Minutes of the Ogden Valley Planning Commission Regular meeting January 23, 2018 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; Steve Waldrip, John Howell, John Lewis, Robert Wood, and Laura Warburton

**Absent/Excused:** Chris Hogge

Staff Present: Rick Grover, Planning Director; Ronda Kippen, Principal Planner; Tammy Aydelotte, Planner I, Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

Chair Taylor asked if there were any ex parte communication or possible conflict of interest of the administrative items. Commissioner Lewis said that he may have a conflict of interest, and as previously discussed in the pre-meeting, I have no financial connection to the Watt’s Group, but I want you to feel comfortable with me still being part of the vote. We are owners and neighbors of the same resort project, and I don’t see a conflict but if you do, I will recues myself. Chair Taylor asked do you have a direct or substantial financial interest. Commissioner Lewis replied I don’t. Chair Taylor asked if anyone would like to excuse him for conflict of interest. The response was no.

**1. Minutes: Approval of the June 07, 2016 and January 02, 2018 meeting minutes**

Chair Taylor approved the meeting minutes with the noted corrections.

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

**2.1. Administrative Items**

**a. New Business:**

**1. CUP 2017-21: Consideration and action on a conditional use permit for a Verizon Wireless Cell Tower Colocation, located at Powder Mountain Ski Resort in the Ogden Valley Destination Recreational Resort Zone (DRR-1). (Verizon/Jared White, applicant)**

Director Grover said this is a conditional use permit that is an administrative item, and you can if you choose take comment if you would like. As you review this you will be looking at the conditional use standards, and the staff that will be presenting this item is Tammy Aydelotte. The applicant is not here, but if you are comfortable with this, it does fall within our DRR-1 Zone and it does meet those requirements, she could represent the applicant and explain the project and have Tammy go through that if you are comfortable.

Tammy Aydelotte said the applicant is requesting approval on a project consisting of a 90 foot colocation tower. It is replacing a current 63 foot tower. There is a site that is leased to Verizon located in the DRR-1 Zone in a public utility substation that is allowed as a conditional use permit in this zone. This is a 90 foot tower with a 6 foot lighting rod, so the total height will be 96 feet. There will be two equipment shelters of 540 sq. ft. each, and each equipment shelter will have two equipment rooms. Ms. Aydelotte indicated on the map the county line, the site area, the ski lift, and a Verizon easement. For the landscaping will be cleared over a 12 foot easement and in this area we have all of the infrastructure that is running underground within the monopole that will be setup. The architecture will blend in with the existing launch that is up there. This is an aerial overview with the installation in this area off of the main road, with access through this private road. Traffic congestion any safety hazards related to traffic should be should be minimal. The proposal is meant to be minimal visually so they are looking at minimizing the reflective pole with a grey color. The reason for the height, they plan on having 4 carriers and that is the minimum height the service providers can work with and still have room to work on their equipment. The only other condition is that Engineering Division has required a SWPPT Plan from the applicant when they get a building permit. The Planning Division recommends approval of a conditional use permit for a Verizon Wireless Colocation Cell Tower located at the top of Powder Mountain Ski Resort. It is subject to all review agency requirements with the conditions listed in the staff report and the impact of one tower is less impact than several towers.

Commissioner Waldrip said in reference to the pole, he didn’t see anything with requiring a matt finish or any type of different finishes as a condition. Is that something they would be comfortable with, and we had discussed that on the site visit. Ms. Aydelotte replied the applicant is here and he would be glad to address that.

Jared White, Applicant said they would be willing to paint it any color this commission would want. In our experience particularly in Utah on that hill there, typically a galvanized non-reflective is the standard pole is. It is what the vast majority are, and the only caveat with non-reflective galvanized seal is that it takes 6 to 9 months to be non-reflective. Every time we put a galvanized pole, it takes time for the oxidation to happen and the shininess to go away.

Commissioner Howell asked what Powder Mountain like. Mr. White replied they have non-reflective galvanized. The AT&T pole that is up there now is also galvanized non-reflective.

Commissioner Warburton said recently one of the planners showed us some different types of poles that were available and I was kind of disappointed when I saw this because there are some creative things that are being done now. Mr. White replied the difficulty is there are a lot of things that are being developed; the hard problem with them is making them co-locatable. You would need four of them up there, and there is a limitation of size and space, so we just got set up at the resort and they have the dilemma that everyone else has and they are agreeing to have a cell tower at the top of their ski resort.

Commissioner Wood asked if there is going to a light at the top. Mr. White replied we never light towers, unless the FAA requires us to, and until we get your approval we can’t submit anything to the FAA. Once we have your approval with the exact conditions and what we are allowed to build, we will then submit it to the FAA and would see no reason they would want a light there. The reason they won’t is because there should never be a plane near 90 feet above that mountain, and we have 200 towers that they don’t light based on flight patterns and things like that.

Tammy Aydelotte referred to the lighting question, generally the FAA doesn’t require lighting until the pole is at least 200 feet, and at that point they may look at lighting.

Chair Taylor opened up for public comment.

Ron Gleason, resides in Huntsville said small some of these have been addressed with paint scheme and lighting, speaking as an individual and as a pilot. Just wanted to point out that there is a 78 foot cell tower going on at Snowbasin on the Morgan side, and the FAA has required lighting on that. Powder Mountain has used a visual lineup point for general aviation pilots including students that are flying out of Utah State University. It is not uncommon to have small planes less than 100 feet over the mountain. This diagram which I pulled out of the FAA manuals refers to as a Class A pole which I believe we are talking about here. There are no requirements for a light below 200 feet unless they believe it will be a visual obstruction. There may be lighting requirements and the type of lighting requirements is laid out here. His concern is with the paint scheme that the FAA may require, and at what point will the public know what the colors are going to be.

Chair Taylor closed for public comment.

Commissioner Waldrip asked our approval will be based on what we have imposed as conditions which is a non-reflective finish on the project, so the FAA can come back and say you need to do this and this. Would that come back to us? Director Grover replied yes if comes back contrary to what you approved; they will need to come back.

**MOTION:** Commissioner Howell moved to approve CUP 2017-21 conditional use permit for Verizon Wireless Cell Tower located at Powder Mountain Ski Resort in the Ogden Valley Destination Recreational Resort Zone (DRR-1); for a public utility substation. This petition is subject to all conditions and recommendations listed in the staff report and all county and state agencies requirements including the FAA. This motion is based on the findings listed in the staff report.

**FRIENDLY AMENDMENT:** Commissioner Waldrip the recommendation is based on non-reflective finish on the tower pole and any lighting or other changes made by the FAA would have to come before this body again.

Courtland Erickson referred to the Rules of Order; “A Friendly Amendment is an amendment that makes no substantive changes that is minor technical amendment appropriate changes or correction.” That doesn’t require a formal motion and nobody objects it can be amended just like that, and it doesn’t require a second. If someone objects to it then the request dies. An amendment other than friendly amendment, such as Commissioner Waldrip’s requested amendment, does require a second, and a vote to amend the original motion. I don’t think that was a friendly amendment.

Chair Taylor said I would like a second for this second motion. Commissioner Warburton seconded. Chair Taylor asked legal if the second motion needed to be voted on first. Mr. Erickson replied I would vote on the motion to amend the original motion first because that way you will have just one motion in front of you. If that motion dies, then you go back to the original motion. Chair Taylor said let’s close up the second amended motion. Commissioner Lewis said he wanted to add that red and white lights could be non-reflective and should include galvanized in your verbiage.

Chair Taylor said we have a second so at this point, let’s call for a vote to get rid of this motion, and put a different one more specific on the table. All in favor say aye, all oppose say nay. Commissioners Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted nay. Motion Carried (6-0) Chair Taylor said let’s consider a new motion.

**MOTION:** Commissioner Waldrip moved to approve CUP 2017-21 for Verizon Wireless Cell Tower located at Powder Mountain Ski Resort in the Ogden Valley Destination Recreational Resort Zone (DRR-1); for a public utility substation, to include the galvanized finished to the main pole and any changes from the FAA would come back. This petition is subject to all conditions and recommendations listed in the staff report and all county and state agencies requirements. This motion is based on the findings listed in the staff report. Commissioner Warburton seconded.

**AMENDED** **MOTION:** Commissioner Waldrip moved that we add as conditions non-reflective galvanized finished to the main pole and that any changes required by the FAA on lighting would come back before this body. Commissioner Warburton seconded. A vote was taken with Commissioners Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0)

**VOTE:** A vote was taken on the original motion as amended with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**2. UVT041718: Consideration and action for preliminary subdivision approval of the Trapper’s Ridge at Wolf Creek PRUD Phases 7a & 7b at 5800 East Big Horn Parkway in the Residential Estates (RE-15) Zone. (Eden Village, LLC/Russ Watts, Applicant)**

Director Grover said this is an administrative item that’s in the RE-15 Zone. You are looking at preliminary approval and would recommend that you take public comment on this. Ms. Kippen will explain the project and the applicant is not here, and you can proceed into that as well.

Ronda Kippen said this is a recommendation for preliminary approval of Trappers at Wolf Creek PRUD Phases 7a and 7b, and the original approval was done in 2002. Trappers at Wolf Creek PRUD Phase 7a consists of 10 lots on 3.35 acres. Trappers at Wolf Creek PRUD Phase 7b consists of 10 lots on 4.21 acres. Both phases will front and gain access along “Big Horn Parkway” a public right-of-way. Phase 7a includes two common areas. Common Area A is approximately 25,180 sq. ft. and surrounds the building envelopes of Lots 130 through 133. Common Area B is approximately 33,604 sq. ft. and surrounds the building envelopes of Lots 134 through 139. Phase 7b has one common area, identified as Common Area A which consists of approximately 154,120 sq. ft. The developer will be providing an amendment to the current HOA articles, bylaws, and CC&R’s for the existing HOA.

Ronda Kippen said staff feels that this development conforms to the Ogden Valley General Plan by encouraging development within the existing resort related areas. As for the PRUD, it is intended to allow for diversification in the relationship to various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lit size are acceptable. A Natural Hazards Disclosure document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. The applicant has been approved through the PRUD process to have nightly rentals; the proposal does not include lock out sleeping rooms, and a note will be added to the plat to declare this subdivision approved for nightly rentals. The applicant will need to provide to the County Commission with a cost estimate to be reviewed and approved; and will also need to provide with a cash escrow to be held by Weber County for the proposed improvements including the common area amenities prior to receiving final approval. There will be an escrow of 10% held until the one year warranty is up. Staff recommends preliminary approval of Phase 7a and Phase 7b with the recommendations and requirements listed in the staff report; based on the findings listed in the staff report. This is preliminary approval so we will see this again in the future.

Chair Taylor asked if there were any public comments, there were none.

**MOTION:** Commissioner Lewis moved to approve UVT041718 consideration and action for preliminary subdivision approval of the Trapper’s Ridge at Wolf Creek PRUD Phases 7a & 7b subject to all conditions, recommendations, and findings listed in the staff report, and to all county and state agency requirements. Commissioner Wood seconded. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**3. UVF091916: Consideration and action for the final plat of The Fairways at Wolf Creek PRUD Phase 4 and 5 at 4200 North Sunrise Drive in the Forest Residential (FR-3) Zone. (Fairways @ Wolf Creek LLC, Applicant)**

Ronda Kippen said this is the final plat for Fairways at Wolf Creek PRUD Phases 4 and 5; this is located in the Wolf Creek Master Plan. We’ve had some conditional uses and agreements recently on the Fairways and all that we’ve been doing is getting development history so you can see the chain of events leading to this point. The Fairways at Wolf Creek Phase 4 consists of 16 lots on 9.25 acres. The Phase 4 proposal includes 3 common areas, from 1.34 acres to .129 acres, and Phase 4 will be able gain ingress from the current parcel #22-017-0012. That property is giving access to the Bridges and there is discussion that some day that road will connect into 4100 north to provide ingress/egress access to the North Ogden Divide so there will be an alternative route to the Ogden Valley. They have access from Sunset Divide and Patio Divide. Phase 5 consists of 15 lots and will be able to gain egress based on the roadways; this will consist of 4 common areas, and the developer will maintain the care within the development. Phases 4 and 5 will maintain a separate HOA formulating articles and bylaws. The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort related areas. The property is located in the Forest Residential Zone described as the FR-3 Zone. The purpose and intern of the FR-3 Zone is identified in LUC 104-17-1, and is intended to be used in mountain locations in areas associated with major recreational resorts. With PRUD’s the only way they need to bring a landscaping plan if it is drastically different from the approved original landscape plan. There were some differences with the Trapper’s where they gained Phases 7a and 7b; in Phase 8 where it was broke out will require a different landscape plan.

Ronda Kippen said we varied this part of the Fairways to allow for some larger homes on these sites. In the FR-3 Zone the minimum lot area is 6,000 sq. ft.; the proposed lots in Phase 4 vary in size from 9,889 sq. ft. to 22,664 sq. ft. The lot width varies from approximately 73 feet to 161 feet. The final plans that have been submitted include the approved minimum yard setbacks listed in the staff report; and Lots 1-4 in Phase 4 and Lots 22-26 received approval reduction from the County Commission in Amendment 3. Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration, and lot sizes are acceptable. Prior to the application being forwarded to the County Commission, the applicant will need to provide the County with a cost estimate to be reviewed and approved; the applicant will also need to provide to the County with a cash escrow to be held by Weber County for the proposed improvements including the common area amenities prior to receiving final approval of the subdivision. Staff recommends approval of the final subdivision for The Fairways at Wolf Creek PRUD Phase 4, and The Fairways at Wolf Creek PRUD Phase 5. This recommendation for approval is subject to all review agency requirements listed in the staff report and recommendations are based on the findings listed in the staff report.

Chair Taylor asked if there were anyone for public comments, there were none.

**MOTION:** Commissioner Waldrip moved to approve UVF091916 for the final plat of The Fairways at Wolf Creek PRUD Phase 4 and 5 at 4200 North Sunrise Drive in the Forest Residential (FR-3) Zone based on the findings in the staff report; including staff recommendations and other conditions listed in the staff report as proposed. Commissioner Lewis seconded. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**2. 3. Elections:** Chair and Vice Chair for 2018

**MOTION:** Commissioner Warburton nominated Chair Taylor for Chair for 2018. Commissioner Waldrip seconded.

**DISCUSSION:** Commissioner Lewis said that he had the privilege of being chair, and it is a lot harder than it looks, and you make it look really easy. I have been impressed with your first year running and we are really lucky to have you. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**MOTION:** Commissioner Howell nominated Commissioner Waldrip for Vice Chair for 2018. Nomination died due to lack of second.

**MOTION:** Commissioner Warburton nominated Commissioner Lewis for Vice Chair for 2018. Commissioner Waldrip seconded.

**DISCUSSION:** Commissioner Howell said that he felt that Commissioner Lewis did a good job being Vice Chair, but Commissioner Waldrip would be equally as good being Vice Chair. Commissioner Warburton said she had a similar situation where she was voted for one, and I didn’t want it and nominated someone else. Chair Taylor said Commissioner Lewis has done a great job, and not nominating him a second year may show a lack of confidence. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**3. 4. Meeting Schedule & Information List:** Approval of the 2018 Meeting Schedule and Member Information List

**MOTION:** Commissioner Warburton moved to approve 2018 meeting schedule and member information list. Commissioner Howell seconded. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

**5. Rules of Order:** Approval of the Rules of Order.

**MOTION:** Chair Taylor moved to approve the Rules of Order. Commissioner Waldrip seconded. A vote was taken with Commissioner’s Warburton, Howell, Lewis, Waldrip, Wood, and Chair Taylor voted aye. Motion Carried (6-0**)**

Courtlan Erickson gave a brief training on rules of order in reference to motions and ex parte communication. There was a brief discussion. Mr. Erickson said if a person is bringing an application before you, that is to be decided based on whether or not the person is entitled to approval based on the current ordinances it’s administrative; if the application would require some kind of change to our ordinances; including our zoning map change then it’s legislative.

**6. Public Comment for Items not on the Agenda:** Ron Gleason reminded everyone about the Moonlight Glide that would be on Saturday at North Fork Park. There would be representatives from Starry Night doing awareness and education on dark skies lighting. About Dark Skies, there was a general session of Utah Government that started this week. There is a motion SCSR2 by where he has submitted a resolution encouraging the use of shielded light fixtures on outdoor lights. It is at the state level and we feel we can use that to create awareness and see if we can get this passed. He asked Director Grover about the presentation made earlier and asked if the public could get more information with the number of permits between two Planning Commissions. Director Grover replied to go online on the County Commission packets and obtain the information there. His second question for Director Grover was it’s been 18+ months since they started the Water Budget/Water Study and he wanted to know about an update. Director Grover replied that was supposed to be finished a year ago; the last time we talked in November, and we’re trying to get traction in other ways and this should have been done.

**7. Remarks from Planning Commissioners:** Chair Taylor thanked everyone for their vote to have another term as chair.

**8. Planning Director Report:** Director Grover said have an intern/Weber State student that is working in our department pro-bono. She is doing the Dark Sky inventory at night, and we have it mapped out. Currently she is doing commercial areas in identifying and taking pictures of which ones are in compliance and which are not. We are going through that inventory, and also part of the Dark Skies, and the commission asked us to do education. We have a brochure that we are handing out to the builders when they come in; and she is making that more elaborate and more detailed. We also are having her working on Agri-tourism, and the areas that are using agri-tourism, and having that in different hotels to encourage people to go out and participate in the Agri-tourism that are out there. She is also working on code enforcement in the back woods area and she is doing it on Google Earth identifying things.

**9. Remarks from Legal Counsel:** None

**10. The meeting was adjourned at 8:20 p.m.**

Respectfully Submitted,

Kary Serrano, Secretary;

Weber County Planning Commission