

OGDEN VALLEY CITY PLANNING COMMISSION
MINUTES FROM PLANNING COMMISSION MEETING – FEBRUARY 10, 2026
February 10, 2026, 6:00p.m.
Huntsville Town Hall, 7474 E 200 S, Huntsville, UT

Name	Title	Status
Lisa Arbogast	Planning Commission Chair	Present
Angela Dean	Planning Commission Vice Chair	Present
Fred Blickle	Planning Commission Member	Present
Tyson Lloyd	Planning Commission Member	Present
Erin Shaffer	Planning Commission Member	Present
Teri Zenger	Planning Commission Member	Present
Jim Morgan	Planning Commission Member	Present
Brian Carver	City Planner	Present
Kathy Zindel	OVC IT Director	Present
Sharon Robbins	OVC Recorder	Present

1. **Call to Order.** Planning Commission Chair Arbogast called the initial meeting of the Ogden Valley City Planning Commission to order at 6:00pm.
2. **Pledge** of Allegiance was led by Chair Arbogast.
3. **Moment of Silence** was approximately one minute.
4. **Presentation by Craig Call – Understanding Planning including the Top 10 Hot Topics of Land Use Ordinances followed by discussion**

Council member Booth introduced Craig Call to the Planning Commission and audience. He indicated that he had been working with Craig on the Ogden Valley Land Trust Board.

Craig Call is an attorney who has focused on land use in Utah. He is the author of the book: **Ground Rules: Your Handbook to Utah Land Use Regulation**. He has been a member of a city council and has been in the state legislature. He was the first Property Rights Ombuds in Utah and originated the Utah Land Use Institute. He is currently serving as its Executive Director.

Craig's presentation focused on the Top Ten Topics in Utah Land Use. He provided a one-page handout with the topics and some brief slides as an overview of land use.

Craig started with a general discussion of states as the beginning point of laws. Local entities can create laws within the discretion allowed by the states. There are several branches of government – Administrative, Judicial, and Legislative that all contribute to what can be done with land use. There are a lot of moving parts.

Craig asked about who cares / who is impacted by land use. The list of impacted parties he shared:

- Residents / land owners
- Resident Renters
- Non-resident land owners

- Future residents
- Visitors / workers

Judges and legislation must consider all these parties, not just the vocal ones that attend and comment at meetings.

Craig indicated there are 3 areas where there are rules to be followed:

- Constitution – not many land use rules there
- State Statutes
- Local rules

Initially people didn't need lots of rules to follow. As society got more complex, more rules were needed to balance interests. The Planning Commission needs to review and create ordinances that balance these factors and interests. The City Council needs to approve them.

Craig showed a slide that displays the difference between Legislative Acts and Administrative Acts. Legislative acts have broad discretion. They are about creating the rules that will be followed. For the Planning Commission that will include the General Plan and ordinances. Administrative Acts are about following the rules and enforcement. There is little discretion here. If rules are in place, they need to be followed.

He indicated this last slide covered the first of the ten topics in Utah land use. He asked what topics the Planning Commission would like to hear about and open it to general discussion.

Commission member Lloyd asked about appropriate uses for conditional use'. Mr. Call responded that if the body likes the practice, they should permit it. Limit conditional uses where possible. When conditional uses exist in the code, more time / effort is spent making decisions regarding the use. It can be approved if impacts are mitigated.

Council member Lloyd indicated that the Planning Commission is expected to move quickly to develop the ordinances. The Weber County code, used as the basis for the ordinances, has lots of conditional use. How can the City balance the need to develop ordinances quickly with the need to provide more robust ordinances.

Craig indicated there is a pending ordinance rule that will allow people to apply before the rule is adopted. As long as it is clearly spelled out on the agenda and has been considered, it can be considered as passed whether there is a moratorium or not. It can be used to evaluate an application.

There are some things may need to be conditional use. Try to anticipate conditional use needs.

Commissioner Dean indicated the potential to write clean code, without conditional uses. Those can be added later as the City has more experience and time to update the code.

Craig provided some examples of where conditional code did not work the way the city expected.

Craig spoke about grandfathering which establishes legal rights even though the use does not conform with the current regulation.

Council member Dean asked about whether the Planning Commission should create design standards. Craig indicated it is a political decision about what is imposed. It is a practical issue about whether it can be enforced, and a political issue about whether residents will support it.

General Plan is in place, and development agreements in place. Can we use it as a framework? Craig indicated the General Plan is not binding. Craig indicated using what is in place as a baseline is a good idea. Read the development agreements in place. The city would step in and assume the role from the county in the agreement.

Council member Dooling-Baker asked if will serve letters can be required with building permits. May be a state statute that requires utilities to be in place. Only challenge to legislation is the constitution and state law.

Council member Bickle provided examples of when property cannot be used such as land in a flood plain. Need to have evidence to show how to mitigate health and safety issues. Balancing test to try to accomplish the goals between the city and land owner. Land owner must be able to use their property. There are ways to mitigate with variances or the city can purchase the property.

Example in Nordic Valley -- Lots were laid out on steep slope in avalanche area. Can require the permit application to show how the property can be used. Allow a variance to apply for the permit, then review the application to determine how used.

Courts look at property from owner point of view. We need to provide a good structure in code that makes good common sense.

Need substantial evidence in the record. Make a record of the evidence. Substantial means more reasonable mind used for the decision. It is credible, relevant, and independent. As long as the evidence is recorded and it is substantial, then it most likely will not be challenged. Craig provided an example of a gravel pit owner that wanted to raise walls. Owner included substantial evidence in the record. The neighborhood challenge was not accepted.

When you put list of permitted uses in ordinance, you are saying we want these uses. Conditional use means we also like these uses and will mitigate. Need to show how uses will be mitigated. If not permitted, then it is not allowed. Craig spoke of Sandy example for STRs that is in the book.

Uses allowed will be liberally construed to the property owner. Those that are restricted are strictly construed. The more specific the list of permitted uses, the better.

Planning commissioner Dean asked can we rezone form-based zone? Craig says yes. Can out together ordinance to prohibit. For buildings built, they are grandfathered. If the application has been paid for prior to ordinance then it is OK. If pending ordinance is in place then it can be applied to ordinance.

Craig spoke about incremental plans. For the plans in place, they comply with the ordinance in place at the time. If have development agreement, the decisions have been made. Already there if vested. Can be denied if a new agreement.

Planning commissioner Dean asked about dark sky. Can we change the lanterns in a current design with new ordinances. Yes, those types of details can be changed.

How deal with STRs? City not have revenue streams to help with enforcement. Council member Bickler indicated that some subdivisions allow STRs but may want to flip it.

How can enforce STR laws? Can impose fines, \$xxx per day. Good balance to use civil enforcement by imposing fines to encourage good behavior. Or, done on complaint basis.

Council member Arbogast indicated fines are unsubstantial. Can create licensing fees to get more funds and inspections etc. Can you have zones that require to be owner occupied? Craig indicated it is too big a burden to try to do this.

Dooling-Baker indicated that Weber County sends notice to show if court if fines not paid.

What are opinion on TDRs? To try to cluster the development. Public perception the rights will not fillable. Craig indicated it is complicated, may just be political issues that complicate it. Park City pioneered the use of TDRs. Would need to have a TDR ordinance. Need to include practicality in the development of the ordinance. TDR says there is a value there that can be traded.

Planning Commission must hold public hearings prior to adopting the ordinances.

5. Discussion of progress reviewing the General Plan and Current Zoning Ordinances during the past week

Brian has completed comparison of draft of plan and current 2026 draft. Many changes in name, with additional topics. Lots of new language. Brian has table that shows the changes. More on Dark Sky, AG Tourism, Land Use, Capacity, Community Development, transportation alternatives, Parks and Trails. He indicated there will be a public hearing about the general plan.

Council member Dooling-Baker indicated the plan that Mayor Wampler was working on was lost in the cloud. The General Plan was worked extensively by Shanna Francis and Janet Wampler. Council member Dean indicated she can work with the Council and IT to get the current documents into the SharePoint site.

Council member Dooling-Baker indicated we want to make technical updates to the General Plan, and leave most of the updates once we know if we get a grant.

Les Vierra indicated he is with the Ogden Valley Water Shed Action Group. He is interested in providing recommendations to the interim general plan and the ordinances. His group has grant funds from EPA for education. His website will be shared.

Brian Carver indicated that water ordinances are not required until the population reaches 10,000.

Brian indicated he is looking at working versions of the zoning ordinances. He has not struck any of the changes so far. Track changes is on to track any comments by planning commission members. The file can be edited simultaneously with changes showing in different colors. Planning commission member Dean indicated we need a clean copy without the changes to review.

Planning commission member Lloyd asked how we start to work on the general plan. It is still in Brian's court to clean up and consolidate to a clean copy for the commission starts its review. Commission members will meet again to review all commission member changes. Goal to review feedback together.

6. **Adjourn** – Council member Shaffer motioned to adjourn the meeting. Council member Lloyd seconded the motion. All council members voted aye (7-0). The meeting was adjourned at 8:23pm.

The February 10, 2026 planning Commission meeting minutes were approved by the Planning Commission on the 24th day of February, 2026.

Signed: Sharon Robbins
Recorder