**Minutes of the Ogden Valley Planning Commission meeting & Work Session of January 2, 2018 held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.**

**Members Present: John Lewis –Chair**

**John Howell**

**Robert Wood**

**Laura Warburton**

**Chris Hogge**

**Member Excused: Jami Taylor**

**Stephen Waldrip**

**Staff Present: Rick Grover, Planning Director; Charles Ewert, Assistant Planning Director; Ronda Kippen, Principle Planner; Steve Burton, Planner II; Courtlan Erikson, Legal Counsel; Marta Borchert, Secretary;**

* **Pledge of Allegiance**
* **Roll Call**

Chair Lewis asked if there were any ex parte communication or conflict of interest to declare. There were none.

**Minutes**: **Approval of the meeting minutes April 12, 2016, May 17, 2016, and June 27, 2016 September 05, 2016 October 24, 2017, November 28, 2017 and December 05, 2017.**

Commissioner Lewis makes a motion to approve minutes as presented. Commissioner Warburton Seconded. Motion passed 5-0

**Consent Agenda:**

**CUP 2017-11: Consideration and action on the conditional use permit application for Marcella Naumu Real Estate Office located at 7345 E 900 S, Huntsville UT, in the Commercial Valley Resort (CVR-1) Zone.**

**(Marcella Naumu, Applicant)**

Commissioner Lewis notes that the first agenda that was sent out had the wrong address. The agenda that was presented has been updated to 7345 E 900 S, Huntsville UT. He asks if there is any question or comments from the Planning Commission. Commissioner Howell makes a motion to approve the Consideration and action on the conditional use permit application for Commercial Valley Resort (CVR-1) the approval is based on the conditions and recommendation as listed in the staff report. It is subject to the conditions and recommendation listed in the staff report to the county and state agencies. Commissioner Warburton seconded. Motion carries 5-0

**Petitions, Applications, and Public Hearings**

**Legislative Items**

Director Grover states that with regards to both of the items the applicant is the Weber County. Staff is representing both of the items. The first item to be discussed is the proposal to amend (§101-1-7), conditional uses (§104-22-3§104-23-3, §104-24-3, §104-25-3) to define outdoor storage and to include in the conditional use in M-1, MV-1 M-2, and M-3 zones. Since the applicant is Weber County Mr. Burton will represent both sides.

**New Business**

**ZTA 2017-13: Public hearing to discuss and take comment on a proposal to amend the following section of the Weber County Code: Definitions (§101-1-7), Conditional uses (§104-22-3§104-23-3, §104-24-3, §104-25-3) to define Outdoor Storage and include it as a conditional use in the M-1, MV-1, M-2, and M-3 zones.**

Mr. Burton stated that the current land use code doesn’t define the outdoor storage as a use in any of the zones. Mr. Burton explains that defining outdoor storage includes items for sale, storage, or display for commercial or manufacturing purposes which are not in an enclosed building for more than 24 hours. For Ogden Valley, we are conditionally allowing it as a use in the MV-1 Zone and the other manufacturing zones in the lower valley.

**ZTA 2017-16: Public hearing to discuss and take comment on a proposal to amend the following sections of the Weber County Code: Definitions (§101-1-7) Additions and enlargements (§108-12-3), Subdivision plat requirement for nonconforming lots; exceptions (§108-12-11), and Enlarging nonconforming lots; exemptions (§108-12-12). The proposed amendment will allow parcels created prior to July 1, 1992 containing a permitted single family dwelling to be considered a Lot of Record.**

Mr. Burton states that in ZTA 2017-16 we are amending the definition of a lot of record. In 2010 Weber County adopted the term lot of record to regulate development of the lots that didn't meet zoning at the time they were developed or didn't meet subdivision requirements. We are amending the definitions to include parcels contain a lawfully permitted dwelling prior to July 1, 1992, to be considered legal and a lot of record. The reason for this amendment is that there are some residents whose homes were lawfully permitted but were built on illegal lots. As a result, there were notices of noncompliance sent out to these residents.

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

Ron Gleason, Huntsville; states that a there is a provision in the sign ordinance that prohibits vehicle to be used as advertisements, for more than 48 or 72 hours. Has this sign ordinance been looked at in conjunction with this change to make sure it is in sync?

Mr. Burton states the sign ordinance would still apply. The wrapped vehicle would be considered a sign, not outdoor storage.

Mr. Grover states if it’s in the storage area there are certain requirements that are going to be applied as far as screening. It can be looked at through the conditional use provisions for outdoor storage. That will be addressed in the conditional use.

Commissioner Lewis closes the public hearing.

Commissioner Howell moves to approve ZTA 2013 Definitions (§101-1-7), Conditional uses (§104-22-3§104-23-3, §104-24-3, §104-25-3) to define Outdoor Storage and including it as a conditional use in the M-1, MV-1, M-2 and M-3 zones. The recommendation is subject to all conditions and recommendations as listed in the staff report to all county and state agencies; the motion is based on the findings in the staff report. Commissioner Hogge seconded. Motion carries 5-0

Commissioner Warburton moves to recommend for approval ZTA 2017-16 to amend Definitions (§101-1-7) Additions and enlargements (§108-12-3), Subdivision plat requirement for nonconforming lots; exceptions (§108-12-11), and enlarging nonconforming lots; exemptions (§108-12-12). The proposed amendment will allow parcels created prior to July 1, 1992, containing a permitted single family dwelling to be considered a Lot of Record. Wood Seconded. Motion carries 5-0.

**Remarks from Planning Commissioner:** none

**Legal Counsel Remarks:** none

**Report from Planning Director:** The election of chair and vice chair will be done next meeting. Planning Commission dinner will be Jan. 16th 2018. Registration is coming up for the national conference. Jami Taylor from Ogden Valley will be attending. Commissioner Warburton states that the chair and vice chair should attend the conference. Much of the visual aids are available online. There is a lot of good information.

**Adjourn to convene to Work Session.**

**WS1. DISCUSSION: Parking Area on Parcel 22-021-0142 owned by Summit Mountain Holding Group LLC**

Ronda Kippen states that Summit Mountain is need of parking. They found a parcel that was not included in the reconfigured zoning agreement. This parcel has been left out, it has adequate acreage. It is zoned AV-3 and doesn't have any density rights. There are multiple uses allowed in the AV-3 zones. Parking lots are allowed within the AV-3 zone. The idea is to build a park and tie it to the parking lot. There has been discussion about putting a restroom in that area. A rezone to a CV-2 would be more appropriate and parking lot in the CV-2 zone with a conditional use permit. When presented to the community, it was their understanding that it was going to be open space. The public didn't want it to go to CV-2. The development agreement said it would be no density, not that it's meant to be open space permanently. There is nothing found to date that states that it's open space, only that it's no density. What has been discussed is leaving it an AV-3 zone and adding a text amendment that will allow us to add a park and a trail, and it will allow the parking lot to be used during the winter. There has also been some discussion about adding a maintenance building and possibly a ticket machine. It can be done as a conditional use permit. This would allow the commission to add conditions, and at a legislative matter, it would allow for the public comment. The park is the only way to get a parking lot. The parking lot would be used as an accessory to a public or private park or recreation ground. There are wetlands and the Wolf Barn in this area that we want to preserve.

Director Grover states that regarding a park at this location first it would need to be a private park and depending on the park district is might be made public. There have also been discussions about trails; they would also be run by the park district, because of concern with liability.

Mark Schroetel general manager of Powder Mountain, a resident of Eden, states the current parking solution is year to year at best. Right now that is including the agreement with UTA. The owner of the Park and Ride in Eden has expressed interest in developing it. As was stated by Ronda it is currently zoned AV-3 which allows parking as an accessory. This could create a parking solution, which includes a recreation amenity. There is already a mile long walking trail developed and fitness stations and there is plans to add a mountain bike pump track. There would need to be adequate parking for this. Currently, the plan includes 790 parking spaces. There would be 100sq ft. building for restrooms and ticketing. There would be a pavilion for weddings or receptions. There has been a discussion with UTA about operating out own shuttle from the Park and Ride to Powder Mountain, this would require the maintenance building, but this option would not be financially viable. This essentially rules out the maintenance building.

Commissioner Warburton asks what percentage of the property would be parking and how many exits would there be? Mr. Schroetel states that the parking would be roughly 1/3 of the property and they are currently performing traffic studies on how many exits there should be. He also states that he is open to placing the maintenance building at another location.

Lee Schussman from Eden states that he would like there to be ongoing resident input throughout the process. He would like a lot of conditions placed that would enforce safety and reduce public nuisance. He would also like to see light control. He has concerns about safety egress involving entry and exit. He would like guarantee that there will not be unnecessary bus idle. He would there to be landscaping maintained such that it will not decrease the property value of surrounding residents. He would like the majority to remain open space in exchange for the parking.

Sherman Stacy, 3938 N 4828 Fairway Oaks noted that it is a concern to bring a large parking lot to the location simply because the Summit Mountain owns it. He believes that they should look at how it would fit in with the surroundings. He states that you don't need 790 or even 300 parking stall for 35 acres of park. It doesn't make sense; it seems more like an excuse. Does the County even want a park? There needs to be a broader planning view.

Sharon Holmstrom from Eden states that her property adjoins the entire property. It was her understanding that it was part of the several thousand acres in the development agreement that was open space that allowed increased density. If there were conservation easement on those opens space acres this would not be an issue. They should take some of the open space and put it in a conservation easement to protect the wildlife. She is concerned about the BMX Track and the land becoming a giant dirt pile, which will attract youth and automobiles. She believes this is an unacceptable use.

Kim Wheatley unincorporated Huntsville, states he is looking at a larger planning picture. He asks if this is the right place for the parking ride. Looking at 2007 traffic impact study, and currently, the big hits are the four-way stop where this is an estimated 60-second wait, stop lights and turn lanes in all directions. A greater 90-second wait at the junction dam. It makes no sense for a 30 or 40-year perspective driving through Trappers Loop or the Ogden Canyon to catch a bus. It would make more sense to have the public catch the bus as far from Ogden Valley as possible. This parking lot would be larger than all 2/3rds of all of Snow Basin parking. Parking should be near a commercial area.

Dee Staples lives on the other side of the property. He wants respect for his property rights. He feels it's really intrusive to his residential neighborhood. He compares it to the Park and Wait at the airport. He believes it would be the same, and there is should be a better location in terms of commercial use. He recommends that there be some ways reduce the number of units. There needs to be resident input on fencing and landscape. Does Wolf Creek have any plans to keep up with water shares to supply a park and green area?

Ron Gleason resides in Huntsville, concerning the bathrooms the individual who wanted the bathrooms is on the board of Water District. That input did not come from the board itself. The Park District is a state entity and the only people who can make decisions are The Board. He wants to hear from the Board members. Concerning zoning codes he suggests the Planning Commission review the purpose of intent.

Richard Allen lives on the other side of the property. He states that he did not move to Eden to have a parking lot in his front yard. When he bought the house he understood it is open space in that area. Please take into consideration the impact of property value, give residents input on water runoff, berming, light pollution, noise pollution, and pollution.

Commissioner Lewis states that he owns Wolf Creek and is a citizen of the Ogden Valley. There is a zoning agreement at Wolf Creek that is attached. The development agreement says total open space including AV-3 equals 2006.19 acres. The compromise for the density is the open space. The open space is O1 and AV-3. You can’t change that ratio. We need to look at the long-term picture. It might be an option to put the Park in Ride in the middle of Wolf Creek commercial district. It makes more sense to put the parking in the commercial area, versus a residential area. He does not believe that it will only be utilized in the winter. Currently, there are 300 or 400 at Wolf Creek parking spaces and he has 7 acres which would be more than enough. Is there an estimated size for the service shed?

Commissioner Warburton states that she believes a conservation easement is a good idea to add a layer of protection. She asks who the primary users of the Park and Ride are.

Mark Schroetel states that the majority live in the Ogden Valley. The remainder is people coming up from Ogden and other surrounding areas. The majority of UTA riders on the buses are coming from Ogden. 700 stalls are the projected growth. Currently, the peak day is 260 users. They just want to make sure they are reserving the ability to accommodate, and the first phase would include 300 stalls. The full build-out is 700 and it is being expressed to avoid bringing it back the Planning Commission. The maintenance facility would not be on the property. He states that he is open to the Wolf Creek option as a short-term solution, but he does not want to negatively impact Wolf Creek business. He does not want to lose the ability to have a Park and Ride the Ogden Valley. To answer the question of irrigation temporary measures, it would be natural vegetation that could withstand drought. There has been a discussion about adding a fence to curve the trespassing.

Commissioner Lewis asks the audience if the Mr. Schroetel and the audience if he put in a fence, berms, and shielding. They took away the ATV motorcycle option. The park was built out with no maintenance building and what was left over was left open space. They put in a conservation easement, they get community involvement. Would the public still have an issue with this proposal?

The majority of the audience still had issues with this proposal.

The question was asked if it was a completely open space park with no parking who would be okay with that. The audience agreed they would be okay with this proposal.

Commissioner Lewis adds that there is text amendment issue that has to be agreed upon. If it’s not ancillary to the zone, there needs to be everyone’s permission to change it.

Director Grover states that the parking area being used at Wolf Creek would be a good option. He states that it would be good for the commercial areas and the village centers currently being developed. It might be a huge benefit. There would be walkability throughout the community. He has some concern with the parking lot being placed when the village centers aren’t identified. He states that the idea seems a bit premature, and we need to look at the whole context of the area. It makes more sense to have it in a more commercial area.

Commissioner Warburton asks how many stalls are built out at Wolf Creek and how many are being utilized.

Commissioner Lewis states that it is possibly 150, but there is a capacity to build it out. He states that he is just trying to look at the big picture. He asks Director Grover if this idea would conflict with the applicant being able to bring forth the same proposal later on. Director Grover states that we would look at the parking that is there and the parking being proposed and see how it's meeting the parking ordinance. The might need to come to the Planning Commission and ask for reduction or justification on parking numbers, it would be up to the Planning Commission as proposed by Wolf Creek and the developer proposal. We would have to look at shared parking.

Ronda Kippen states that in the area in question at Wolf Creek standalone parking lots aren’t allowed in that area. They are only allowed as an accessory.

**Public comment**

A female resident said that it’s going to be cold people are going to idle their cars. It makes more sense for the parking lot to be placed in a commercial center and then go and get a coffee or hot chocolate while they wait for the buses.

Kim Wheatley states that regarding peak seasons 250 to 40 or 50 parking spaces were being utilized. The schools are not occupied during peak season. He doesn’t see the need to build for the maximum day when there is already a lot of idle parking. Why concentrate the pollution and the noise. Why not spread it out and put it in several commercial areas. It might increase the traffic for the merchants to the Ogden Valley. It would be less expensive than developing a parking lot.

Sharon Holmstrom, states that she doesn't think that 250 slots being used. She believes that it might not even be 50 slots.

Mark Schroetel states that there were 3 days during peak 250 that were used in conjunction with the Middle

School.

Mrs. Kippen states that regarding Mr. Shushman’s question, the zoning developing agreement goes straight to the County Commission. The zoning agreement outlines the uses, not the conditions that can be in that zone. The conditions are added by a conditional use permit. With the regard to the zoning development agreement from 2002, it is only 4 pages. Basically what it says is that dwelling units per acre is an average for all parcels zoned FR-3. Dwelling units is an average parcel zoned RE-15. An additional 190.00 acres of open space will be required with zones FR-3, RE-15, and FV-3. There is no conceptual map that has been located to date. A map would be useful to locate the 190.00 acres in FR-3, RE-15, and FV-3.   
The property in question is zoned AV-3, and there is a lot of uses on this parcel that are less desirable than a parking lot.

Courtlan Erickson states that he would like to make a note about conflict of interest. This meeting is a work session there is some flexibility and usually, there is some discretion. He would like to remind all Planning Commissioners to brush up on the rules, on conflict of interest and what ex parte is and the rules of order. He states that it is important to be prepared for future meetings and be careful of communication in the meantime.

**WS2. DISCUSSION: Modifications to the definition of “Height of Building “and additional clarification regarding standards and regulations governing the height of a building.**

Mr. Ewert discusses changes being proposed to the definition of height of a building. Height in the land use code says to measure height as average from the high point to the low point of the natural grade to the top. The question is, when you redo all grade how do you determine the where the natural is. The newly proposed height of a building is the vertical distance between the highest point of the building or structure and the average elevation of the land and exterior footprint of the building or structure using the finished grade.

Average elevation shall be determined by the averaging the highest elevations and the lowest elevations of the exterior footprint of the building or structure including any support post that require a footing. An alternative means of calculations can be approved by the planning director as long as it is approved and is performed by a licensed surveyor, engineer, or architect and complies with best practices.

Fills and Cuts affecting building height except as provided in the subsection, when grading the site to obtain finished grade as defined in section 101-1-7 no fill or cut may exceed 5 vertical feet at any point from the sites natural grade. Natural grade is defined as whatever the grade was up to 10 years prior to the time that you had to determine the natural grade. In other words, you cut the top off the mountain wait 10 years and let the natural vegetation come in, that is the new natural grade at that point. The ground level is the foundation.

The exception to the rule for Western Weber County is if you have to build up because of any environmental concerns such as flood issues you can as long as the county engineer says it’s necessary.

Regarding site plan submittal requirements right now there is no requirement in the code that states that you need to provide existing topographic contours of your site. Provide the contours as they exist and as they will be regraded to determine where the 5 ft. change is. Topographic contours are required for any commercial site development, not so much for residential. As long as the finished grade is not changed more than 5ft variance from natural grade it will be in compliance. This would allow vegetation to grow, there would be softening instead of having a big rock wall. Cutting too much might cause a scar on the hillside. There could be a provision added to allow exceptions in certain areas. The height of building definition being proposed would make it easier for building inspectors; everything else is policy and can be changed. 10 years keeps you from moving things around too much, and it helps neighbors with expectations. Line 28 adds some definitions the current code doesn’t have includes finished grade and natural grade. He will bring a proposal regarding the amount of time wait to determine natural grade since there is a difference of opinion on this issue

Courtlan Erikson states that it in his personal opinion he encourages not recommending the legislation where you know the outcome is going to be variances left and right. Variances are not desirable. It’s better to address the item legislatively.

Charlie Ewert states that he will remove cuts and add in to regulate the amount of fill. The code does not regulate how much fill to put on a property. There are engineering regulations, storm water pollution prevention that could address this issue. Regarding line 46 cellular towers or utility substation towers, they can be unsightly sometimes. There is redefinition with regard to public utility substation is to provide some clarity. Regarding collocation, there have been some additions stating if you can collocate a public utility substation you should, the exceptions are that if it interferes with the natural operation the roads. If it can’t be collocated it should be disguised. There are different methods of disguising the cell phone towers and the utility stations. The designs should be designed by licensed architects, building or using structures that are common to onsite agricultural uses. It replicates features of the natural environment. It replicates structures that commonly found in historic old west or western mine town prior to 1910. It replicates the architectural theme of an approved master plan.

**WS3. DISCUSSION: Modification to the Cluster Subdivision ordinance to amend open space requirements and provide clarification.**

The goal was to eliminate the inconsistencies. He added more procedural steps, to see how it is affected by the subdivision code. In Western Weber, 1 acre lots were bring broken up and called individually owned preservation parcels. This is not an adequate way to preserve agricultural open space for the long term. To help with this it has been changed from 1 acre to a 5-acre minimum. Bonus density changes have been made to make it translatable in Western Weber.

**WS4. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on PRUD a legislative – not administrative – action.**

The concern has been that cluster subdivision code seems to work better than the PRUD. PRUD provides a lot of flexibility. It provides more commercial and, village centers. It would work better as a zone. Cluster subdivision might be better getting the outcome that the general plan asking for. PRUD is not offering the bonus density or the open space. It allows too much flexibility and can be used as a loophole. It might need to be tightened up, so that we can make an administrative decision and we can have some negotiation tools. In the Ogden Valley, there have been more PRUD proposals than cluster subdivision proposals.

Director Grover states that there are landscape standards and architectural standards in the cluster subdivision than the PRUD code. It might be more effective to make it a legislative action, giving the staff, County Commission and the Planning Commission more authority to negotiate on the looks and feel of the end product.

Work session Adjourned 8:23 pm