



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION  
MEETING AGENDA

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**Tuesday, February 25, 2014**  
**5:00 P.M.**

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- *Pledge of Allegiance*
- *Roll call*

**1. Minutes**

- 1.1. Approval of the January 28, 2014 meeting minutes**

**2. Consent Agenda:**

- 2.1. ZTA 2013-01 Discussion and action on amendments to the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provisions) Section 101-7-7 (Definitions) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedures**

**Petitions, Applications and Public Hearings**

**3. Legislative Items**

**3.1. New Business**

- a. ZTA 2014-02 Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses) by adding Craft or Artisan Distillery as a permitted use. (Christopher Cross, Applicant)**

**4. Public Comment for Items not on the Agenda**

**5. Planning Commission Remarks**

**6. Planning Director Report**

**7. Legal Counsel Remarks**

**8. Adjourn**

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT  
A pre-meeting will be held at 4:30 P.M. in Room 108, no decisions will be 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 24 hours in advance of the meeting at 801-399-8791)*

Minutes of the Ogden Valley Commission Regular Meeting held January 28, 2014, in the Weber County Commission Chambers, 1<sup>st</sup> Floor, commencing at 5:00 p.m.

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

*Absent/Excused:*

*Staff Present:* Sean Wilkinson, Planning Director; Jim Gentry, Planner; Scott Mendoza, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

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- **Pledge of Allegiance**

- **Roll Call:** Chair Hollist declared that all seven Planning Commission members were present.

1. **Minutes:** Approval of the December 03, 2013 and December 17, 2013 meeting minutes

Chair Hollist declared the meeting minutes of December 03, 2013 and December 17, 2013 approved as written.

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

2. **Consent Agenda:**

- 2.1. **UVR112513:** Consideration and action on an administrative application, final approval of Phase 1 of The Ridge Townhomes at Wolf Creek PRUD, 8 Units, a Condominium project located at approximately 3400 North Moose Hollow Drive within the Forest Residential (FR-3) Zone. (Capon Capital, Applicant; John Lewis, Agent)

- 2.2. **UVW121013:** Consideration and action on an administrative application, final approval of Willson and Willson Subdivision located at 5626 North Fork Road within the Agricultural Valley (AV-3) Zone. (Brad Wilson, Applicant)

**MOTION:** Commissioner Parson moved to approve Consent Agenda Items UVR112513 and UVW121013. Commissioner Miller seconded. A vote was taken and Chair Hollist indicated that the motion carried 7-0.

3. **Petitions, Applications and Public Hearings**

- 3.1. **Administrative Items**

- a. **New Business**

1. **ZMA 2013-04** Consideration and action on ZMA 2013-04 to rezone property located at approximately 156 North and State Road 158 (extending from Ogden City water treatment plant, easterly to the Pineview caretaker's house) from the Forest 40 (F-40) Zones to the Forest Residential-1 (FR-1) Zone. (David M Clapier, Applicant)

Scott Mendoza said the applicant is requesting approval to rezone property located at approximately 156 North and State Road 158 (extending from the mountain side, located north of the Ogden City water treatment plant, easterly to the Pineview caretaker's house) from its existing Forest-40 Zone to the Forest Residential-1 Zone. The applicant's goal is to put the FR-1 zoning designation in place because he feels that the FR-1 Zone's development standards are more compatible with the three existing privately owned parcels within the proposed rezone area. The two parcels owned by the applicant are currently vacant; however, in the future the applicant would like to have the option to develop or sell the subject property as a home site. There were "grandfathered" rights associated with the property until 1991. In 1991, a deeded division of the applicant's property and sale of approximately .33 acres to the adjacent Ogden River Water Users Association property disqualified the parcel as a "lot of record" or legal lot. By allowing the zoning to be changed, the landowners would be able to build a single-family dwelling on this property. Staff has determined that this rezone request meets the criteria found in Chapter 5 of Title 102. Staff recommends that the Planning Commission recommends approval to the County Commission with the following provisions: The proposal is not subject to a Zoning Development Agreement. The proposal is limited to one single-family dwelling. The subject property may develop in a manner consistent and in compliance with the Forest Residential-1 (FR-1) Zone standards.

Commissioner Warburton asked for clarity on staff's recommendations where it states, "the proposal is limited to one single-family dwelling, and would that be one in addition to the already existing property. Scott Mendoza replied the caretaker's home would be one home within the rezone area, and step one in the future if the applicant is able to take

care of a culinary water and septic system, step two would be to go through a one lot subdivision process and that would amount to one more home.

Commissioner Miller asked could the applicant put two homes on that property. Scott Mendoza replied according to the zoning in the FR-1 Zone, technically only one acre is needed and the applicant has over three, but one of the conditions for approval would be that there is only one home being built.

Scott Mendoza said he has talked to all parties involved. He spoke with Rick Vallejo from the Forest Service and expressed no concerns. He spoke with a gentleman from the Ogden River Water Users Association who expressed no concerns.

David Clapier, Applicant who resides in Willard, said the history goes back to 1959 and at one time Union Pacific actually owned it and at one time it was the Wilcox Resort before they raised the level of Pineview. When they raised and built the new highway, they took fill material from the side of that mountain and created a flat area, but most of the property is mountainside. Basically the buildable part of that property is about an acre and a half. When they traded with Pineview Water and accommodated them, the existing structure that was there had actually encroached on their property. When Pineview Water built the structure that is there today, they didn't have the required setbacks and the necessary frontage to build that residence and there was never a deeded easement into that property. When Mr. Wilcox sold that property, he essentially landlocked himself, but they always had access.

Chair Hollist asked Mr. Clapier if had in fact he deeded to Ogden River Water Users .33 acres in exchange for the deeded right-of-way. Mr. Clapier replied no, it was just a small strip in the back of the property on the west side of the property. What they did was move the fence from the bottom of the berm to the top of the berm, which gave them the correct amount of footage they needed for the rear setback. So in the exchange, they were willing to do that if they could get the piece on the north side as a deeded right-of-way. They have used that piece of property since 1959 and it seemed like a good trade.

Chair Hollist asked Mr. Clapier if he had any reservation with this Planning Commission putting in strong language in what they approve that there only be one structure on that 3.68 acres. David Clapier replied no, they just want to sell the property as a buildable lot.

Steve Clarke asked if there has been any consideration to safety issues on this property with water flow and debris flow down the canyon. Is there a history of flooding on this property and does the existing home have diversionary controls to push the drainage water down to the side and down the culvert. Scott Mendoza replied all those types of things would be looked at through a one lot subdivision process when the application is submitted. David Clapier replied that there is an intermittent stream that has always been there and the canyon is called the Shanghai Canyon. The creek runs down that canyon and the caretakers installed a berm in case there is a problem there. It's basically a dry spring bed other than in heavy winters. There is more the flat area of the lot, then it drops back down into a small canyon, the stream comes across the flat part of the lot and then it drops down into a gully and into a culvert and then into the Pineview.

**MOTION:** Commissioner Warburton moved to recommend to the County Commission approval of ZMA 2013-04 to rezone property located at approximately 156 North and State Road 158 extending from Ogden City Water Treatment Plant easterly to the Pineview Caretaker's house from Forest-40 (F-40) Zones to the Forest Residential-1 (FR-1) Zone with the following conditions: This is not subject to a zoning development agreement, the proposal is limited to one additional single-family dwelling, and the subject property may develop in a manner consistent and compliance with the Forest Residential-1 Zone. Commissioner Graves seconded.

**DISCUSSION:** Commissioner Parson asked if they could have a utility out building that goes along with that structure. Commissioner Graves replied they could have whatever the FR-1 Zone would permit. Chair Hollist added that this would be taken care of when the applicant comes in with a proposal for that property.

**VOTE:** A vote was taken with all members present voting aye. Motion Carried (7-0)

### 3.2 Legislative Items

#### a. Old Business:

**1. ZTA 2013-01** Discussion on amendments to the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provision) Section 101-7-7 (Definition) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure (Planning Division, Applicant)

Jim Gentry said this is a discussion on changes that staff would like to make to the Design Review Chapter and a couple of the other chapters such as they require PDF's that are used in Miradi and adding a provision that allows for the County Engineer to approve financial guarantees with an increase of \$25,000. The other change is in the definition section where it talks about the financial guarantee. A few years ago there were changes to our ordinance but there was not a change to the financial guarantee section. At that time, the County worked with the County Attorney's office and Ms. Hurtado put in a provision that only financial guarantees or monies deposited into the County Engineering Office would be acceptable to ensure that the money is there for the development improvements.

Commissioner Warburton asked why the Planning Commission is not taking action on this item. Jim Gentry replied that this was set for discussion to make sure that there are no questions from legal or from anyone else. This is set for discussion and unless there are any changes, this will be brought back on the agenda at the end of March.

Steve Clarke asked with regard to the issue from \$10,000 to \$25,000 for bonds that the Engineering Department holds, is that bond established based on the value of the work that is to be done on the project? Is that the case in this point or would all the applicants be required to turn in a \$25,000 bond. Jim Gentry replied no, what happens when there is an improvement to be installed on a development, they require a processing from the Engineer and it's based on the actual cost. Chair Hollist added that to call it a bond is not correct; it is an amount in the escrow to cover the completion of a particular section of the work. The Engineer can approve up to \$25,000 and anything estimated above the \$25,000 has to be approved by the County Commissioners but placed in the same Engineer's Escrow Account. Chris Allred said the problem that they have had with real bonds, is they are difficult to collect, and when the time comes it is almost impossible to collect, so they went to the escrow approach to avoid that problem.

**3.3. Elections:** Election of Chair and Vice Chair for 2014

**MOTION:** Commissioner Parson moved to nominate Ann Miller as Chair for 2014. Commissioner Warburton seconded.

**MOTION:** Commissioner Graves moved to nominate Pen Hollist for Chair for 2014. Commissioner Miller seconded.

**VOTE:** A vote was taken to elect Ann Miller as Chair for 2014 with a vote of 0 for and 7 against. Motion Failed.

**VOTE:** A vote was taken to elect Pen Hollist as Chair for 2014 and the motion carried with a 7-0 vote. Motion Carried.

**MOTION:** Commissioner Parson moved to nominate Ann Miller for Vice Chair. Commissioner Warburton seconded.

**MOTION:** Commissioner Howell moved to nominate Laura Warburton for Vice Chair. Commissioner Graves seconded.

**VOTE:** A vote was taken to elect Ann Miller as Vice Chair for 2014 and the motion carried with a 7-0 vote. Motion Carried.

**VOTE:** A vote was taken to elect Laura Warburton as Vice Chair for 2014 with a vote of 2 for and 5 against. Motion Failed.

**4. Communication Policy:**

Sean Wilkinson said this was in response the discussion of December 3, 2013 Planning Commission meeting when Commissioner Warburton brought up a discussion on this item. Staff's recommendation is on Page 2; if there is Planning Commission names information put on the website, that it be only the names and no other information, another option is that no information for the Planning Commission be placed on our website.

Chair Hollist said that he put a website address on a Charrette newspaper article and he could see this prohibits that. He declared to the Planning Commissioners and staff that he did not receive any response to that website and has since deleted it. He has subsequently put Sherri's Weber County Email Address on other items. The question now is on the website. The choices are to put the names, identify the officers, and the appointment terms, or not have any information on the website.

Commissioner Warburton asked if a citizen wanted to know who was on the Planning Commission without actually coming here, could they get that information by calling Sherri. Sean Wilkinson replied they could ask for names but that is all staff would provide.

Chair Hollist said he would like to speak on Option One. The issue is if staff puts contact information, they are promoting ex parte communication, but if they do not put the contact information, they are discouraging communication for legislative items. Are we mature enough as commissioners, in view of Planning Staff and Legal Counsel, to distinguish between callers phoning them for discussion of administrative items or provide for an opinion for legislative items?

Commissioner Miller said that she had a difficult time understanding why they don't have their names and the length of their terms on the website. She believes that the Government needs to be transparent enough that the Planning Commission names are listed. Chair Hollist said the question here is; could they be mature enough to have their phone numbers and email addresses listed, and be mature enough to distinguish an administrative question, or influence input on legislative issues.

Commissioner Warburton said that it is important to point out that they are not elected officials; they are appointed yet anyone that works for the County's information is on the website. We are appointees and we represent the County Commission for the Ogden Valley.

Commissioner Howell said that he has been approached by people who have concerns and he has suggested either emailing the Planning Department or coming to one of their meetings and expressing their concerns.

Sean Wilkinson said that he agreed that it's not a matter of maturity; everyone here is capable and would do what is right if that information is out there and you received a phone call for an administrative item. However, there are a couple of points that Mr. Allred brought up regarding citizens being able to call county employees. They do that when employees are at work, at their work number, when they are officially representing Weber County in an official capacity. It is not their home phone that people are calling. He has concerns about how the information that goes to the Commission is given to staff and then given to the public in the exact way that it was given to you, because all of that would need to be reflected in the meeting so that everyone know exactly what is going on.

Chair Hollist clarified that the concerns are by not publishing more than name, office held, and term of appointment, staff is actually protecting the Planning Commission from being required to report and document. Sean Wilkinson replied in a sense that is correct.

Commissioner Warburton asked Mr. Allred to clarify that if this Planning Commission stays within legal boundaries, they are protected if they are sued, but if they don't they are not. Chris Allred replied that is correct and if you take a position contrary to your Legal Counsel's position.

Steve Clarke suggested that if the packet is not available before the meeting and if there were some instructions on where the packet is available, and if there are any comments, they can be emailed to Sherri Sillitoe for inclusion in the meeting, that would open communication to the public.

**MOTION:** Commissioner Warburton moved adopt a policy to have Planning Commissioner's names, positions, and term of appointment be added to the Weber County Website. Commissioner Miller seconded.

**VOTE:** A vote was taken and Chair Hollist declared the motion carried (7-0)

5. **2013 General Plan Implementation Update:** Sean Wilkinson presented a list of accomplishments done in 2013, and some of the ways they worked towards the General Plan. Some projects will continue in 2014.
6. **2014 Planning Division Work Program:** Sean Wilkinson presented the 2014 Planning Division Work Program stating that the list was not all inclusive and it would be subject to change. These are mainly in the long range planning priorities they have. A vast amount of time is with current planning activities. There are three planners devoted to current planning activities and hopefully this year staff will be able to work towards the long range plans.
7. **Public Comment for Items not on the Agenda:** Steve Clarke asked what is going on with the cluster subdivision ordinance and the recodifications of the zoning map. Sean Wilkinson replied staff is currently working with the Western Weber Planning Commission; Scott Mendoza is the project manager working through the cluster subdivision ordinance that will come to the Ogden Valley Planning Commission as well. As to the recodifications of the zoning map, at some point this

year they would like to officially readopt the zoning map. There have been some errors discovered between AUTOCAD, hand drawn maps, and different things, so staff needs to come up with an official final map.

8. **Remarks from Planning Commissioners:** Commissioner Warburton said that before our regular meeting, they attend a pre-meeting that begins at 4:30, but there are no minutes and notes that people could go back to see what happened. So she has gone to the Planning Director to check on this because this is an official meeting. Also, she was handed this letter by the secretary about a legal notification that Huntsville Town is going to be annexing some properties. She did not know if there was any action to be taken, but this Planning Commission needs to understand in state code, that they can question that. The only reason that this concerns her is in hearing what the Town of Huntsville wants to do and what services are available. They want to annex them but there are no water services available, and she felt they have an obligation to protect the people that are going to be annexed. This Planning Commission needs to be aware that it is one of our duties, which they don't have to act on it but that they can.

Chair Hollist said as far as the Charrettes; the team leaders met, and it was a success as far as community was concerned in numbers and caliber. There was a lot of good discussion, the team leaders had a lot of information thrown to them to have the affect of broadening what they will be working on. The Charrettes actually started last Saturday and will continue until next Sunday where they will work in close confinement working on these problems. He had an apology to make, he had 30 minutes to make an article in the newspaper regarding that meeting last week, and he made a number of mistakes in not involving this Planning Commission, and he will try not to do that again. The student teams will present the results of their work on Utah State's Campus to a limited of audience, on the 19<sup>th</sup> of February and we are invited. Dr. Bell advises that this is a student dry run, where the students are polishing their presentation, for their presentation to the County Commissioners to be decided at a later date. The County Commission should receive a formal presentation of an hour in length and that could be presented in this chamber with all the valley residents, the students, and the teams. For the informal venue there is not any place except for the meeting room in the Huntsville Library. The other Planning Commissioners suggested having an open house meeting in the Junior High and allowing several days and time venues so people could attend.

Chair Hollist said that Commissioner Zogmaister noticed an item where the Wasatch Front Regional Council is offering \$600,000 to organizations that can show a need for consulting services, contract management services, training, and other things. He has given Mr. Wilkinson his ideas of how that letter of intent could be written as it is due Friday. Mr. Wilkinson sent his version to Commissioner Zogmaister suggesting the use to use of consultants to do the quality control, check the data on which information is based, and to do some training on various software programs like the form based zoning software and Envision Tomorrow software.

9. **Report of the Planning Director:** Sean Wilkinson said that he was going to talk about the \$600,000 opportunity. He gave all the information that Chair Hollist had given him to Commissioner Zogmaister. The last item is a discussion about the APA Conference that will be held in Atlanta this year. He believes that Commissioner Warburton and Commissioner Parson have gone to national conferences recently. Technically they go in order of seniority and he asked Commissioner Howell if he would like to attend on April 26-30, if so, he asked for his answer within a week. The conference next year is in Seattle and the following year in Phoenix. Commissioner Warburton suggested having credits for education instead of money. Mr. Wilkinson replied that there are several opportunities and he will announce when those opportunities are in the future.

10. **Remarks from Legal Counsel:** No remarks from Legal Counsel were made.

11. **Adjourn:** The meeting was adjourned at 6:55 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Division



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Discussion and action on amendments to the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provision) Section 101-7-7 (Definition) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure.

**Agenda Date:** Tuesday, February 25, 2014

**Applicant:** Staff

**File Number:** ZTA 2013-01

#### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

#### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

#### Staff Information

**Report Presenter:** Jim Gentry  
swilkinson@co.weber.ut.us  
(801) 399-8767

**Report Reviewer:** SW

### Applicable Land Use Code

- Weber County Land Use Code Title 101 (General Provision) Section 101-7-7 (Definition)
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 1 (General Provisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review)

### Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

### Background

Staff is proposing to amend the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review). The changes are as follow:

Sec. 108-1-2, Application, and review (b) is to only require a PDF file. With Miradi PDF's are easily imported in the system for other agencies to review or make copies.

Sec. 108-1-4, Considerations in review of applications, 5 is language clarification.

Sec. 108-1-4, Considerations in review of applications, 6 (c) is language clarification.

Sec. 108-1-7, Agreement for improvements, is adding a provision allowing the County Engineer to approve financial guarantee of \$25,000 or less.

Sec. 108-1-11, Modification, clarify the modifications to a Design Review application that the Planning Director can approve.

The other changes proposed in this ordinance make the definition for financial guarantees consistent with the rest of the ordinance and increase the amount of a financial guarantee that can be approved by the County Engineer.

The definition for financial guarantees changed at the time when banks were failing and the FDIC chose not to honor the outstanding financial guarantees. The new definition reflects that policy change.

The second change to the definition section and the section 3 is to allow the County Engineer to approve escrow amounts of up to \$25,000. Staff has worked with the current limit of \$10,000 for several years. This process of allowing the County Engineer to sign off on escrows has worked well and the increase will allow for more flexibility with developers and stream line planning processes.

**Section 2: Title 101 General Provisions Section 101-1-7, Definitions is hereby amended:**

~~Financial guarantee. The term "financial guarantee" means in lieu of actual installations of the improvements required by the Land Use Code, a letter of credit or an escrow certificate from a state lending institution, or a corresponding lending institution in an amount equal to the future cost (plus ten percent contingency) of the installation of the improvements, as determined by the county engineer and/or planning director, and approved by the county attorney, to assure the installation of such improvements within a period of two years or less as determined and approved by the county commissioners. Corresponding lending institution is a financial institute that has branches located in the state.~~

Financial Guarantee: In lieu of actual installations of the improvements required by the Weber County Land Use Code, the applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow in an amount equal to the future cost (plus 10% contingency) of the installation of the improvements, as determined by the County Engineer and/or Planning Director, and approved by the County Attorney (unless the amount is less than \$25,000), to assure the installation of such improvements within a period of time.

"Small Subdivision":

- a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
- b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
- c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under ~~\$10,000~~ \$25,000.

**Section 3: Title 106 Subdivisions CHAPTER 1, General Provisions Section 106-1-8, Final plat requirements, and approval procedure is hereby amended:**

(D) Approval of Final Plat.

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under ~~\$10,000~~ \$25,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than ~~\$10,000~~ \$25,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant.

## Summary of Planning Commission Considerations

The Planning Commission should consider the following questions in making a recommendation to the County Commission:

- Do the changes that have been made make sense?
- Have any changes been left out that you feel should be addressed at this time?
- Are there changes that have been made that you disagree with?

## Conformance to the General Plan

Not Applicable

## Conditions of Approval

Not Applicable

## Staff Recommendation

Staff recommends that the Planning Commission consider the proposed changes to Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provision) Section 101-7-7 (Definition) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure and as these changes will make ordinances consistent and allow more flexibility with developers and stream line planning processes.

## Exhibits

- A. Staffs draft proposal

**Section 1: Title 108 Standards Chapter 1 Design Review is hereby amended:**

Sec. 108-1-1. Purpose.

Sec. 108-1-2. Application and review.

Sec. 108-1-3. Exceptions.

Sec. 108-1-4. Considerations in review of applications.

Sec. 108-1-5. Conditions.

Sec. 108-1-6. Planning commission approval.

Sec. 108-1-7. Agreement for improvements.

Sec. 108-1-8. Time limitations on approval.

Sec. 108-1-9. Transfer of approval upon change in use.

Sec. 108-1-10. Conformance to approval.

Sec. 108-1-11. Modification.

**Sec. 108-1-1. Purpose.**

- (a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.
- (b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

**Sec. 108-1-2. Application and review.**

- (a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings with a total footprint of less than 10,000 square feet and a project area of less than one acre shall be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.
- (b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF DWF and JPEG files of the respective plans.

**Sec. 108-1-3. Exceptions.**

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

Sec. 108-1-4. Considerations in review of applications.

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

- (1) *Considerations relating to traffic safety and traffic congestion.*
  - a. The effect of the development on traffic conditions on abutting streets.
  - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
  - c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
  - d. The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.
  - e. The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.
  - f. The surfacing and lighting of off street parking facilities.
- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.
- (3) *Considerations relating to landscaping.*
  - a. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (3)g of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.
  - c. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.
  - d. The number and type of mature and planted size of all landscape plantings.
  - e. The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.
  - f. The location, type, and size of any existing trees over four-inch caliper that are to be removed.
  - g. Landscape standards. Plant sizes at the time of installations shall be as follows:
    1. Deciduous trees shall have a minimum trunk size of two inches caliper.
    2. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

3. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
  4. Vines shall be five-gallon minimum size.
  5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
  6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
  7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
  8. Water conserving landscaping methods and materials are recommended and encouraged.
- h. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.
- i. The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
- (4) *Considerations relating to buildings and site layout.*
- a. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.
  - b. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.
- (5) *Considerations relating to utility easements, drainage, and other engineering questions.*  
~~The Provision within the development shall provide for adequacy~~ adequate of storm water and surface water drainage, ~~and~~ retention facilities, and for utilities to and through the property.
- (6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.*
- a. Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
  - b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
  - c. Are any modifications of a major significant nature that first need to follow the procedure for amending the approved concept plan?

Sec. 108-1-5. Conditions.

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

Sec. 108-1-6. Planning commission approval.

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may be appealed to the planning commission, and denial by the planning commission may be appealed to the county commission.

Sec. 108-1-7. Agreement for improvements.

Upon the grant of design approval, the developer shall enter into an Agreement with the County detailing the public and private improvements to be constructed on and off site and acknowledging his responsibility for such installation within the time period allowed. Financial guarantees for completing improvements shall be deposit into an escrow account with the Weber County Engineering Division ~~be filed with the County~~ when and where so required. Financial guarantee of \$25,000 or less can be approved by the County Engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed ~~for future installation.~~

Sec. 108-1-8. Time limitations on approval.

If construction of any development for which design approval has been granted, has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

Sec. 108-1-9. Transfer of approval upon change in use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a conflict arises concerning the interpretation of the zoning ordinance, the planning director shall refer the change in use to the planning commission for review and approval.

Sec. 108-1-10. Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

Sec. 108-1-11. Modification.

Upon request of the applicant, modifications in the approved plan may be made by the Planning Commission or the Planning Director. ~~if authorized to do so, if it is found that the modification will meet requirements of this chapter and any other applicable chapter of the Land Use Code.~~

De minimis Revisions: The planning director may approve revisions to an approved Design Review Plan that he/she determines are de minimis. Proposed revisions shall be considered de

minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission. Revisions that are de minimis shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

**Section 2: Title 101 General Provisions Section 101-1-7, Definitions is hereby amended:**

*Financial guarantee.* The term "financial guarantee" means in lieu of actual installations of the improvements required by the Land Use Code, a letter of credit or an escrow certificate from a state lending institution, or a corresponding lending institution in an amount equal to the future cost (plus ten percent contingency) of the installation of the improvements, as determined by the county engineer and/or planning director, and approved by the county attorney, to assure the installation of such improvements within a period of two years or less as determined and approved by the county commissioners. Corresponding lending institution is a financial institute that has branches located in the state.

Financial Guarantee: In lieu of actual installations of the improvements required by the Weber County Land Use Code, the applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow in an amount equal to the future cost (plus 10% contingency) of the installation of the improvements, as determined by the County Engineer and/or Planning Director, and approved by the County Attorney, to assure the installation of such improvements within a period of time.

"Small Subdivision":

- a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
- b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
- c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under ~~\$10,000~~ \$25,000.

**Section 3: Title 106 Subdivisions CHAPTER 1, General Provisions Section 106-1-8, Final plat requirements, and approval procedure is hereby amended:**

(D) Approval of Final Plat.

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under ~~\$10,000~~ \$25,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than ~~\$10,000~~ \$25,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant.



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses) by adding Craft or Artisan Distillery

**Agenda Date:** Tuesday, February 25, 2014

**Applicant:** Christopher Cross

**File Number:** ZTA 2014-02

### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
(801) 399-8767

**Report Reviewer:** SW

## Applicable Land Use Code

- Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses)
- Weber County Land Use Code Title 101 (General Provision) Section 101-7-7 (Definition)

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

## Background

The applicant is proposing to amend the Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses) by adding craft or artisan distillery as a permitted use. The purpose and intent of the MV-1, Ogden Valley Light Manufacturing Zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.

The petitioner included the following definition for a Craft or Artisan Distillery. "A craft distillers produce alcoholic beverage spirits by distillation, or by infusion through re-distillation. Maximum product for a craft or artisan distillery should not exceed 250,000 proof gallons per year. The craft or artisan distillery uses a pot still, with or without rectification columns, for distillation of beverage spirits. A distiller starting with a neutral spirits produced by others, who redistills without

substantially altering the neutral character of the spirit may not be said to be a craft or artisan distiller". The Planning Commission should have the applicant explain this definition.

Staff is also recommending that the Weber County Land Use Code Title 101 (General Provision) Section 101-7-7 (Definition) is amended by adding the following two definitions:

Artisan: A person or company that makes a high quality or distinctive product in a small quantities, usually by hand or using traditional methods.

Craft Beer: A small brewery using traditional methods and ingredients to produce a handcrafted, uncompromised beer that is marketed locally.

### **Summary of Planning Commission Considerations**

The Manufacturing (MV-1) Zone which is intended to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses. The zone accommodates a range of industrial activities that are of limited intensity, such as warehousing and wholesaling, and small scale production and processing activities. This business type is also consistent with the zoning goal of providing a diversified employment base for the community while limiting traffic, noise, dust, fumes, orders, smoke, vapors, vibration, or waste disposal problems.

The Planning Commission should consider the following questions in making a recommendation to the County Commission:

- Is the proposed amendment consistent with other uses in the Manufacturing (MV-1) Zone?
- Are there any major detrimental effects that may come from approving this amendment?

### **Conformance to the General Plan**

Not Applicable

### **Conditions of Approval**

Not Applicable

### **Staff Recommendation**

Staff recommends approval of the proposed amendment to add Craft or Artisan Distillery as a permitted use in the Manufacturing (MV-1) Zone with the following language:

Small-batch artisan food processing limited to food for human consumption e.g., baked goods, confectioneries, craft beer, and/or artisan distillery.

The recommendation is based on the following:

- The use is consistent with other uses within the Manufacturing MV-1 Zone.
- The manufacturing and warehousing of product is done within an enclosed building.
- The use is regulated by the state and or the federal government.

The Planning Commission's decision should be made as a recommendation to the County Commission.

### **Exhibits**

- A. Applicant's proposal.
- B. Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses) with the text inserted and new numbers.

## Weber County Text Amendment Application

**Date Submitted:**  
07FEB2014

**Property Owner Contact Information:**

Christopher Cross (prospective lessee)  
P.O. Box 597  
Eden, UT 84310  
(801) 920-1110  
[xcross@me.com](mailto:xcross@me.com) (preferred contact method)

**Ordinance Proposal:**

Ordinance to be Amended:  
Ogden Valley Manufacturing Zone  
Title 104  
Chapter 23  
Section 104-23-2

Proposed changes to the ordinance:  
21B-2 Permitted Uses:  
By adding business type: Craft or Artisan Distillery

Definition: Craft Distillers produce alcoholic beverage spirits by distillation, or by infusion through re-distillation. Maximum production for a "craft" or "artisan" distiller should not exceed 250,000 proof gallons per year. The "craft" or "artisan" distiller uses a pot still, with or without rectification columns, for distillation of beverage spirits. A distiller starting with neutral spirits produced by others, who redistills without substantially altering the neutral character of the spirit may not be said to be a "craft" or "artisan" distiller.

This business type is consistent with the characteristics and purpose of the Ogden Valley Manufacturing Zone. The characteristics of a light manufacturing zone are appropriate for limited industrial uses and trades, and are created in areas having access to major streets and present a low likelihood of conflict with other uses, as well as a low potential for adverse impacts on the overall image of the community. The purpose of the zone is to accommodate a range of industrial activities that is of limited intensity, such as warehousing and wholesaling and small-scale production and processing activities. This business type is also consistent with the zoning goal of providing a diversified employment base for the community while limiting traffic, noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems.

The manufacturing process and warehousing of product is accomplished with all activities and storage inside an enclosed building. The process also does not produce outside noise, smell, smoke or byproducts of the manufacturing process.

Sales of the product produced on site are allowed and licensed by the Utah Department of Alcoholic Beverage Control (DABC) statutes and rules. Production and sales are also heavily regulated and licensed by the federal government via the Alcohol & Tobacco Tax & Trade Bureau (TTB).

Weber County Land Use Code Title 104 (Zones) Chapter 23 (Ogden Valley Manufacturing Zone MV-1) Section 2 (Permitted Uses) is hereby amended as follows:

**Sec. 104-23-2. Permitted uses.**

The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- (1) Accessory uses and buildings customarily incidental to a permitted use.
- (2) Agricultural implement repair.
- (3) Ambulance base station.
- (4) Animal hospital.
- (5) Archery shop and range, provided conducted within completely enclosed building.
- (6) Auction establishment.
- (7) Carpenter shop, cabinet shop.
- (8) Cleaning and dyeing establishment.
- (9) Communication equipment building.
- (10) Contractor's equipment storage yard, maintenance, and repair.
- (11) Farm implement sales.
- (12) Garden supplies and plant material sales.
- (13) Greenhouse and nursery.
- (14) Gymnasium.
- (15) Lawn mower sales and/or service.
- (16) Meat custom cutting and wrapping excluding slaughtering.
- (17) Monument works and/or sales.
- (18) Ornamental iron sales and/or repair.
- (19) Pest control and extermination.
- (20) Plumbing shop.
- (21) Printing, including engraving and photo engraving, blueprinting, Photostatting and duplication.
- (22) Public and quasi public uses.
- (23) Recreation center.
- (24) Recreational vehicle storage.
- (25) Rental agency for home and garden equipment.
- (26) Roofing sales or shop.
- (27) Small-batch artisan food processing limited to food for human consumption e.g., baked goods, confectioneries, craft beer, and/or artisan distillery.
- (287) Soil and lawn service.
- (298) Taxidermist.
- (3029) Trade or industrial school.
- (310) Upholstery shop.
- (321) Ventilating equipment sales and service.
- (332) Warehouse, including storage units.
- (343) Window washing establishment

**Section 2: Title 101 General Provisions Section 101-1-7, Definitions** is hereby amended by adding the following two definitions:

Artisan: A person or company that makes a high quality or distinctive product in a small quantities, usually by hand or using traditional methods.

Craft Beer: A small brewery using traditional methods and ingredients to produce a handcrafted, uncompromised beer that is marketed locally.