

Minutes of the Work Session of the Ogden Valley Planning Commission for September 24, 2024. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/81804940585>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Janet Wampler (Chair), Jeff Barber (Vice Chair)-on Zoom, Jeff Burton, Bryce Froerer, David Morby, Mark Schweppe, Trevor Shuman.

Staff Present: Charlie Ewert, Planner; Tammy Aydelotte, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Wampler conducted roll call and indicated all Commissioners were in attendance, with Vice Chair Barber participating via electronic means.

1. Minutes: August 6 and 27, 2024.

Chair Wampler offered suggested edits to both the August 6 and 24 minutes; she noted that there are members listed in attendance that were not actually present, and staff members who are no longer employed by the County are still listed in the list of staff present. For the August 27 minutes, she requested a content change to replace the term "Planning Director" to "Land Use Authority" in the motion for agenda item 3.2 of that meeting.

Commissioner Burton then noted that on August 6, the minutes of the June 25 meeting were considered, but were tabled because Commissioner Wampler wanted to provide amendments. Commissioner Wampler stated that is correct, and she has not yet submitted her amendments to staff. Commissioner Burton stated that those minutes are not approved and should be brought back to a future meeting for consideration.

There were no additional changes to the minutes and Chair Wampler declared them approved as amended.

Chair Wampler then called for declarations of conflicts of interest; no declarations were made.

Chair Wampler then asked if the Commission would like to move consent items listed on tonight's agenda to the Administrative Items section of the meeting.

Commissioner Shumun moved to amend the agenda to move consent items 2.1 and 2.2 under administrative items. Commissioner Schweppe seconded the motion, all voted in favor.

2. Administrative Items:

2.1 CUP 2024-10: Request for approval of a conditional use permit for a new sewer lift station that will be owned and operated by Powder Mountain Water and Sewer Improvement District. Project is located at 4477 N 4000 E, Eden UT, within the Common Area boundaries of the Sheep Creek Cluster Subdivision.

A staff memo from Planner Aydelotte explained the applicant is requesting approval of a conditional use permit for the installation of a sewer lift station a "public utility substation" The proposed new infrastructure will replace an existing lift station and main line through the Sheep Creek Common Area. The FV-3 Zone allows a "public utility substation" as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. Ms. Aydelotte summarized staff's analysis of the application to determine conformance with the General Plan, zoning guidelines, conditional use regulations, and design review requirements. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements and is based on the following condition:

1. Any work within the ROW will need an excavation permit.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Morby asked where the pump station is located. Ms. Aydelotte stated for those that are familiar with where the Sheep Creek Cluster Subdivision is located, the pump station is located within their common area on the west side of 4000 East; the main line that is being replaced will be buried under the ground and run to the east. Commissioner Burton asked Ms. Aydelotte to identify the location on a map, which Ms. Aydelotte did using materials included in the staff report. Commissioner Burton asked where the sewer line runs to once it leaves the pump station. Ms. Aydelotte stated that Powder Mountain Water and Sewer has provided to her their infrastructure modification plans; she identified the location of the lift station and the road under which the sewer line will be installed. She deferred to a representative of Powder Mountain Water and Sewer to answer detailed questions.

Chair Wampler invited input from the applicant. Roy Watson, Manager of Powder Mountain Water and Sewer, indicated the existing sewer system has been in place since 1980; this is not a new project, but rather a project to repair/replace the existing lift station. The current lift station is outdated and is creating a risk for the community and the lift station is intended to serve the Sheep Creek area. This project will also potentially eliminate two other outdated lift stations that are also presenting a risk to the community. This will modernize the sewer infrastructure at the subdivision, and he is grateful the County Commission was willing to allocate American Rescue Plan Act (ARPA) funding for the project. The Homeowners Association (HOA) has identified the best location for the lift station; they wanted to relocate the lift station to a common area further to the north of the current site, and the cost of the improvements are approximately \$1.5 million. The pump station is must more robust and will keep the odors of the sewer system contained underground to prevent any nuisances to residents.

Chair Wampler inquired as to the locations of the other two pump stations that will be eliminated as a result of this project. Mr. Watson stated they are located in more remote locations further up the hill near the sewer lagoons; they are outdated and somewhat dangerous. He briefly discussed future sewer plans that would ultimately result in replacement of the sewer lagoons responsive to desires of the State of Utah.

Commissioner Schweppe asked what becomes of the water that is discharged into the lagoons, to which Mr. Watson answered it evaporates. Two other ponds are present for overflow when needed. There was brief discussion about sewer treatment processes in the Ogden Valley and the anticipated longevity of the new pump stations that are being pursued by the District.

Commissioner Burton asked if the exterior treatment of the building complies with the City's zoning ordinance or building code. Ms. Aydelotte stated that the plans were not clear that the material is a textured CMU product; staff has indicated that the material needs to be a rolled stone rather than a textured CMU. Principal Planner Ewert agreed and added that the HOA Board for the subdivision must also review the exterior material, and staff will work with the HOA and the applicant to ensure compliance. Commissioner Burton wondered if textured CMU is an in-demand building product and if the County's building regulations should be amended to allow it. Mr. Ewert stated that the County's regulations were intended to disallow the product; however, on this type of building project, he is not sure that the product would be problematic. He would be concerned about using the material on a larger building. Mr. Watson stated that he has communicated with the HOA Board and asked that they provide direction regarding the material they would like the District to use, and this is actually what they chose because they like the look of it. He stated he is willing to change to the rolled stone mentioned by Ms. Aydelotte, however.

Chair Wampler invited public input. There were no individuals appearing to be heard.

Commissioner Shuman stated he would be willing to allow the textured CMU product if that is what the HOA asked for. Mr. Ewert stated that staff was reviewing the design review code and conditional use permit code to determine if the Commission has latitude to allow a building product that is not permitted by those codes. Legal Counsel Erickson stated that the Planning Commission is under no obligation to defer to an HOA Board or other committee that is recommending something that violates the County's codes. The Code specifically states that block CMU shall not be considered acceptable material unless it is specially colored and textured to give the appearance of natural, rough stone. Mr. Ewert stated that if the Commission feels that split face CMU meets that definition, they can approve the application as submitted. Chair Wampler stated that she feels strongly that the Commission should abide by the County's codes given that public (ARPA) funds are being used for this project. Mr. Erickson noted

the Commission could choose not to address the building material aspect of the application and allow the Planning staff to determine whether the design of the building complies with County codes.

Commissioner Shuman moved to approve CUP 2024-10, conditional use permit for a new sewer lift station that will be owned and operated by Powder Mountain Water and Sewer Improvement District, project location 4477 N 4000 E, Eden UT, within the Common Area boundaries of the Sheep Creek Cluster Subdivision, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report. Commissioner Barber seconded the motion. Commissioners Barber, Burton, Froerer, Schweppe, Shuman, and Wampler voted aye. Commissioner Morby voted nay (Motion carried on a vote of 6-1).

2.2 CUP 2024-12: Request for approval of a conditional use permit for a new booster pump and well house for water monitoring, located at 3140 E 5300 N, Liberty, UT, 84310.

A staff memo from Planner Aydelotte explained the applicant is requesting approval of a conditional use permit for the installation of a booster pump station and water monitoring (SCADA) system, a “public utility substation”. The proposed new infrastructure will replace an existing lift station and main line through the Sheep Creek Common Area. The AV-3 Zone allows a “public utility substation” as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews. Ms. Aydelotte summarized staff’s analysis of the application to determine conformance with the General Plan, zoning guidelines, conditional use regulations, and design review requirements. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Chair Wampler stated this project is also being funded with American Rescue Plan Act (ARPA) funds.

Ms. Aydelotte facilitated a review of the site plan for the subject property to identify the current buildings and the site where the new building will be located. Commissioners asked questions about the service area that the booster pump and well house will serve, and Ms. Aydelotte deferred to Liberty Pipeline to answer those questions.

Chair Wampler invited input from the applicant.

Jami Hadlock stated she is the President of the Liberty Pipeline Board. Commissioner Schweppe asked if there will be a generator at the pump station. Ms. Hadlock answered no; she noted the plan is to replace the existing building with a more solid, permanent building. The Willow Creek well is also being refurbished and the well housing and SCADA system will be located inside the pump house. All water sources will run into the pump house and will then be directed to service areas as needed.

Commissioner Shuman inquired as to the building materials to be used on this pump house, to which Ms. Hadlock answered textured concrete brick similar to the building that was built in Durfee Creek.

Chair Wampler invited public input. There were no individuals appearing to be heard.

Commissioner Burton moved to approve CUP 2024-12, a conditional use permit for a new booster pump and well house for water monitoring, located at 3140 E 5300 N, Liberty, UT, 84310 subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, with one modification to the second finding to read as follows: because mitigation of any detrimental effects can and will be accomplished. Commissioner Shuman seconded the motion.

There was brief discussion among the Commission and staff regarding the finding stated by Commissioner Burton and whether that is enforceable or can be adequately interpreted by legal counsel. Commissioner Burton suggested that staff should always include a finding when making a recommendation regarding a CUP that if any detrimental effect is present or arises in the future,

it must be mitigated by the applicant, or the CUP can be revoked. Mr. Ewert stated he will discuss that with staff and consider the recommendation for future CUP applications.

Commissioners Barber, Burton, Froerer, Morby, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 7-0).

3. Administrative Items:

3.3 CUP 2023-07: Request for a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden.

Staff Presenter: Tammy Aydelotte.

Chair Wampler announced this item was removed from the agenda at the request of the applicant.

3.4 Request for approval of changes to a concept area plan for Area F (The Meadows) as shown in the Executed Zoning Development Agreement for Powder Mountain Development. "Proposed changes that the Land Use Authority determines are slight and inconsequential, including the details of road locations, building areas, and product types, shall not require an amendment to the ZDA." This is per the 2nd Amendment to the development agreement, recorded 11/30/2022. Staff Presenter: Tammy Aydelotte

A staff memo from Planner Aydelotte summarized the second amendment to the Zoning Development Agreement for the Powder Mountain Development; the amendment allowed for very conceptual development area plans to be amended from time to time administratively versus legislatively. The Land Use Authority shall first determine if any proposed changes to this concept development plan are only slight and inconsequential. The current proposed changes include relocation/elimination of roadways, and changes to product type (eliminating multi-family and proposing only single-family lots/dwellings in this application). Ms. Aydelotte presented maps and plans to identify the proposed changes and noted that this item is connected to the following agenda item; the Commission can choose to take action on each item separately or jointly. The Commission determined to take action separately. Ms. Aydelotte stated the matter before the Commission for this specific item is whether the proposed changes are slight and consequential; if they are not, the applicant must pursue a Development Agreement amendment. She presented the current concept area plan side by side with the proposed concept area plan in order for the Commission to gain a clear understanding of the implications of the changes.

Chair Wampler invited input from the applicant.

Brooke Hunts, Chief Development and Construction Officer for Powder Mountain, stated the plan does not include a change to the overall density in the project area and noted that units to be built in the project area are single family. She had an understanding, based upon the development agreement, that because the changes to the concept plan are so high level, a formal development agreement/concept plan amendment is not needed. The plans are not significantly different, and it would not have been possible to be more accurate or detailed with the concept plan because that is the nature of concept plans. She will try to find a way to avoid this type of situation in the future if additional changes are needed, but she does believe that the changes that are requested tonight are truly slight and consequential.

Commissioner Schweppe stated he believes the only changes pertain to the layout of the roads. Ms. Hunts stated the road system is being simplified.

Chair Wampler stated that it is her understanding that the mixed-use and multi-family uses are being combined into one section rather than remaining separate. Ms. Hunts stated that is correct.

Ms. Aydelotte clarified that the applicant has also requested to amend area D, along with area F; the proposed subdivision straddles both of the development areas within the Powder Mountain resort development.

Commissioner Froerer moved to approve proposed changes to concept area plan for The Meadows (Areas D and F), as proposed changes fall under 'slight and consequential', subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report. Commissioner Burton seconded the motion. Commissioners Barber, Burton, Froerer, Morby, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 7-0).

3.5 UVS082224: Request for preliminary approval of Shelter Hill Subdivision, a 39-lot subdivision located in the DRR-1 zone at approximately 6965 E Powder Mountain Road, Eden, UT, 84310. Accompanying this application is a request to approve a modified concept area plan. Staff Presenter: Tammy Aydelotte

Planner Aydelotte stated this item relates to the previous agenda item; the Planning Division recommends preliminary subdivision approval of the Shelter Hill Subdivision, conditioned upon the Planning Commission's determination that the changes to the concept area plan for this portion of the Powder Mountain Development (The Meadow Area) are slight and inconsequential. The proposed subdivision is in the DRR-1 zone and will consist of 39 single-family lots, and 60' wide private roadways. As of the date of this staff report, 229 lots have been recorded within the Powder Mountain Development, under the executed development agreement, recorded January 14, 2015. Ms. Aydelotte summarized staff's analysis of the application to determine conformance with the General Plan, zoning guidelines, lot area frontage/width and yard regulations, natural hazards overlay zoning criteria, additional design standard and requirements, and review agency recommendations. She concluded staff recommends preliminary approval of the Shelter Hill Subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
2. Approval of the proposed changes to the concept area plan for The Meadow (Areas D and F).
3. Escrow, installation, or a combination of both for required improvements, shall be submitted to the County prior to scheduling for final approval.

This recommendation is based on the following findings:

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

Commissioner Froerer stated that the staff report indicates the DRR-1 zone has no minimum area or width requirements for lots and he asked what that means. Ms. Aydelotte stated lot sizes and widths are typically determined by the zoning designation that has been applied to a property; however, in the DRR-1 zone, there are no minimum lot sizes and widths. She indicated that the applicant could provide the Commission with information about the building product types they intend to offer in this project. Commissioner Schweppe stated that his concern is whether property owners will desire to build a bigger home than what is allowed, but that is unclear. He inquired as to the topography of the land in this project area. Ms. Aydelotte stated she will allow the applicant to answer that question; however, she is aware that there are many irregular shaped lots in the project area with recorded easements that limit the buildable area of the lot. This led to discussion about the potential for future landowners to seek a variance from the Board of Adjustment relative to the manner in which they wish to develop their lot.

Legal Counsel Erickson pointed out that this application also relates to area D, as well as area F.

Chair Wampler invited public input. She noted that this is an administrative item, and the Commission will be restricted to considering whether the application conforms with the General Plan and Land Use Code.

Ron Gleeson stated it is clear that the access to trails in this area will be maintained; however, page two of the application materials indicate that a portion of Summit Pass Road is intended to be private. The current access to the nearby trail is from a parking area that is very close to the village ski lift. He asked if the parking area will still be maintained and if the public will be able to park in that area and access the trail.

There were no additional persons appearing to be heard.

Chair Wampler asked the applicant to answer Mr. Gleeson's question. Brook Hunts stated that the area referenced by Mr. Gleeson may be temporarily closed in the future as improvements are underway in the area, but the intent is for public access to the area to be maintained. There are also plans to add to and enhance the public trail system in the area and find other opportunities for the public to gain access to those areas.

Commissioner Morby moved to approve UVS082224, preliminary approval of Shelter Hill Subdivision, a 39-lot subdivision located in the DRR-1 zone at approximately 6965 E Powder Mountain Road, Eden, UT, 84310. Accompanying this application is a request to approve a modified concept area plan, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, and with the stipulation that the applicant examine the density and increase the square footage of the single units.

The motion died for lack of a second.

Ms. Hunts reapprached and referred to the plat for the project area; she commented on plans to include in the design guidelines for the project limitations on the ability of a future property owner to seek a variance regarding the development of their lot. Additionally, the HOA for the project area has approval authority over any adjustment to the buildable area of a lot. The smallest lot in the project area are just under a half-acre and the remainder are all larger than that.

Commissioner Froerer asked if the area referenced by Ms. Hunts is relatively flat. Ms. Hunts answered yes; it is the flattest area of the project and should be very easy to develop. She acknowledged the need for adequate setbacks for building on the lots in order to preserve view corridors and ensure the development is aesthetically pleasing.

Commissioner Burton asked who will determine the building envelope of each lot. Ms. Hunts stated that will be part of the work done by the HOA on the design guidelines for the project area. Commissioner Burton asked if the building envelope will be shown on the plat. Ms. Hunts answered no; this will help to provide flexibility to the HOA and future landowners. Commissioner Burton asked if a potential buyer would have clear communication regarding the building envelope on the property they are interested in purchasing. Ms. Hunts answered yes; a buyer will receive a copy of the design guidelines that identify the building envelope. However, if the Commission wants to include the building envelope on the final plat for the project area, she is agreeable.

Commissioner Froerer moved to approve UVS082224, preliminary approval of Shelter Hill Subdivision, a 39-lot subdivision located in the DRR-1 zone at approximately 6965 E Powder Mountain Road, Eden, UT, 84310. Accompanying this application is a request to approve a modified concept area plan, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, and with the additional condition that the building envelope for each lot be included on the final plat for the project.

Commissioner Schweppe offered a friendly amendment to clarify that the proposed changes to the concept plan apply to areas D and F. Commissioner Froerer accepted the friendly amendment. Commissioner Schweppe seconded the motion. Commissioners Barber, Burton, Froerer, Morby, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 7-0).

4. Public Comment for Items not on the Agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

Commissioner Burton noted that for future applications similar to items 3.4 and 3.5 on tonight's agenda, it would be helpful if staff provides a side-by-side comparison of the current version of a plan along with the proposed changes to the plan. Chair Wampler agreed.

6. Planning Director Report:

Planning Director Grover was not present.

7. Remarks from Legal Counsel

Legal Counsel did not provide remarks.

**Commissioner Morby moved to adjourn, all voted in favor.
The meeting adjourned at 6:47 p.m.**

OGDEN VALLEY PLANNING COMMISSION

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission

September 24, 2024