



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action for a conditional use permit request for a private park and recreation grounds to be located on parcel #14-109-0002, 05-001-0001 & 05-001-0003
Agenda Date:	Tuesday, December 08, 2015
Type of Decision:	Administrative
Applicant:	Sherpa Logistics, LLC dba Utah Adventure Center
Authorized Agent:	Chris Peterson
File Number:	CUP# 2015-20

Property Information

Approximate Address:	Waterfall Canyon area
Project Area:	approximately 1,440 acres
Zoning:	Forest Zone-F-40
Existing Land Use:	Recreational
Proposed Land Use:	Recreational
Parcel ID:	14-109-0002, 05-001-0001, 05-001-0003
Township, Range, Section:	Township 5 North, Range 1 West, Section 1 & 2; Township 6 North, Range 1 West, Section 35

Adjacent Land Use

North:	Forest area	South:	Forest area
East:	Forest area	West:	Forest/Residential

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SM

Applicable Ordinances

- Title 104, Chapter 9 Forest Zones (F-40)
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations

Summary and Background

The Planning Division is recommending approval of the applicant's request for a conditional use permit to allow for a private park located in and around the Waterfall Canyon area (see Exhibit A for the application and project narrative and Map 1 on page 4 for the subject property). The proposed private park is located in the forest zone identified as "F-40" and is allowed only when authorized by a conditional use permit. The proposed use conforms with the purpose of the forest zone and will enhance the preservation of the area by providing onsite maintenance and management by guides that deter littering, graffiti and vandalism that has become more prevalent as the area has grown in popularity.

This application will have no effect on the current use by the general public. The proposal is to allow a commercial venture on private property for paying customers to enjoy guided hiking, photography and mountaineering adventures. The Planning Division has been working with the applicant and it is anticipated that the proposed private park will not create additional negative impacts on the area.

Conditional use permits shall be approved as long as any harmful impact is mitigated by imposing reasonable conditions. The Uniform Land Use Code of Weber County, Utah (LUC) has specified certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The General Plan identifies the need to encourage and support recreation to attract tourism to the area (see the “Comprehensive Land Use Master Plan for the Southeast Planning Area 1970-1990” pages 100-110).

The proposed use conforms to the Comprehensive Land Use Master Plan for the Southeast Planning Area by implementing a recreational use that will allow for additional tourism opportunities.

Zoning: The purpose of the forest zone is to protect and preserve the natural environment of the areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas. The objectives in establishing the forest zones per LUC §104-9-1(b) are as follows:

- (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;
- (2) To reduce the hazards of flood and fire;
- (3) To prevent sanitation and pollution problems and protect the watershed;
- (4) To provide areas for private and public recreation and recreation resorts; and
- (5) To provide areas for homes, summer homes, and summer camp sites.

The proposed use has been reviewed as “Private parks and recreation grounds” and is considered conditionally permitted per the use table for the forest zone found in the LUC §104-9-3.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant would like to utilize his private property to provide a unique outdoor experience for paying customers from around the world (see Exhibit A). This application will have no effect on the current use by the general public. The applicant has not indicated that any type of building construction or soil disturbing activities will be necessary for the proposed use and based on the review of the proposal, it is anticipated that there will not be substantial detrimental effects. A condition has been made part of the Planning Division’s recommendations to ensure that the applicant adheres to the approved proposal.

Certain areas of the conditional use review are only applicable to the current application for the “Private parks and recreation grounds”. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Standards relating to safety for persons and property.* As indicated in the applicant’s narrative, the commercial recreational element of the 1440 acres has been in operation since 2005 and the public use of the property predates the private park venture. It can be anticipated that there could be some risks associated with the proposed recreational activities; however, these risks are managed by the Utah Adventure Center. The applicant has indicated that the presence of the guides along the trails has had a positive effect by reducing the amount of litter and new graffiti. The applicant will need to continue to work with the Weber County Sheriff and Weber County Fire District to provide adequate access to the site to ensure fire and law enforcement agencies can respond to assist visitors. A condition of approval has been made part of the Planning Division’s recommendations to ensure that requirements of the Weber County Fire District and emergency service agencies are met.
- *Standards relating to infrastructure, amenities and services.* The applicant is proposing that parking for the private park be located at the designated trailhead parking lots located on 22nd, 27th, 29th and 36th Street. Restroom facilities are available at the 29th Street parking lot. The parking standards per LUC §108-8-4 does not identify the required number of parking spaces for this type of use. When parking requirements are not established in the LUC, the planning commission shall establish the requirements based upon a reasonable number of spaces for staff and customers. The planning commission may adjust the required number of spaces based on unusual or unique circumstances or conditions relating to the operational characteristics of the use.

At this point, the parking needs of paying guests verses the parking needs of the general public are extremely minor; however, at such a time that the parking needs start to create a negative impact on the parking needs of the general public, the applicant will need to work with the county to establish additional parking. A condition of approval has been made part of the Planning Division’s recommendations to ensure that future parking requirements will be met, when and if necessary. *If the Planning Commission feels that additional parking is warranted, the Planning Division’s condition of approval will need to be modified.*

- *Standards relating to the environment.* The applicant has indicated in the narrative that the onsite, guides are able to educate and motivate both the paying guests and the general public to “tread lightly and pack out what they pack in”. The applicant feels that the presence of the guides along the trails has had a positive effect by reducing the amount of litter and new graffiti. The Weber-Morgan Health Department is not requiring additional measures to be implemented at this time concerning wastewater or drinking water but has indicated that if the need arises in the future, that additional restroom facilities will need to be addressed at that time. A condition of approval has been made part of the Planning Division’s recommendations to ensure that future requirements by the Weber-Morgan Health Department will be met, if necessary.

Review Agencies: The key concerns from the Weber Engineering Division, Weber-Morgan Health Department, and the Weber Fire District are parking, restroom facilities and access for emergency services. The applicant has adequately addressed these concerns by utilizing the public trailhead parking areas and restroom facilities and by utilizing the private road that runs from the east end of 29th Street to the north of Waterfall Canyon for emergency access. The proposal has been approved by all review agencies to date and their comments been added to this staff report as “Exhibit B”. A condition has been made part of the Planning Division’s recommendations to ensure that all conditions of the review agencies will be met.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the “Decision requirements” listed in LUC §108-4-4 which states:

- (a) *A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.*
- (b) *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

The Planning Commission will need to determine if the proposal for the conditional use for “Private parks and recreation grounds” meets the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the “Decision Requirements” and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-20, a conditional use permit for a private park to be located on parcels #14-109-0002, 05-001-0001 & 05-001-0003. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. All operations will be in strict compliance with the applicant’s approved proposal.
2. At such a time that the parking needs of paying guests start to have a negative impact on the parking needs of the general public using the public parking areas, the applicant will need to work with the county to establish additional parking.
3. At such a time that additional wastewater or drinking water is deemed necessary by the Weber-Morgan Health Department due to the increased guided private park uses, the applicant will need to work with the county to establish additional restroom facilities.
4. Requirements and recommendations of the Weber Fire District.
5. Requirements of the Weber County Engineering Division.
6. Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

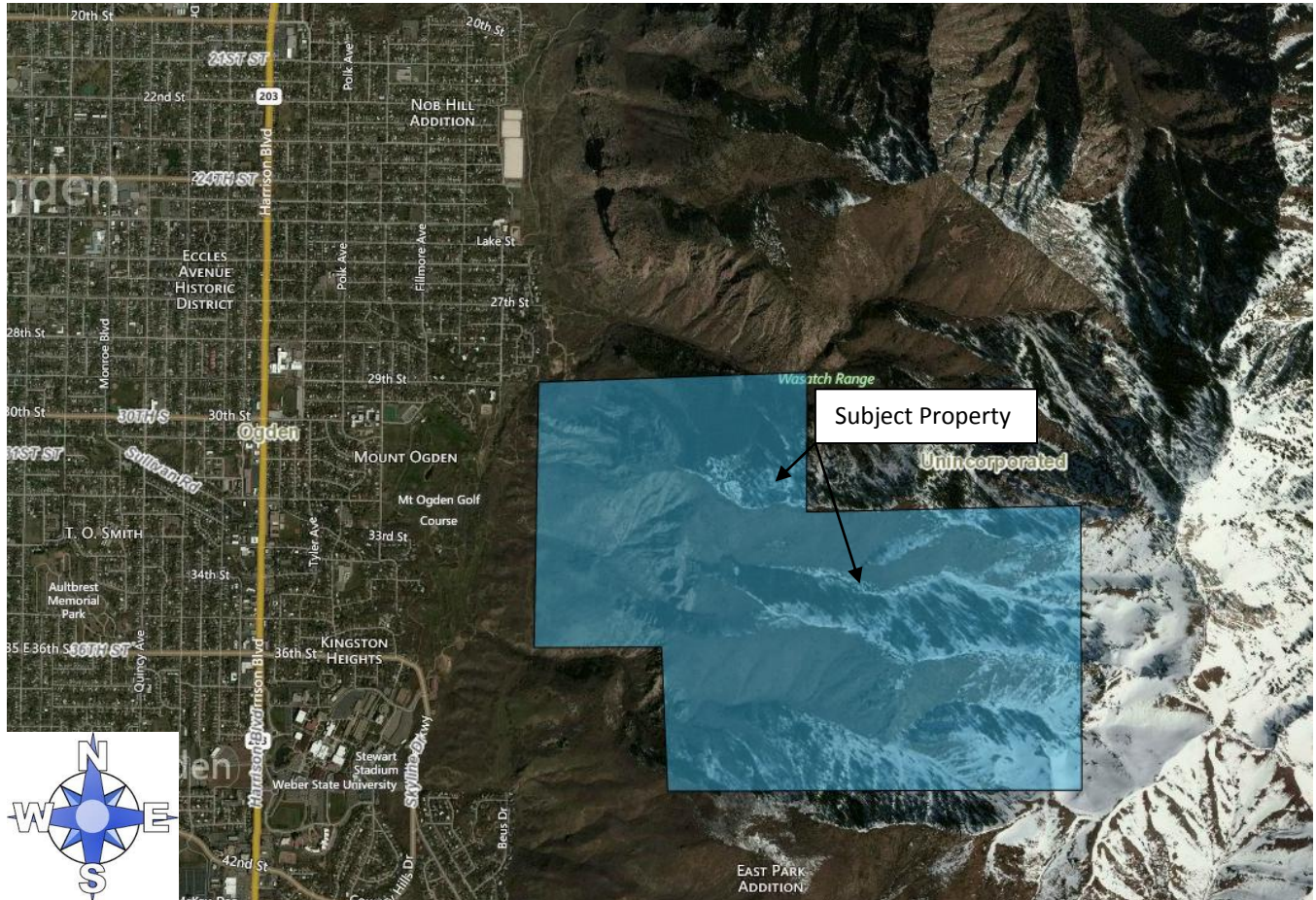
1. The proposed use conforms to the General Plan.
2. The proposed use will not be detrimental to the public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use does not require the construction of any new buildings.

5. The proposed use will encourage, educate and motivate guest to the park to preserve and protect the area.
6. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
7. The proposed use will not generate additional parking needs and can be modified by the Planning Commission for unique circumstances.

Exhibits

- A. Application
- B. Review Agencies Comments

Map 1



Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) <i>CHRIS PETERSON</i>		Mailing Address of Property Owner(s) <i>3434 EAST 7800 SOUTH #177 SLC, UT 84121</i>	
Phone <i>801 244-2677</i>	Fax		
Email Address (required) <i>cp84121@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>SAME AS ABOVE - CHRIS PETERSON</i>		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>PRIVATE PARK - UTAH ADVENTURE CENTER</i>		Total Acreage <i>1,440</i>	Current Zoning <i>F-40</i>
Approximate Address		Land Serial Number(s) <i>14-109-0002 05-001-0003 05-001-0001</i>	
Proposed Use <i>PRIVATE PARK AND RECREATION GROUNDS</i>			
Project Narrative			

Property Owner Affidavit

I (We), CHRIS PETERSON depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Chris Peterson
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 9th day of Nov, 20 15.



Kary C. Serrano
(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

Exhibit A-Project Narrative

PROJECT NARRATIVE:

The guides of the Utah Adventure Center take guests from Utah and around the world on some of the best, most memorable outdoor adventures that Utah has to offer. These adventures include hiking/canyoneering/mountain biking/paddling in Utah's red rock country, stand-up-paddleboarding (SUP) from Bear Lake to Jordanelle to Lake Powell, nature and wildlife photography tours all over Utah, and hiking/touring/mountaineering of all types in the Wasatch and Uinta ranges.

A few minutes spent checking out the photos, video clips and text on our website www.UtahAdventureCenter.com and facebook page www.facebook.com/UtahAdventureCenter will help familiarize you with the Utah Adventure Center. These outdoor adventures take place on private land that is either owned or leased by the Utah Adventure Center, or on State, National Forest, National Park or BLM ground that is open for public photography and/or recreational use.

In Weber County, Utah, the owner of the Utah Adventure Center also owns 1440 acres on the west side of Mt. Ogden where a wide variety of guided hiking, photography and mountaineering adventures are conducted. The property is located immediately east of Weber State University and the Mount Ogden Golf Course. It measures approximately 1.5 miles north to south by 2 miles east to west. Outdoor experiences have been guided on this private property by the Utah Adventure Center and its predecessors since 2005 on the premise that recreation activities open to the public are a permitted use on the west side of Mt. Ogden, but in 2015 the Weber County Planning Department requested that the Utah Adventure Center obtain a Weber County Conditional Use Permit. That is why this application is being submitted.

There are many types of mountaineering, scrambling, hiking and photo-safariing practiced on this 1440 acre parcel of private property (some have English names like sport climbing and trad climbing, but most have foreign names like rappelling, abseiling, randoneeing, telemarking, tyroleaning, prusiking, klettersteiging). VIA FERRATA CLIMBING is a unique mountaineering experience offered by the Utah Adventure Center that merits special mention. Although there are many hundreds of via ferrata routes around the world (with over 500 in Europe alone), via ferrata is rare and virtually unknown in North America. Via Ferrata refers to protected mountain climbing routes consisting of anchored steel safety cables, rungs, steps, cable traverses, bridges and ladders which allow lesser or even inexperienced climbers (with harnesses and specialized safety equipment) to face otherwise dangerous – but incredibly scenic – routes. The Mt. Ogden Via Ferrata venue was recently named one of the World's 10 Best Via Ferrata Routes by Fodor's Travel. <http://www.fodors.com/news/photos/worlds-10-best-via-ferrata-routes>

Our via ferrata adventure has also been written up in the New York Times, and has been named to the Utah Bucket List by the Salt Lake Tribune: http://www.nytimes.com/2006/09/15/travel/escapes/15ferrata.html?_r=2&pagewanted=1&
<http://www.sltrib.com/sltrib/news/58051023-78/list-bucket-com-utah.html.csp>

Many via ferrata climbers are from other states or countries, and they enjoy eating in Weber County restaurants and staying in Weber County hotels before and/or after their never-to-be-forgotten mountaineering outing with the Utah Adventure Center. You'll notice on the facebook page that the small groups (who pay from \$100 to \$300 per person for a half day adventure) are usually from outside Utah, and the larger non-profit groups (who pay \$40 per person with a 10 person minimum) are usually from Northern Utah. We have one church youth group from Utah County that, for 4 years in a row, has come with a group of 30 for a via ferrata climb followed by lunch and Farr Better Ice Cream in downtown Ogden.

Multiple recent newspaper stories have discussed how the popularity of outdoor recreation in Utah is exploding. Visitor numbers at National Parks, State Parks and Private Parks (like Utah Adventure Center's 1440 acres in Weber County) are going up rapidly. 25 years ago, a day with 150 visitors at the waterfall was thought of as busy. On Memorial Day 2015, the visitor count at the waterfall was over 3800 (of which 6 were paying guests of the Utah Adventure Center). This growth has been accompanied by some growing pains. Litter, graffiti, vandalism, theft and parking congestion issues that used to be rare are now more common. Uniformed Utah Adventure Center guides spend significant time and effort welcoming and educating all our visitors about trail etiquette. Guides also pick up litter and waste (dog and human) and scrub graffiti. Guided guests are far less likely to leave the main trail or use poor sanitation practices than unguided hikers. We encourage our guided guests, who are often driving from their hotels in Park City, to come during off-peak hours, to carpool and to use the less crowded scenic route via Morgan. We also suggest using Frontrunner to guests coming from Salt Lake hotels and our guides occasionally pick up guests at the Ogden train station. In 2011, a facebook page www.facebook.com/OgdenFoothillPrivateLand was set up to celebrate good deeds and fun, and to point out bad practices of visitors to the Utah Adventure Center's 1440 acre private property. If you spend a few minutes on this facebook page, (which now has over 700 followers) you'll be uplifted by video of the Fremont High School football team picking up trash, and the Weber-Davis Boys and Girls Club pulling noxious weeds, but you'll be disheartened to see litter tossed in the creek, teens who throw rocks at other hikers, and the Bonneville High School logo spray painted on nearly a dozen rock faces. (The BHS logos were scrubbed off within 2 days by our guides).

The uniformed guides of the Utah Adventure Center have a positive effect: on days when the guides are out and about, not only does the litter get picked up by the guides, but we rarely get any new graffiti or any new initials carved in a tree. It would be a good thing if those uniformed guides were there more often, not only to create more unforgettable outdoor experiences for our paying guests, but also to educate and motivate all our guests to tread lightly and pack out what they pack in.

Climbing

Winter Adventure

◀ This could be you!

Guided family
hiking & climbing.
Safe, fun and
unforgettable!



www.UtahAdventureCenter.com
1 (801) 550-1761

Climbing

Summer Adventure



As featured in the NY Times

www.UtahAdventureCenter.com
1 (801) 550-1761

Exhibit A-Application/Vicinity Map

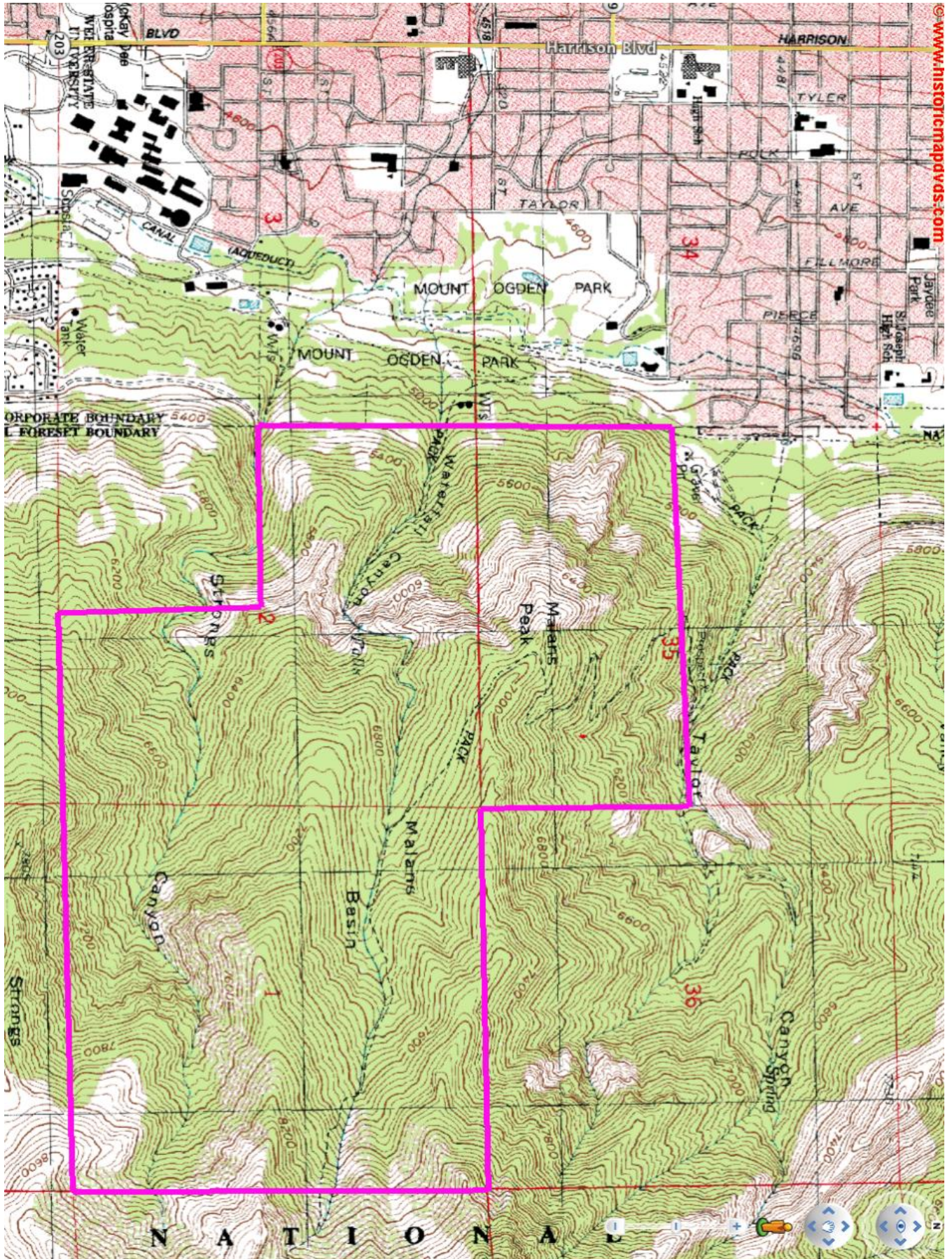


Exhibit B- Review Agencies Comments

Engineering (Conditional)

Project: [Utah Adventure Center - Private Park](#)

User: [Chad Meyerhoffer](#)

Department: [Weber County Engineering Division](#)

Created: 2015-11-30 13:48:45

Modified: 2015-11-30 13:48:45

Approved: Yes

Notes

I have had a chance to review the plan(s) and have the following comment(s):

1. The engineering division has no concerns with this project.

However, we would recommend a condition of approval that if parking ever becomes an issue by Weber County or Ogden City that the applicant will work with the necessary municipality with any concerns in the future.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

Sincerely,

Chad Meyerhoffer

Weber County Engineering Dept.

Phone: (801) 399-8004

e-mail: cmeyerho@co.weber.ut.us

Environmental Health Septic

Project: [Utah Adventure Center - Private Park](#)

User: [Michela Gladwell](#)

Department: [Weber-Morgan Health Department - Waste Water Division](#)

Created: 2015-11-18 10:53:37

Modified: 2015-11-18 10:53:37

Approved: Yes

Notes

As nothing will fundamentally change with the land, nothing will be required from the health dept. concerning wastewater or drinking water. If down the road, additional restroom facilities are needed then sewer can be accessed at the trailheads.

Weber Fire District Comments- Conditional Use Permit

Project: [Utah Adventure Center - Private Park](#)

User: [Brandon Thueson](#)

Department: [Weber County Special Events, Weber Fire District](#)

Created: 2015-12-02 09:49:27

Modified: 2015-12-02 09:49:27

Approved: Yes

Notes

I received email correspondence from Mr. Peterson regarding the questions from my original review. Based upon his response Weber Fire District has no concerns with this conditional use permit.

The following response was received from Mr. Peterson:

Dear Fire Marshall Thueson,

I'll do my best to answer your questions, plus provide some perspective on the big picture.

- 1) Will there be any changes to existing access?

No, we don't anticipate any changes to existing access to Waterfall Canyon on the private road that connects the east end of 29th Street to the mouth of Waterfall Canyon. For 10 years the Utah Adventure Center Private Park and Recreation Ground (UACPPRG) has worked closely with John Sohl and Jared Randall of the Weber County Sheriff Search and Rescue (SAR) Climbing Team and with Lieutenant Brandon Toll (SAR manager). Once per year we host the SAR Climbing Team for training on the cliffs and cables and rungs of Waterfall Canyon, and all the gates have a dedicated Search and Rescue padlock labeled "SAR" to ensure SAR access. For fire suppression, we anticipate that your fire fighters will use the SAR locks to speed up access to the mountain, but if you would like to add a dedicated Weber Fire District locks, that would be ok too.

- 2) Will there be any buildings built to service the private park?

No, we don't anticipate building any buildings.

- 3) Are there any other improvements to be made to the property?

No.

Some perspective: At 1440 acres, the Utah Adventure Center Private Park and Recreation Ground (UACPPRG) is a big place that frequently handles over 1000 guests (mostly free guests) in a single day. It measures 1.5 miles north to south and 2 miles east to west. An estimated 98% of the people who park at the 29th Street Trailhead parking lot are headed, for some or all of their outing, to the UACPPRG. The usual destination is our Waterfall Canyon. There are restrooms and a drinking fountain at the 29th Street Trailhead parking lot. When rescues are needed in Waterfall Canyon, they are usually staged out of this 29th Street Trailhead parking lot.

An estimated 50% of the people who park at the east end of 27th street are headed for the UACPPRG. An estimated 20% of the people who park at the 22nd Street Trailhead parking lot, and an estimated 40% of the people who park at the 36th Street Trailhead parking lot are headed to the UACPPRG.

Memorial Day is one of the busiest days at the Utah Adventure Center Private Park and Recreation Ground. On Memorial Day 2015, the visitor count in Waterfall Canyon went over 3800. An additional estimated 300 hikers visited UACPPRG private property in Taylor Canyon, Malan's Basin and Strong's Canyon, plus an additional estimated 700 hikers and mountain bikers visited the portion of the Bonneville Shoreline Trail that is located on the Utah Adventure Center Private Park and Recreation Ground. Of these estimated 4800 guests of the UACPPRG on Memorial Day 2015, SIX were paying guests and the remainder were non-paying guests.

Please note that the Utah Adventure Center Private Park and Recreation Ground is operated on the "FREEMIUM" business model, like Pandora or Linked-in or Amazon Video. Some services are free, while premium services require a payment. Music on Pandora, for example, is free, but it comes with frequent advertisements. Listening without advertisements is a premium service, and a payment is required. Pandora seeks to monetize their customer base by converting free listeners into paying listeners. At the UACPPRG, free services are as follows:

- 1) hiking and mountain biking on the Waterfall Canyon Road
- 2) hiking and mountain biking on the UACPPRG portion of the Bonneville Shoreline trail
- 3) hiking on the UACPPRG to and from Malan's Basin via Taylor Canyon
- 4) hiking to and from the waterfall via Waterfall Canyon

All other activities on the UACPPRG are premium services and require a Utah Adventure Center guide and a payment.

I hope this information helps.

Best Regards,
Chris Peterson