

Minutes of the Work Session of the Ogden Valley Planning Commission for August 27, 2024. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/83537079986>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Jeff Burton (Vice Chair), Jeff Barber, Mark Schweppe, Trevor Shuman, Janet Wampler.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Liam Keogh, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Vice Chair Burton conducted roll call and indicated Commissioners Froerer and Morby; all other Commissioners were in attendance.

Vice Chair Burton then noted that over the weekend he was contacted by one of the applicant's whose application is on tonight's agenda; since the applications are administrative in nature, he forwarded that correspondence on to staff to give them the ability to respond. He reminded the Commission of the appropriate course of action when contacted by an application.

1. **Vote for Chair and Vice Chair**

Legal Counsel Erickson stated he has reviewed the rules of order and procedure for the Planning Commission and has determined Commissioner Shuman is the only member of the body that cannot serve as Chair, but he may be eligible to serve as Vice Chair. He believes any other member of the Commission can serve as Vice Chair or Chair at this time. He added that Vice Chair Burton could continue to serve as Vice Chair until the end of 2024.

Commissioner Wampler recalled the Commission discussed this matter recently and the advice of legal counsel at that time was that Vice Chair Burton's term would end in August and he would not be eligible to serve until the end of 2024. Mr. Erickson stated that Vice Chair Burton was selected to fill a mid-term vacancy in the Vice Chair position; that made him eligible to serve the remainder of that year and then one full year.

The Commission engaged in discussion with Mr. Erickson and Planning Director Grover about the most recent elections of Vice Chair and Chair of the body in order to determine the members eligible to be elected to the positions at this time.

Vice Chair Burton invited nominations for Chair and Vice Chair of the Planning Commission; the individuals elected will serve until January 1, 2025.

Commissioner Shuman nominated Commissioner Barber to serve as Chair of the Ogden Valley Planning Commission. Commissioner Schweppe nominated Commissioner Wampler to serve as Chair of the Ogden Valley Planning Commission.

Commissioner Barber stated he would defer his nomination to Commissioner Wampler. Commissioner Wampler stated she accepts the nomination to serve as Chair.

Commissioner Burton called for a vote on the election of Commissioner Wampler as Chair of the Ogden Valley Planning Commission. All Commissioners present voted in favor.

Commissioner Burton called for nominations to the position of Vice Chair of the Ogden Valley Planning Commission.

Commissioner Schweppe nominated Commissioner Burton to continue to serve as Vice Chair.

Commissioner Shuman nominated Commissioner Barber to serve as Vice Chair.

Commissioner Burton declined the nomination and supported Commissioner Barber as Vice Chair.

Commissioner Burton called for a vote on the election of Commissioner Barber as Vice Chair of the Ogden Valley Planning Commission. All Commissioners present voted in favor.

2. Minutes: July 30, 2024.

Chair Wampler asked if there are any amendments to the July 30, 2024 minutes. Commissioner Burton stated he has submitted corrections in writing and Planning staff has incorporated those changes. Chair Wampler stated she also provided corrections and she provided information regarding those corrections for the record of the meeting. If those changes are made, she supports approval of the minutes. She called for additional corrections or changes and, after hearing none, declared the minutes approved as amended.

3. Administrative Items:

3.1 DR 2024-04 - Consideration and action on a request for design review approval to expand the Hidden Lake parking areas at Powder Mountain Resort, located at approximately 6965 N Powder Mountain Rd, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte explained the applicant is requesting an administrative design review approval to construct an additional parking area at the Hidden Lake Lodge. The proposed expansion will add a total of 178 parking stalls in a new lower parking lot area accessed from Powder Ridge Road off of Summit Pass Road. This will add to the existing stalls in the upper lot. The project will improve the proposed lower lots with compacted road base, landscaped areas consisting of an erosion control blanket, topsoil and seeding. At present, the applicant does not propose any lighting or signage with the project. The memo summarized staff's analysis of the application's compliance with zoning guidelines; design review guidelines pertaining to traffic safety and congestion, outdoor advertising, landscaping, building and site layout, utility easements and drainage, and prior development concept plan approvals; architectural, landscape, and screening design standards; screening and buffering; and parking and loading space, vehicle traffic, and access regulations. The memo indicated the proposal conforms to the Ogden Valley General Plan by continuing development and improvements to the approved Powder Mountain Resort area under the existing Zoning provisions. The Planning Division recommends approval of DR 2024-04, subject to all review agency requirements and based on the following condition of approval:

1. An updated landscaping plan showing screening to the west shall be submitted to the County prior to written approval from Planning.
2. An estimate for the proposed landscaping plan/revegetation is required to be submitted for review. A Development Improvement Agreement and a cash escrow will be required for the approved estimated cost to serve as a financial guarantee. This cash escrow shall be deposited prior the issuance of a land use permit and will be released back to the applicant once the landscaping has been installed.

This recommendation for design review approval is based on the following findings:

1. The proposed project conforms to the Ogden Valley General Plan.
2. The proposed project conforms to the Executed Master Development Agreement recorded 1/14/2015 (as entry # 2717835)
3. The proposed project complies with applicable County codes.
4. The proposed project complies with the applicable Zoning Development Agreement.
5. The proposed project will not negatively affect public health, safety, or welfare.
6. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Chair Wampler stated that LUC 108-1-4(c) requires landscaping to be more than 10 percent of the project area, but the staff report indicates that minimum landscaping be 20 percent of the area. She asked which one is correct. Ms. Aydelotte stated that the 20 percent requirement pertains to a much more intense commercial use and staff recommends the 10 percent requirement for this project. Most landscaping will be native plantings outside of the parking areas and the proposed use.

Chair Wampler invited input from the applicant. The applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Commissioner Barber moved to approve DR 2024-04, design review approval to expand the Hidden Lake parking areas at Powder Mountain Resort, located at approximately 6965 N Powder Mountain Rd, Eden, UT, 84310, subject to all review agency

requirements and conditions of approval and based upon the findings listed in the staff report. Commissioner Schweppe seconded the motion. Commissioners Barber, Burton, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

3.2 CUP: 2024-08: Request for approval of an amendment to a conditional use permit for the Sundown Condominiums PRUD. This amendment proposal realigns a private roadway throughout the development. Located at approximately 6700 N Powder Mountain Road, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte reviewed the history of the conditional use permit (CUP) for the Sundown Condominiums PRUD:

- 8/31/1983 – Weber County Commission approved a conditional use permit for Sundown PRUD, consisting of 80 units, and an associated bond for some of the improvements. The PRUD consists of a native landscaping plan, open space, and private roadways, in two phases.
- 4/27/1984 – Sundown Condominiums Phase 1, consisting of 20 units was recorded.
- 1/12/2022 - The Planning Division received an application to plat phase 2 of Sundown Condominiums PRUD Subdivision, consisting of 60 units. The existing conditional use approval for the PRUD is still valid and staff recommends preliminary approval of Phase 2, subject to the conditions outlined in the PRUD approval.
- 1/11/2024 – Preliminary subdivision approval granted, with conditions, approving a revised roadway layout in Phase 2.

This request consists of 60 dwelling units, with square footage per unit ranging between 1079 and 1623 square feet, and widths are proposed to be 28.5 feet. This proposal consists of a proposed private right-of-way and common area located on 6.97 acres. PRUD's were permitted as a conditional use and require approval from the Planning Commission. The memo summarized staff's analysis of the application's compliance with the General Plan; zoning guidelines; lot area, frontage/width and yard regulations; Ogden Valley Sensitive Lands Overlay districts; common area regulations; review agencies conditions of approval; additional design standards and requirements; conditional use review standards; and design review. The memo also summarized the following Planning Commission considerations:

- Does this amendment comply with the applicable PRUD ordinance?
- In considering the proposed Planned Residential Unit Development, the planning commission shall review and consider the following, as applicable:
 - The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
 - The entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
 - The landscaping and screening as related to the use within the development and as a means of its integration into its surroundings.
 - The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
 - The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

Staff recommends approval of an amendment to the conditional use permit for the Sundown Condominiums PRUD (CUP 2024-09). This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

- The road(s) within this proposed development shall be private.
- Any proposed trails shall allow public access, through open spaces. The final plat will need to include language for the common area located within the subdivision in the form of an open space preservation easement.
- UDOT approval for any and all accesses onto Powder Mountain Road/Summit Pass Road shall be submitted prior to scheduling a recommendation for final approval with the Planning Commission.
- All exterior lighting must comply with Title 108, Chapter 16 Outdoor Lighting.

This recommendation is based on the following findings:

1. The proposed conditional use amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed conditional use amendment complies with the applicable County ordinances.

3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conditional use amendment.
4. The proposed conditional use amendment will not be detrimental to the public health, safety, or welfare.
5. The proposed conditional use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Chair Wampler asked why the Planning Director has some approval authority for this project given that it has 60 lots. Planning Director Grover stated that the State Code requires that final approval be at the Director level, not with the Planning Commission. Commissioner Shuman stated that law was changed this year and the Planning Commission has discussed it. Mr. Grover stated that is correct.

Commissioner Burton asked if some of the units are already built. Ms. Aydelotte stated some units have been constructed in phase one, but some are still under construction or are pending construction. Commissioner Burton asked for assurance there will be no connection between Wolf Creek Drive and the project. Ms. Aydelotte stated there will be no connection to Wolf Creek Drive in phase two. This led to discussion of adequate connectivity for the subject property and its surroundings. Engineering and the Fire District have looked closely at this application and are comfortable with what has been proposed; the application will not receive final approval without a second access.

Chair Wampler stated the Planning Commission reviewed this project in January and had many concerns about snow removal, the amount of guest parking, and connectivity. She asked if any of those concerns and the conditions of approval need to be restated tonight as part of the action on the CUP. Ms. Aydelotte stated the approval given in January is still valid and the conditions of approval are still in effect and will apply to final approval as well.

Chair Wampler invited input from the applicant.

Guy Williams stated that he is the Civil Engineer for the project; there is a lawsuit with the Homeowners Association for Phase One related to access; his client originally won that lawsuit, but it is now pending appeal so his client has come to the conclusion that in order to proceed with the project, he will plan for improvements that do not include access through phase one. This application is the end result of those discussions.

Commissioner Burton stated the application materials indicate there will be an access easement recorded across phase three of the project and he asked when that easement will be secured. Mr. Williams stated it will be finalized within the next couple of weeks. Phase three is a separate development owned by a separate entity and the location of the easement is still being negotiated and reviewed by the Utah Department of Transportation (UDOT).

Commissioner Schweppe asked if there will be a renewed request for access onto Wolf Creek Drive in phase three. Mr. Williams stated Wolf Creek Drive actually goes through phase three and there is an easement granted to phase one residents to utilize it, so there will be a connection point.

Commissioner Shuman asked if it would be an issue if the Planning Commission were to include a condition of approval that phase three include a UDOT access. Mr. Williams stated that it is likely that UDOT will approve the access point, but they need justification supporting the request for additional access. They are more concerned with interconnectivity throughout all phases of the project area.

The Commission and applicant reviewed the aerial images of the project area to gain an understanding of where the roads and access points are located.

Commissioner Burton moved to approve CUP 2024-09, amendment to a conditional use permit for the Sundown Condominiums PRUD. This amendment proposal realigns a private roadway throughout the development, located at approximately 6700 N Powder Mountain Road, Eden, UT, 84310, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, changing the approval authority under bullet item #3 to Planning Director, clarifying there shall be a minimum of two UDOT approved connections onto Powder Mountain Road for access to the proposed phase two, and that the proposed access easement across phase three be recorded allowing access for phase two occupants across phase three to the UDOT connection on Powder Mountain Road. Commissioner Shuman seconded the motion. Commissioners Barber, Burton, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

4. Public Comment for Items not on the Agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

There were no remarks from Planning Commissioners.

6. Planning Director Report:

Planning Director Grover indicated he had nothing to report.

7. Remarks from Legal Counsel

Legal Counsel did not provide remarks.

Commissioner Burton moved to adjourn. Commissioner Schweppe seconded the motion, all voted in favor.

The meeting adjourned at 5:55 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission