

Minutes of the Ogden Valley Planning Commission Meeting held July 30, 2013, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller; Dennis Montgomery; Laura Warburton; John Howell

**Absent/Excused:** Greg Graves; Kevin Parson arrived later

**Staff Present:** Rob Scott, Planning Director; Sean Wilkinson, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

**\*Pledge of Allegiance**

**\*Roll Call:** Chair Hollist stated that Kevin Parson and Greg Graves are excused and all others are present.

**1. Minutes:**

**1.1. Approval of the June 25, 2013 meeting minutes**

Chair Hollist stated that the minutes for June 25, 2013 are approved as written.

Planning Director Scott read the Ogden Valley Planning Commission Opening Statement.

Chair Hollist asked if any Planning Commissioners had any conflicts of interest or ex parte communications to declare for any of the items. There were no conflicts of interest or ex parte communications reported.

**2. Consent Agenda:**

**2.1. CUP 2013-19 Consideration and action on an administrative application requesting approval of a Conditional Use Permit for a public utility substation (415,000 gallon water tank, well, and pump house) located at Powder Mountain within the Commercial Valley Resort Recreation (CVR-1) Zone (Powder Mountain Water & Sewer District (Gregg Greer, applicant)**

**MOTION:** Commissioner Warburton moved to approve Consent Agenda CUP 2013-19 subject to staff and other agencies recommendations. Commissioner Howell seconded the motion.

**VOTE:** A vote was taken with all members present voting aye. Motion Carried (5-0)

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

**3.1. Administrative Items**

**a. New Business:**

**1. DR 2013-07 Consideration and action on an administrative application for a temporary gravel excavation and rock crushing operation located at Powder Mountain Ski Resort within the Forest Valley-3 (FV-3) Zone (Russ Watts, Representative for Summit Mountain Holding Group, LLC)**

Sean Wilkinson reviewed the staff report and recommended approval of DR 2013-07 based on the application's compliance with the conditional use permit criteria 1 and 2. This recommendation is subject to staff and other agency comments and requirements, i.e., prior to a Conditional Use Permit being issued, the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies including the construct permit from the Division of Drinking Water.

Commissioner Howell asked if after they finished excavating, will the scar be covered up and the site restored. Sean Wilkinson replied that any of the existing vegetation that is disturbed will be replaced and re-vegetated. The applicant has not indicated that they will revegetate the entire area with the scar that is already there.

Rob Scott asked Sean Wilkinson if the applicant has produced a re-vegetation plan. Sean Wilkinson replied that he had not seen a plan or drawing but their narrative states that they will restore any top soil that they have disturbed and then revegetate those areas.

Ricky Everson, Watts Enterprises, the applicant's representative, introduced Dave Roderick, Rock Crushing Consultant. As to the question on the revegetation plan, they are currently working on how much material is needed for the existing ski run.

There is a need for the grading to quantify the material that solves that need and how much material can be used for plan development.

Chair Hollist asked after harvesting material from that this quarry where material has already been taken will that double the size of that scar. Rick Everson replied that project area encompasses to the top of the ski lift where the patrol area. The majority of the excavation would be in areas that have already been disturbed. The catch slope is probably about 150 feet in the largest area and the excavation would be more towards where the shack is and would belly down the hill.

Chair Hollist invited the audience to comment either for or against this item.

Miranda Menzies, who resides in Eden, said she is in support of this application and as far as the environmental impact with the number of trucks that they are talking about coming from the pits off that Wasatch to the top of Powder Mountain Road; that is to be avoided at all costs. As to the concerns of the other agencies, that you direct the applicant attention to the requirements to the Division of Oil, Gas, and Mining. Being a Ski Instructor and from the point of view of skiing, this is a benefit and asked that you approve this.

Dave Roderick, Consultant in Gravel Pits and Gravel Operations, said that this area is on the border of Cache and Weber County. He would like to discuss the revegetation. Because it already looks like a pit and there are a lot of irregularities, it will require a lot of expense to haul a mass amount of top soil in there to try to revegetate. Weber County does not require massive requirements to an area that is already scarred. The area that will be disturbed will mostly be on the Cache County side.

Commissioner Miller asked Mr. Roderick how he would describe a reasonable reclamation. Dave Roderick replied that they would take some plants out and replace some topsoil to revegetate the areas that they are disturbing. The other areas that have been disturbed were harvested by a completely different landowner and it would not be fair for this group to be held responsible for it.

Chair Hollist said the representative had indicated that in the Phase 1 development, some of the materials might be harvested and suitable for spreading over that scar that currently exists. Dave Roderick replied that he didn't know that the 144,000 tons of material had already been spoken for by the winning contractor Geneva who will process that material.

Steve Clarke who resides in Eden, stated that the prior owner had applied for and received approval for a cement batch plant to help with construction. It would make sense that the current owner would want the same thing, and if a gravel pit is going to be established, that this be used for more of the construction needs on top of the mountain.

Lee Schussman who resides in Eden, said there is a lot of fear among the people in the valley about the whole development relative to the safety of the road. This is one thing that does increase the safety of all those trucks going up and down that hill. A UDOT spokesman said that road is not safe for this development and that road was never intended for this level of truck traffic.

Chair Hollist read the quote according to Paul Egbert, "this road was never designed for such enormous amounts of traffic that would be associated with the project or the increasing recreational use of this growing resort community on Powder Mountain," and that includes the number of trucks and the number of people that would be driving up and down that mountain. Dr. Schussman's point has been well taken; safety is the paramount issue and has been discussed.

Robert Scott said that it's up to the applicant to propose the reclamation plan that they feel is most appropriate and then staff would take a look at it. The founding principle of the Summit Group is that of the sustainability and it seems that their own desires and vision would take some sway to what would be an appropriate direction for reclamation. The County Commission has been negotiating as part of this development activity to provide a substantial bond that would pay for a majority if not all of the construction activity relative to this road.

Marsha Rasmussen, who resides in Eden, said she was in favor of the gravel pit up in the mountain. She would suggest that it would be sustainable.

Chair Hollist closed the comments to public discussion.

Commissioner Warburton asked staff to elaborate on the state agency of Division of Oil, Gas, and Mining. Sean Wilkinson replied they had asked the engineers if anything would be required and all they have been told is a storm water prevention plan and that does go through the state would be required.

**MOTION:** Commissioner Warburton moved to approve DR2013-07 with the conditions of all agencies, that the criteria are met and that they repair the disturbed area to its original condition and/or to better the resort based on best practices. Commissioner Howell seconded.

**DISCUSSION:** Commissioner Parson added a friendly amendment which was to not use the word original. They need to have a reclamation plan in hand. Commissioner Warburton said that she was comfortable with the friendly amendment but she felt that they needed to trust the applicants to provide a reclamation plan. Chair Hollist asked if they need to consider the time of operation and include some time frame. Commissioner Warburton said she was comfortable with the two year time frame that they had indicated and would accept an amendment to that. Commissioner Miller said that she would like a friendly amendment that follows the timeline that was talked about. Sean Wilkinson said the two years is in the staff report and was discussed with engineering stating that this would take two seasons but that was not what the applicant brought forth.

**AMENDED MOTION:** Commissioner Warburton moved to approve DR2013-07 subject to the conditions of all agencies, that the criteria are met and that they have a reclamation plan that needs to be approved following the state agencies requirements for a two year time frame and that the applicant come back for review after the two building seasons (the remainder of 2013 and all of 2014). Commissioner Howell seconded

**VOTE:** A vote was taken with all members present voting aye. Motion Carried (5-0)

**2. CUP 2013-18 Consideration and action on an administrative application for a Conditional Use Permit for an accessory apartment located at 3230 North River Drive, Eden UT within the Agricultural Valley-3 (AV-3) Zone (Theresa Ellis-Anglesey, Applicant)**

Ben Hatfield reviewed the staff report and recommended approval of CUP 2013-18 for an accessory apartment at 3230 North River Drive, subject to the condition of approval from all agency requirements. Building permits will be required for the basement finish for the apartment and kitchen. The tenants are to have the ability to access the apartment and side access (stairwell) through the basement living room at all times.

Chair Hollist asked for clarification of the access for the students and for the tenants. Where in the ordinance does it state that there must be one separate external door access from the principal dwelling? Chris Allred replied that he has reviewed the ordinance and found it is somewhat ambiguous and the assumption that it is simply a separate door that went directly rather than indirectly into the apartment. This simply falls to the Planning Commission for interpretation.

Theresa Ellis-Anglesey, applicant, said she considers that a separate space from the renters. Her renters have an understanding to that space and they have a key to that door that they can lock. She has her access at the other end of her room that goes directly upstairs so that is the common door and they have access at all times. She does have a front door that provides a separate access to her home. For clarification, that room is called a den and also has access from the stairway and there is a door at the bottom of the stairs that is kept locked all the time. As to the common area, that is a shared area and they get to go through there and use it for a walkway.

Chair Hollist asked if the area labeled Lode Star teaching area is available as living space for the apartment so the apartment is the unshaded area is at the top of the drawing. Theresa Ellis-Anglesey replied that is correct.

Chair Hollist invited the audience to comment either for or against this item.

William Siegel, who resides in Eden, said he has owned his property since 1980. Since 2003 to 2012 he has filed complaints and has been concerned about this property. This basement apartment does not meet the criteria of a walkout as defined by the American Planning Association. The property has exceeded Chapter 42-6 and 42-7 requirements for nonconforming accessory apartment to apply for a permit within one year of the ordinance adoption and the effective date is May 6, 2007.

He respectfully requests that they table CUP 2013-18 until resolution of Case S29131300361 listed as the State of Utah (Weber County) versus Theresa Ellis-Anglesey which was filed on October 1, 2012. The case was for soliciting without a license and operating a business without a license in connection with an accessory apartment which is currently on the Roy Court Docket for 21 August 2013.

Julie Turner, who resides in Eden, said she moved here full time in June. She would like to preserve the single family nature of the community in Eden Hills.

Joe Marcelo, who resides in Eden Hills Drive, said he concurs with comments from Julie Turner.

Chair Hollist closed the comments to public discussion.

The applicant provided a rebuttal. Theresa Ellis-Anglesey said the access to the basement was to have one external door access and she addressed that. Her concern is that families gather together to find viable resources. There are a lot of families who are sharing their resources this way. In light of the moderate housing plan she falls in that category.

Chair Hollist referred to the ordinances Mr. Siegel presented, and asked Mr. Hatfield to clarify. Ben Hatfield replied that there wasn't a definition for walkouts and in the zoning ordinance so they went to the building codes. In talking to the Building Official the term "walkout" is a large portion of the floor walked out a level to the outside. The basement has 1,795 square feet but the ordinance states "gross floor area of the total structure," or 3,242 square feet. The ordinance standard for accessory apartments is 25% of the gross floor area of the total structure or 800 square feet, whichever is smaller. The accessory apartment is 651 square feet that complies with that standard. As to the electrical panel and disconnects servicing the accessory apartment, the applicant's application stated that she has separate electrical facilities. As for the parking ordinances for single family dwelling, they are not allowed to park in the front yard and that's the first 30 feet, after which they need to provide parking for two vehicles to park side by side. The garage and the length of the driveway is such that she can do that and can include in that area room for the accessory apartment parking as well as visiting clientele. The code does state that it needs to be a concrete pad or asphalt.

Commissioner Miller said so the point is there are four parking stalls and she does comply. Ben Hatfield replied yes, there are two for the home and the Planning Commission would have to determine the requirement for the apartment.

Chair Hollist said as to the comment from Mr. Siegel about a case pending before a court, can legal counsel address that. Chris Allred replied that pursuant to our ordinances, the County does have the authority to withhold issuing a building permits if there are zoning violations that aren't being taken care of. It seems like there is a zoning enforcement action pending; they do need to take care of it and come into compliance.

Ben Hatfield said that he talked to the Code Enforcement Officer in that a business license has not been obtained by this application was made and by granting the conditional use for the accessory apartment, it would help the applicant come into compliance with the ordinance.

**MOTION:** Commissioner Parson moved to approve CUP 2013-18 with the provision that in addition with complying with all the requirements from staff and other agencies in the staff report that the renters are restricted from parking on the grass and the grassy area over a period of time, so plants could grow and the area returned to its natural state. Commissioner Warburton seconded.

**DISCUSSION:** A discussion ensued with the Planning Commissioners regarding concerns with the parking area, safety issues, privacy issues, issues with the Fire Department, parking issues with the business portion along side with the renter. A suggestion was made that the business be moved upstairs so the renters could have their own entrance. It was also suggested that this be an outlet for affordable housing in the valley.

**VOTE:** A vote was taken with Commissioner's Warburton, Parson, Miller, and Chair Hollist voting aye. Commissioner Howell voted nay. Motion Carried (4-1)

**3.2. Legislative Items:**  
**a. New Business:**

**1. ZTA 2013-03 Consideration and action on a legislative application to amend the Weber County Land Use Code, Title 104 Chapter 6 Agricultural AV-3 Zone, reducing the lot width requirement from 150 feet wide to 130 feet wide and labeling these properties as in an Agricultural AV-3 A Zone (Bradford Hammond, Applicant):**

Chair Hollist said that this item was pulled from the agenda at the applicant's request until next month.

**2. Public Hearing for consideration of a legislative amendment to the Ogden Valley General Plan; Ogden Valley Moderate Income Housing Plan**

Rob Scott said the purpose of this legislative plan amendment is to update the Ogden Valley General Plan; Moderate Income Housing Plan element. This project is the end result of the first multi-jurisdictional moderate income housing plan process in the State of Utah. Having a moderate income housing plan is a mandate from HB 295. It is to be updated every two years. Each plan is to focus on the needs for citizens earning 80% or less of the area median income. The Moderate Income Housing Plan has five Goals:

Goal 1: Maintain the quality of existing single family housing stock and affordable homeownership opportunities.

Goal 2: Maintain the quality of existing multi-family housing stock and affordable rental housing opportunities.

Goal 3: Provide housing choices in neighborhoods that will allow residents to live in the same neighborhood for their entire life-cycle.

Goal 4: Update and or put in place the necessary tools enabling the community to track the 1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single and multi-family rehabilitation and or new construction which facilitates access and affordability for special needs populations.

Goal 5: Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.

It is staff's recommendation that the Ogden Valley Planning Commission recommend to the Weber County Commission to adopt the legislative amendment to the Ogden Valley General Plan; Moderate Income Housing Plan.

Chair Hollist asked about implementing the Goals. Rob Scott replied yes; the goals are general in nature and it would be up to the Weber County Housing Authority to work towards specific programs or projects to implement much of this.

Chair Hollist said this is a public hearing and invited the audience to comment on this item.

Steve Clarke, who resides in Eden, asked where citizens could read this 200 page document and for clarification, this is now a Moderate Income Housing Plan that covers all of Weber County to also include Ogden City. Rob Scott replied that staff would be happy to provide a diskette of this document. Chair Hollist replied when you read this 200 page document, you will find that there is a section with general discussion and each of the nine participants has an individual section that deals with their demographic and their requirements based on those demographics.

Julie Turner, who resides in Eden, said that she was excited there is going to be a plan and she hoped that there would be some wonderful examples around the country of communities that have done this kind of planning successfully. She thinks that they should set standards for all human beings on how they are going to live successfully. Let's have a plan that would be for all of the neighborhoods to have clean, adequate, attractive housing that people can be proud of and live in the community for many years.

Chair Hollist closed the item for public comment.

**MOTION:** Commissioner Warburton moved to recommend to the County Commissioners that they adopt the legislative amendment 2011-03 Ogden Valley Moderate Income Housing Plan. Commissioner Miller seconded.

**VOTE:** A vote was taken with all members present voting aye. Motion Carried. (5-0)

**3. Public Hearing for consideration of a legislative amendment to the Ogden Valley General Plan; Ogden Valley Trails Master Plan**

Rob Scott said the Ogden Valley Pathway Master Plan was adopted in 2002. The following statements are important in the consideration and are reflective of the following:

- The existing Ogden Valley Pathway Master Plan is in need of updating in order to be consistent with the Weber County Cooperative Pathways Master Plan.
- The proposed map has been updated in order to be consistent with the Weber County Cooperative Pathways Master Plan.
- The legislative amendment still recognizes that the need for pathways has benefits to the overall transportation network in the Ogden Valley, e.g., the connection to amenities such as recreational amenities and commercial areas, protects the quality of life for residents in the Ogden Valley, is a benefit to the health of residents, and makes neighborhoods safer.

Rob Scott reviewed the staff report, the process, and the purpose of this amendment; to update the pathway plan and the map.

It is staff's recommendation that the Ogden Valley Planning Commission recommend to the Weber County Commission that they adopt the legislative amendment to the Ogden Valley Pathway Master Plan and the map.

Commissioner Warburton asked if there was a time frame for finishing the pathway around the lake. Rob Scott replied said that the Weber Pathways along with Weber County as a sponsor went after a grant of \$50,000 and they also requested \$19,000 in County Trail Impact Fee monies to complete another segment. They are going after another grant in this year's allocation.

Chair Hollist invited the audience to comment on the Ogden Valley Pathway Master Plan and Master Plan Map.

Steve Clarke, who resides in Eden, asked if this Master Plan provides funds for the maintenance of the paved trails up to date in Ogden Valley. Chair Hollist replied yes. Robert Scott said that on Page 8 there is a paragraph dealing with maintenance which is a recommendation and each year the County Commission uses that as part of their budget.

Commissioner Parson said that it would behoove them to put the road base and the ditch culverts in, and not put down asphalt for awhile because it's going to trap so much water if we insist on having an asphalt trail that goes all the way around the dam. It's going to cost them a lot to do it and in the future to fix it. The reality is that most of us don't ride our bikes on it and the other reality is that you can ride on a nice compacted gravel path and it's not so far out of the scope of technology of the outdoor industry.

Miranda Menzies, who resides in Eden, and Board Member of Weber Pathways, said she is speaking as a private citizen and will forward any information received from this meeting because they are receiving bids from paving companies to do the next two miles of the Pineview Pathways. To her understanding, they are getting close; once they have done three or four miles of trail, the remaining sections of trail are going to be very difficult because of the available roadway. She was very disappointed to see there was a whole bunch of county and state roadwork and they managed to completely miss the opportunity to put in additional width even if it was just gravel to provide a place for people to run, ride bikes, and a place to recreate.

Rob Scott said the Utah Department of Transportation is mostly concerned about cars, but they are coming along in recognizing the need for a complete transportation network. One of the accomplishments of the Weber County Cooperative Trails Master Plan process was to involve UDOT in project discussions. They are now attending the Weber Trails Committee. They have made commitments to us that they will work with us identifying trails in their road projects and will give that information to their design engineers to include with their project designs.

Miranda Menzies asked that the Planning Commission provide its support to that process because the Pineview Loop Pathways has been identified as parallel to the road for a long time. There are a lot of places where the width between the guardrail and the right of way is going to be difficult to put a pass within width to adequately be safe and they have to look at whether it really makes sense to run it parallel to the roadway or to go some other route.

Steve Clarke said when the 158 Highway rework was announced, he attended a County Commission meeting and asked the Commission members whether our trails ordinance would be followed in reconstructing that major road. Commissioner Zogmaister explained that, the contract had been setup years ago and not considered the trail ordinance but if it were a current contract, it would have included the trail work as part of that.

Chair Hollist closed the item for public comment.

**MOTION:** Commissioner Parson moved to recommend to the County Commission that they adopt the legislative amendment 2013-03 Ogden Valley Trails Master Plan to include the Master Plan Map. Commissioner Montgomery seconded.

**VOTE:** A vote was taken with all members present. Motion Carried (5-0)

- 4. **Public Comments for Items not on the Agenda:** No public comments
- 5. **Remarks from Planning Commissioners:** Chair Hollist said during the Utah Chapter APA Conference in March, there was a presentation that was put on by Michael Timmons and it had to do with Design Charrettes. Graduate students at Utah State came in and analyzed the width and breath of Brigham City, to include the new Brigham City Campus of Utah State University. They proposed design and placement modifications that were very appealing and their presentation was a vision for Brigham City. He inquired about this and received a call from Dr. Bell who is in charge of the Design Charrettes and said that we had moved up to first place. Chair Hollist inquired if this Planning Commission would be interested, that somehow they would obtain the funds, and he would schedule a meeting with Dr. Bell. The Planning Commission members responded they would like to have a meeting with Dr. Bell and Rob Scott suggested having a work session for August 8, 2013. Chair Hollist said he would call Dr. Bell to arrange the meeting and then call Kary or Sherri to schedule the work session.
- 6. **Report from the Planning Director:** Rob Scott said he wanted to remind the members of the September 5, 2013 joint work session.

Staff has been involved with development discussions with the Summit Group and they have a very tight timeframe and items will be presented to this Planning Commission between now and the end of the year. They will provide some additional work to their nest units and a plan for their Conference Center area. They have every intention of bringing in their DRR-1 Zone application to get it adopted before the end of the year. They would like to request in lieu of your work session on November 5th that it becomes a regular meeting to hold a public hearing for consideration of their DRR-1 Zone application. If this is something you would like to entertain, then he will call them so they can work it in their schedule. The Planning Commission was amenable to having November 5 be a regular meeting.

- 7. **Remarks from the County Attorney:** No Comments from County Attorney.
- 8. **Adjourn:** The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning