

Minutes of the Ogden Valley Planning Commission Revised meeting June 27, 2018 in the Weber County Commission Chambers, commencing at 4:00 p.m.

Present: Jami Taylor, Chair; Steve Waldrip, John Howell, Chris Hogge

Absent/Excused: John Lewis, Robert Wood, Laura Warburton

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

Pledge of Allegiance

Roll Call

Chair Taylor asked if there were any ex parte communication and there was no response.

1. Petitions, Applications and Public Hearings

1.1. Legislative Items

a. New Business

- 1. ZDA 2018-01: Consideration and action on a request for the First Amendment to the Powder Mountain Zoning Development Agreement amending timeframes and trail locations within the Zoning Development Agreement that was previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account. (SMHG Phase 1, LLC, Applicant; Don Guerra, Agent)**

Director Grover said this is a legislative item, and as a legislative item you will have a public hearing, and you will need to open and close for public hearing. We will have Ms. Kippen orient us through this, and then Ann the attorney for Summit will be presenting and she will explain what they are actually doing in more detail, and then Ms. Kippen will come back and explain how it meets or does not meet the code.

Ronda Kippen said this is a request for the first amendment to the Powder Mountain Zoning Development Agreement. This amendment will be amending some timeframe, trail locations within the zoning development agreement master plan, and adding some specific language specific to superseding reinvestment fees and development funding reserve account. This affects the entire Powder Mountain Development dealing with approximate 6,198 acres. This affects with property that is already developed, property that has not been developed, and it converse everything within their master development area. We vacated specific areas of development from PRUD and the only areas from the PRUD were all the nest area developments under the power of the original PRUD. Then the master plan of the zoning development agreement and they have to comply with two different layers, where the rest only has to comply with the master plan. This has been a joint event between the county and the developer to get this amendment done so that we could operate under a valid zoning development agreement.

Ann Winston, Attorney on behalf of Summit Mountain Holding Group, said there were two reasons why opened up the ZDA and amend it so that we could come into compliance. One being the Wild Fire Management Protection Plan was to have been delivered by 18 months after the original ZDA dated as of 2015. Since then, we have been working diligently with the U.S. Forest Service and the Utah Department of Natural Resources Division of Forestry with Fire and State Lands that developed the plan. What we proposed is an extension of the deadline due in 2019. The other ZDA issue being the Trail Systems that we're not in compliance is with the trails systems. We have found that those trails were not feasible to construct in part because it required third parties and there were some natural habitat issues with that. The location and topography made it impractical to construct them to be able to use them. We've proposed replacing the Exhibit, page 45 to the DRR-1 on the application and a large document with a new page that shows the trails that have actually been constructed. Those are the two significant issues and there were two other things.

Ann Winston said one reason that we wanted to amend the ZDA was that the reinvestment fee covenant that's found in the master association in the Declaration of Covenant required a payment of reinvestment and resale of the properties. We wanted to modify a number of exclusions that were there because of the specific language in the ZDA; we had to amend with the county to give us the flexibility. The specifics don't really impact the county, it's just for us to request the HOA to collect the funds. The other issue is with respect to the development under the reserve account, which is a concept in the bond document for the assessment bond. There was language in the bond document saying that this fund would be created; and at this time would be funded by the developers. The Mountain Holding

Group upon certain triggers, and that language was in the 1st Amendment of the old ZDA with Western American Holding. When the ZDA that was adopted in 2015, the language was never carried over. There are a number of other issues and it's just cleaning up the language making it clear by adding standards where the original ZDA was unclear.

Commissioner Waldrip asked is there some language that you talked with staff where it would preserve the intent of connectivity from the resort down to the valley floor; without making specific geography determination, layouts, or timelines for that connection? That would be something that would be important to maintain through this. Ms. Winston replied there is language that we do say that Powder Mountain is committed in providing regional trail connection through the project to insure public trail access to and through the project. Powder Mountain will work with the adjacent landowners, DDWR, and Weber Pathways to provide these connections that are feasible.

Commissioner Hogge asked about the connectivity to the valley of the previously proposal to the terrain, are any of those on properties that included any of the third property owned. Mark Shortell from Powder Mountain, replied if you are talking about the connectors that were specifically stipulated in the original ZDA. They run through our property primarily; one would have dead ended on the state road and had no connectivity to a regional trail system. The one through Geertsen Canyon would have come down and needed to cross DWR land to access Middle Fork which would have been the closest regional trail system that existed. Because of the funds that were used to require that land specifically the connector between our land and Geertsen and the Middle Fork property; it prioritizes sportsman use over recreational use. There is a parcel in this area that is about 877 acres; we are moving into a conservation easement with the Ogden Valley Land Trust and the County to preserve this open space for perpetuity.

Chair Taylor asked is there anything that we should be aware of where it's driven by you such as the public road right-of-way, avalanche, or traffic implication? Ms. Winston replied there was some concern on the part of the county for the road; that we dedicate the road at that elevation, given the snow removal issues that all parties have faced up to date. The county didn't want to automatically undertake an obligation for snow removal. The language added, that before any dedication would actually happen in the future, would be at the request from the county that an agreement on the maintenance and repair of the public right-of-way be added. Some of the other issues; the avalanche hazards were another language was very vague, we have this memorandum that was more specific, showing if there were hazards, it would be evaluated on a case by case basis by the county. The Environmental Geological recommendation referencing the attached letters, so every time you picked up the agreement the letters are there. What we've done is the county has evaluated the design guidelines that shows if we are compliance, then we are satisfying the county requirements, we don't have to do further review because it's already been done.

Commissioner Waldrip said the Ogden Valley Land Trust would not oppose having trails going through to conserve space, and that is one of the preferred uses conservation easement to have some limited trail access through there, and is actually beneficial to the public. I would propose to the other commissioners to think about and maybe put a review period on this so that it comes before staff or whether it's before this body in a reasonable of time, so we can look at changing conditions. In thinking back Director Grover; this was a fairly significant discussion point in the initial plan was it not? Director Grover replied the trail system at Powder Mountain, we have had some concerns with snow removal up in that area due to cost and things like that. Part of the original agreement it talked about the extension of some of the roads up in that area being public and that's why we need to be able to look at those on a case by case.

Commissioner Waldrip said the intent was to try and alleviate some to the burden on the trail system that is heavily used, and you guys are working with pathways, so let's make it something specific so it doesn't go out of site out of mind from the original intent. Ms. Winston replied we are open to reviews, and as you can see from here, the actual trails that been built, and these green belts from here. We're talking about the regional ones are the ones that were built here, we're talking about alleviating of the burden that are actually constructing. So the concern was alleviating some of the burden where excess density, and the concern would be more trails available to absorb that density. What we've proposed that what we've already constructed, to satisfy what that intent was. But what we've found through this; given the topography with the steepness of the trail, the switchback, it's not feasible to be used as it had been intended. If that was the intent to provide an alternative access that mitigates like traffic concerns, it's not feasible.

Mark Shortell said the only thing I can add to that, when we're building our trail network up there on the mountain, we're trying to keep it trails at or below 7% grade so they're useable for all scale levels. By summer we'll have another

68 miles of trails will be completed and we'll be up in the mid 30's for the trails to be concluded as well to again and try to alleviate overcrowding on the Wasatch Front Trail and provide additional capacity to the people in Weber County and also Ogden Valley.

Director Grover said I think that would be fine to have like a two year return report type of thing, because things change in that area. If we have the ability to come back every two years, or whatever time frame you think is appropriate, I don't think that's unreasonable to return a report on that and it's always good to have checks or balances.

Ann Winston said if you look on Page 9 of the Staff Report, it says the developer completed the trail sign which would be the trail is open to the public as a fee free recreational activity. We can add an additional sentence there something to the effect that to be modified by staff that the developer shall provide a report on the feasibility of completing additional regional public trails every two years or something of that nature where it's just the developer to provide and report on the feasibility of completing regional trails.

Chair Taylor said as it stands right now, I have to agree there needs to be a hiking guide at Snowbird, and we needed trails within Snowbird that were useable, that were 7% or less, so people could actually use it and enjoy it. Things change and we need more connectivity; and it would be an interesting public hearing. Ms. Winston said we would have staff review it every two years to accommodate them, and I recognize and appreciate since we have had new people who come to the table. Director Grover said if it's just the trail system, we have prepared this document working with Powder Mountain, it's been about a six-month process, so it has taken quite a bit of time on both sides.

Ronda Kippen said there is a requirement in the original agreement that they provide the Planning Division a report of their development. We could incorporate in that agreement that the trails be in that part of the report. In the agreement every two years, they provide us with a report; and this report will be provided January 2019. It will get presented to staff a biannual report and she reviewed the report. Ms. Winston said we could include in there recreational inventories of all existing constructed recreation facilities; and approved commercial projects and residential units or lots to date. The inventory shall include a number of types and general location facilities, lots or units, and include potential regional construction that's in there for improvements.

Chair Taylor opened for public comments and closed for public comments, there were public that wanted to comment.

MOTION: Commissioner Howell moved to recommend approval to the County Commission ZDA 2018-01, consideration and action on a request for the First Amendment to the Powder Mountain Zoning Development Agreement amending timeframes and trail locations within the Zoning Development Agreement that was previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account. The first amend 2018-01 subject to findings as noted in the staff report with clarification on a two-year basis the applicant will review trails in their requirement report. To 4.1. Add recommending would be motion include that the mentioned report be required 4.1.2 be reviewed trails and their regarding regional trails for 22 years. Commissioner Waldrip second. A vote was taken with Commissioners Waldrip, Howell, Hogge and Chair Taylor voting aye. Motion Carried (4-0)

2. ZTA 2017-17: Public hearing to discuss and take comment on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

Charlie Ewert said so essentially we have a lot of discretion built into the administrative decision. The way the PRUD code is written right now, at the very broad discretion of the County Commission, any decision can be made to wave or modify. In fact, it wasn't until we had a very specific development application that it became very clear what the challenge would be with the existing ordinances. It should be noted that PRUD's and PUD's are not unique; a number of jurisdictions have them. I went through and I looked at Davis County, Tooele County, Wasatch County, Utah County, Morgan County, and Salt Lake County, to find out what they're doing. Every single one of them with the exception of

Tooele County has very objective decision criteria. They do have flexibility built into their code, but the flexibility is just alternative standards that you make a decision based on objective criteria that was in the code. A decision that is based on whether or not it feels appropriate and complies with the General Plan, that's more appropriate for legislative decision and not administrative decision. If the legislative decision goes to court and reviews the criteria, the court has to decide whether or not it was a reasonable public interest. It's a very broad decision and we've been told that no legislative decision has been overturned by a court.

Charlie Ewert said I am just going to go through each of these pages and focus on some of the bigger changes; if you have questions as we go through it just let me know.

Charlie Ewert said one of the beauties of changing this to legislative; we're changing this to an overlay zone. We are the first county to change a PRUD to an overlay zone. Wasatch County has a couple of overlay zones that do the same thing, but they call it something different. If there is anything in here that needs some tweaks overtime, we'll have the opportunity to go back in and make those changes. The County Commission wants to see this pretty quickly; in fact, they want to see it in June, but it's more likely to happen in July. If we find big flaws as we go through discussing this, maybe the best thing is make a recommendation to the County Commission for denial, with a request for more time to review it.

Charlie Ewert went through section by section noting any changes or tweaks, and explained why the changes were made and gave some recommendations to the Planning Commission. He also noted that the Bonus Density is not applicable to the Ogden Valley.

Commissioner Waldrip asked you made a comment on the 20,000 sq. ft. lot requirement with the 80 ft. minimum width; what is the cluster subdivision standard? So why the 20,000 sq. ft.? It just seems counter intuitive as far as providing flexibility. We've got a cluster subdivision ordinance that allows for 9 to 10,000 sq. ft. lot standard, and it seems we're just picking arbitrary targets that are different for no particular reason? Mr. Ewert replied in the cluster we went to 9,000 sq. ft. minimum and 75 ft. width. There was a specific request from the County Commission asking me for more flexibility. Clustering requires a certain amount of agricultural open space and agricultural zones but it does not. They can do 20,000 five acre provided the net effect isn't more than the amount of homes they would have otherwise gotten out of the subdivision. It gives them a lot more diversity and flexibility for the developer to choose how they want to divide the land up. We worked with a particular that said 20,000 and is probably the minimum you're going to want and to see. This is more for Western Weber County; they're struggling a little bit with the cluster subdivision code because of the smaller lot sizes and it's hard for them. They feel like that takes away from their rural character. Even the tiny groups of clustered homes surrounded with 50% open space; some people feel that takes away from the rural character. We have other folks that say half acre lots is closer to what is a rural character. We are doing a balancing act with a lot of different opinions on what is rural; 10,000 sq. ft. homes packed under a small area with 50% open space surrounding it or half acre lots mixed in with two acre lots.

Chair Taylor said it's just really different with a PRUD versus a Cluster; what it accomplished because you say that open space was not really a priority with a PRUD. Maybe not a priority and it may be the wrong word and maybe faster would be better word used. Mr. Ewert replied the current PRUD code doesn't have a specific open space requirement but the cluster code does. If this is implemented, we'll have a very specific target to shoot for which is the cluster code. Here a PRUD Overlay Zone isn't the product, it's the process to get to the product. It also allows some flexibility from that end goal to provide something more in favor. So it's not a PRUD versus cluster; its cluster executed through the PRUD process which is built more like a legislative authority now.

Director Grover said also with the PRUD you can get from the word design guidelines that you don't pick up with the clusters; you would pick up architecture details and you would pick up landscaping. You don't pick up that in the cluster.

Charlie Ewert said and you don't have to approve it. If somebody comes in with not great architectural details, they would go back and redesign until they bring back something more charming. Commissioner Waldrip said so PRUD because it becomes subject to development agreement contractual relationship, that's where the other provisions

come in. So help me through this commissioners, if we were to have preference, the PRUD would give us more teeth so to speak both in the front end and the back end of a new development. Mr. Ewert replied it gives you all the teeth.

Commissioner Waldrip said for me putting that hurdle high for a PRUD than it is a cluster just seem counterproductive to where we want to go with this; which is to encourage the certainty that a PRUD subject to those cluster standards would deliver. Mr. Ewert replied we've got certainty with the Cluster Subdivision code as it stands now. What this gives us is a much broader brush that clusters don't give anyone the entitlement to paint with a broad brush. Another way that we can do this and its way that everybody else has done it; a PRUD has a specific list of outcomes, inputs and outputs we know exactly what's going in and what's going out, and that's why those are still administrative decisions because they are predictable. So we can make it not predicible but at least we have control over the outcome, and induce the level of predictability that way, or we can go back and rewrite for definitive outcome.

Commissioner Waldrip said my question is on the threshold calculations; if a developer were to come in if they have something available and they want to do a couple of 15,000 sq. ft. lots or whatever; we're pushing them to apply for a cluster subdivision application, rather than working with them through those two options. Director Grover replied the Cluster Subdivision is not going to require a legislative approval. This is more germane to Western Weber; when they come in with a PRUD, there's no way to actually deny because you have a conditional use. So that's been the biggest concern, is that there's no mechanism to actually listen to the public. The public felt like their voice was not being heard because the County Commission, and you know you couldn't deny it, you just have to approve it with conditions. This allows for that mechanism but it has its pro's and its con's; and that's what you have to weigh out right now, because they're making it a legislative issue and it's going to be a little bit more difficult for the developer.

Charlie Ewert said I am hearing about packing cluster subdivision into a PRUD. Would you rather see different standards in general allowed in a PRUD? Chair Taylor replied I am onboard with the PRUD, and there's some great things in there that can really help with design and get the developers to do what we're trying to accomplish. The idea of all of these developments with the cluster versus PRUD seems tricky. You have one where you're accommodating the request for less units for 90% open space; then all of sudden you aren't having open space in the PRUD, something that is still accomplished in the cluster with 80 or 85% open space. Also that same one, with Line Item 561 seems to make the minimum lot area 20,000 sq. ft.; and be able to give people who are looking to cluster the option of the PRUD, and there are just some inconsistencies that way. Charlie Ewert replied we will be guiding people away from Cluster Subdivision Code by allowing something like this, and the legitimacy in the cluster subdivision. In the Western Weber, we see a few developers having a difficult time making the cluster work. Primarily because we say your prime agricultural land should be the open space; your first step is to identify where your open space is going to be in the primary agricultural land. We've had a couple of developers say, you know we would rather just see 100% of the property divided into lots. There's been some support from the commission on that idea, and they at least wanted to vet that idea to the Planning Commission.

Commissioner Waldrip said I just think we're not doing what we said we were going to do as far as creating this opportunity to really manage and plan larger developments and larger parcels. What would be the standard in the valley zoning regarding the PRUD and what would be the intent of driving toward the flexibility within the AV Zones? Director Grover said and right now 20,000 sq. ft. wouldn't apply to the Ogden Valley, it would just be applying to the Western Weber in the A-1 and A-2 Zone. Mr. Ewert replied it would follow the cluster subdivision code through the PRUD Overlay to a legislative action, modifications can be made to the 10,000 sq. ft. and it may be less than that, as long as that meets the intent of the General Plan. Director Grover said like Mr. Ewert mentioned, we're just doing this more on an experiment basis out west. We have been running into a lot of irregular shapes lots too, because of how the river meanders out in that area, and the canals make it hard for the developers to develop. We are thinking outside the box without letting people know that planning is actually doing that.

Chair Taylor said the least thing I like about a PRUD, are the nightly rentals. I am concerned about them in the valley, and we need to have conversations about there being B&B and nightly rentals. I would like a little bit more, just to get it out of the language, and have people come up with it on their own. When it was a CUP it was just given, and now that it's legislative. I like the way the PRUD is going, but then you get anything given under the CUP, at least strike out the nightly. Mr. Ewert replied I don't think they are easier with this, it's another avenue but its legislative. Even though it's listed as something that could potentially occur; just pretend it's a rezone next door, all you have to do is show up

for the meeting and say this is not the right time, the right place, and it doesn't fit the General Plan. Otherwise, decision makers can make nightly rentals about anywhere by the same authority and process as adopting an ordinance there. Let the idea of the Legislative Overlay guide that because they could exist in a PRUD through that. All uses specified and underlined are allowed in a PRUD; that could be a challenge if you look at the A Zones, and there's a lot of stuff happening in the agricultural valley. Other uses may be approved by the County Commission. It's kind of how you see transitory development supplemented, or a lot of different things that does create village centers in areas that we don't want.

Commissioner Waldrip said I think its market driven; and to me that section is easier to swallow even 100 units plus; and if someone wants to put a coffee shop in there. If we like it and it makes sense, it just gives us a way to say these people have a plan. Director Grover said when we were doing the General Plan, we did talk about the ability, and there might be a need for a coffee shop. I know a lot of people here in Ogden, that love the coffee shop up here east of Harrison Blvd., the Café Mercantile that's just there right by Charlie's place. It's just a great little amenity to a neighborhood that doesn't feel like you're creating a village. Commissioner Waldrip said that becomes more of a meeting place or something to poke around. To me the nightly rentals would be an issue that requires a lot more of a mitigation discussion. Because you've got parking issues, noise issues, and there's a lot more that comes to me with nightly rentals and it does the neighborhood a service. No one is going to put a big thing in the middle of a PRUD, like a little vegetable stand or something like that.

Chair Taylor opened up for public hearing.

Miranda Menzies, 3807 N. Elkridge Trail, Eden said I am confused how does that leave nightly rentals in the PRUD when we've got Wolf Creek in the last count four areas of PRUD; where under the current code, are less into the CC&R's and now you're going to have a land use code. What happens to these old ones, and what about the developers who are in the process of developing new ones, or thinking about developing new ones, and now are going to be subjected to a new code. This needs to have clarity on that specific issue, and it is one of the biggest identifiable things about PRUD and condominiums; that nightly rentals are allowed versus not in those extra rooms. I think that many of the PRUD that you've got, have those smaller lot sizes that are 10,000 and they seem to be something that people want to buy and it's a product they are interested in. I am interested how changing the code at this point affects the existing units.

Jan Fullmer, 3741 Red Hawk Circle, Eden said I am a confused with this, is this in Ogden Valley and Ogden Valley only, and is a PRUD considered a clustered development? Here is my reason for asking, if in fact they are separate and distinct, I believe there was an ordinance that was passed that said in Ogden Valley there will be no more bonus development units granted for cluster development but what about a PRUD?

Kim Wheatley, 394 S 10000 E, Huntsville said I would like Mr. Ewert to go through one other part of what he proposed again. He said later that it's got a substantially advance the purpose of the strategic plan. When he read that section in the Purpose and Intent, I didn't hear it that strong and it should be that strong. We don't just want that it's just a strategy or just a small thing. We want to substantially advance the plan for people to be able to get the PRUD consideration. Mr. Ewert could you go over that piece for my clarification.

Chair Taylor said they brought up some great points and we'll just stick to each one. Mr. Ewert replied so the first one, nightly rentals are governed by the Title 108 Standards Section, and that section states, "*where the zone otherwise allows.*" It's not listed in any of the other zones, this was the only place PRUD is done, the only place that nightly rentals have been listed. In order to enable new nightly rentals to exist if it's not specifically listed in a PRUD Overlay Zone as being allowed, we have to make a legislative decision to allow it. We can't make a Development Agreement that conflicts with the zone; so I am thinking removing it as we're developing ordinances on the fly, only because there's no other provision to allow it. So we would have to get into the zone the AV-3 Zone allow it everywhere; or only allow it as a provision of the PRUD, or continue to list it here as potentially allowed. A non-conforming PRUD which in February earlier of this year; the county initiated a resolution saying they intended to amend this. I've got a PRUD or I live in a PRUD and that allows nightly rental, I'm entitled to continue on with my nightly rentals under what was previously approved. If I want to expand the PRUD or substantially modify the PRUD in a way; that is not de minimis in nature.

Charlie Ewert said next question was whether or not a PRUD is a cluster. He read the Overall Development Plan on Line Item 408; the Overall Development Plan shall provide a desirable layout, or if a specific layout is to be determined later, desirable standards for the following: So we're really going to have a really nice layout for development, or they are going to write down exactly they are going to lay it out even if they don't know exactly what it's going to look like.

Charlie Ewert said Part 1, Cluster Subdivisions: All subdivisions within a PRUD Overlay Zone shall comply with Title 108, Chapter 3, in Cluster Subdivisions; except those lot development standards listed in Subsection d of this section. Which says you can choose what your lot development standards are. This gives you guidance, this is a legislative decision that says look to the cluster subdivision code; we want your PRUD's to look a lot like that it does give some ounce if they come up with really good reasons why they should have an out. It has to meet the intent of the General Plan.

Director Grover asked Mr. Ewert to address Jan Fulmer's question about bonus development in the Ogden Valley. Mr. Ewert read on Line Item 528 under Bonus Density Section. That's kind of what we tried to do with the Cluster Subdivision, we're still going down that path but this one gives us less rules to satisfy that. Let's just negotiate that in the future. Under the next question, under Purpose and Intent, Subsection b, he read the language and said I tried to use consistent language there.

Commissioner Waldrip asked what would that language substantially advance the Purpose and Intent of the General Plan Goal, Principle, or Implementation Strategy? Mr. Ewert replied I think it's a great idea and I would bet that the Western Weber Planning Commission would agree with that.

In response to Commissioner Wood's question, Mr. Ewert said if you were to read the Purpose and Intent of each zone, and then read through the General Plan Goal, Principle, and Implementation Strategy. There's a lot of work that needs to be done in the whole code; and that's whole point of the General Plan to help us to amend and modify the code to better implement the General Plan. I wouldn't say substantially advance the purpose of the zone, because it could conflict with substantially advance of the General Plan.

Commissioner Howell said about nightly rentals; nightly rentals are allowed in certain areas in the valley already. Mr. Ewert replied they are allowed in commercial valley recreation to some respect. They are allowed in the DRR-1 Zones, and they are allowed in any other zone that currently allows a PRUD; but we're taking the PRUD out of that and making it a legislative overlay. Which means it can exist anywhere that's allowed in the western zones that's in the code.

Chair Taylor asked so you can't strike up some nightly rentals language, can you put that in. Mr. Ewert asked do we want define which zones they are allowed. Chair Taylor replied no, just to advance the plan how they as to where they are allowed to advance the plan with something more specific. I know that it's already there, and substantially need a little help.

Courtlan Erickson asked could we get back to Line Item 416, under the cluster development. Where is subsection d that you reference to. Mr. Ewert replied it should still be in Section 104-27-5, Subsection 4 Lot Development Standards. Mr. Erickson asked so change subsection d to 4? Mr. Ewert replied yes.

Charlie Ewert said it's better for me when I get a specific direction. So Line Item 310, Sec. 104-27-2, Subsection b, adding substantially advance in front of general plan goals. In Line Item 390, Sec. 104-27-5, Subsection b, (1) correcting mislabeled reference, subsection (4) not subsection (d). In Line Item 464, Section 104-27-6, adding a line that says something to the affect that nightly rentals are only allowed to when they substantially advance the General Plan goal, principles, or implementation strategy. Maybe give me a little flexibility to work that into that paragraph when we revise this paragraph again. I think that was it.

Chair Taylor said I didn't officially close it for public hearing, so she asked Mr. Wheatley to proceed.

Kim Wheatley, 394 S 10000 E, said the concern on the substantial advancement of the goals, then we have a string of goals and implementation strategy which I think is many in the plan and it's all in or. You can't just pick one strategy, implementation strategy and just define PRUD, you've got an "or" in there. If you do one of these things goals,

objectives, or implementation then you qualify and I would just suggest something stronger than that as we get down to the implementation strategies.

Chair Taylor closed for public hearing.

MOTION: Commissioner Howell moved to recommend to the County Commission for approval of ZTA 2017-17. The petition is subject to all conditions and changes that were made in the initial report, deleting line 481, 482, and 483 with additional language added to that section; including other language that had been added in Line 327. This recommendation is listed in the staff report, and to all the county and state agencies requirements. This motion is based on the findings listed in the staff report. Chair Taylor said I believe we are not deleting the lines that you referred to of the nightly rentals, and we really can't. Chair Taylor asked do you want to include Line 416 as referenced. Commissioner replied yes. Mr. Erickson, Legal Counsel asked are you give oral approval to add that to the motion. Commissioner Howell replied we did. Mr. Erickson said just wanted to make sure that was clear. Commissioner Waldrip seconded.

Friendly Amendment: Commissioner Waldrip said the language to the language in Section 104-27-6, Line Item 327-327, if we could change that to substantially advances the General Plan Goal, Principle, and Implementation Strategy. Commissioner Howell replied I didn't put the language in there but I did say additional language. Commissioner Waldrip replied just wanted to make sure we get the and in there. A vote was taken with Commissioners Waldrip, Howell, Hogge and Chair Taylor voting aye. Motion Carried (4-0)

2. **Public Comment for Items not on the Agenda:** None.
3. **Remarks from Planning Commissioners:** None.
4. **Planning Director Report:** Director Grover said Kary sent out an email to you guys about attending the Fall Conference, if you could please respond to that in a timely manner so we could get you registered for that, for whoever would like to go. I believe it's in Sandy this year
5. **Remarks from Legal Counsel:** None.
6. **Adjourn to a work session:**

WS-1. Update regarding the work being conducted by the Morgan/Ogden Valley Rural Planning Organization. Presenter: Julie Bjornstad from Wasatch Front Regional Council.

Charlie Ewert said we have Julie Bjornstad from the Wasatch Front Regional Council who has been the staff assigned to help with Rural County of Ogden Valley RPO. She has been helping us with the two bodies; The Technical Advisory Body and The Legislative Body. John Lewis and Commissioner Ebert are on the legislative body. We have two elected bodies; one from Morgan County, one from Morgan City and one from Huntsville City. There are two or three at large who are business owners or residents.

Julie Bjornstad said the policy committee is Commissioner Ebert, Mayor Truitt from Weber County, Mayor Little from Morgan City, Council Member Kilmer from Morgan County, and then there is a business representative John Lewis from Weber County, and representative from Morgan County Daryl Brock.

Charlie Ewert said the technical advisory committee we get to talk about the technical stuff like science and the data and we put together some recommendations for the legislative committee. The RPO could use a little more cooperative bargaining for potential for funds. If we have a strong regional plan, we've got a higher probability for getting more types of funding. The following topics were discussed by Julie Bjornstad, Staff, and the Planning Commissioners.

- UDOT has established to better understand local needs; being their state wide long range plan. There is a state model that's being developed; to better understand where there are traffic issues throughout the state and rural parts of the area.
- This project in this area is shoulders and pathways; along North Ogden Canyon Roads and basically around the reservoir on SR158, 162, and 35th East. With these projects are more shoulders and pathways; a tunnel up by

Wolf Creek, near the golf course. There are two roundabouts; one at SR158 and 2500 West in Eden, and another roundabout at 7800 East at SR39 in Huntsville City.

- UDOT has smaller radius roundabout, but having challenges with the bigger trucks. It does fit within the right-of-way.
- People crossing a blind corner on 158 at 40 MPH with heavy truck traffic, and that's why a tunnel is needed, and plans already exist for that.
- There is a crash safety information both by pedestrian and in general; and there is a safety hotspot analysis for the area of where those crashes are occurring.
- There needs to be an improvement there at the dam, but it hasn't been defined yet. There was an intersection improvement because of the bad visibility, lots of vehicles, high speed, and currently hasn't been defined it yet.
- The issue about a three-way stop as opposed to a through-fare on 39 which could help. If they do a three-way stop, it could be a better treatment on the dam for pedestrian accessibility and help combine the Pineview Loop Pathway at the same time.
- Regardless if there are injuries or not at a bike crash resort; always report it because a lot of decisions are being made based on crash data.
- When there is referral agreement with improvements; need to work with the developer on trying to get larger shoulders in place, so that it creates pedestrian and biking abilities.
- There are guard rails on the pass coming up from Ogden Valley into North Ogden. Guardrails would be a great on a short term basis. The County Engineering Division just contracted with a couple of local firms to do some research into the North Ogden Divide road,
- There was talk of the tunnel connecting across the highway to Willard Creek to get people off that road there and then across; if we can get some trailhead improvements there at Willard Creek, or even at the water plant.
- There is one Park and Ride on the list, that's down more at the mouth of Ogden Canyon where it's a pickup and drop off.
- Potential for improvements at Pineview around the reservoir. Maybe invite a representative from the Pineview Management Committee; which is the Forest Service in Weber County and Huntsville, getting together trying to manifest better control over recreational resources at the reservoir.
- There are stacking lanes for boats; down by the reservoir and Anderson Cove. There are stacking lands in the middle or on the side, on Sr39 and also on 158. It all boils down to where the parking is, what fees are being charged, on the pressure use by swimmers and boaters; and boaters who then find stacking lanes and get turned away, and it's getting worse.
- The speed limits have been increased based on UDOT's principle of using the 80% percentile speed. In other words, the speed that 80% of the people can achieve.
- Morgan County to move the interchange to where it's currently located to Trappers Loop to open that area of development.
- Currently UDOT is doing a corridor study on 184 from the mouth of the canyon and up through Peter Andrews. The outcomes of that will determine whether they move to environmental or whether they can get funding from the environmental study.

- Doing an interchange on Phase 3 of their long range plan; they are doing an environmental study.
- Need to have more parking at the village with some traffic that are commercial. Need to talk to Management Committee as far as isolating locations for parking. Need to speak with Holland who is on the Technical Advisory.

Julie Bjornstad said we want to have an open house in Huntsville area, and then one for Morgan County where we present them with the goals of the RPO, and then present these projects and get their feedback. That meeting we were planning on having a meeting on July 17th, either doing it here or in Huntsville. Director Grover replied I think it would be better to do it up in the valley; either at the library or at the bowery. Ms. Bjornstad said the requirement is 6:00 to 7:30, that's the potential time ting, so that people have. Mr. Ewert said if it's a nice day, maybe people can have inside we can have the boards on easel outside at the pavilion. I was thinking the Bowery when I was thinking about that, but we could do the library too. Julie Bjornstad asked the public to come out on July 17, 2018.

WS-2. Discuss ZDA 2018-04, a request for a development agreement on a 24.94-acre parcel at the end of String Town Road, currently zoned CVR-1, to register development rights for the purpose of transferable development rights (TDR) to designated TDR receiving areas, both existing and future. Applicant: Ogden City. Applicant Agent: Eric Householder and/or Kenton Moffett

Charlie Ewert said the parcel of String Town Road that has been purchased by Ogden City. The brief of it is zoned CVR-1 and the CVR-1 has a lot of development potential and is zoned resort. In the CVR-1 there is 44 plus acres there, and their max buildout can produce about 21 units to the acre. It's a pretty big resort that can go right there, about 500 or so units that can go right there potential. Ogden City is here and they've got some interest, perhaps reducing development potential. They have submitted a rezone application, but what they are looking to secure their entitled rights that go with the land, for the potential of transferrable development rights. I will let our friends from Ogden City and Mr. Householder and/or Kenton Moffett give you their presentation.

Kenton Moffett, Ogden City, said Ogden City is not asking for a zone change at this time. They are just trying to solidify and register entitlements that are tied to that property. Today there is a vehicle where they can move these units around to a resort zones; and it sounds like some of these other ordinance changes are better at defining those areas as receiving areas. The idea is to have these in place so that when this TDR ordinance is done, the plan that he was referring to could have a potential there.

Charlie Ewert said I just handed you the DRR-1 Zone ordinance, and if your turn to Page 11 of 26, starts with Section 104-29-3 Transfer Development Right (TDR) eligibility, Section 104-29-4 Calculating transfer density, and Section 104-29-5 Transferable development right procedure. This talks about how to go through that process; registration, certification, and all of that. The following topics were discussed by Kenton Moffett, Staff, and the Planning Commissioners.

- Numbers were calculated, were given 536 units in the CVR-1. Other factors to consider steep slopes and commercial zone so you get more.
- There is 7,500 sq. ft. for the first building which can include up to two units; and for every other unit on top of that is another 2,000 sq. ft. of land.
- In CVR-1 Zone, houses could exist by PRUD; in commercial you've got hotels, condominiums, condominiums/hotels, and a whole host of different types of units that could be allowed. When talking about transferrable dwelling units, not talking about commercial or other things.
- Ogden City operates six wells here, and the city gets approximately 60 or 70% of its water from those wells. The city purchased the land to protect it for our well and allow relocation of those wells as they no longer become functional. Wells only have a certain amount of life expectancy and then you have to drill for a new one.

- General Plan talks about protecting different view sheds and this is a critical view from all areas that is around that reservoir.
- In terms of registering development rights, in terms of possibly creating development agreement, secure those rights to the properties that can be transferred, and create the tool mechanism.
- So these units can sit there as this market grows and these vehicles are built and they can move out in the future. it's a little different than the typical zoning development agreement up there.
- Ogden City originally got us water from artesian wells that are under the dam now and are covered by water. Those wells and continued to pump from them even though they were under water. Originally there were 48 artesian wells that the city used, and about the 60's or 70's, Ogden City replaced the 48 original wells with six wells.
- Ogden City doesn't want to actually develop, but needed to show what their rights were, and would install some kind of commercial sewage system there. Not able to strive water to any service water to the valley people to meet the water quality standards. Water cannot be discharged into the service water and to irrigate, need to have a setup on infiltration basin.
- As far as sewer, need to determine the sewer capability, if they can sewer the whole area, and if they've got enough water to put all 500 units on this property.
- When it comes to TDR, it's really being approached more from a standard property owner; what you could do with the land that's available, and approaching it more from the business side, then the city protection side.
- As far as marketability of the sewer system, and having the financial ability of reducing the amount of the phase going out.
- Snowbasin Master Plan took them awhile to build those units; took the acreage and decided not to move all of them. Snowbasin had 26 acres and got credit for 751 units, and they moved 550 up and received double bonus to come up the hill. It ended up being 1500 units plus they got both. They looked at slopes under 40% which was all of it.
- Conceptual Master Plan to show it was possible to put that many units on it. The CVR-1 Zone currently doesn't have a height limitation,
- The TDR certificate process in the DRR-1 Zone; need to record the development agreement on the property that says they've got X amount of units, that they are entitled to the zone, and they are certified as TDR's.
- Need to identify the entitlements to this site, need to protect the TDR together, need to open up for more resorts, and this all goes back to the General Plan.
- We could have a development agreement with a rezone and a development agreement with specified elements by the 17th, and it was decided the sooner the better because it just helps things to get set in place.
- What we could conceptually do if we were developing it; having Ogden City protecting our wells. our expectation if we needed to do some kind of treatment facility, making it less visible in an area that the well be filled overtime.
- It does not need to be all or nothing; it's okay to put 200 units out there with and transfer 300 that protects that.
- The CVR Zone the calculations are weird because of the CVR-1, and the other zone FR-3 is the same way with calculations.

Charlie Ewert asked if the Planning Commission wanted to think about and would entertain having a legislative item on August 7th, because on the August 17th we have a lot of things going on. If you would entertain on your work session meeting by having a legislative item on the August 7th. The response was yes.

WS-3. Discuss ZMA 2018-04, request to rezone property from AV-3 to CV-2 to support a reconfiguration of the Maverik site, a site on the corner of HWY 158 and HWY 162.

Charlie Ewert introduced Leslie Mascaro and Todd Meyers, who are both with Maverik.

Leslie Mascaro asked if she could pass out a brochure, and asked if she should just proceed. Mr. Ewert replied yes, just give your dialogue what you are wanting to do and just give your presentation.

Leslie Mascaro reviewed the brochure; explaining details of the location, the existing buildings, proposed new gas dispensers, trail system with a 10-foot asphalt trail that will connect to existing trail, upgrading landscaping, open space areas and infrastructure, located in the CV-2 Zone, additional 15-foot landscape area along the frontage the proposed building, we purchased that portion which is about roughly 1.03 acre or 3% of the entire site; so that we can build this out.

Leslie Mascaro said there is a strip of property behind the current site; it's very narrow small little piece that will enable us to provide a brand new building and a new site to this area. We're currently working with the Health Department; we have leased an out a field that is directly adjacent to this property, so we can install a brand new septic system and it's where our leach field will be located. She talked through some of the supplements for our site plan. We have gas dispensers, shifting further north we have parking, and of course we have our building that is located unto the rear, and behind that is our leach fields and our septic system. The following issues that were discussed by Leslie Mascaro, Todd Meyers, Planning Commission, and staff.

- Leach Field – location
- Villages – looking at bringing building up to the street front
- Commercial Buildings – Average life spans closer to 20 years
- Building Materials – Concerns and wanting stone or other materials meeting standards
- Security Standards – meeting challenges
- Charlie Ewert showed several photos of Maverik locations; there were Jackson Wyoming, Logan Utah, Call Idaho, and Park City to show the different elements of the store, various landscapes, windows, street scapes to get an idea of what the Planning Commissioners liked.
- UDOT Standards and Wasatch Front Regional Council Standards – visibility, speeds, roundabout, expand intersection, right-of-ways
- Intersection Challenges – Speed Limits and UDOT's 80% rule
- Commercial Businesses – Having leach fields and septic systems
- Sidewalks – Moving them for pedestrians and traffic safety standards. Having sidewalks in the public right-of-way to avoid liability issues
- Health Department - working with the Health Department
- Landscaping Requirements Percentages – 25% or maintaining that 15 foot setbacks is maintained

- Rural Character – That it complies with rural character, complies with lighting standards, complies with sign standards, and complies with roundabout standards
- General Plan – Meeting with the standards and being able to move forward

Leslie Mascaro thanked everyone for their feedback, and they will go back and review the information and have more conversations with the Planning Staff.

10. The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission