Minutes of the Ogden Valley Planning Commission Regular meeting May 22, 2018, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; John Howell, Laura Warburton, John Lewis, Steve Waldrip, Chris Hogge

**Absent/Excused:** Robert Wood

Staff Present: Rick Grover, Director, Ronda Kippen, Principal Planner; Steve Burton, Planner III; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

P*ledge of Allegiance*

***Roll Call:***

***Pledge of Allegiance***

***Roll Call***

Chair Taylor asked if there were any ex parte communication or conflict of interest in regards to any of the items on the agenda. Commissioner Lewis said I will recuse myself for Administrative Item 3.2.

**1. Minutes: Approval of the March 27, 2018, April 03, 2018, and May 01, 2018 Meeting Minutes**

Chair Taylor approved the meeting minutes as written.

**2. Consent:**

**2.1. UVS041218: Consideration and action on a request for final plat approval of Summit Eden Phase 1C Amendment 7, an eight lot subdivision in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone located at 8450 E Copper Crest in Eden, UT. (SMHG Phase 1, LLC, Applicant; Rick Everson, Agent)**

 **MOTION:** Commissioner Howell moved to approve UVSW041218 located at 8450 E Copper Crest in Eden UT, .72 Acres, Ogden Valley Destination and Recreation Resort (DRR-1) Zone. This is subject to all conditions and recommendations listed in the staff report; and all county and state agencies. This motion is based on the findings listed in the staff report. Commissioner Waldrip seconded. A vote was taken with Commissioners Howell, Warburton, Lewis, Waldrip, Hogge, and Chair Taylor voting aye. Motion Carried (6-0)

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

**3.1. Administrative Items**

 **a. New Business**

 **1. CUP 2018-01: Consideration and action on an administrative application for a conditional use permit for a kennel to be used for Alaskan Husky dogs in the Agricultural Valley (AV-3) Zone located at 8115 E 500 S in Huntsville, UT. (Rex Mumford, Applicant)**

Director Grover said this is a conditional use item and you can approve this without having public comment if you choose to take public comment. You can but you are not required to do so. As you look at this there will be some standards of the conditional use process. Ms. Hennon will orient you to the areas where it’s at, what zone it’s located in, and then the applicant Mr. Mumford will explain what he is wanted, and then Ms. Hennon will come back on how it is or is not meeting code.

 Iris Hennon said this is the property and this is the home, and it is a rather long piece of property. There is a barn down towards the street, there is the shed, and his home is located in this area. You can see an S-shaped aquifer and this is an ephemeral street. This shows the property in relation to the street and this is 500 south. It is approximately just shy of 500 feet from the Huntsville Fire Station. Mostly in that area is farm area with a lot of cows. In this map will show where 500 south, and go up 100 feet is the area where Mr. Mumford proposes to put the dogs, and this is the imperial stream. What Mr. Mumford has to do to keep that pond in place, he has to keep adding water so it doesn’t dry up. This is an orientation of his property and where he resides.

Rex Mumford, 8150 E 500 S in Huntsville, said Ms. Hennon gave a good presentation and I just want to add a couple of things. Alaskan Huskies are sometimes confused with Siberian Huskies; and Siberian are pure bred dogs and some people will run in dog sled races. For the most part Alaskan Huskies are what everyone runs because they are a conglomerate breed and they’re bred to run. The last two year I have worked up on the Iditarod, and I would say that

95% of the dogs were Alaskan Huskies. My son first got into this business as a hobby, but since then he has made it into a viable business. My son asked me a few years ago if I would help him by being his handler, and that’s how I got started in handling dogs. Last year I want with him handling dogs and he asked me if I would help him train dogs; since then I have retired and had more time. It’s really an intensive training because you are teaching these dogs how to run, and the endurance aspect of it. This is where I would house the dogs, the training doesn’t take place there. I have an enclosed trailer and I put the dogs there, I drive up to Monte Cristo, and we run up there for hours and hours. I have run these dogs on a couple of mid-distance race and my son has run them on mid distance races. They can run for 50 miles without stopping. You start them out on short runs and build them up and that’s what we did a little bit last year, and I have adopted for a fondness for this sport. They are not a barking dog, they howl for a few minutes and then they stop and it’s kind of a funny thing the way they do that. These are pretty much quiet dogs but they do like being outside, and they love the cold. You can’t run them unless it’s cold. I currently don’t have dogs, but may have a few during off season and build that up, so they run a team for him. This has become a family thing, and it’s really just a fun hobby.

Commissioner Waldrip in the staff report it states this is for personal use only, is that the intent. If it switched your conditional use would expire and you would have to come in and reapply. Mr. Mumford replied my only clarification of that is when you are mushing in these races, you are considered a professional musher because you’re racing for money, and my son does that. So I am training these dogs to help my son in a professional pursuit and all of these races are out of state, there are any races here. Form a special use standpoint, I am not sure how that falls.

Director Grover replied where you’re not taking people on those excursions or anything like that, but if you are taking people associated with that, then you would have to come back and amend the conditional use permit.

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 Iris Hennon said this application is for a conditional use for a kennel license, but it is not for a commercial kennel and a commercial venture. It’s for generational family hobby and Mr. Mumford and his grandchildren participate in the venture. Mr. Mumford’s property is 3.74 acres with additional acres behind his home, where he will be doing a little bit of training. Most of the training will be done Monte Christo on Forest Service land, where Mr. Mumford has already obtained a use permit. He is currently proposing not more than four dogs on a consistent basis, with 10 dogs on the last few weeks leading up to competition. So with those four dogs and the other six dogs can orientate themselves of the line where they are supposed to be and how they are supposed to go. This is a single family resident with mature landscaping in place, so there won’t be visiting clientele so there won’t be a need for additional parking at this time. The dogs will be housed at approximately 50 feet from the natural imperial stream, and will be in compliance with the Ogden Valley Sensitive Land Ordinance. A plan has been submitted to the Health Department and it has been reviewed for taking care of the excrement and the dogs waste. Any noise from the dogs will be muffled by the hay straw fence around the dogs surrounding the property. This application meets the criteria with the applicable county ordinance and conforms to the General Plan. We do know that typically kennels in the Ogden Valley of having a wide range of being received of somewhat unkind circumstances; so to make your job easier, I canvassed the neighborhood by walking and talking to the neighbors to see if this would be detrimental to their wellbeing. I did receive a lot of positive feedback by the neighbors and basically only one negative.

 **MOTION:** Commissioner Howell moved to approve CUP 2018-01 located at 8115 E 500 S, 3.74 acres, in the AV-3
Zone. A residential dwelling with a proposed dog kennel. The petition is subject to all conditions and recommendations listed in the staff report, and to all county and state agency requirements. This motion is based on the findings listed in the staff report. Commissioner Hogge seconded. A vote was taken with Commissioners Howell, Warburton, Lewis, Waldrip, Hogge, and Chair Taylor voting aye. Motion Carried (6-0)

At this time Commissioner Lewis recused himself.

 **2. CUP 2018-03: Consideration and action for a conditional use amendment for the Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development in the RE-15 & FR-3 Zones, located at approximately 4920 East Fairways Drive in Eden, UT. (WCU LLC & Bridges Hold Co LLC, Applicant; Eric Household, Agent)**

Rick Grover said this is a conditional use permit and you can choose to take public comment on this if you desire, but you don’t have to. We have sent out public notices to people within the required distance. As you review this, you want to review this under the conditional use standards. Ms. Kippen is going to orient you on this project, then Mr. Householder will explain this project, and then Ms. Kippen will come back and explain how this does or does not meet county code.

 Ronda Kippen said what we are looking at is an amendment to The Bridges that was passed two years ago for 364 units. There are seven communities with multiple phases on the upper north east side of Wolf Creek development. This property is approximately 262.81 acres, and splits between the RE-15 and FR-3 Zone. The Planning Division does recommend approval of the conditional use permit to amend the Bridges at Wolf Creek Resort PRUD to amend the density from 364 units to 368 units. This reconfiguration will be taking some units from the Parkside Development and some units from Mountainside Development, for a total of 19 units; and they are asking for an additional of 4 more units for a total of 23 cabin known as the Grove Cabins. We also have the Grove Cabins and Homesite Cabins located in here. They are still preserving approximately 54.5% of this development as Open Space. There are five of the seven development areas will offer single family buildings designed to accommodate homes ranging in sizes from 1400 sq. ft. to 5000 sq. ft. The two areas that will accommodate the cabins will range from 500 sq. ft. to 896 sq. ft. There are no other changes that will impact the original CUP, and the applicant has the entitlement through Wolf Creek Zoning Development Agreement that was reinstated in 2015; and it will not be superseding what they currently already have.

 Eric Householder, Applicant representing Wolf Creek said Ms. Kippen has laid out our changes, and the only comment is that we are listening to the market, and what we are finding is that the clients are really looking for a finished product. What we’ve done with this land, we’ve taken out some single family home sites, and have been pushed into this cabin concept that there has been a request for. On the density side there are a lot of units on the table that we’re not giving into; we just felt with the changes size of the single family home sites versus the small cabin updates we could get a few more there. Then there some technical issues with sewer and this kind of worked out well.

 Commissioner Waldrip asked about parking, and how have you parked this, and I was trying to count stalls there. Mr. Householder replied they went back and he couldn’t remember the exact numbers where we came up with minimum parking, we added more to it then what was required. When we come back during subdivision, we will have that lined out.

 Commissioner Howell asked when is this project going to start? Mr. Householder replied right now we are working through Parkside Phase 1 and Mountainside Phase 1 and currently everything is for sale. Ms. Kippen added they are required to have two stalls per family resident, and on their conceptual drawings is 56 stalls and that is 10 more than what is required in the code. When they do come in on the subdivision construction drawings, I will verify that there is a minimum of 40 stalls.

 Ronda Kippen said based on the information provided, the Planning Division is recommending approval on the following findings based on the proposed development does conform to the Ogden Valley General Plan by keeping the resort development within the resort related areas. The proposed PRUD Amendment complies with applicable county ordinances, building uses, locations, lot area, width, yard, height, and the covered regulations proposed are acceptable as shown on the amended conceptual drawings. The proposed Master Plan Development Amendment is in conformance with approved Zoning Development Master Plan and conceptual maps that are also adopted. The development will not be detrimental to the public safety or welfare; the proposed development will not deteriorate the environment of the general area as to negatively impact the surrounding properties and uses. The review agencies have all had a chance to review this application and have given a positive recommendation.

 **MOTION:** Commissioner Waldrip moved to approve CUP 2018-03 action for a conditional use amendment for the Bridges at Wolf Creek Resort as listed on the staff report. This motion is based on the findings listed in the staff report and is subject to all of the conditions and recommendations of the staff. Commissioner Warburton seconded. A vote was taken with Commissioners Howell, Warburton, Waldrip, Hogge, and Chair Taylor voting aye. Motion Carried (5-0)

Commissioner Lewis returned at this time.

**3.2. Legislative Items**

**a. New Business**

 **1. ZDA 2018-02: Consideration and action on a request to amend and reinstate the Zoning Development Agreement, previously approved as Contract #2012-230, which affects approximately 174 acres, located at approximately 3300 N Wolf Creek Drive.  The request is that Weber County consider reinstating the Agreement and extend the project completion date (10 years) to June 30, 2028.**

Director Grover said this is a legislative item, and you will be making a recommendation to the County Commission. Mr. Burton will orient us to this project; and Mr. Howard Schmidt will be explaining the project. Then Mr. Burton will explain how it does or does not meet code.

Steve Burton said the request is to reinstate the Zoning Development Agreement that was originally approved in 2002, that was first amended in 2006, and then again amended in 2012. The Development Agreement expired in 2017 since the original approval; ten of the 106 approved lots have been platted. The applicant is requesting to reinstate the agreement to expire in 2028. When the request was originally submitted to reinstate the Zoning Development Agreement, there was a conversation that was had with the developer and planning staff, and the ten years was the date that came up that planning would support. As of today it sounds like the applicant might have changed that. The location you can see on the screen is approximately 3300 N Wolf Creek Drive which is just south of the Wolf Creek area.

Howard Schmidt, Applicant, 6094 E Tory Pine Circle, Draper UT said in 2006 we purchased this property and had great hopes of starting a development, and became part of the Wolf Creek family. Since that time things kind of slow down, and we have just put this on hold until we feel the market is a little bit stronger for us in that area based on the purchase price of the land. We’ve been aware that the county could use an emergency access from the Wolf Creek area; we’d be willing to offer that in exchange for extension of this density. We were hoping to get the density to extend indefinitely; and had talked to the members of Wolf Creek HOA, who were supportive of that subject to the emergency access and the trails easement. We’re happy to give those, it’s a temporary request based on the length of time of this Zoning Development Agreement Extension. We are fine if we do the ten years; if you would consider extending it to indefinitely towards the density. It has the same density as the rest of Wolf Creek or part of that density that could be used, and that would be helpful for me in that I don’t panic if time runs out in ten years if I don’t have this 100% done.

Steve Burton said based on what staff has reviewed and staff’s recommendation. As stated by Mr. Schmidt, there has been a temporary access easement proposed, and this is just to show you the location of the proposed easement. You have the red which is the 20 ft. emergency access easement, and you have the temporary until development occurs that makes it so there is a road there. So the proposed trails are in green that you can see there. Here is a map of the concept layout of what the development will look like that is in the exhibit in the staff report. This just shows the layout of the residential lots from the last Zoning Development Agreement, and it just shows where the lots should be when they become platted. The Planning Division recommends approval of the request to amend and reinstate the Eden Valley Development/Howard Schmidt Zoning Development Agreement that was previously approved Contract-2012230. More specifically the contract is to renew the agreement for 10 years, expiring on June 30, 2028. The agreement will include the applicant providing temporary emergency easement and Public Trail Easement, as shown on Exhibit D of the agreement. This recommendation is based on findings as listed in the staff report.

Commissioner Waldrip asked is there a timeframe for the applicant to construct the Emergency Access Easement. Mr. Burton replied not in the agreement.

Commissioner Waldrip asked the applicant is looking for a longer term then 10 years of density approval, and that density approval has been generally granted for the properties that were acquired at the same time as this property though the same action through the bankruptcy process. This may be a question for Director Grover or Mr. Erickson, why the difference, and do we have the authority to recommend that change. Director Grover replied it is within your purview to recommend that change. Staff does not have a huge heartburn with changing that timeframe; just historically we have had some type of timeframe with developments. Mr. Erickson replied I think that distinction is key here, because the whole purpose of the county ordinance relating to the development agreement, has to do with giving the county the ability that if something is not done within a certain time period, to go back and revert the zoning to what it was before. If there’s no expiration date or timeframe in that, doesn’t make any sense. The density is or can be a separate question.

There was a brief discussion about the clarification about the density and the time frame between staff, the applicant, and the Planning Commissioners.

**MOTION:** Commissioner Waldrip moved to recommend for approval to the County Commission of ZDA 2018-02 on a request to amend and restate Zoning Development Agreement previously approved as Contract 2012-230 as indicated in the staff report. Subject to findings and conditions of the staff report with a couple of exceptions; on change is the pedestrian trail be changed to a public pedestrian trail, and that the temporary access road easement is installed within the 6 months’ time with the date of the extension of this agreement. That the agreement is extended for 10 years per the recommendation of staff, based on the fact that the Development Agreement included a zoning change as part of the development agreement. Therefore, it’s appropriate to have an expiration date for the Development Agreement because of that zoning change. Commissioner Warburton seconded. A vote was taken with Commissioners Howell, Warburton, Lewis, Waldrip, Hogge, and Chair Taylor voting aye. Motion Carried (6-0)

**3.3. ZTA 2018-02: Public Hearing to discuss and take comment on a proposal to amend the following section of Weber County Code (§108-15) to add standards for single family dwellings with secondary kitchens.**

Rick Grover said this is a legislative item that you will be forwarding this recommendation to the County Commission. Staff is instigating this item and Ms. Kippen will be representing the county.

Ronda Kippen reviewed the staff report and reviewed Exhibit B, Chapter 15 – Standards for Detached Single Family Dwellings and added that’s where we added standards for the second kitchen on Line Item 47 through Line Item 67.

Chair Taylor said she has read that and believed that everyone has read it. I am okay with shooting you the questions.

Commissioner Waldrip asked what does it mean by four persons who need not be related as a single non-profit housekeeping. Ms. Kippen replied one of the ways is three or four people can buy a house and own it together. When it comes into group homes, there are things in state code that it is allowed anywhere that a single family dwelling is allowed. Historically we have had the owner sign a second kitchen covenant, but we didn’t have anything in code that said that we could require that. Basically all we are doing, we have this covenant and now we have this ordinance and how we will be enforcing it.

Director Grover suggested on Line Item 47-48, to add the language “where single family dwelling is allowed.”

There was a brief discussion on Exhibit B with staff, legal counsel, and Planning Commission and it was suggested to do some more research on this.

**MOTION:** Commissioner Lewis moved to recommend to the County Commission approval of ZTA 2018-02 Public Hearing regarding changing the sections in Weber County Code Section 108-15-1 to add standards for single family dwelling to secondary kitchens. Along with all county and state agency requirements and recommendations listed by the staff report, as well as Ms. Kippen comments. Commissioner Hogge seconded. A vote was taken with Commissioners Howell, Warburton, Lewis, Waldrip, Hogge, and Chair Taylor voting aye. Motion Carried (6-0)

**4. Public Comment for Items not on the Agenda:** None

**5. Remarks from Planning Commissioners:**  None

**6. Planning Director Report:** Director Groversaid this next work session we are going to have somediscussion on Old Town and New Town Eden. If you could go on Miradi and just look at the student’s comments and would like to have your dialogue. The next APA Conference, Commissioner Lewis you are the next one, and that usually in the spring of next year

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

**8. Adjournment:** The meeting was adjourned at 7:00 p.m.

 **Respectfully Submitted,**

 **Kary Serrano, Secretary;**

 **Weber County Planning Commission**