Women's Health, Robb Report, and Shape among others.

We understand and appreciate the delicate balance between government ordinance and property owners, but hope that you will encourage the residents of Ogden Valley to follow proper lighting techniques so we are able to keep our Dark Skies accreditation and provide another amazing opportunity for residents and visitors alike.

Sincerely,

A handwritten signature in black ink that reads "Sara Toliver". The signature is written in a cursive, flowing style.

Sara Toliver
President/CEO



To: Ogden Valley Planning Commission

From: Janet Muir

Date: January 3, 2017

Re: Proposed Dark Sky Exterior Lighting Ordinance: Community Character and Private Property Rights

.....
We would like to take this opportunity to add some perspective to the decision now before the Planning Commission and to have this document included in the meeting packet.

General Plan Mandate From Residents.

The Ogden Valley General Plan incorporates the residents' repeatedly voiced wish to retain rural community character through commonsense dark sky controls. See below for excerpts from the General Plan.

.....
Community Character

a. Gateways and Viewsheds

Ogden Valley's natural setting provides opportunities for spectacular views of local agriculture, the mountains, Pineview Reservoir, and the stars in the night sky.

b. Dark Sky Preservation

Ogden Valley residents have expressed a strong desire to preserve their legacy dark skies. In 2000, dark-sky lighting and sign ordinances were passed, and in spring 2015, North Fork Park became the world's 21st International Dark Sky Park, constituting a northern anchor for the national parks in Utah that have also been accredited. Astrotourism (a natural companion to agritourism) is an accelerating trend that not only can support the local economy but also can honor Ogden Valley's rural heritage and distinct natural beauty.

c. **Dark Sky Preservation Goal 1:** A goal of Weber County is to protect the night sky in order to preserve the Valley's rural character and heritage.

Dark Sky Preservation Principle 1.1: Encourage programs for residential and agricultural dark-sky-lighting compliance. **Dark Sky Preservation Implementation 1.1.1:** Review the current dark-sky lighting ordinance for consistency with dark-sky principle and current technology; identify possible updates. Consider amendments as necessary. **Dark Sky Preservation Principle 1.2:** Promote the accreditation of North Fork Park as the world's 21st International Dark Sky Park, and encourage astro-, agri-, and ecotourism development. **Dark Sky Preservation Implementation 1.2.1:** Evaluate current dark-sky sign ordinance for community character effectiveness and competitiveness with other Amenity West1 communities; identify possible updates.

d. **Commercial Development Principle 2.3:** Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley. **Commercial Development Implementation 2.3.1:** Evaluate and revise the commercial sign standards for Ogden Valley to promote dark sky lighting and a consistent design theme that is compatible with the rural character of the Valley.

.....

Dark Sky Lighting = Good Neighbor Lighting + Enhanced Security + Defense of Private Property Rights

The ad below has been run multiple times by Ogden Valley Starry Nights in the *Ogden Valley News* to aid in public education. The fact that it is residential lighting growth that most threatens the accreditation of North Fork Park makes an educational lead-in for residential coverage important.

Additionally, dark sky standards for multi- and single-family residences reinforces the private property rights aspect of dark skies. Why should my neighbor be able to light-trespass on my property - especially when shielding and motion detecting are such inexpensive and commonsense approaches?

Good Neighbor Lighting

- Commit no light trespass.
- Shield lights fully.
- Direct downward.
- Use timers and sensors.
- Avoid landscape uplighting.
- Place limits on string lighting.

Protects Dark Skies and Enhances Security

- Motion sensors alert residents to time and location of intrusion.
- Shielded, downward-directed lights illuminate most effectively.
- Standard floodlights produce glare that obscures unwanted activity.

For good neighbor, dark-sky, security-enhanced lighting see www.starrynightsutah.org

Fully Shielded Light Fixture

Attachment 1

※

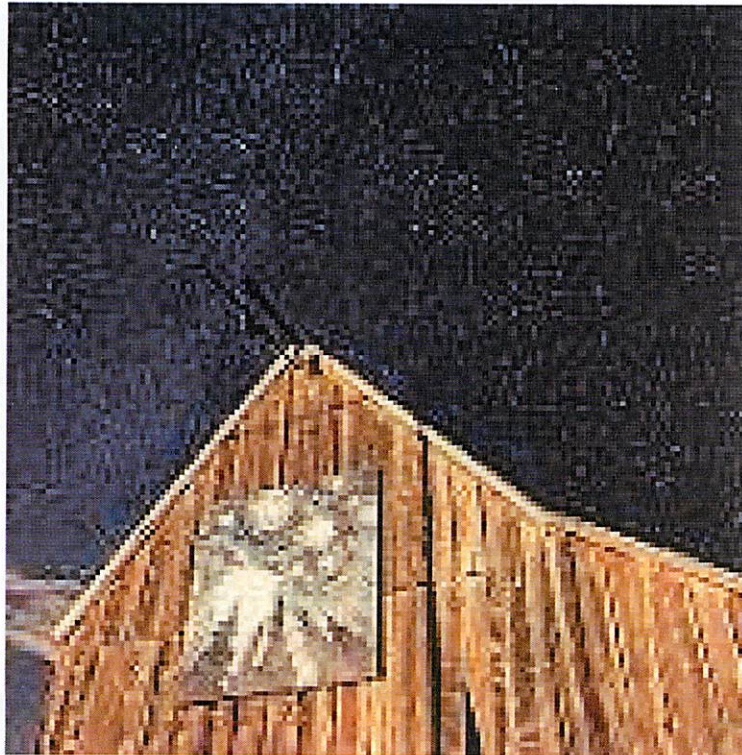
Tyler Nordgren: New Artwork for North Fork Park (December 2016)



Attachment 2

※

Ogden Valley Dark Sky Mural Trail
Mural #1: Fuller Barn (across from Valley Elementary School)
Photo: Ron Gleason



Attachment 3

※

The Committee for Dark Sky Studies (in process to become formal academic center at the University of Utah)



Mission

.....
The Committee for Dark Sky Studies (CDSS) is dedicated to the discovery, development, communication, and application of knowledge across a wide range of disciplines and professional fields pertaining to the quality of night skies, growing light pollution and the varied human, animal, and environmental responses to the "disappearing dark."
.....

Location

The largest region of high quality dark skies in the developed world is that of the Interior West (Mountain States).¹ With vast tracts of public land and an unparalleled concentration of national parks and monuments, the area provides substantial night sky and environmental research opportunities, while providing significant astro-tourism dollars to its gateway communities and constituent states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

Institutional Members

University of Utah (administrative base)
Brigham Young University
Dixie State University
Salt Lake Community College
Southern Utah University
Utah State University
Utah Valley University
Weber State University
Westminster College

Affiliate Members

Boise State University [Monica Hubbard, Assistant Professor, Department of Public Policy and Administration]
Colorado Mesa University (Center for Natural Resources) [Tim Casey, Director]
Northern Arizona University [Nadine Barlow, Professor, Department of Physics and Astronomy]
Ohio Northern University [Bryan Boulanger, Chair and Associate Professor, Department of Civil and Environmental Engineering]
Rensselaer Polytechnic Institute (Lighting Research Center) [Mark Rea, Director]
University of Wyoming (Berry Biodiversity Conservation Center) [Carlos Martinez del Rio, Director]

¹ One of nine geographic divisions officially recognized by the U.S. Census Bureau

Attachment 4



Great Western Starry Way

GREAT WESTERN STARRY WAY ★ INTERNATIONAL DARK SKY PLACES

Montana

Glacier National Park*

Wyoming

Yellowstone National Park*
Grand Teton National Park*
Devils Tower National Monument*

Colorado

Black Canyon of the Gunnison National Park
Canyon of the Ancients National Monument*
Salinas Pueblo Mission National Monument

Idaho

Craters of the Moon National Monument*
City of Ketchum Dark Sky Community*

Nevada

Great Basin National Park

Utah

Capitol Reef National Park
Canyonlands National Park
Zion National Park*
Cedar Breaks National Monument*
Dinosaur National Monument*
Grand Staircase-Escalante National Monument*
Hovenweep National Monument
Natural Bridges National Monument
Timpanogos Cave National Monument*
Glen Canyon National Recreation Area*
State Parks
Antelope Island State Park*
Coral Pink Sand Dunes State Park*
Dead Horse Point State Park

Utah (continued)

Deer Creek State Park*
East Canyon State Park*
Fremont Indian State Park*
Goblin Valley State Park
Gooseheads State Park*
Gunlock State Park*
Jordanelle State Park*
Red Fleet State Park*
Rockport State Park*
Steinaker State Park*
Quail Creek State Park*
County Park
North Fork Park (Weber County)

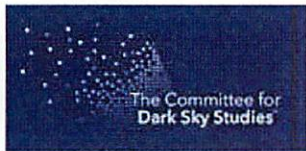
Arizona

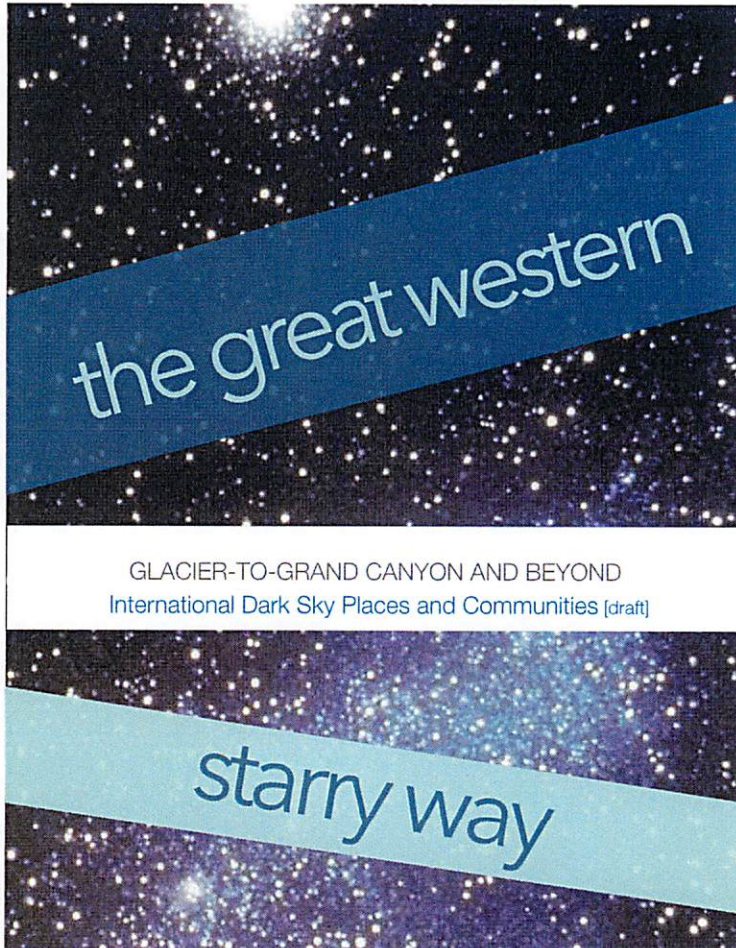
Grand Canyon National Park (provisional)
Grand Canyon-Parashant National Monument
Kaibab Paiute Dark Sky Nation
Pipe Organ Cactus National Monument
Flagstaff Area National Monument
Kartchner Caverns State Park
Oracle State Park
Red Rock State Park
Big Park/Oak Creek Dark Sky Community
Flagstaff Dark Sky Community
Fountain Hills Dark Sky Community
Sedona Dark Sky Community

New Mexico

Capulin Volcano National Monument
Chaco Canyon National Historical Park
Cosmic Campground

* in accreditation process International Dark-Sky Association



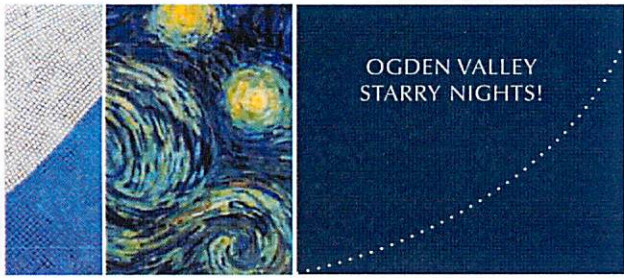


Attachment 5

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Before and After





To: Charlie Ewart, Weber County Planning Division

From: Janet Muir

Date: December 26, 2016

Re: Dark Sky Momentum and Economic Development

.....

Momentum.

The issue of dark skies has exploded in the Interior West since the accreditation of North Fork Park (see new poster by astro-physicist/artist Tyler Nordgren in Attachment 1 - to be used in marketing the Park).

This time next year, from Glacier National Park to Grand Canyon National Park and farther south to the Mexican border, there will be **at least 50 International Dark Sky Parks** - the greatest concentration of certified dark skies *in the world*.

North Fork Park is **dead center** among what is now being called *The Great Western Starry Way* (see Attachment 2), a promotion to be discussed with the various state offices of tourism (Montana, Wyoming, Idaho, Utah, Colorado, Nevada, Arizona and New Mexico).

Many of these parks were assisted (or are now being assisted) in their accreditation efforts by Ogden Valley Starry Nights (nominator for Grand Staircase-Escalante NM, Cedar Breaks NM, Dinosaur NM, Craters of the Moon NM and most of the state parks) and, as part of the Committee for Dark Sky Studies (CDSS was founded as a direct result of North Fork Park's accreditation and is based at the University of Utah - see Attachment 3), for Grand Teton, Yellowstone, and Zion National Parks.

Other Dark Sky Gateway Communities.

We are also working, directly or indirectly, with a number of the gateway communities that are now adopting or strengthening dark sky ordinances: Springdale, Torrey, Kanab, Moab and Grand County, Bluff, Jackson (WY), Ketchum (ID), Page (AZ), among others.

Park City also has a dark sky ordinance. Municipal Code 15-5-1 provides:

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment. It is recognized that the topography, atmospheric conditions and resort

nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

Competition.

Ogden Valley competes with all of the above communities for tourism and, more specifically, with the gateway ski resort ordinance leaders: Sun Valley City, Ketchum, Aspen, Vail, Telluride, Mammoth etc.

Ogden Valley is no longer in the dark sky forefront (except in dark sky public art where it is setting the pace with the dark sky mural trail) and must up its game to remain competitive.

Economic Development.

Through the Utah Office of Tourism, we have been asked to support Brian Head Resort and Stein Ericksen Lodge (Deer Valley) in their dark sky promotions.

Additionally, Headlands, the only other dark sky county park (Northern Michigan) has experienced such an "economic boom" that the state added another 50 miles of Lake Michigan shoreline as a Dark Sky Coast [<http://www.midarkskypark.org/dark-sky-coast/>]

"As a part of the economic boom that the Dark Sky Park is creating, we can create an entire dark sky coast and have a number of viewing opportunities," said Tom Bailey, Little Traverse Conservancy director, last week during a meeting with county officials. "There are great opportunities to interpret native mythology and star lore here ... I can tell you as having been involved with the park service nationally and at the state level, there is a tremendous opportunity for interpretation here, there is a tremendous opportunity for visitation and tourism, and we are already seeing it." [http://articles.petoskeynews.com/2012-01-27/international-dark-sky-park_30672357] (see Attachment 4)

A report commissioned by the NPS's Colorado Plateau Dark Sky Cooperative that was researched by Missouri State University economists found the the dark skies there would generate, over a ten year period, approximately \$2.5 billion in incremental revenue and over 50,000 incremental jobs. [see Attachment 5 for summary}.

A major factor for the dollar impact of dark sky tourism is that, in most case, *an overnight stay and at least one meal* are required; simple "drive-through" tourism is generally not possible.

**Estimating the Potential Economic Value
of the
Night Skies
Above the Colorado Plateau**

by

Dr. David Mitchell and Dr. Terrel Galloway

Department of Economics
Missouri State University
Springfield, MO

Anecdotal Evidence of Dark Sky Tourism and North Fork Park.

Two of several recent emails received (another concerned a family reunion in North Fork Park with folks coming from Kentucky and several other states):

1. I am Miho Komura with JAMCA GLOBAL SERVICE, INC., the travel agency in Los Angeles. I found your contact through Dark Sky website.

My group would like to do astronomical observation at Weber County North Park and I have some questions.

Weber County North Park

Date: August 22, 2017

Time: at night / 1~2-hours

Count: 40-people

They will come to this place by large coach, after the bus arrived at parking space, how long should they walk to the observation point?

Is there enough space for 40 people?

Do you know if there is any event or any big group coming on Aug.22?

Are you able to be onsite and help them?

If there is any coordination fee, please let me know.

Thank you very much!

Miho Komura

2. Received by Jennifer Graham from Sydnie Furton Visit Ogden

I hope that this week is treating you well! I am working on a FAM with the Utah Office of Tourism showcasing night life in Utah. This "night owls" FAM trip will be visiting Ogden February 23-24. The UOT's big pitch was that Utah has the most IDSA-certified dark sky park's in the nation, and the only dark sky designation they are planning to visit on this trip will be North Fork Park.

Could you help me arrange a night time snowshoe tour for the group of journalists that are visiting for the night of February 23rd? Or do you know who the best person is for me to contact regarding this FAM? The group would be 9 individuals (5 national media, 1 local media, rep from UOT, rep from Turner PR and myself) I would like to ask that the snowshoe rentals would be comped for the group. Also, would there be an option to have a fire and smores after the tour, or in the middle of the tour?

This is the itinerary that we have in mind for this group while they are in Ogden.

Feb. 23: Arrivals

Afternoon: head to Ogden

Check in at Hotel

2 p.m. Fat Bike lessons at Powder Mountain

Stroll Historic 25th Street

6 p.m. Dinner at Tona sushi

8 p.m. Snowshoe to North Fork Dark Sky Park - bring Dark Sky Ranger

Overnight in Ogden

Feb. 24:

10 a.m. Breakfast in Ogden

11 a.m. Head to Ski City (1 hour)

Here are the journalists who have expressed interest:

Confirmed Interest & Availability

Danielle Page (Glamour, AskMen, Women's Health, Bustle, Greatist, Paste Magazine, Everup) awaiting media form

Ali Finney (Women's Health)

Macaela McKenzie (Condé Nast, Shape Magazine, Greatist) have media form

Janice O'Leary (Robb Report) awaiting media form

Other Target Media

Katherine LaGrave (CNT, Outside, Nat Geo, Vanity Fair, New York Times)

Stacie Stukin (New York Times, Los Angeles Times, Yoga Journal, Time, Elle Decor, Glamour, Self, Marie Claire)

Keith Flanagan (Condé Nast Traveler, USA Today, AFAR, Food Republic, Robb Report, Paste Magazine, Departures Magazine, amNewYork, Kinfolk, Town & Country)

Thank you for your help!

Best,

Sydney Furton

Marketing & Public Relations Manager

VisitOgden.com

Attachment 1

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Tyler Nordgren Artwork for North Fork Park (Dec 2016)



Attachment 2



Great Western Starry Way

GREAT WESTERN STARRY WAY ★ INTERNATIONAL DARK SKY PLACES

Montana

Glacier National Park*

Wyoming

Yellowstone National Park*
Grand Teton National Park*
Devils Tower National Monument*

Colorado

Black Canyon of the Gunnison National Park
Canyon of the Ancients National Monument*
Salinas Pueblo Mission National Monument

Idaho

Craters of the Moon National Monument*
City of Ketchum Dark Sky Community*

Nevada

Great Basin National Park

Utah

Capitol Reef National Park
Canyonlands National Park
Zion National Park*
Cedar Breaks National Monument*
Dinosaur National Monument*
Grand Staircase-Escalante National Monument*
Hovenweep National Monument
Natural Bridges National Monument
Timpanogos Cave National Monument*
Glen Canyon National Recreation Area*
State Parks
Antelope Island State Park*
Coral Pink Sand Dunes State Park*
Dead Horse Point State Park

Utah (continued)

Deer Creek State Park*
East Canyon State Park*
Fremont Indian State Park*
Goblin Valley State Park
Goosenecks State Park*
Gunlock State Park*
Jordanelle State Park*
Red Fleet State Park*
Rockport State Park*
Steinaker State Park*
Quail Creek State Park*
County Park
North Fork Park (Weber County)

Arizona

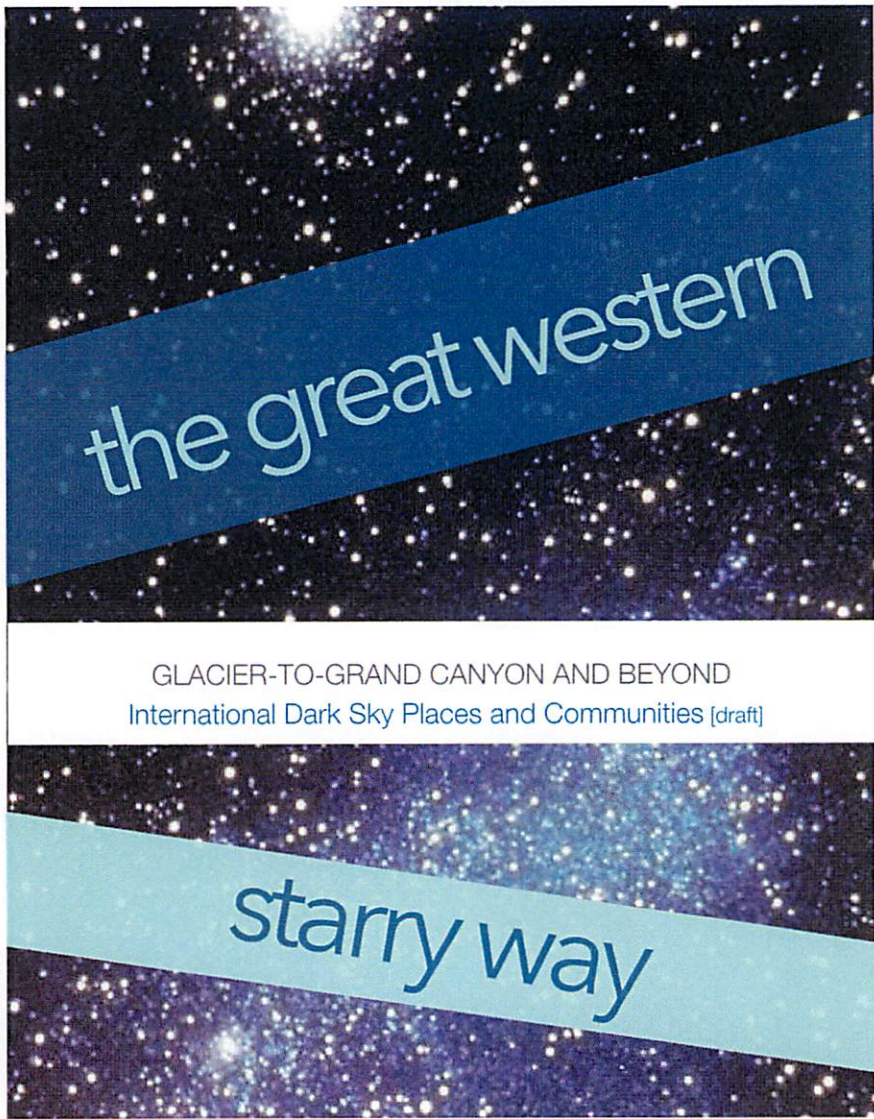
Grand Canyon National Park (provisional)
Grand Canyon-Parashant National Monument
Kaibab Paiute Dark Sky Nation
Pipe Organ Cactus National Monument
Flagstaff Area National Monument
Kartchner Caverns State Park
Oracle State Park
Red Rock State Park
Big Park/Oak Creek Dark Sky Community
Flagstaff Dark Sky Community
Fountain Hills Dark Sky Community
Sedona Dark Sky Community

New Mexico

Capulin Volcano National Monument
Chaco Canyon National Historical Park
Cosmic Campground

* in accreditation process International Dark-Sky Association





Attachment 3



The Committee for Dark Sky Studies

In process to become formal academic center at the University of Utah
and formed as a direct result of the accreditation of North Fork Park



Mission

.....
The Committee for Dark Sky Studies (CDSS) is dedicated to the discovery, development, communication, and application of knowledge across a wide range of disciplines and professional fields pertaining to the quality of night skies, growing light pollution and the varied human, animal, and environmental responses to the "disappearing dark."
.....

Location

The largest region of high quality dark skies in the developed world is that of the Interior West (Mountain States).¹ With vast tracts of public land and an unparalleled concentration of national parks and monuments, the area provides substantial night sky and environmental research opportunities, while providing significant astro-tourism dollars to its gateway communities and constituent states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

Institutional Members

University of Utah (administrative base)
Brigham Young University
Dixie State University
Salt Lake Community College
Southern Utah University
Utah State University
Utah Valley University
Weber State University
Westminster College

Affiliate Members

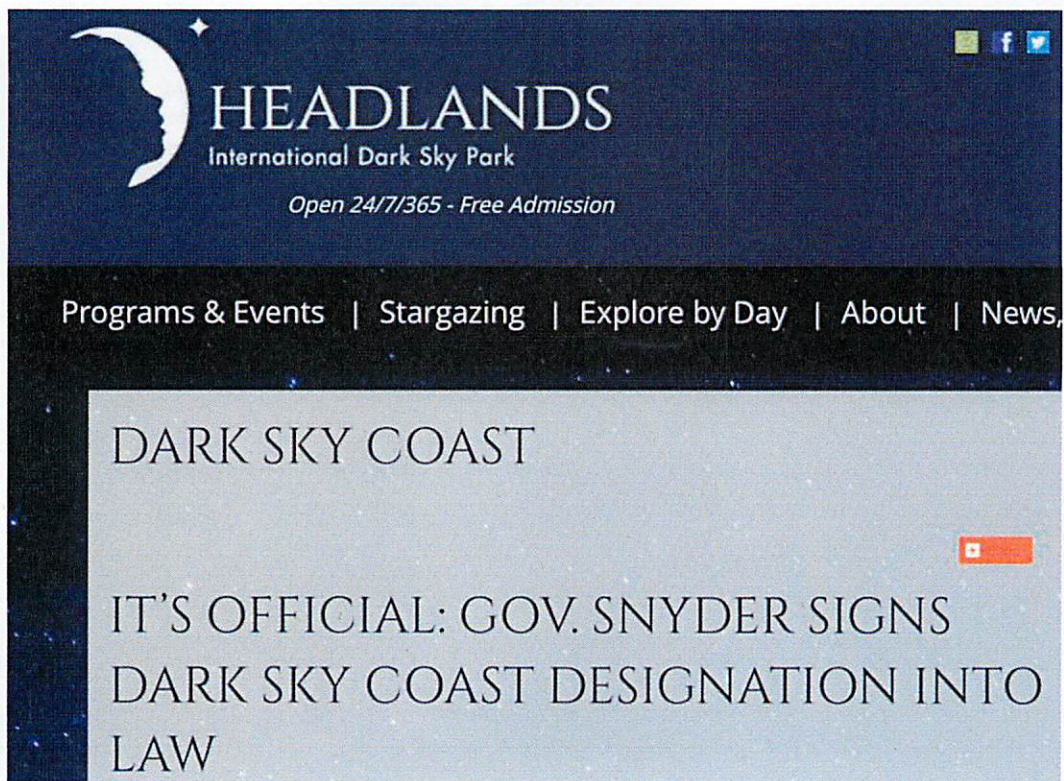
Boise State University [Monica Hubbard, Assistant Professor, Department of Public Policy and Administration]
Colorado Mesa University (Center for Natural Resources) [Tim Casey, Director]
Northern Arizona University [Nadine Barlow, Professor, Department of Physics and Astronomy]
Ohio Northern University [Bryan Boulanger, Chair and Associate Professor, Department of Civil and Environmental Engineering]
Rensselaer Polytechnic Institute (Lighting Research Center) [Mark Rea, Director]
University of Wyoming (Berry Biodiversity Conservation Center) [Carlos Martinez del Rio, Director]

¹ One of nine geographic divisions officially recognized by the U.S. Census Bureau

Attachment 4

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The Headlands (the only other county park with International Dark Sky Park accreditation) has been so successful in generating visitor dollars, the State of Michigan designated 50 miles of Lake Michigan shoreline as a "Dark Sky Coast"



Attachment 5

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Missouri State University: *Economic Impact of the Night Skies Above the Colorado Plateau*
(Mitchell and Gallaway, 2016)
Selected Sections Summary

- In the late 2000s, 65% of visitors to Colorado Plateau parks believed that dark skies were “important” or “very important” to their visit. (page 21)
- “The effect of dark skies on the state economies [in the Colorado Plateau] is quite large. Over the next 10 years, visitors will spend nearly \$2.5 Billion visiting NPS parks in the Dark Sky Cooperative trying to see a dark sky at night... This additional \$2.45 billion in spending creates \$1.68 billion in additional value added for the local state economies. The total effect of all of this additional spending is to create an additional 52,257 jobs that increase wages in the states by over \$1,094 million dollars.” (page 22)
- “The dark skies of the Colorado Plateau can be used, and promoted, as a magnet for tourism. Crucially, from an economic standpoint, the single most important thing about dark-sky tourism is that it necessitates one or more overnight stays. The NPS estimates that the average spending per party per day is about \$90 for non-local day trips. For parties staying overnight at an NPS lodge, this spending rises to over \$390, for those staying in motels outside the park, the amount is a little over \$270. In other words, inducing visitors to stay overnight can increase spending several fold.” (page 27)
- We would expect the economic impact of those who rate the night sky as important or very important but who stay overnight outside the park to dwarf the \$2.45 billion figure above and increase the total manifold. Importantly, these figures also do not include the impact of visitors to Forest Service or Bureau of Land Management lands.” (page 35)
- “The reported figures assume simply the continuation of existing trends, with no increase in efforts to promote night sky tourism... This presents the local communities and the parks in the Colorado Plateau with a unique opportunity for partnership.” (page 35)

Ewert, Charles

From: Kellie Hayes [kelliehayes@mail.weber.edu]
Sent: Tuesday, February 07, 2017 3:46 PM
To: Ewert, Charles
Subject: Dark Sky- Ogden Valley

Good Afternoon,

I'm writing in reference to the Dark Sky for Ogden Valley. I live right next to Valley Elementary. I should be the first to complain about bright lights in my windows from the school but that is not the case. I truly believe our schools are put at risk right now due to the insufficient lighting there at night. These areas are much too dark and I believe it is asking for trouble. Often at night when walking by we have seen kids and teenagers around the school and on the roof. Maybe seen is the wrong word as often it is too dark and we are just hearing them. It is nervous to be walking by and not knowing who is around the corner or in the dark at the time.

My brother was jogging by late one night and saw what he thought were teenagers on the roof dragging up ladders. This was precarious as there were windows close and could have been easily busted out. With the extreme darkness these kids or teenagers aren't worried about being seen and caught. A thief could easily hit either of our schools up here and brake in a window to grab computers, chrome books or basically anything without any notice or fear due to the darkness. I believe we are not protecting these schools as we should and the resources that tax dollars have paid for. I feel this even puts me at risk as a neighbor to the school.

Last week was parent teacher conferences. Due to the Dark Sky- the lights were turned out but only the doorway lights by the time my daughter and I left the school. It was extremely dark that night. I couldn't believe that teachers, student and parents had to exit the building in that type of darkness. It was a safety risk for all. My 1st Grade daughter commented many times on our walk back how scared she was an nervous because we couldn't see well.

I've exited both schools in the evening time during sporting events and the lights have been off- this also was too dark for families to be expected to get to their cars.

I do believe for some of the Valley having the Dark Sky is a great thing, but for facilities such as schools I think you're asking for trouble by not having a few more lights on. Also as far as agriculture, it is necessary for them to be able to have sufficient lighting if they are needing to check on things in the night or early mornings.

Thank you,

Kellie Hayes

Ewert,Charles

From: Verl & Gaye Creager [vandgcreager@gmail.com]
Sent: Monday, February 06, 2017 1:15 PM
To: Ewert,Charles; Verl & Gaye Creager
Subject: Ogden Valley Light Pollution Ban

Charles,

This is Verl and Gaye Creager, 1530 N. 5900 E., Eden. We were at the last meeting and spoke. We are trying to appreciate all concerns.

We would like to have the continued exemption of agriculture stressed and enforced at the Tuesday, February 7th meeting. Our agriculture needs require good strong yard lighting. The last three nights we have worked deer getting into a barn, our mules were out one night and cows broke boards a third night. At harvest time we put hay in the barn in the evening and at night because the youth in our area have to manage 65 lb bales in 90 degree temperature.

We will try to come to that meeting but if we are unable, please have this concern addressed.

Thank you,

Verl and Gaye Creager

YOU LIGHT UP MY LIFE (OR MY BEDROOM)

(with apologies to Joe Brooks and Debbie Boone)

Two weeks ago, my neighbor across the street installed a security light between the doors of his garage. Not an ordinary security light with one or two 60 or 75 watt floods pointed down that turn on automatically and go off when set to, usually after a few seconds to a minute. No, these are the brightest I have ever seen, some kind of bank of super LED's, that come on at dusk, are on for most of the night without ever turning off, and are pointed directly at my house.

My neighbor's house is perhaps 150 or more feet from mine, and is at the bottom of a steep hill atop which sits mine. Garage to garage, mine is perhaps 50 or more feet higher in altitude than his, and is three stories, such that the ceiling of my bedroom is perhaps 175-200 feet from the lights, and 75 feet higher than them.

The lights were fairly obviously installed and pointed upward on purpose, in spite. I asked him to either shield them, or point them downward, or dim them, or set them so they don't stay on all night. He refused, citing an inventive story about some mystery person or persons who did violence to his streetside mailbox. The searchlights blaze so he can catch them if they ever dare to try it again. Clearly baloney. Details on request. Even if there were reason to light the mailbox 30 feet from the garage, there is no reason to light up my bedroom ceiling, maybe 200 feet away

Uninterrupted sleep is important to us. I am a 76-year-old with a heart condition. My wife is a 68-year-old terminal cancer patient. When the lights are on, they shine into the inside of our house so brightly that they light up and make shadows of the shapes of our windows, the ceiling fan, etc., on the ceiling of our third floor bedroom, and light up the entire ceiling of the second floor great room, all as shown in the bad photos attached taken with my phone camera. While not quite bright enough to read by, his lights function as a very bright nightlight.

Given his staunch refusal to mitigate the problem, my only options are to live with it or to hire a lawyer and sue him for light trespass. There is of course no guarantee that Utah courts will recognize such a cause of action, even though many other states have and even though private property rights are supposedly sacred in Utah. Mine are clearly being violated every night, and all I can do is spend the time and money attempting to obtain an injunction to stop it.

I understand that the County is in the process of adopting a new lighting ordinance, but that there is some opposition to making it effective as to residences, and that even if it ultimately is, only new residences would be covered and existing residences would be grandfathered, allowing anyone at any time to install lights such as these with impunity. Further, although there may be some references to light pollution and light trespass in the proposed ordinance, there are no prohibitions against light trespass and no penalties for such, even if clearly done deliberately, as in my case. To me this is a major flaw in the

scheme of the ordinance and a major affront to the movement to preserve dark skies here in Ogden Valley.

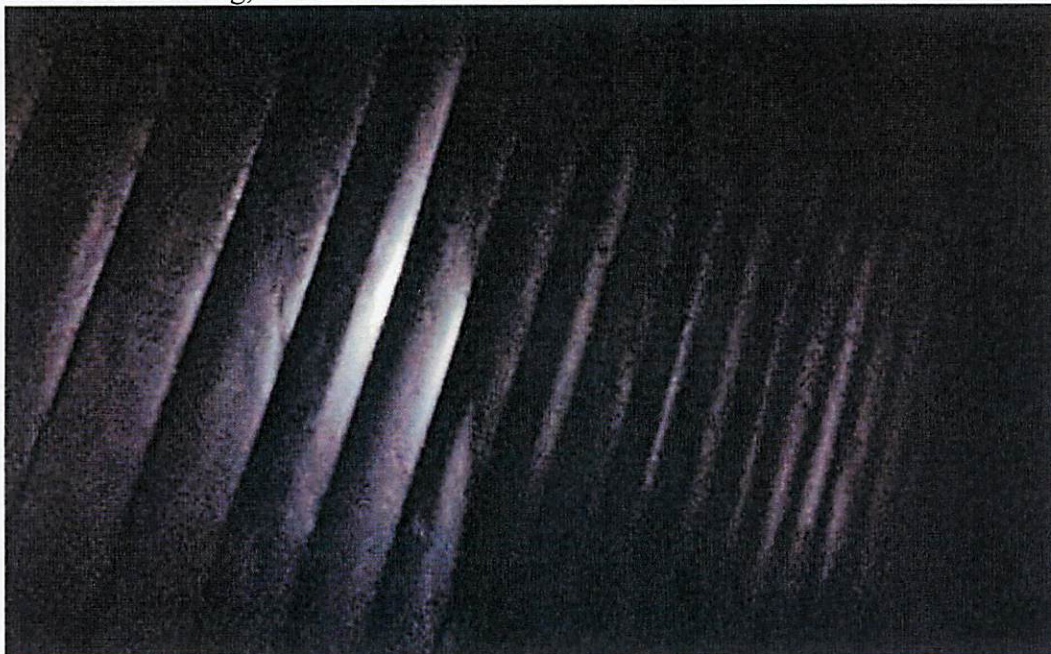
I attach a few bad photos of the ceiling in our bedroom showing the shadows thrown by the searchlights, including that of the ceiling fan, and of the illuminated ceiling of the second floor great room. The bedroom photos were taken at about 2:30 a.m. and the great room at about 4:30 a.m.. The others are of the lights themselves, from inside our home.

Please consider these points and provide some relief to me and to those similarly affected by incorporating a prohibition against light trespass, penalties for causing it, and resolve to enforce it. There is no reason why anyone, be they commercial, new residential, existing residential, or agricultural, should be allowed to light up the sky and the *insides* of their neighbors' homes. Light should be confined to the boundaries of the property containing them insofar as is possible.

Anyone doubting the veracity of this report or the seriousness of the problem is more than welcome to come see it, real life, real time. Just contact me.

Frank Cumberland
6563 E. 1100 S.
Huntsville, 84317
frankc@xmission.com
801-745-5694

Great room ceiling, 4:30 a.m.



Bedroom ceiling, 2:30 a.m.







Ewert, Charles

From: frankc@xmission.com
Sent: Monday, February 06, 2017 4:01 PM
To: Laura Warburton
Cc: Ewert, Charles
Subject: [CAUTION]Re: The attached

It has taken me this long to determine that your reply to my email wasn't a joke, and even longer to finally decide that it was worthy of a response.

For you to suggest that it is the responsibility of the victim of light trespass to fashion a remedy, not that of the trespasser, is nothing short of shocking, and not a little disappointing from one part of whose job on the planning commission is to address problems such as this and to find solutions. Blackout curtains? Really? What if the trespass were a huge set of speakers blasting noise into a neighbor's home? What would you suggest, earplugs? What about a fire hose deluging a neighbor's deck? An umbrella?

As you suggested, I have figured it out, Laura. Trespass is real, and it is wrong. Light trespass is also real, and it, too, is wrong. Other states have recognized that fact and have passed legislation to prohibit it. Weber County has the same opportunity right now, and it is incumbent upon you to support it. For you to oppose the effort either because you don't understand it or for whatever other reason you may have, if any, is unconscionable.

I understand that my case is extreme, but it serves as a perfect example of a problem that faces dozens and dozens of homeowners in Ogden Valley. Others may not be intentional as is my case, but ask

around: you will find that light intrusion, trespass, is regrettably common in this age of LED lights, pride in McMansions, and the like.

People these days love to emblazon their homes and properties with unshielded, very bright lights which intrude on others' peace of mind and tranquility.

Your lights, my lights, no one's lights should shine beyond the confines of the property on which they reside, and if they do, they should be of low enough intensity so as not to constitute a burden upon those on whom they shine. If they already exist, they should be fully shielded. What possible rationale can there be for lighting up someone else's property, especially over express objection? Light your own property if you must, neighbor; just don't light up mine, and don't even think about lighting the inside of my home from your house.

The new lighting ordinance should contain a definition of light trespass so citizens know what it is, what is permissible, and what is not. It should contain an express prohibition against light trespass, with NO exceptions or mamby-pamby grandfathering, and penalties for violating the prohibition. This is a chance for Weber County to join the vanguard of forward-thinking jurisdictions on this subject, especially in view of the hard work that has already been done to preserve our dark skies before it becomes too late, and our attainment of International Dark Sky Park status for North Fork Park. Morons such as my neighbor and those others too callous to respect the property rights of their neighbors need to be guided to do the right thing.

The process starts with you and your fellow planning commissioners. If you remain opposed to the idea of regulation in this area, the least you can do is to get out of the way and abstain. If possible, I would like this response to be made a part of the record of the commission.

Frank Cumberland
6563 E. 1100 S.