

Minutes of the Ogden Valley Planning Commission Regular and Work session meeting August 7, 2018 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Planning Commissioners Present: John Lewis, Vice Chair; John Howell, Shanna Francis, Chris Hogge, Robert Wood

Planning Commissioners Absent: Jami Taylor, Stephen Waldrip

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Ronda Kippen, Principle Planner; Steve Burton, Planner III; Felix Lleverino, Planner II; Courtland Erickson, Legal Counsel, Kary Serrano, Secretary

Pledge of Allegiance

Roll Call

Vice Chair Lewis asked if there were anyone for ex parte communication. Commissioner Francis excused herself due to conflict of interest.

1. Minutes: Approval of the June 05, 2018, June 27, 2018, and July 17, 2018 Meeting Minutes

Vice Chair Lewis said there are no minutes to approve at this time. The agenda will be amended to reflect that.

2. Petitions, Applications and Public Hearings

2.1. Administrative Items

a. New Business

- 1. UVB060718:** Consideration and action on an administrative application for preliminary approval of Bobcat Ridge, a four phased 48 lot development located in the Design Recreational Resort (DRR-1) Zone located within the approved Powder Mountain Resort. (SMHG LLC, Applicant, Don Guerra, Authorized Agent)

Rick Grover said this is a consideration and action of a request for preliminary subdivision approval for Bobcat Ridge, a four phased 48 lot development located with the approved Powder Mountain Resort. This has been changed to a 2 phase development subdivision. This is an administrative approval and it's required to have a public hearing; but you can choose to take public comments if you choose to do so. We will have Ms. Kippen introduce you to the project, then the applicant Mr. Don Guerra will explain the project, and then Ms. Kippen will return and explain how this does or does not meet code.

Ronda Kippen said this is a standard subdivision located in the DRR-1 Zone, it encumbers 42.69 acres, and as you can see where the village lift is. That is where the streets will become private, the path will become private going down to the junction here, and then White Pine Drive will take over. This whole development will be private that will be taken care of by Powder Mountain development. The subdivision is a compilation of small and large lots that range in size from .34 acres to 1.5 acres, and anywhere from 52.76 to 312.88 in width. We are now seeing a series of new subdivisions instead of Summit Eden Phase 1A through 1C. We will be seeing a series of new development coming forward, we will have a new development at the end of the month. This development is in compliance with the DRR-1 Zone and the ZDA concept plan.

Don Guerra, with Summit Powder Mountain, said I don't want to go through the staff report, and I know that the Planning Commissioners had some concerns, so I would like to address those concerns. First of all the conditions that were in the staff report; we are aware of those and have no issues or concerns with those. The concern about the snow removal; we are aware in Bobcat neighborhoods as well as all of the neighborhoods. We are already in the business of snow removal to supplement on the county's road; and we've private roads throughout Powder Mountain that we have to maintain. We do have building envelop that will be shown on the final plat, and there are a lot of things that will be going in the building envelope, and one of those things will be the snow removal. Our CC&R's don't allow the pond sites to be pushed in the right-of-way and the homeowners are aware of that through our CC&R's. The wetland delineation has been done, we had not had that done. In our first irradiation of our site plan it encroached on those areas, so we modified and resubmitted to the county to completely avoid what's been delineated wetland right now.

Ronda Kippen said as Mr. Guerra pointed out there was wetlands on this site; it was addressed in the original reconnaissance, they had to do a reconfiguration to get out of wetlands. They want to preserve the wetlands on the site and keep as much of the natural habitat as they can in Weber County. Currently we have a draft geologic hazard report that will go through lot by lot, so when the final report comes in recommendations numerous recommendation clearing lot by lot. So when the final report comes in and there are any lots that are not able to clear; those lots will be noted with an "N"; we then know that lot will need to have additional geological and geotechnical work done. If they can't be cleared, they will be removed from the plat. One of the conditions specifically; recommendations have been made of the Bobcat Ridge site that IGES staff is onsite to verify compliance, and a verification letter shall be provided by the Engineering Geologist prior to final approval. Staff recommends preliminary subdivision approval subject to all applicable review agencies requirements; and is based on the following conditions, and out of the 11 conditions, only two of them are not part of our code and are part of the final submittal. Condition #1: the Geologic and Geotechnical must be the final report submitted with the final subdivision. Condition #2: A Geologist and Geotechnical Engineer must be onsite during the development to ensure that their recommendations are adhered to. The verifications letter shall be provided by the Engineering Geologist prior to final approval; stating that the design adequately meets the recommendations in the geologic report.

Commissioner Howell said it appears on this map they have a lot of options for snow removal. Ms. Kippen replied that's correct and if you would like to put that as a condition for a snow removal plan for this development. Vice Chair Lewis said that was an issue for me but it seems like they have developed a snow removal plan and that is great.

Vice Chair opened and closed for public hearing as there were no issues with the public.

Commissioner Hogge asked regarding preliminary geologic report, what is that as opposed to their final report. Ms. Kippen replied what I received was a geologic recon that states this area has wetlands and potential landslides. With that report I asked for a wetlands report and a more in depth geologic report. They gave me a draft report and they are working on the final report that indicates from low to moderate geologic hazards.

MOTION: Commissioner Howell moved to approve UVB060718 on an administrative application for preliminary approval of Bobcat Ridge, a four phased 48 lot development located in the Design Recreational Resort (DRR-1) Zone located within the approved Powder Mountain Resort. This is subject to all conditions and recommendations listed in the staff report; with all county and state agencies requirements. This motion is based on the findings listed in the staff report. Commissioner Wood seconded.

FRIENDLY AMENDMENT: Commissioner Hogge suggested adding subdivision rather than master plan development as Ms. Kippen noted. Commissioner Howell replied that would be okay.

VOTE: A vote was taken with Commissioners Howell, Hogge, Wood, and Vice Chair Lewis voting aye. Motion Carried (4-0).

At this time Commissioner Francis returned.

2. DR2018-04: Consideration and action on a request for design review approval for the Eden Maverik Remodel located in the Commercial Valley (CV-2) Zone. This project is located at approximately 5100 E 2500 N, Eden UT. (Maverik Inc., Applicant)

Rick Grover said this is an administrative item, as you look at this you can choose to take public comment, you don't have to and it's up to you. As you review this, and as stated in the pre-meeting we looked at a rezone in the previous meeting. They are not asking this as part of the review, it is strictly the lot that they have currently, and how this meets with the current zoning requirements. Steve Burton will introduce the project then, Leslie Mascaro who represents Maverik will present the project to you, and then Mr. Burton will explain how it meets or does not meet code.

Vice Chair Lewis said for clarification, we cannot disapprove this because they are not rezoning this, according to staff it meets the zoning ordinances. Director Grover replied not according to staff, according to ordinances, and staff has looked at the ordinance, and Ms. Burton will explain that.

Steve Burton said as stated by Director Grover this is a request for design review approval for Maverik to replace the existing building. Because of the proposed upgrades, they are required to come into compliance with the existing codes including the Ogden Valley landscaping, the architecture, lighting, signage, etc. From our review as staff, we feel with the recommended conditions that it is in compliance with those ordinances. As far as zoning goes this is in the CV-2 Zone and after Ms. Mascaro gives her presentation, I will present staff's recommendations.

Leslie Mascaro, Representing Maverik, said she didn't have a formal presentation but asked for the elevations. As Mr. Burton stated, we are in full compliance with the code within the CV-2 Zone. We have worked very closely with staff and it is something that we wanted to do, is ensure that it's a good site that the community could wrap their arms around and be proud of. We are also going to provide 15 additional trees, we have a lot of additional vegetation, and we did take into account of Commissioner Woods request to reduce that berm down to one feet. She went through their proposal with the changes they made; and indicated they have been working with the Health Department, and are very close in receiving approval. We will be occupying a very large site for the septic tank system; but we need that system approval prior to receiving our building permits. So any issues that we may have will fully be resolved within next week or two.

Steve Burton said I will go over the design review standards and show you how this proposal is meeting those. This is their site plan showing all of their landscaping; they are meeting their 20% of the project area being landscaped. They have provided a 15-foot strip that will provide some kind of buffer between the driving areas and where people will walk along the path. They have provided more than the necessary parking spaces that the code requires, so our office isn't anticipating issues with traffic, safety, or anything like that. The other standards we will be looking at are outdoor advertising signage plan. They are proposing two monument signs and these signs cannot be internally lit and they are working with us to make sure that all of their lighting is in compliance. This will be wall sign in front of the building and this will be halo effect which will be in compliance with the outdoor lighting chapter. The gas canopy is in compliance and they went with the muted cream base color. Instead of doing curb and gutter they will be doing the walking path and provide the improvements there to extend it through. Planning Staff recommends approval of DR2018-04 subject to all review agency requirements and the following conditions as listed in the staff report and based on the findings listed in the staff report.

Commissioner Hogge asked regarding the intersection; will it be a totally a UDOT highway or both county and UDOT. What will bring changes to that intersection, and will that be a UDOT/County decision on what to do there? Mr. Burton replied the intersection will be both the county and with UDOT on HWY 158. From my understanding, the trigger would be when UDOT proposes to change that. Director Grover added we have met with UDOT regarding this intersection, and they have done some studies and it has warranted possible stop light at a future date. We have talked about the possibility of doing a roundabout in lieu of doing a stop light. We have talked about different options, if we have a four-way stop and having them closer, or having some turn out areas for right hand turns. It would be a joint effort between UDOT and the county once they have determined that it would be required but it's on the radar but not required.

Vice Chair Lewis said we have gone from two entrances to three, so I am assuming that UDOT has kind of approved it. Mr. Burton replied so the third one there is existing off of UDOT road; and there will be two from the county road which has been approved.

Vice Chair Lewis opened and closed for public hearing as there were no issues with the public.

MOTION: Commissioner Hogge moved that we approve DR 2018-04, a request for design review approval for the Eden Maverik Remodel located in the Commercial Valley (CV-2) Zone. This is subject to the recommendations and conditions as stated in the staff report; and based on the findings as noted in the staff report. Commissioner Wood seconded. A vote was taken with Commissioners Howell, Francis, Hogge, Wood, and Vice Chair Lewis voting aye.
Motion Carried (5-0)

- 3. **Public Comment for Items not on the Agenda:** None
- 4. **Remarks from Planning Commissioners:** None
- 5. **Planning Director Report:** None
- 6. **Remarks from Legal Counsel:** Courtlan Erickson introduced Matt Wilson, who is the attorney in the Civil Division working as a prosecutor in our office to awhile. He will be working with the Western Weber Planning Commission. He is here observing the process and you may see him from time to time.

7. **Adjourn to a work session:**

WS-1. DISCUSSION: Modification to the Flag lot access strip, private right-of-way, and access easement standards to amend the *Lot/parcel standards* by adding provisions regulating minimum yard setback requirements.

Felix Lleverino said this is staff driven modification to a portion of the code that revolves around private roads, flag lot access strips, and access easements. As staff we have seen several applications that have come in; they meet all the standards, but there are problems with structures being too close, and when we go out for approval that meet all the standards problems structures being too close go out for approval it just doesn't fit well. That's why we sought a need to create setback requirements from private roads. There's a few changes being made to this portion of the code, of the alternative access. When someone comes in with a proposal, usually a small subdivision of one or two lots. They want to be able to create additional lots without building a full on 66-foot public right-of-way to provide access for these newly created lots. They would need to show that they meet certain criteria, whether it be constraints due to topography; or just conditions that restrict on the site that are completely out of their control.

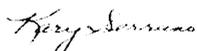
- Line item 5 – added this in because the setback requirement in this instance, we felt should be added to any development; whether it be a bona fide agricultural or a standard residential lot
- Line Item 22 – removed the letter “a” that doesn't need to be there
- Line Item 56 – created the letter “a” for that section (3) Lot/parcel standards.
- Line Item 57 – created the letter “b. Minimum Yard Setback.”
- Line Items 58 through 64 – Created two new subparagraphs 1 and 2.
- Line Item 65 through 66 – deleted letter “b”

These are examples that you see in Austin; and as you can see this access strip, and the portion to the rear. This is good example of someone creating a flag lot; so the setbacks would apply for a flag lot as well. Part of the reason why we look at setbacks, not only aesthetics so in the future the county finds it necessary to put in a fully dedicated right-of-way that there is space for it. When someone comes in to alternative access, they have to fill out the application and state why they qualify, and why they meet the criteria and the conditions. One of the conditions that the applicant needs to show is that there is already an easement in place, in which they could access across. Another condition is they agree to enter into an agreement; if the county finds it necessary in the future, to place a public right-of-way there, that the owner is responsible to pay a portion of the cost to develop that public street. That is why the alternative access is in place.

There was a discussion with the Planning Commissioners and staff in regards to flag lot access strip, private right-of-way, and access easement standards and the modifications that were made.

8. **The meeting adjourned at 6:35 p.m.**

Respectfully Submitted,



Kary Serrano, Secretary