



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

September 30, 2014  
4:00 p.m.

*Pledge of Allegiance*  
*Roll Call:*

1. Minutes: Approval of the August 26, 2014 and September 2, 2014 meeting minutes
2. Consent Agenda:
  - 2.1. UVS081214 Consideration and action on a request for preliminary approval of the Satterthwaite Southfork Ranches Subdivision consisting of 5 Lots at 1050 South 7900 East within the Forest Valley-3 (FV-3) Zone (Dale Satterthwaite, Applicant)
3. Petitions, Applications and Public Hearings
  - 3.1. Administrative Items
    - a. New Business:
      1. CUP 2014-11 Consideration and action on a Conditional Use Permit (CUP) application for the placement of temporary sheds and temporary storage units, removal of maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas at approximately 3567 Nordic Valley Way in the Commercial Valley Resort -1 (CVR-1) Zone (Skyline Mountain Base, Applicant)
      2. CUP 2014-23 Consideration and action on a Conditional Use Permit (CUP) application for Digis Internet Wireless Transmission Site located on a vacant property identified as Parcel # 20-036-0042 in the Forest Valley-3 (FV-3) Zone (Dennis Watt, Applicant)
4. Public Comment for Items not on the Agenda
5. Remarks from Planning Commissioners
6. Report of the Planning Director
7. Remarks from Legal Counsel
8. Adjourn to Convene a Work Session

The Weber County Commission and Ogden Valley Township Planning Commission Joint Work Session

5:00 P.M.

- WS1. Introduction: Ogden Valley General Plan Update Work Plan and Process  
Presented by Logan Simpson Design

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT  
No Pre-Meeting will be held*



*(In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)*

Minutes of the Ogden Valley Planning Commission Regular meeting August 26, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Ann Miller, Vice Chair; John Howell; Kevin Parson; Greg Graves; Will Haymond; Laura Warburton

**Absent/Excused:** Pen Hollist, Chair

**Staff Present:** Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Scott Mendoza, Principal Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

1. **Minutes:** Approval of the July 22, 2014 and August 5, 2014 meeting minutes

**MOTION:** Vice Chair Miller approved the meeting minutes as written.

Vice Chair Miller asked if there was any ex parte communication to declare. Commissioner Warburton stated that she was contacted by Steve Waldrip by email and she sent the response to the Planning Division so they have that on record.

2. **Consent Agenda:**

- 2.1. **CUP 2014-19:** Consideration and action on a Conditional Use Permit (CUP) for the removal and replacement of the existing Sundown Ski Lift located at Powder Mountain Ski Resort in the Forest-40 (F-40) Zone (Summit Mountain Holding Group) SMHG

**MOTION:** Commissioner Warburton moved to approve consent agenda item CUP 2014-19. Commissioner Parson seconded. A vote was taken with all members present voting aye and Vice Chair Miller said that the motion carried (6-0).

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

- 3.1. **Administrative Items**

- a. **Old Business**

1. **CUP 2014-16: Consideration and action on a Conditional Use Permit (CUP) application for a dog kennel at approximately 5784 E 2300 N in the Agricultural Valley-3 (AV-3) Zone (Stacey Bowman, Applicant)**

Jim Gentry said this item was before the Planning Commission and was tabled for certain items and they have now received those and they are included in the meeting packet. This is a dog kennel that staff considers an accessory use to the main use within the agricultural zone. The zoning ordinance has a couple of standards within the AV-3 Zone: It has to be within 100 feet from the property line; and it has to be 50 feet from any side property line, and those standards have been met. The conditional use criteria for issuance were listed and after reviewing the criteria, the criteria have been met in the following ways: The potential detrimental effects for this kennel to noise, smell, and loose sods have been recently mitigated. Under the conditional use it doesn't have to completely mitigate but reasonably mitigate. Noise is mitigated by the size of the lot, the location of the building, the hours of operation, and the commitment to house accessory noise of barking dogs inside the building. The potential for foul smells is mitigated by removal of animal waste by double bagging with normal trash removal and the urine will be washed and sprayed down daily. The loose sod has been mitigated by having a secured outdoor kennel play area and a building to secure the dogs.

Jim Gentry said that the Ogden Valley Architectural Landscaping and Screened Design Standards do not apply as this is an accessory use to a single family dwelling in the agricultural use and this is not a commercial zone. The applicant is doing additional things as far as improvement to this site. There would be no signs proposed except for the entrance to identify the driveway to the building. The applicant is willing to do an asphalt driveway to the parking stalls at the building. The applicant is willing to construct a metal building with sound proofing insulation that would be air conditioned for the comfort of the dogs. The metal building would be painted similar to the house. A grass area of 420 sq. ft. with two Quaking Aspens and an Evergreen tree will be provided for the dogs.

Commissioner Warburton asked is it true under the current conditional uses, that animal hospitals and animal breeding with a maximum of 500 rabbits are allowed. There is also slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowls with no limit of chickens and turkeys. Jim Gentry replied that is allowed under the



current zoning and if this was on a five acre lot, she could slaughter 500 rabbits there. What is under the current ordinance is what they have to work with.

Stacey Bowman, applicant, who resides in Eden, said that she spoke with Dr. Clayne White, Owner of Bayview Veterinary, Farmington UT, and with Becky, Owner of Doggy Day Park in Woods Cross. There is no law or stated fact as to how much footage per dog is needed; the basic recommendation is an area that works for the animal. When she sought out a professional opinion, she noticed Dr. White has a building of about 40 x 50 and he watches up to 100 dogs in that size area. His common area is 60 x 10 feet divided in half, where he takes his dogs for walks and potty breaks. These dogs can be kenneled up to 8 hours per day. As to the size her building, it is more than adequate and the size of the kennel can accommodate the number of dogs she is proposing with both large and small dogs. As far as noise, she looked into a buffer for walls and insulation and the key issue is ventilation for these dogs. With her proposal she knows that noise would not be an issue. The Doggy Day Park that's in Wood Cross is located in a subdivision where the neighbors are within 40 feet and they have 10 houses off of the main street. There are dog parks within a huge subdivision and Idlewire backs up to 300,000 plus homes in South Ogden and they kennel dogs. She is at she is doing a service for a community that doesn't offer anything for people that have a need for this type of service and this would be an asset.

Commissioner Howell asked if these dogs would be able to go outside at night. Stacey Bowman replied no.

Cleon Butterfield, who resides in Bountiful, said he is owner of Lots 1 and 2 adjacent to this proposed use. He is confused about what was allowed under the AV-3 Zone Ordinance, where it states household pets are allowed, but it does not constitute a kennel. In permitted uses it does not allow a kennel, it is only allowed as a conditional use, unless the Planning Commission approves it as a conditional use. According to the ordinance conditional uses may not be appropriate in every location, depending on the terms of a request; there are times where it is appropriate to say no. Staff has made their recommendation based on the listed criteria. The criteria listed in your document states, "shall not authorize unless the evidence presented that it has reasonably mitigated the detrimental effects; and that it is in compliance with all of the regulations, specifically the land use code." This does not meet the standards and Lot 3 is an appropriate place for a dog kennel. The criteria has not been met and there are restrictive covenants and this dog kennel is detrimental to his adjacent lots.

Vice Chair Miller asked Legal Counsel to clarify two issues; whether or not this is a commercial activity and the difference between conforming and nonconforming lots on three acres, and whether it's an accessory kind of use. Chris Allred replied that the ordinance is trying to draw a distinction of what you can do on a conformed lot on three acres or more and nonconforming lots that are smaller. On a nonconforming lot they can only have a dog when it is accessory to a home. The distinction is they don't need a home on three acres; it can stand alone. It cannot stand alone as a use on something smaller than three acres. While it's called out as an accessory use on something smaller than two acres, it can't stand alone and that is what the ordinance is trying to distinguish. The fact that it is listed in the agricultural zone; it is either a permitted or conditional use and suggests that we are treating them as a commercial use. There is a commercial zone in which conditional and permitted uses are listed and those are considered commercial and he understands Mr. Butterfield's position is that it has a commercial aspect to it. For our purpose, it is identified as commercial use in a commercial zone and this does not have the commercial feel to it.

Commissioner Warburton said to clarify on a conditional use that is basically a permitted use with possible detrimental effects, it's the Commission's job to look for those detrimental effects and mitigate them if possible. If it's not possible, state code states very clearly that if it's not, then they can deny it. It is a very high standard, and must be proven in courts as they don't want to be sued, so they have to make sure they are covering the law. Our job is to identify detrimental effects, and they can't base their decision based on the CC&R's but what is in the law.

Kirk Langford, who resides in Eden, said for tonight there are anticipated detrimental affects with 20-30 barking dogs and what is substantially mitigated. Staff has indicated that 150 feet should mitigate these dogs. His house is almost 5,000 feet away from the Browning Ranch who have a couple of Blue Healers and he can hear those dogs barking every evening when coyotes come down. With 20 barking dogs, it is an absolute anticipated detrimental effect and it is not reasonable to mitigate that at 150 feet. He understood about the feces being bagged and hauled away but what about the urine; where does that go after the applicant sprays it down? It's not the commission's job, but the Health Department's job to have those permits issued before this is granted as a conditional use, and it's clear in the ordinance that they are required to have those first before the permit is issued. Let's approve this conditional use for one year and see whether



the dead space will mitigate the barking dogs, if squirting out the building will take care of the urine and smell, or if the traffic coming and going will not affect the children coming and going since there are not sidewalks in this area.

Commissioner Warburton said that the Utah State Ombudsman came to give them some training, and they specifically talked to him about putting in time limits, and there is nothing in code that gives them that right to do that, so they can't legally stipulate a time limit of one year. What is in place is if there are enough complaints, then they can pull the permit, but this Planning Commission does not issue permits; that is left to the various departments when the permit is issued.

Steve Waldrip, who represents the landowners to the north, said it doesn't seem that the permits are in place but his question to Legal Counsel is the definition of detrimental effects. Detrimental effects is a broad, vague standard; and intentionally so because that gives the Planning Commission the opportunity to investigate all possible outcomes, detriments, and negative impacts of a conditional use. Although this commission does not have any jurisdiction on CC&R's, it does give them notice that there is one in place and would seem to be a detrimental effect if this goes into a lawsuit and it would seem wise to have this resolved prior to granting any conditional use. What is the definition of detrimental effect and how do they define that sufficiently that they are not putting it back to two people that have an issue with each other. The other question is in reference to noise and there should be some sort of standard as to what is acceptable, at what distance, and noise abatement that would be more concrete than I hear a dog barking.

Vice Chair Miller said they base their decision according to the ordinances and the CC&R's is a separate issue as to whether or not they follow the ordinances to see if they are mitigated.

Cleon Butterfield asked to clarify if that meant that the Planning Commission never says no to a conditional use. Vice Chair Miller replied that she has found out that they do approve conditional uses, and they do look at mitigation factors and work with those factors, but it is difficult to say no unless there is an overwhelming circumstance.

Steve Waldrip said that he didn't hear of what standard is being proposed if there is an issue with noise or odor to any future complaints would be. Commissioner Parson replied that our complaints are the standard and it falls upon the community.

Commission Warburton asked Mr. Gentry if there was a way that they could mitigate more of the noise and what detrimental effect could possibly happen. Jim Gentry suggested not having dogs in the dog runs after 10 p.m. and not allowing them out prior to seven in the morning.

**MOTION:** Commissioner Parson moved for approval of a Conditional Use Permit CUP 2014-16, for a dog kennel at approximately 5784 E 2300 N in the AV-3 Zone. Commissioner Howell seconded.

**DISCUSSION:** Commissioner Parson said he appreciated the work the applicant did to mitigate noise, how to house dogs, and seeking professional people in looking at the insulation panels, putting up some landscaping, and learning how the neighbors feel about this kennel. He takes his dogs to Miller Kennels, one of the best facilities of dog kennels, it maintains 75-100 dogs that stay outside, and it is out in the industrial part of town so it can handle all that noise. He suggested that the applicant look at the commercial aspect of berming and she would be better off doing that.

Commissioner Warburton said she would like to see a restriction placed of operating from 8 a.m. to 9 p.m. She asked if they could require that the applicant have bark collars on hand, they are very humane, could take care of the barking problem. She asked if everyone was comfortable with the time of 8 a.m. to 9 p.m. Vice Chair Gibson Miller replied that is too restrictive, they should set it up like the campgrounds from 7 a.m. to 10 p.m. Commissioner Parson said it should relate to work, from sunup to sundown. Commissioner Warburton said that she appreciated the comment but believes saying from sunup to sundown needs to be more specific, so she is okay with saying from 7 a.m. to 10 p.m. As for the shock collars, if it was set on a low setting it seems to be okay. Chris Allred said that they could be bordering upon unreasonable to institute that as a requirement, because some people think of shock collars as inhumane and he didn't think they could put her in that position. Sean Wilkinson said if the dog becomes a nuisance and they have substantiated claims with the Sherriff's office visiting and those reports are provided, those are grounds for the Planning Commission to reconsider this conditional use and revoke it if it's approved. Commissioner Haymond asked what happens if they revoked the conditional use permit, as she already had her structure and business there. Sean Wilkinson replied at that point the use goes away.



**FRIENDLY AMENDMENT:** Commissioner Warburton suggested that the dogs are not out any earlier than 7 a.m. and are put away by 10 p.m. Commissioner Parson said he was okay with the amendment.

**AMENDED MOTION:** Commissioner Parson moved for approval of Conditional Use Permit CUP 2014-16, for a dog kennel at approximately 5784 E 2300 N in the AV-3 Zone contingent upon staff and review agency requirements based on the proposed kennel complying with applicable Land Use Code standards listed in the staff report and to include the hours that the dogs cannot being outside the kennel prior to 7 a.m. and after 10 p.m.

**VOTE:** A vote was taken with Commissioner’s Warburton, Howell, Graves and Chair Miller voting aye and Commissioner’s Parson and Haymond voting nay. Vice Chair Miller said motion carried (4-2).

4. **Public Comment for Items not on the Agenda:** No public comments.
5. **Remarks from Planning Commissioners:** Commissioner Parson said that they need to revisit the zoning for the AV-3 Zone because some of the conditions in there were made a long time ago. They have looked at this but maybe it was just the commercial aspect. Commissioner Graves said it is one thing that they need to consider when looking at some of these uses. They are getting a mix of urban and rural starting to come together. Something that they need to keep in mind is what they want this community to be when they are done. If they eliminate every single thing that has a rural feel because somebody objects, let’s not get it in their heads that they are going to maintain rural character of the valley when they made a law that prohibited all the stuff that made it that way to exist.
6. **Report of the Planning Director:** Sean Wilkinson said they sent out an email asking for responses to those that are interested in attending the APA Conference coming up in October; be sure to get those responses to Sherri within the next few days. Also, there is potentially going to be some asphalt paving on Powder Mountain and with that comes additional trucks hauling the asphalt up and down Wolf Creek Drive. They don’t have a specific date but it will potentially be in the next few weeks.
7. **Remarks from Legal Counsel:** Chris Allred said that this Planning Commission had some training from the State Ombudsman and he hoped that was useful and informative. If they would like some additional information or training, he would be happy to provide that.
8. **Adjourn to a Work Session:**

**WS1. Cluster Subdivision Bonus Density Discussion**

Sean Wilkinson introduced the new Planner II Ronda Kippen from Morgan County who has replaced Steve Parkinson who transferred to a position in Roy.

Scott Mendoza said that tonight’s discussion is about the Ogden Valley Cluster Subdivision Bonus Density. He wanted to just review a couple of things and just remind the members of what they did in the last couple of work sessions as it related to the Cluster Subdivision Code and what do they want to do with Ogden Valley Cluster Subdivision Bonus Densities.

1. Review of previous work sessions:

On March 4<sup>th</sup> they did talk about TDR’s and the question was if they could be made mandatory and it would be within the code and the answer is yes. They also decided that there was going to be Utah State University student presentation coming up and they were hoping to get more information, background, and education on TDR’s. They didn’t get much information but students did get the concept of the TDR’s. Staff prepared an outline on the effect of TDR’s to date and there was only one project to report on and that was Snowbasin.

On June 24<sup>th</sup> they presented the first three sections of the draft cluster subdivision code: The purpose and intent, the approval procedure section, and the sketch plan endorsement section. They went through the draft in the first three sections and have continued work on the draft. The draft is to a point where they need guidance on where they would like to go on Cluster Subdivision Bonus Densities.

2. Review of the Cluster Subdivision Codes Bonus Density Criteria:

The question is what do you want to do with density?

- a. Do you want to eliminate bonuses all together?
- b. Do you want to take 30% maximum (code requires 60% open space and receive up to 30% bonus density)?
- c. Do you want to reduce the bonuses from 30% to 20% (if you keep the bonuses consider updating some of these)

Example: Providing a road stub to an adjacent property: Western Weber does not want to award a bonus density when they can make it a requirement.

Example: Cluster Subdivision in the Ogden Valley has 60% open space; it is considered more of an agricultural open space, preferred development pattern

Benefits: Eliminating Bonuses would disappoint people who would consider cluster subdivisions to receive bonuses where they could gain with 30% bonus potential more than the 3 acre zoning. It could desensitize some from clustering if bonuses are eliminated and give up any sense of open space where today it is 60% and that could only develop 40% of the land. Public benefits, if the developer dedicates a road as public, the public pays less for maintaining public roads, pays less in storm water projects, roof tops and roads, and keeps more property open

Standards: Western Weber standards are 30% Open Space in exchange for 50% Bonus with one acre zoning.  
Ogden Valley standards are 60% Open Space and 30% Bonus on three-acre zoning.

Visioning Process: Future discussions on villages and should not be confused with cluster subdivision. Villages will go through a different process than cluster subdivision.

9. **Adjourned:** There being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Kary Serrano, Secretary  
Weber County Planning Commission



Minutes of the Ogden Valley Planning Commission Regular meeting held on September 2, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Greg Graves, Will Haymond, Laura Warburton, Ann Miller

**Absent/Excused:** Kevin Parson, John Howell

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

***Pledge of Allegiance***

***Roll Call:***

Director Wilkinson introduced Ronda Kippen, a new Planner who replaced Steve Parkinson who transferred to Roy.

Chair Hollist asked if any member had ex parte communications to declare. No ex parte communications were declared.

**MOTION:** Commissioner Warburton made a motion to move Consent Item CUP 2014-21 to the regular agenda. Commissioner Graves seconded. A vote was taken with all members present voting aye and Chair Hollist indicated that the motion carried (5-0).

**1. Consent Agenda:**

- 1.1. CUP 2014-21:** Consideration and action on a conditional use permit application for Saddlebag Saloon a tavern, beer pub located at approximately 2612 N Highway 162 Unit 7, in the Commercial Valley-2 (CV-2) Zone (Tiffany Brennan; Agent for the Saddlebag Saloon)

Ben Hatfield said this application is from Pat Brennan for the Saddleback Saloon which is a conditional use in the CV-2 Zone. They are seeking a tavern; beer pub located at 2612 N Highway 162 Unit 7 in Eden. This development is known as the Eden Center of a commercial development and was part of a condominium there, with a series of small cabins that make up the development. There is some landscaping proposed around Unit 7 and a boardwalk that connected to the gazebo area. In constructing this site, they started to notice some differences between the design review and what they saw out in the field. The applicant had made a request to amend the site plan with a letter stating what minor changes were being made. There was a change in the color of the stain on the building; the chinking that was going to be used, as well as the architectural timbers on the front of the buildings, the doors, and in this case the site plan had changed slightly that included an outdoor decking around Unit 7 and more significantly the Gazebo. It was platted as a 16 x 16 square and they started to construct an octagonal building. With the change there will probably be some minor landscaping differences there around Unit 7 that will have to be worked out when they complete the landscaping. The county does hold a bond about \$5300 for the landscaping for this site. The applicant has proposed this plat which would be a seconded amendment, and would amend the different decking; the difference in the gazebo, Unit 8 did not have a limited common area as previously proposed. They have informed the applicant that it would require a plat amendment with subdivision fees, but they have not received anything from the applicant.

Ben Hatfield said in reviewing the application, typical items such as lighting, parking, and landscaping were obviously done as a whole as a design review for the Eden Center and continues to meet our code requirements. The outdoor signage including the sign above the door, meet the county requirement. Staff felt that the window signage was excessive and did not appear to meet code. There are multiple small windows located along the outside of the building measuring 2 ft. x 4 ft. and one large, three paneled window, located along the west side of the building measuring 4 ft. x 7 ft. Window screen signs have been placed on each of the windows along the outside of the building covering over half of the window pane with the signs. Staff was told that the signs had been placed in the windows to act as screening devices for the bar taps that are located on the inside of the large window. Staff verified the location of the taps to the large window on the inside of the tavern. The applicant stated that based on the location of the taps, the evening sun created a lot of glare and heat. Staff felt that different screening without signage can be placed in the window to deflect the glare and heat. According to Weber County Code window signs are permitted and they do not have to a sign permit to put signage on the window. The size limit of the window signage shall occupy no more than 25% the area of signage displayed. In no event shall signage exceed 16 sq. ft. in any one window. As for the reasonable detrimental effects, a tavern is located within a large commercial area, impacts such as noise are already anticipated and this site is approximately 600 feet from any residence and 1,000 feet from a school. The CV-2 Zone allows for a tavern, beer pub as a conditional use and it meets all the standards and it must comply with the applicable review agencies in order for this conditional use to be granted. He has not had any responses from Engineering and the Building Inspector.

Director Wilkinson said that they will probably not receive responses from the Engineering Division or anyone else because those inspections and reports were done as part of the construction. Where this use is coming in, there is not much for the engineers to say, but the Health Department and the DBAC will be involved.

Chair Hollist asked staff to clarify the amendment to the condominium plat that has been proposed which would limit access in the common area. Ben Hatfield replied the applicant has sent over a plat not the actual application. There seems to be an interpretation where he needs to go through an additional process. Director Wilkinson added that the amendment taking place is changing what was common area to limited common area. A restriction will be placed on the deck and a couple of other areas within the subdivision itself.

Commissioner Warburton asked if there was a private door from the condominium onto that deck, so they have to walk out of the pub as if they are leaving and walk on the deck. Chair Hollist added that they would have to walk out the door, down a side deck to the north of the building that is the width of a sidewalk, and onto a larger main part of the deck that is on the west of the building.

Commissioner Warburton said that there would be people drinking in that gazebo area and no one would enforce that. Director Wilkinson said that is where this Planning Commission can put conditions on the conditional use permit.

Chair Hollist moved to Agenda Item 3 so he could read information for public record.

3. **Public Comment for Items not on the Agenda:** Chair Hollist read information from the following articles:
1. Center for Disease, Control, and Prevention called *Fact Sheet Underage Drinking*
  2. Harvard School of Public Health called *11 Facts about Teens and Alcohol*
  3. National Institute of Alcohol Abuse and Alcoholism

Chair Hollist said he focused on the advertising part because there is alcohol in the Valley; there are taverns that serve beer and having driven by that tavern he noticed that the advertising in the windows are excessive. The position of that tavern was deliberately set so that nobody in the Valley misses that when they pass by; that includes children, younger children, and the fact that there is a deck clearly visible from the road with sun umbrellas, all bearing logos and signage of some kind of beer. There are large banners that advertise other kinds of beer and a huge banner stating the name of the now open saloon which he feels is egregious.

Chair Hollist closed the item for Public Comment.

Commissioner Miller said if they are approving on a request for a conditional use permit, the applicant must have a business license. They are already open for business, so they are violating the order of the things they ought to be doing. Director Wilkinson replied that is correct, the order is not the way it should be done.

Chair Hollist said that he went to this tavern and knocked on the door, and Pat Brennan answered the door. He asked him what time it opened and the response was 5 o'clock. When he asked him how long it had been opened, his response was four days. This would coincide with the Labor Day Weekend.

Commissioner Warburton said that she knew they could not get license to sell their alcohol until they have their business license. She asked if they can have their business license without the conditional use permit. Director Wilkinson replied that is correct and they should not be opened without the conditional use permit and that issue will be fixed based on the decision by the Planning Commission if it was outright denied or approved with conditions.

Chair Hollist said if they can ignore as much of the Weber County Law as they have appeared to have ignored already, what evidence do they have that the applicant will not ignore the 21 year restriction on entrance and consumption?

Commissioner Warburton said that she heard there were administrative decisions made; where the applicant was led to believe by the Planning Division, that they could go ahead and open. She asked if there was anything said to them. Director Wilkinson replied they may have had the impression; however, they did not say, "Yes go ahead and open."

Chair Hollist said then why don't they deny the application and have the applicant come in to answer the questions. Commissioner Warburton responded they could table this but they could not deny them because this is an allowed use.



They could table this with very specific recommendations and they have cause for specific recommendations in that they don't trust the applicant. Director Wilkinson said to say that they don't trust someone can't be a reason to deny an application.

Commissioner Graves said that in order to table this, they would need information that they currently don't have.

Director Wilkinson said that the trust issue is a valid point but the fact is if they are disobeying the alcohol laws, the DABC will come in and shut them down.

Chair Hollist said let's focus on the deck coming down and the signage having to comply; could they disapprove this as it is presently? Commissioner Graves said they could approve this and add the condition that the deck be eliminated.

Director Wilkinson said as to the deck, as stated by Mr. Hatfield, as part of that administrative approval, they showed the deck on that building, not what the deck was going to be used for. The condition would be not to eliminate the deck but limiting the use to the actual condominium area. Right now, it is a common area and the applicant is trying to make it limited. Staff would prefer it to be limited common area.

There was a discussion as to how people would exit the tavern from the deck into the gazebo to the common area and questions were asked regarding the limited common area and how the Planning Commission could mitigate the detrimental effects of alcohol consumption in public view.

Director Wilkinson said that the applicant did not seek approvals before operating. Now if you say they can't have it, then they have to get rid of it. The deck can stay there and it would be just a deck. They could possibly put anything on their deck, but people can't go out and drink alcohol if that is one of the conditions placed on the permit. Commissioner Warburton stated that the deck is part of Unit 7. Commissioner Miller replied no, they have been told that it doesn't. Director Wilkinson said Unit 7 is strictly the airspace within that condominium building.

Questions were asked about the limited common area and the deck access from the Saloon.

Director Wilkinson said that the deck was approved in the administrative approval that took place and it was recorded on the plat so it is already there.

Commissioner Warburton believed that there should have been a design review forwarded to the Planning Commission. Director Wilkinson replied that is what they are going to talk about today because minor amendments are made all the time. Chair Hollist said he could stand with that. Commissioner Graves said that they have to have some trust with our staff.

Director Wilkinson said it's similar to the Blacksmith Shop when they put a door and then they moved it and they changed the roof from a pitched top. At that time, they sent something out to the Planning Commission asked if anyone had a problem with it; if not, they would approve it. That's the process they typically go through with what they consider to be a minor amendment.

Chair Hollist said that he is okay with the administrative approval that you have given but he is with Commissioner Warburton; if people can access the deck, they are going to take the beer and drink in the gazebo. Director Wilkinson said if they did that, they would probably get shut down very quickly. He agreed with their point, but that's where they have the ability to make some conditions on this approval.

Commissioner Graves said a condition could be to have no consumption of any alcohol from that business on that deck. Chair Hollist added or in the gazebo or in front of any other business or any of the walkways or any public property. Director Wilkinson said this is not a liquor store.

Commissioner Miller said that they can say this is approved limited to consumption of alcohol or sale of alcohol in the tavern or on the air space that they have in Unit 7. Mr. Hatfield said it would be limited to the sale and consumption contained within the use of the condominium. Director Wilkinson said the use will be allowed within Unit 7. Regardless whether it's common area or limited common area, you can say the use is approved within Unit 7 only; it doesn't matter if



it's common or limited. Commissioner Warburton said they won't consider the deck as part of Unit 7. Director Wilkinson replied no, the deck is not part of Unit 7.

Much discussion was held which centered on the concern of alcohol being consumed on the deck outside of Unit 7; and the use of alcohol advertisement on the table umbrellas without being screened from public view. Concerns were raised regarding the possible promotion of advertising alcohol to minors that might occur when minors walk or drive by the tavern. If this were the case, how could they legally mitigate these detrimental effects?

Chair Hollist said under the law they can say no consumption of alcohol outside of the airspace in Unit 7. Director Wilkinson said no alcohol that has been purchased as part of this business is allowed outside of the airspace of Unit 7. If they want to allow someone to bring in some alcohol to there, it's a limited common area and there is nothing that they do about that.

Commissioner Warburton said they could have people bring their own six-pack and sit on that deck and party. Director Wilkinson replied that they could do that.

Commissioner Miller said that could be the rule of the condominium. Director Wilkinson replied that is correct; we don't have say over what they do in their common area. Commissioner Miller said so basically they have to limit the sales of consumption of alcohol when they approve this. Director Wilkinson replied you are correct; that's what the application is for in Unit 7.

Commissioner Warburton said staff approved the deck which is essentially part of Unit 7 even though it's not. Commissioner Miller said but then you have to have the screening. Director Wilkinson said that Unit 7, in the future, might be a doctor's office or something else; that's where the conditional use aspect comes in. It's listed as a conditional use because it's anticipated that there are some detrimental effects that you'll be concerned about.

Commissioner Graves said can compare about Coca Cola signs to the alcohol signs; the alcohol advertisement is the detrimental effect that we are trying to mitigate and you can't say Coca Cola is a detriment. Commissioner Miller said that she could say that Coca Cola is detrimental and its advertisements could have the same influence on young people. Director Wilkinson said he had asked legal counsel previously if there is basis to call this a detrimental effect. Commissioner Graves said that he believed they do. Chair Hollist said that he felt more comfortable with Chris Allred telling him that.

Chair Hollist asked if they could table the application until the owner was present so that this is not a one dimensional argument. Commissioner Warburton replied no, the owner had a chance to be here and he is not; they are not obligated to table. Director Wilkinson said the applicant was informed about the meeting. Commissioner Warburton said we have to follow the law.

Chair Hollist said all they have to do is follow the law. We can enforce the window signage. Mr. Hatfield replied that he thought they could enforce that regardless of who the advertiser is. Chair Hollist said that they could enforce that no consumption of alcohol purchased from the Saddlebag Saloon could be consumed outside of the Saloon. Mr. Hatfield replied that is correct.

Commissioner Haymond said didn't they want to speak about the alcohol consumption only being within the airspace of Unit 7 or hit the whole alcohol matter because that is a DBAC issue. The applicant could say that it's part of the pack on the alcohol use. Commissioner Warburton said that is okay because that's what conditional use is for is to mitigate that and we have determined that it is a possible detrimental effect and as counsel said, they can address that.

Commissioner Graves said the advertising is the detrimental effect and they are able to mitigate that by requiring screening. Commissioner Miller said that they can stick with 25% of area for signage. Director Wilkinson replied that is correct. Commissioner Miller said we have to follow the code. Commissioner Warburton said that they can require that the alcohol is consumed only within Unit 7.

Chair Hollist asked if they screen the deck, can they put advertising on the outside of the fence. Director Wilkinson replied no. They have to meet the sign requirements.



Commissioner Warburton said requiring screening; they are basically saying they can only consume alcohol within the walls. Commissioner Miller said what she understood was they are focusing on the umbrellas and tables. They can put any kind of table there with umbrellas so she didn't know how they could say no to them. Besides she knows that they could find umbrellas with advertisement in other places.

Commissioner Warburton asked what the screening would be for. Commissioner Miller replied that the screening would be for the advertisement on the umbrellas, on the tables, or they could move the umbrellas from there. Commissioner Graves said the only reason that he brought up the tables, was that like it or not it is advertisement. Most of what they focused on and specifically emphasized was the fact that this advertising of alcohol has a detrimental effect. The umbrellas are viewed as advertisement and he didn't see why they don't have the ability to mitigate against that.

Commissioner Warburton said in other words they are about mitigating the signage and they are not saying that signage is out of compliance or needs to be in compliance with our ordinance. They are saying that it has a detrimental effect and are mitigating against it. Commissioner Graves said that's where he is coming from, if he doesn't have a legal basis for that, then someone needs to tell him.

Commissioner Warburton said that they are going to require them to put up screening and it's really a small area so those umbrellas aren't going to fit behind the screening. Chair Hollist said that he was thinking of an eight foot wall. Commissioner Graves said he was thinking of big fat Evergreen trees all across the front of it.

Director Wilkinson said the problem that you're going to run into is when it comes to the other uses that are going to come into that condo unit, this owner is going to say, *"wait a minute right in front of their limited common area which is right in front of their door, I want screening, because you made me screen my area."* The deck is not an issue and he has a hard time screening the deck, because that's all it is, it's just a deck.

Chair Hollist said looking at it from the road, the first thing that his eyes see are the umbrellas advertising Coors and Budweiser around the rims. There are black and white and red and white umbrellas, and so on. Commissioner Warburton said that they picked an ideal spot for their business. Commissioner Miller said of course that's what they are marketing. Chair Hollist said they did it deliberately. Commissioner Warburton said that she didn't think they wanted to offer alcohol to the kids, but they wanted a successful business.

Director Wilkinson asked if this was a restaurant coming in and they served Coors, etc., and they may use similar umbrellas what would the conversation be.

Commissioner Warburton said that there is a lot of discussion about this at the State, and she thinks when there is food involved, it becomes more responsible, because they aren't drinking on an empty stomach. It's not a bar, it is a tavern. This is a place where someone is going to get drunk, sloppy drunk and hopefully they have someone as a designated driver which is a whole different topic. If they were having dinner out there that would be nice but that is not what she is hearing, it's a tavern. Director Wilkinson said but if those same umbrellas were out there for a use that was determined to be a restaurant, that's where they would run into the same issue.

Director Wilkinson said that they should focus on what's inside, because that's where the alcohol is going to be. Commissioner Miller said you're inside plus you're going to limit the amount of signage. Commissioner Warburton said she would like to see how they access the deck, as it's really important.

Chair Hollist asked if the ordinance carried something about the size and shape of banners. Director Wilkinson replied yes, banner signs are not allowed except for a grand opening. Mr. Hatfield added that he looked at the banner sign and it seemed to meet our requirements for now. They are allowed for a grand opening for the first 30 days and then it goes away. The one they have there currently would be okay from the day they opened. Chair Hollist said the one that he is talking about is the banner that is facing to the south, tied to the railing of the deck, and that gets 30 days, and he is okay with that.

Chair Hollist said under the law they have three things that they can legally deal with: The 25% window space, the consumption of alcohol within the airspace of Unit 7, and banners as part of the sign ordinance. Is there anything else in the law that they can use to protect the young people. Mr. Hatfield replied there is a requirement on the distance from the schools.



Chair Hollist asked if there was anything in the law about adult responsibility. The definition of being an adult is responsibility and he thinks that this is irresponsible behavior. Commissioner Warburton said it's against the law to legislate people's morality. Chair Hollist said there are three conditions that we can put in the motion and the fourth concern is why they are open and operating when this Planning Commission has not approved the conditional use permit.

Director Wilkinson said you can add the fourth concern but when you approve the conditional use permit the fourth condition goes away but what you may want to do is set a time limit for compliance. Commissioner Graves asked what would be a reasonable time limit; and how fast can this be done. Director Wilkinson said typically they allow 14 days to address the issue, have people meet with us to come up with a plan to get this done by a certain time, and there is no reason why this couldn't be done within a week or two. Commissioner Graves suggested seven days.

Commissioner Warburton said that is why she suggested tabling so it gives them notice that they need to get into compliance and motivates them to move forward. Commissioner Graves said but tabling is because they don't have information that they need and they have all the information.

Commissioner Warburton said she didn't have all the information that everything's complete. Director Wilkinson replied that tabling could be seen as a punitive action and he didn't think that's the reason for it.

Commissioner Graves said that he would like for them to comply as fast as possible and not make it a leisurely thing for them skirting the law. Commissioner Warburton said in other words if they say compliance within seven days, then staff would follow-up until it's done.

Chair Hollist asked if there was any advantage to disapproving the permit because of windows, consumption of alcohol, banners, and operating without a conditional use permit. Director Wilkinson replied that he didn't think so.

Commissioner Graves said those are things they can fix within the seven days.

Discussion was held regarding the property findings and wording of a possible motion.

**MOTION:** Commissioner Warburton moved to approve CUP 2014-21 for a tavern, beer pub located at approximately 2612 N Highway 162 Unit 7 in Eden with the following conditions: That they will comply with all local and state agencies, that they are subject to the signage ordinance including only 25% window space and banners, compliance with the sale and consumption of alcohol within the airspace of Unit 7; that the airspace does not include the deck, or in any other common area or limited common area, and all of this should be in compliance within the seven days. Commissioner Graves Seconded.

**VOTE:** A vote was taken with all members' present voting aye and Chair Hollist said motion carried (5-0).

Chair Hollist said that he was disappointed that legal counsel was not at the meeting even though he had asked them to be there. He appreciated that Ben Hatfield and Director Wilkinson were there to help guide him in the right direction.

2. **Communication Policy:** No Communication Policy.
4. **Remarks from Planning Commissioners:** Chair Hollist asked what happened to the dog kennels application. Director Wilkinson said it was approved with conditions. Commissioner Graves asked if anything happened with the wall in the canyon. Director Wilkinson replied that is ongoing and they have met with Mr. Perry and his attorney's. The County Commission has been involved and Chris Allred is directly involved with that. Things have been complicated, but the matter is moving forward.
5. **Report of the Planning Director:** Sean Wilkinson said asked if everyone had a chance to respond to Sherri about the APA Conference. They have a Powder Mountain Tour date coming up so they could drive on roads and see everything onsite and where things actually are. Right now they are looking at the 17<sup>th</sup> or the 18<sup>th</sup> of September. If it was on the 17<sup>th</sup> it would be earlier in the day around 2:00 p.m. The majority of the Planning Commissioners present stated that the 18th would be best date and it would be after 3:00 p.m. We will plan to meet the Planning Commissioners at the Powder



Mountain Park and Ride at 3:30 p.m. on September 18 and that is a Thursday and we should allocate at least 3 hours for that. We will also send this information to Commissioner Parson and Commission Howell and let them know as well.

6. **Remarks from Legal Counsel:** No Legal Counsel remarks.

7. **Adjourn to a Work Session:**

**WS1. Training: Administrative Approval Discussion**

Director Wilkinson said this was a great session talking about the conditional use you just had, as well as the dog kennel. It brings up the issue of does the Planning Commission want to be involved in these administrative type decisions. When Brent Bateman came he told you that your duty was to plan, not to deal with administrative items. That is typical of Utah Planning that the Planning Commission does that on Conditional Use Permit, Subdivisions, and things like that. We've had this discussion in the past where we've said what does the Planning Commission want to hear and what do you want staff to take care of. Using the example of the Dog Kennel was that something that the Planning Commission needed to hear or was that something that you would prefer to designate to the staff.

Commissioner Warburton said that she would prefer to see the ordinance amended and prefer to have the administrative issue. There are some really big changes in the valley and they are seeing subdivisions where there were no subdivisions. All of a sudden having a Dog Kennel in a small subdivision does not seem very appropriate but it's there.

Director Wilkinson said you will be seeing those changes; changes to the standards, changes to the use table in the zones. Commissioner Warburton replied she is looking forward to that, and she would much rather have far more things be administrative. It makes it much better for the public where they come in, get their business done and go home. They shouldn't come before a commission for things an area allowed and if they are allowed, it should be defined enough that they could be approved administratively. Director Wilkinson said that's a good point, standards make these decisions a lot easier.

Director Wilkinson asked if there were more standards in place, does that raise your comfort level of giving more to the staff to decide administratively. Commissioner Graves replied in general for him it does; however, there is never going to be enough standards for every situation. Once it gets sticky, then things need to still come here.

Commissioner Warburton said that in one of the conferences she attended they talked about that, and Salt Lake County is leading out on this. Her question would be where are those lines, are people still going to be noticed, and where does their voice go so they can be heard. Director Wilkinson replied that he had asked Mr. Bateman those questions, and it may have sounded as if he was negative about the questions, but he purposely asked those questions because he wanted to know legally what they absolutely have to do. They can take that and say what they need to make sure we're doing something that is appropriate.

Commissioner Warburton said that they can be stricter than the state except in conditional use issues. Commissioner Miller asked how do you know the balance they should have for these conditional uses. Commissioner Graves said that Mr. Gentry was caught in an awkward situation because he had to make a decision based on what's in place at the time and the applications made. To put that on hold to change the ordinance is not allowed. You can only do it afterwards and sometimes there are going to be things that may slip through that you wish wouldn't but that sometimes happens.

Commissioner Miller said that's her question, with all of the administrative actions, how do they know when to rise to the level of the ordinances. Commissioner Graves replied that they lean on staff's judgment and this experience particularly with the staff they now have, is where there have been questionable issues, they have brought them to the Planning Commission.

Commissioner Warburton said however these staff members may not always be here, so that level of trust may not always be here. Director Wilkinson replied that's why there are standards in the code for conditional uses.

Chair Hollist said he is restating what was said before Commissioner Graves, he thinks that they should do the best job they can to set the standard. The Planning Staff has a division of responsibility. At the end of the day, they will not be able to write the standards tight enough to cover all of the situations and we have to cultivate this attitude of trust and attitude of acceptance of the Planning Staff in acting in good faith. As a Planning Commission they have to trust and also accept judgment.

Director Wilkinson said that he agreed with him and they are not going to get that balance perfect.



Chair Hollist said they will never get there and they will just have to say staff is acting as they believe is appropriate as professionals and in the interest of Weber County and they're are trying to do the same as non-professionals, and accept one another. Director Wilkinson said that helps them as Mr. Bateman stated, "you don't represent constituents, you represent the law," and they are tasked with enforcing the law and they have to agree that what they are dealing with is the law.

Commissioner Warburton said in legislative matters they can go ahead and participate, and she asked if the consultant had come and signed the agreement yet. Director Wilkinson replied yes, the contract was approved by the County Commission this morning. Commissioner Haymond asked who they selected. Director Wilkinson replied that it is Logan Simpson Design.

Commissioner Warburton asked if there were any examples that Salt Lake County has given the petitioners the right to request an audience with the Planning Commission if they wanted. Director Wilkinson replied that he was not sure and right now in the code they have the option of referring anything they can approve administratively to the Planning Commission.

Commissioner Warburton said administrative approvals can cut processing times.

Director Wilkinson said that the Western Weber Planning Commission asked staff to bring them anything that had been approved administratively within a month prior to the planning commission meeting. Not that they would have any say in it but so they would know what had been approved administratively. He asked the commissioners if they were interested in that and the response was no unless the ordinance is amended so they have the collective wisdom of the staff.

Director Wilkinson said that this discussion may be put on hold for a couple of months until this new code changes come before them.

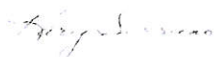
Commissioner Warburton asked Director Wilkinson to go over with them his vision of how the consultant is going to move forward. Director Wilkinson replied that the consultants will work very closely with the Planners and in fact they are working to schedule a kick off meeting, a joint work session with the Planning Commission and the County Commission. In that meeting you will have the whole process and project outlined, your roles will be defined, the County Commission roles will be defined, how the public outreach will take place will be defined, and that will take place within next month. They are meeting the consultants tomorrow to have our staff kickoff and get the ball rolling.

Director Wilkinson said there were several good firms as far as outreach goes, Logan Simpson had the total package. Chair Hollist said in his judgment Logan Simpson's approach to the outreach was unique in their presentation. When Logan Simpson came in, the first thing they said was that they had interviewed 30-50 people in the Ogden Valley, and they gave us a 5 minute presentation on the questions they asked, what the responses were, and how they will move forward.

Commissioner Warburton said she has never heard of them before. Commissioner Graves replied that Logan Simpson has been around; they are a national firm and have had a local office here for about 10-15 years, but they have been pretty low key. It is only recently that they have brought people from other offices in to bolster their planning and architectural group and that is why you see them on the rise.

**WS2. Adjourn:** The meeting was adjourned at 7:05 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Division





## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for preliminary approval of the Satterthwaite Southfork Ranches Subdivision, consisting of 5 lots at 1050 South 7900 East.

**Agenda Date:** Tuesday, September 23, 2014

**Applicant:** Dale Sattorthwaite

**File Number:** UVS0812-14

#### Property Information

**Approximate Address:** 1050 South 7900 East Huntsville.

**Project Area:** 15.71 Acres

**Zoning:** Forest Valley-3 (FV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential Subdivision

**Parcel ID:** 21-034-0008

**Township, Range, Section:** T6N, R2E, Section 20

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Agriculture
<b>East:</b>	Residential	<b>West:</b>	Agriculture

#### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767

**Report Reviewer:** BH

### Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 17 (Ogden Valley Pathways)

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has little discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting preliminary approval of the Satterthwaite Southfork Ranches Subdivision located at approximately 1050 South and 7900 East in the Huntsville area. The proposed subdivision will occupy 15.71 acres and will consist of 5 (3 acre) lots. It falls within the Forest Valley-3 (FV-3) Zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet. The flag lots have been approved as a special exception by the Planning Division (AE-2014-3).

Wastewater treatment will be provided by individual septic systems and culinary water will be provided by private wells. Huntsville water line runs near this property and the Weber Fire District is requiring 1 fire hydrant near lot 1 and 5.

The Weber County Engineer's Office has reviewed the project and wants 7900 East road dedicated, construction grade improvement drawings for 7900 East, and the current and preliminary flood plains on the drawings. The drawings need to show where the public road ends and the private road begins. All other engineering comments need to be address.

### **Summary of Ogden Valley Planning Commission Considerations**

- Does this subdivision meet the requirements of applicable County Codes?
- Should the Planning Commission defer the construction of all of the curb, gutter, and sidewalk?

### **Conformance to the General Plan**

The proposed subdivision meets the requirements of applicable County Codes, and conforms to the Ogden Valley General Plan.

### **Conditions of Approval**

- Requirements of applicable County review agencies
- Trails and applicable trail easements need to be shown on the subdivision plats

### **Staff Recommendation**

The Planning Division recommends preliminary approval of the Satterthwaite Southfork Ranches Subdivision, subject to the following:

1. Compliance with all applicable standards (including construction or dedicated streets).
2. A deferral for curb, gutter, and sidewalk may be granted; however, a gravel side path shall be provided (within the ROW) along 7900 East Street.
3. All other review agencies comments.

### **Exhibits**

- A. Proposed subdivision plat.
- B. Location map.





# Location Map







# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Conditional Use Permit approval for the placement of temporary sheds and temporary storage units, removal of maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas.

**Agenda Date:** Tuesday, September 23, 2014

**Applicant:** Skyline Mountain Base, LLC

**File Number:** CUP2014-11

### Property Information

**Approximate Address:** 3567 Nordic Valley Way Eden, UT 84310

**Project Area:** 12.29 acres

**Zoning:** CVR-1

**Existing Land Use:** Ski Resort and Recreation area

**Proposed Land Use:** Ski Resort and Recreation area

**Parcel ID:** 22-023-0086

**Township, Range, Section:** T7N, R1E, Section 29

### Adjacent Land Use

<b>North:</b>	Forest Residential and Agricultural	<b>South:</b>	Forest Residential
<b>East:</b>	Forest Residential and Open Space	<b>West:</b>	Ski Resort and Private Campground

### Staff Information

**Report Presenter:** Ronda Kippen  
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801-399-8768

**Report Reviewer:** SW

## Applicable Ordinances

- Title 104, Chapter 11 Commercial Valley Resort Recreation-1 (CVR-1) Zone
- Title 108, Chapter 1, Design Review
- Title 108, Chapter 2, Ogden Valley Architectural, Landscape and Screening Standards
- Title 108, Chapter 4, Conditional Uses
- Title 108, Chapter 8, Parking and Loading Space, Vehicle Traffic and Access Regulations

## Background

Nordic Valley Ski Resort, located at 3567 East Nordic Valley Drive, is requesting the approval of a Conditional Use Permit for the placement of temporary sheds and temporary storage units, the removal of a maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas.

The ski resort lies within the Commercial Valley Resort Recreation-1 (CVR-1) Zone which lists a ski resort and its accessory uses as a Conditional Use. The applicant would like to increase the overall skiable terrain as well as improve and expand the walking and biking trails. Prior to moving forward with these improvements, the applicant will need to establish the existing topography in order to design the trails, ski runs and lifts. The applicant will need to apply for and receive approval of a Master Plan that will clearly outline the expansion of the ski resort and the additional amenities the resort would like to provide. The plan will need to include a phasing and landscaping plan that meets the Weber County Land Use Code (WCLUC) Design Review and Ogden Valley Architectural, Landscape and Screening Standards.

As part of the proposed transitional process of the resort, the applicant desires to remove the maintenance building and ski shack located at the base of the resort (See Exhibit A). A building permit will be required for the demolition and removal of

the maintenance building and ski shack. The applicant will need to secure any additional permits and approvals for the replacement of these structures.

During the interim of the resort expansion, the applicant would like to place seven barn style temporary sheds and three temporary storage units (See Exhibit A). The temporary sheds (measuring approximately 10' wide X 14' long X 13' 5" tall) and temporary storage units (measuring 11' wide X 28' long X 10'5" tall) are prefabricated with exterior walls constructed of natural wood siding and white vinyl accents around the windows. The storage units have a large white door located on the front of each unit (See Exhibit B & C). All proposed sheds and storage units are being proposed with a dark red metal roof. These building materials and colors meet the minimum architectural standards of WCLUC §108-2-4; however, the Planning Commission will need to find that the dark red metal roof is an acceptable contrasting color as allowed in said section. If the Planning Commission cannot make such a finding, the applicant will need to address and provide additional information or propose additional design details that will meet the architectural standards. The temporary buildings will need to adhere to the required setbacks per the CRV-1 zone of 30' front yard, 20' side yard and 20' rear yard. The temporary buildings shall not be used as vendor booths but for storage purposes only.

The reconfiguration of the parking area will allow for the placement of two stage platforms. These platforms will be placed in the upper paved parking area during special events (See Exhibit D). The upper parking area will be bordered with rock retaining walls. The Resort currently provides 250 parking stalls located at the base of ski area. With the reconfiguration of the parking lot, an additional 12 parking spaces will be created. It has been determined that the additional parking spaces will offset the parking spaces that will be encumbered by the stage area during special events. Therefore, no parking area will be lost.

In order to locate and design the walking and biking trails, the applicant would like to move forward with minor "glading" of the area. Currently, the area is overgrown and difficult to access. By allowing the applicant to move forward with the minor "glading" of the area, they will be able to attain more accurate information that will be needed to design the trails, runs and lifts. A preliminary drawing has been provided to the County that identifies the approximate location of the trails, runs and lifts (See Exhibit E). Prior to any cuts, fills or grading, the applicant will need to apply for and receive approval of an excavation permit that will ensure adequate erosion control and SWPPP measures have been met.

Landscaping, signs and lighting details have not been provided as part of this proposal. In the event that is determined that landscaping, signs and exterior lighting are needed, the applicant will be required to amend this site plan, if approved.

The Weber County Engineering Division has had the opportunity to review the application and has requested more details to be provided regarding the detention pond that is part of the parking lot reconfiguration. The Weber Fire District has reviewed the proposal and has responded with comments that will need to be addressed and approved by the Fire District.

## Summary of Planning Commission Considerations

WCLUC §108-4-4 states:

*"Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:*

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use."*

Staff feels that some additional detail may be needed in order to fully comply with the requirements of WCLUC §108-1 (Design Review) and §108-2 (Ogden Valley Architectural Standards). The Planning Commission may impose conditions in order to bring the project site into full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the architectural detail standards required by WCLUC §108-1 & §108-2? If no, then what conditions/architectural details could be added in order to comply?
- Is it appropriate to request a time frame for the temporary buildings?
- Have the "Criteria for Issuance of Conditional Use Permit" and other applicable ordinances been met?



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 requirements listed in WCLUC §108-4 under "Criteria for Issuance of Conditional Use Permit". The Planning Commission needs to determine if the request for the placement of temporary sheds and temporary storage units, the removal of a maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas meets the requirements of the applicable Weber County Land Use Codes.

Staff is recommending approval based on the findings and conditions of approval listed below:

1. The proposed use is desirable and will contribute to the well being of Nordic Valley Ski Resort and the community by providing a facility for skiers to rent equipment and participate in ski school lessons.
2. The proposed use will enable the applicant to commence the beginning stages of the Nordic Valley Ski Resort Expansion Project.
3. The temporary structures and parking lot reconfiguration will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable ordinances.
5. The proposed use conforms to the Ogden Valley General Plan.
6. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

### **Conformance to the General Plan**

The proposed use conforms to the Ogden Valley General Plan by encouraging commercial development within established commercial areas, supporting continued development of resort-related commercial areas, promoting active recreational opportunities in the Ogden Valley and encouraging private businesses to meet the growing demand for recreational facilities; however, additional architectural detail and landscaping may be needed to ensure that this proposal is compatible with the Valley's rural character and quality development standards as specifically referred to in the General Plan.

### **Conditions of Approval**

- That only minor "glading" of the trails, lifts and runs but none so much as would require an approved excavation permit.
- The temporary structures adhere to the required setbacks of the CRV-1 zone.
- A demolition permit is obtained prior to the removal of the maintenance building and ski shack.
- Requirements of the Weber County Building Inspection Division
- Requirements and recommendations of the Weber Fire District
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department

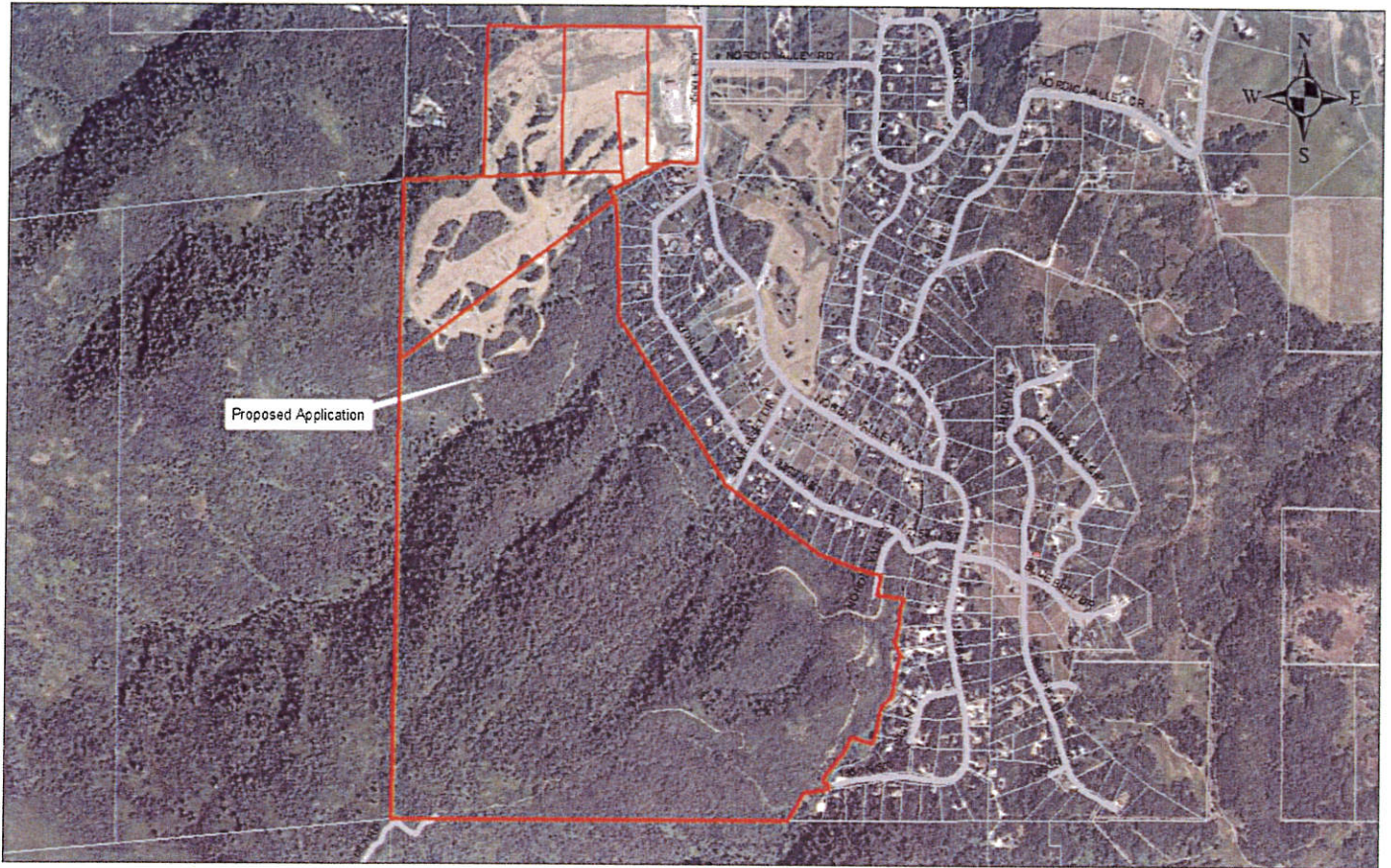
### **Staff Recommendation**

Staff recommends approval of the Conditional Use Permit request for the placement of temporary sheds and temporary storage units, the removal of a maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas located and operated at the Nordic Valley Ski Resort. This recommendation for approval is subject to all review agency requirements and other conditions of approval as listed in the section above.

### **Exhibits**

- A. Site Plan
- B. Temporary Shed/Storage Unit Photos
- C. Building Elevation
- D. Stage Platform Area Plan
- E. Proposed Future Expansion Site Plan

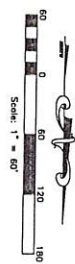
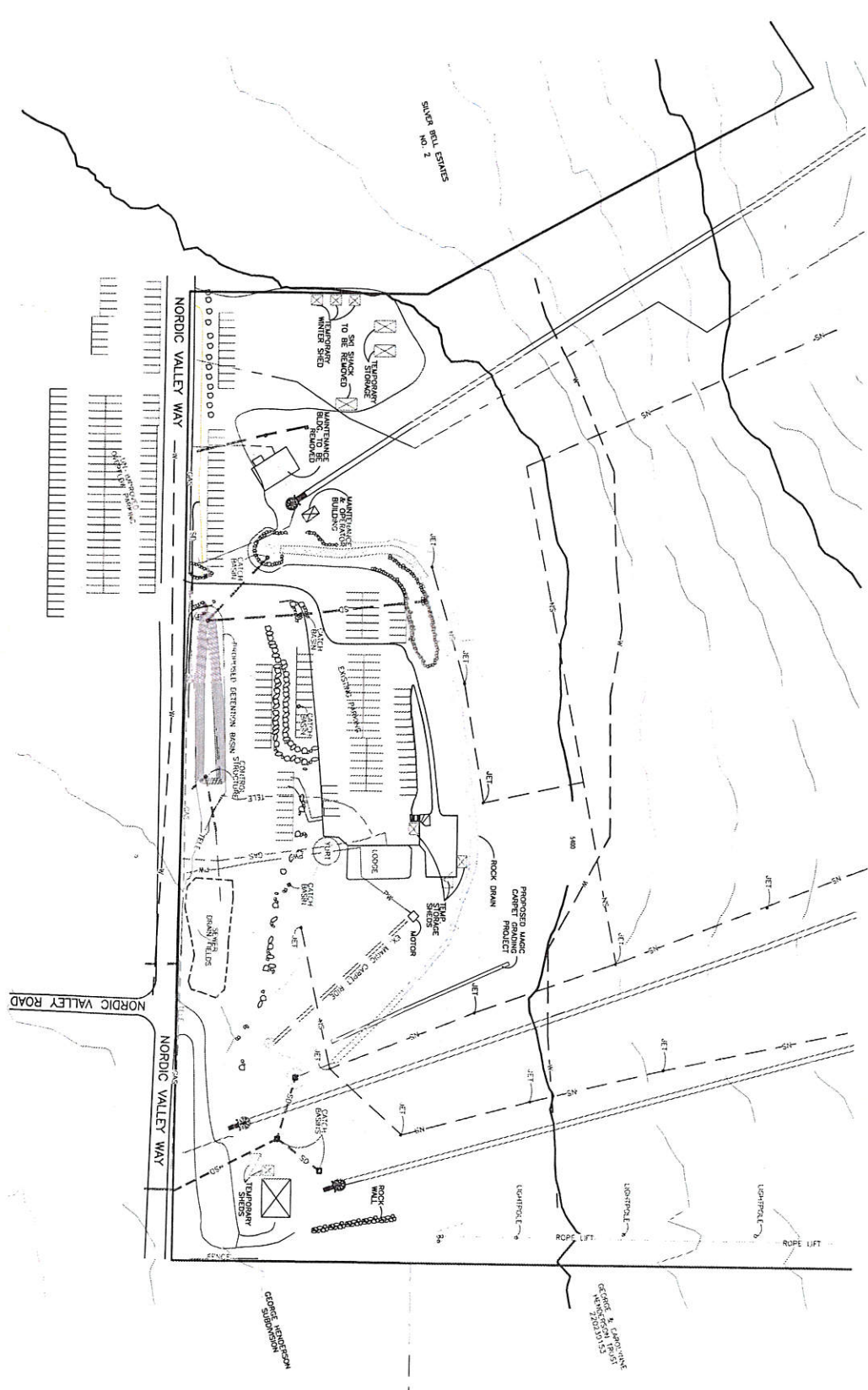
Map 1







# Exhibit A-Site Plan



<b>Project Info</b>	
Site Name:	NORDIC VALLEY
Client:	WEBER COUNTY, UTAH
Design:	REEVE & ASSOCIATES, INC.
Drawn:	F. BOCHER
Check:	J. BOCHER
Scale:	1" = 60'
Sheet:	2
Number:	2

## NORDIC VALLEY

WEBER COUNTY, UTAH

### EXISTING FEATURES EXHIBIT

REVISIONS	DATE

**Reeve & Associates, Inc.**  
 2000 CHURCH STREET SUITE 100  
 SALT LAKE CITY, UTAH 84143  
 PHONE: (801) 467-2000 FAX: (801) 467-2001  
 WWW: WWW.REEVE-ASSOCIATES.COM  
 ARCHITECTS • ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS



Exhibit B- Exterior Design for Temporary Sheds



10' x 14' Lofted shed

RECEIVED  
JUN 18 2014  
BY: \_\_\_\_\_

13'5" Height



Exhibit B- Exterior Design for Temporary Storage Units



11' x 28' Utility shed

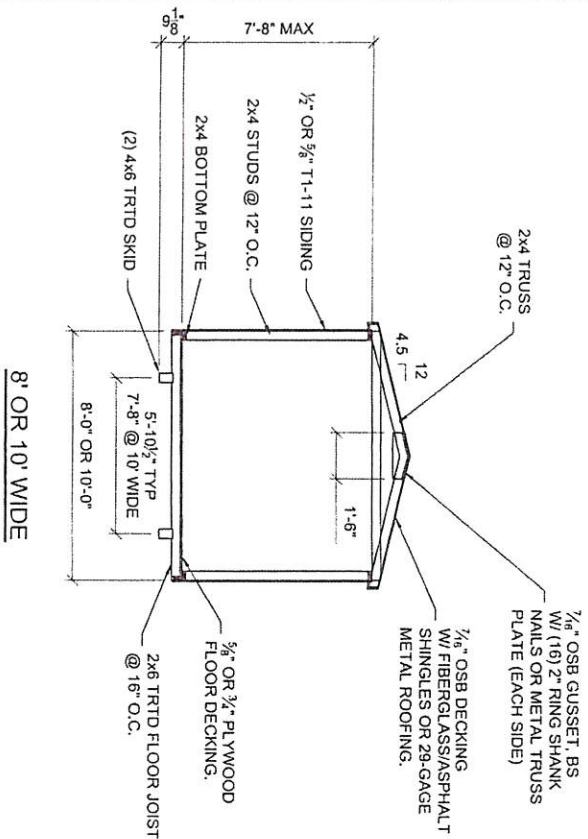
RECEIVED  
JUN 18 2014  
BY: \_\_\_\_\_

10-311  
Hargrave

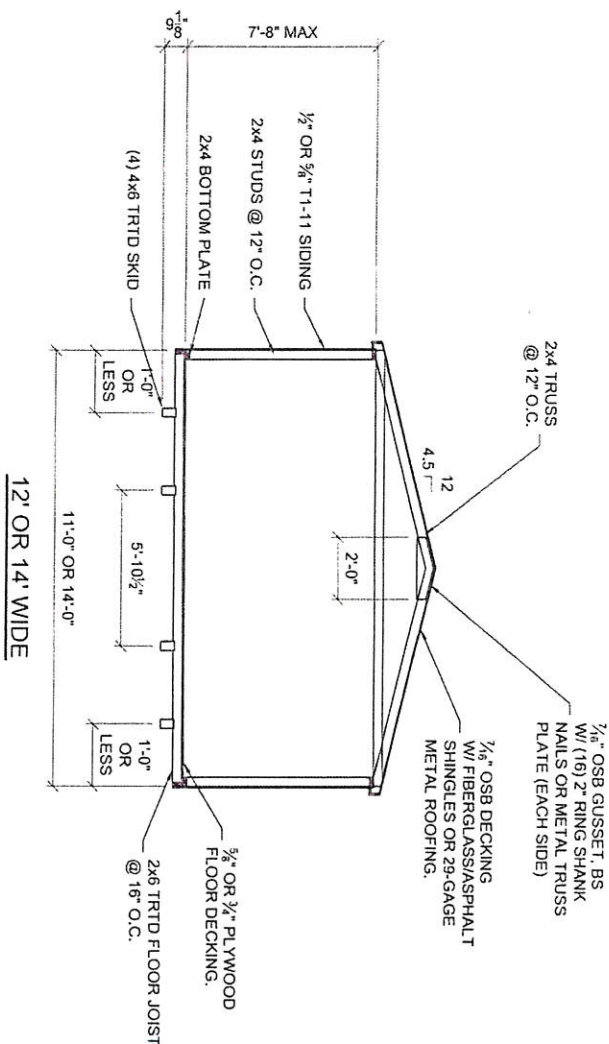




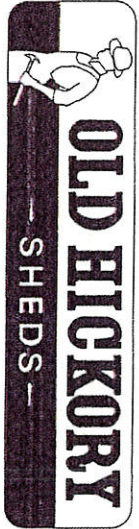
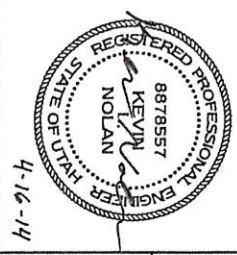
# Exhibit C-Building Elevations



BUILDING SECTION



# UTILITY BLDG--UTAH--SNOW=60PSF--IBC 2012

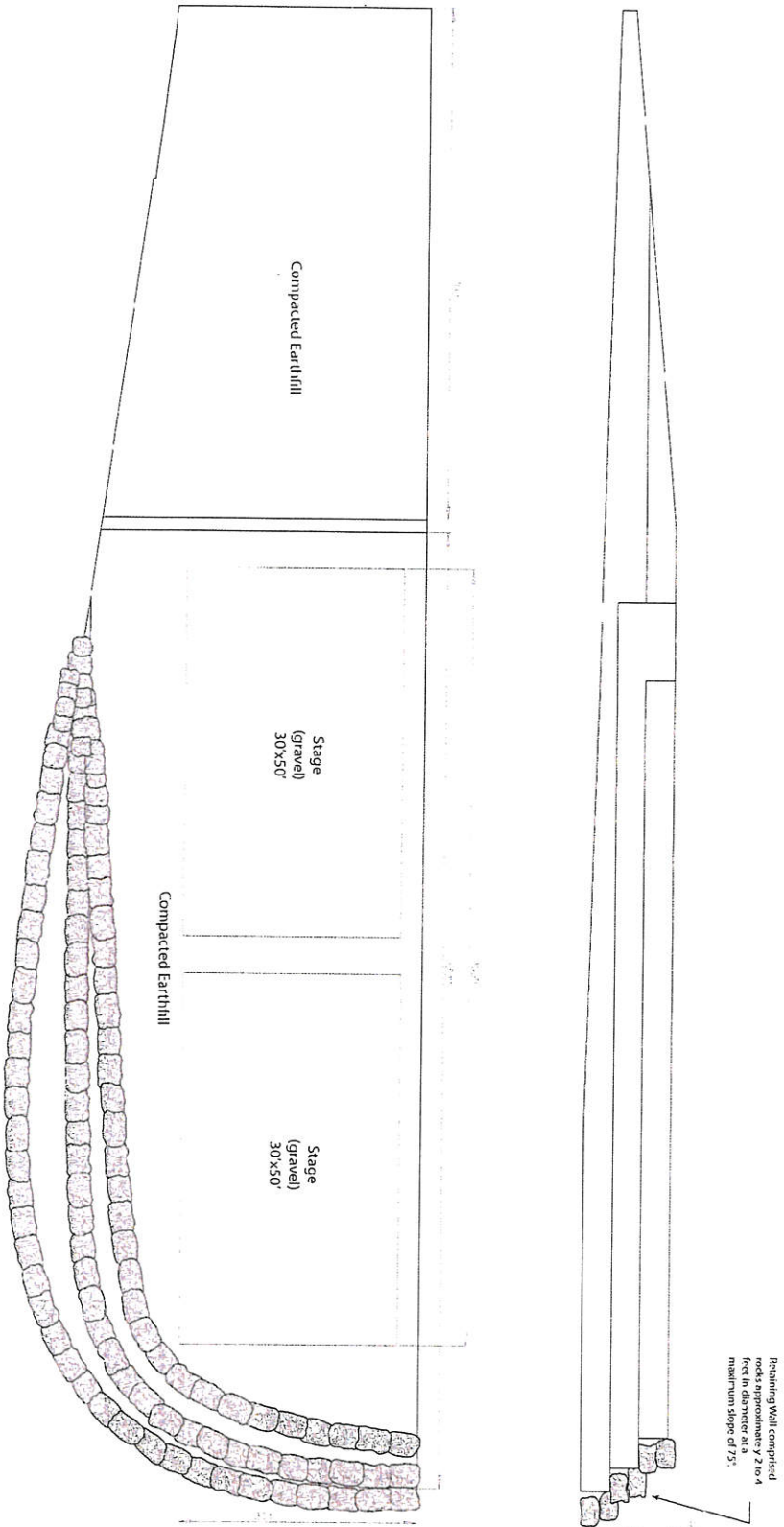


PROJECT NO.:	
DATE:	04-16-2014
DRAWN BY:	KLN
CHECKED BY:	KLN
REVISION:	

SHEET NUMBER  
**S-3-UB-UT**  
SCALE: NOT TO SCALE



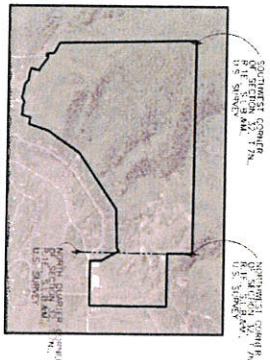
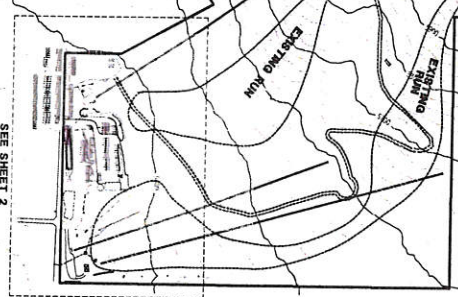
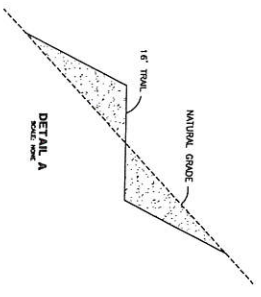
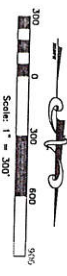
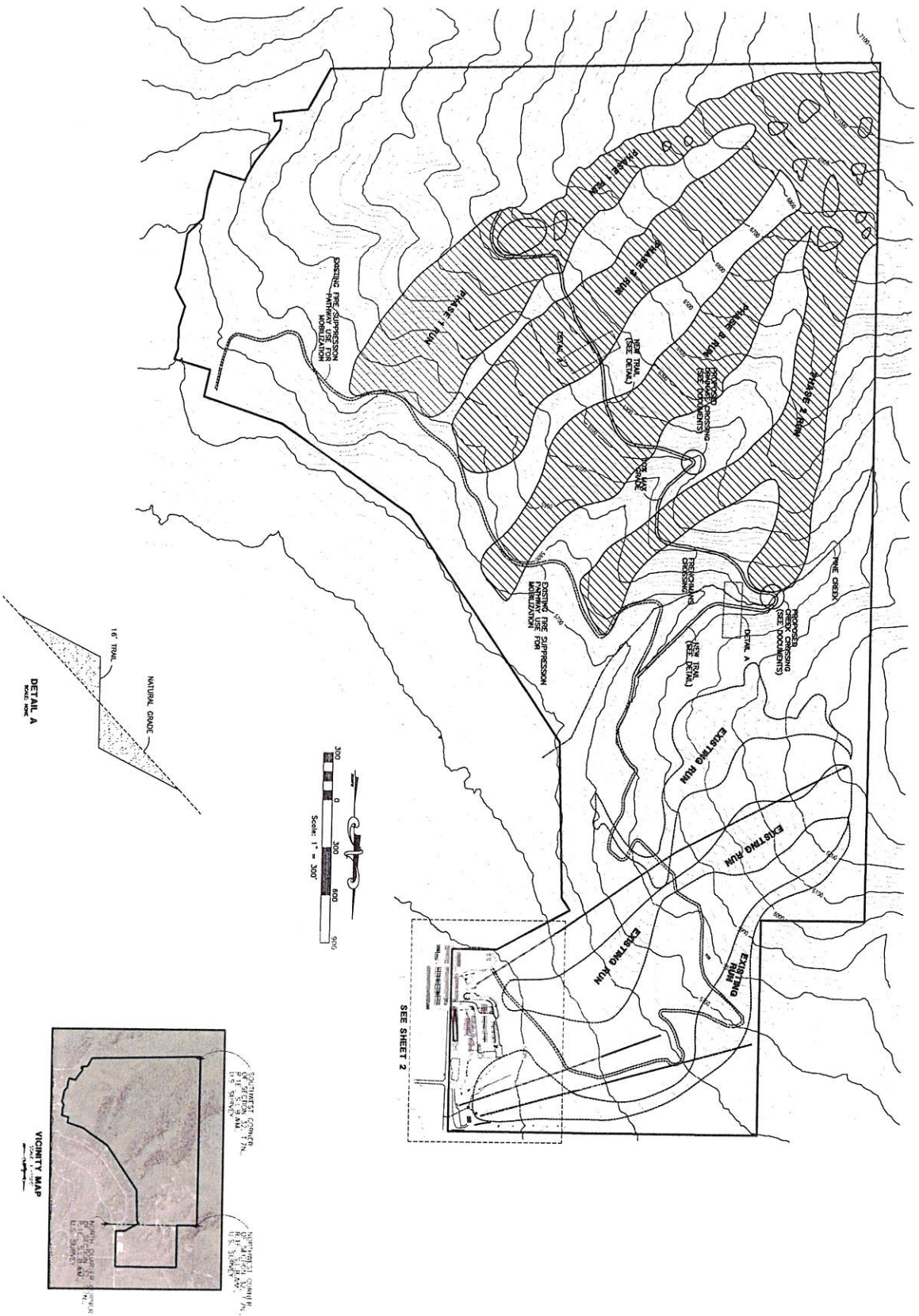
# Exhibit D-Stage Platform Area



- Notes:
1. Earthfill has a max. of 30% organic material, 2" to 4" in diameter in front of 1.8' height or a maximum of 25% in front with no bedrock & boulders resulting in the best for each wall.
  2. The critical dimensions are the footprint of usable space on the top layer. Please refer to the notes for 2.00.50 stage platform.



# Exhibit E- Proposed Future Expansion



<b>Project Info</b>	
Site:	NORDIC VALLEY
Client:	REED & ASSOCIATES, INC.
Design:	E. BRODIE
Drawn:	DAVID L. WALKER
Checked:	DAVID L. WALKER
Scale:	1" = 300'
Number:	4401-01
Sheet:	2
1	Sheets

**NORDIC VALLEY**  
WEBER COUNTY, UTAH

**NEW EXPANSION EXHIBIT**

DATE	REVISIONS





# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Conditional Use Permit for a Digis Internet Wireless Transmission Site located on vacant property identified as Parcel # 20-036-0042  
**Agenda Date:** Tuesday, September 23, 2014  
**Applicant:** Valley Enterprise Investment Co., LLC  
**Authorized Agent:** Dennis Watt  
**File Number:** CUP2014-23

### Property Information

**Approximate Address:** 6700 East Via Cortina, Eden  
**Project Area:** 600 sq ft  
**Zoning:** FV-3  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Internet Wireless Transmission Site  
**Parcel ID:** 20-036-0042  
**Township, Range, Section:** T6N, R1E, SEC 24

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential/Forest
<b>East:</b> Residential/Forest	<b>West:</b> Residential

### Staff Information

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

## Applicable Ordinances

- Title 104, Chapter 14, Forest Valley (FV-3) Zone
- Title 108, Chapter 1, Design Review
- Title 108, Chapter 2, Ogden Valley Architectural, Landscape and Screening Standards
- Title 108, Chapter 4, Conditional Uses
- Title 108, Chapter 7, Supplementary and Qualifying Regulations
- Title 108, Chapter 10, Public Buildings and Public Utility Substations and Structures

## Background

The applicant is requesting approval of a conditional use permit for a Digis Wireless Internet Transmission Site. Digis previously received approval for a similar site to be located atop a water tank within The Legends at Hawkins Creek Subdivision in 2011. The applicant would now like to assist Digis in the relocation of the transmission site to a new location bordering the Summit at Ski Lake and The Legends at Hawkins Creek subdivisions (see Exhibit A).

The proposed site is a small area of a larger parcel located in the FV-3 Zone and is being considered as a "Public Utility Substation" as conditionally allowed in the Weber County Land Use Code (WCLUC) §104-14-3(13). The proposed transmission site will be located on top of a small hill adjacent to the Lakeview Water Corp storage tanks. The location was chosen because it is high above the valley floor and provides adequate visual line of site, which is required for the wireless transmission to work properly. This site will allow Digis to provide better wireless internet service to its customers in the Ogden Valley. The applicant is currently working on a lease agreement for the access to and location of the transmission site with the Digis representatives.

The proposal has been evaluated in two stages, a temporary site and a permanent site. The first stage is temporary in nature to facilitate the generation of solar power for the transmission site. In evaluating this stage of the proposal, staff feels that the solar power panels are allowed as per WCLUC §108-7-27(a) which states:

*“Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.”*

The temporary site will be 600 square feet to make allowance for the placement of six solar panels, a 6' X 6' Tuff Shed, and a 10' transmission steel frame tower with six antenna panels with radios attached, two transmission dishes, a control cabinet, and one non-penetrating ballast mount. The applicant will be required to obtain a building permit for the installation of the tower as required in WCLUC §108-7-12(d) as well as for the solar panel installation.

Once the applicant is able to establish long term electrical power at the site, the solar panels and Tuff Shed will be removed and the second stage of the site will be completed. The final transmission site will be 100 square feet. Both the temporary site and the permanent site will need to adhere to the required setbacks per the FV-3 Zone of 30' front yard and 20' side yard. The rear yard can be setback as close as 20' to the rear lot line as allowed in the Public Buildings and Public Utility Section of the Weber County Land Use Code (see §108-10-3(3)). The minimum lot area is waived as part of the Public Buildings and Public Utility Section of the Weber County Land Use Code (see §108-10-2). The overall height of the proposed tower is 12.5' as measured from the existing ground to the top of the mounted panels (see Exhibit B).

The project site is surrounded by sagebrush. The applicant has proposed to camouflage the equipment to match the surrounding area (see Exhibit C). The Planning Commission may find that additional screening may be necessary due to the mechanical equipment as required in WCLUC §108-2-7(e) to preserve the rural, mountainous landscape that exists in the Ogden Valley.

Additional landscaping, screening, signage and lighting details have not been provided as part of this proposal (see Exhibit D). In the event that is determined that landscaping, screening, signage and exterior lighting are needed; the applicant will be required to amend this site plan, if approved.

The Weber County Engineering Division has had the opportunity to review the application and has no concerns with the project.

The Weber Fire District has reviewed the proposal and has responded with a requirement of the placement of a 2a10bc rated fire extinguisher inside the equipment shed.

## Summary of Planning Commission Considerations

Weber County Land Use Code (WCLUC) §108-4-4 states:

*“Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:*

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.”*

The Planning Commission may impose conditions in order to bring the project site into full compliance with the required landscaping standards as outlined in WCLUC §108-1 (Design Review) and §108-2 (Ogden Valley Architectural Standards). In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the architectural detail standards required by WCLUC §108-1 & §108-2? If no, then what conditions/architectural details could be added in order to comply?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

Staff feels, after reviewing this conditional use request, that the criteria listed above have been met in the following ways:

1. The FV-3 Zone allows a “Public Utility Substation” as a conditional use and the site meets all setback and height regulations.
2. The “Solar Energy System” is allowed as an accessory use to the “Public Utility Substation”.
3. The access and location can be established through a lease agreement between the applicant and Digis.



4. The site is remote so the transmission site will have minimal negative impacts from noise, dust, vibration, etc. There are no lights associated with this site and the overall tower shall not exceed 12.5 feet in height. In addition, the white transmission dishes will be painted camouflage to further disguise the site.
5. Based on the remoteness of the site, additional landscaping requirements may not be feasible.

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 requirements listed in WCLUC §108-4 under "Criteria for Issuance of Conditional Use Permit". The Planning Commission needs to determine if the request for the placement of a Wireless Internet Transmission Site meets the requirements of the applicable Weber County Land Use Codes.

Staff is recommending approval based on the findings and conditions of approval listed below:

1. The proposed use will provide better wireless internet service to the residents of the Ogden Valley.
2. The proposed use of solar energy is allowed as an accessory use to a principle use.
3. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
4. The proposed use will not be detrimental to the public health, safety, or welfare.
5. The proposed use, if conditions are imposed, will comply with applicable ordinances.
6. The proposed use conforms to the Ogden Valley General Plan.

### **Conformance to the General Plan**

With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

### **Conditions of Approval**

- The setbacks and height requirements of the FV-3 Zone are adhered to with the exception of the rear setback line being reduce to 20' as per WCLUC §108-10-3.
- Prior to commencement of work, a building permit for the placement of the tower and solar panels is obtained.
- A lease agreement enabling access to and location of the site is provided to Weber County prior to the placement of the improvements on the site.
- The transmission dishes are painted camouflage to further disguise the site.
- A 2a10bc rated fire extinguisher is installed inside the equipment shed as required by the Weber Fire District.
- Requirements of the Weber County Planning Division.
- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Building Inspection Division.
- Requirements of the Weber Fire District.

### **Staff Recommendation**

Staff recommends approval of the Conditional Use Permit request for a Digis Internet Wireless Transmission Site located on vacant property identified as Parcel # 20-036-0042. This recommendation for approval is subject to all review agency requirements and other conditions of approval as listed in the section above.

### **Exhibits**

- A. Digis Site Plan
- B. Transmission site detail
- C. Pictures of similar tower, solar panels and shed
- D. Applicants response to landscaping requirements

Map 1





Map 2

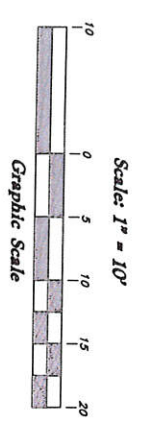
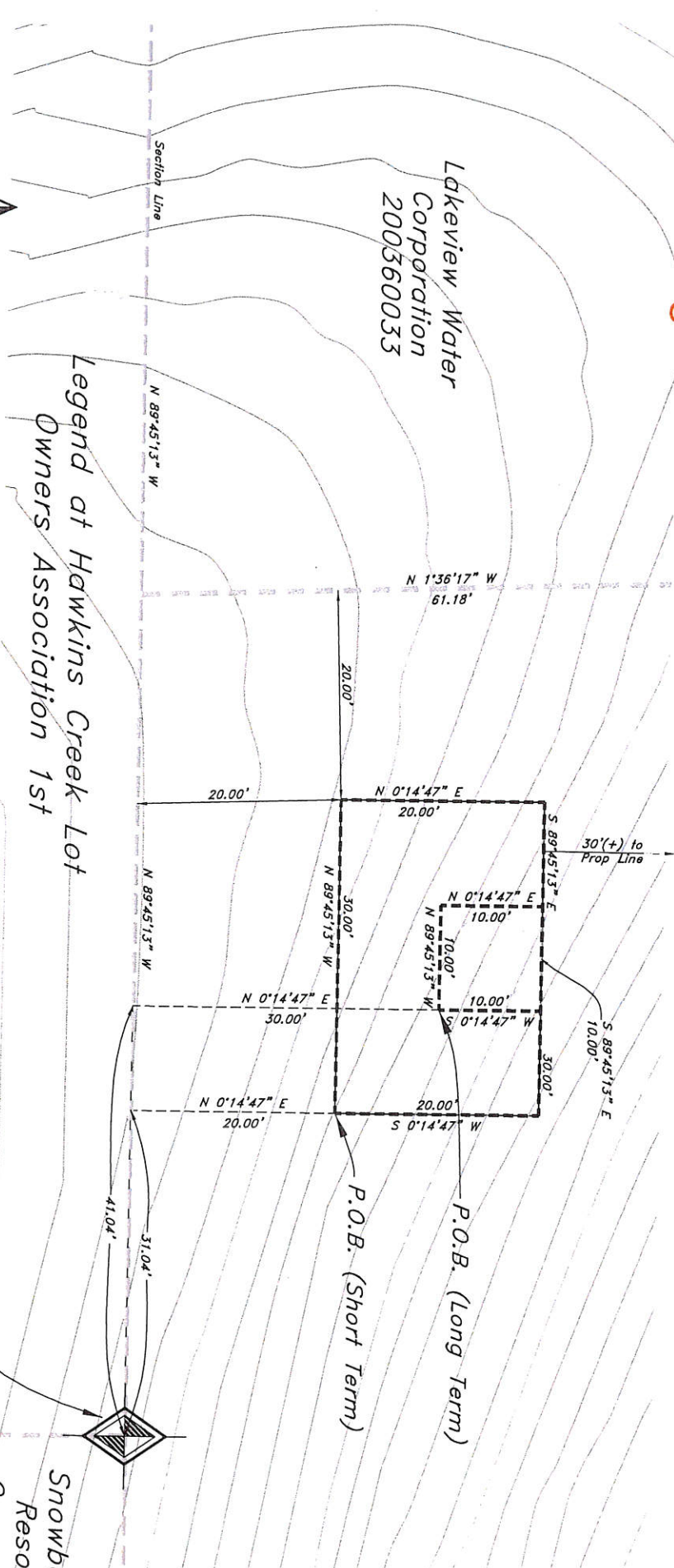








# Exhibit A - Digis Site Plan



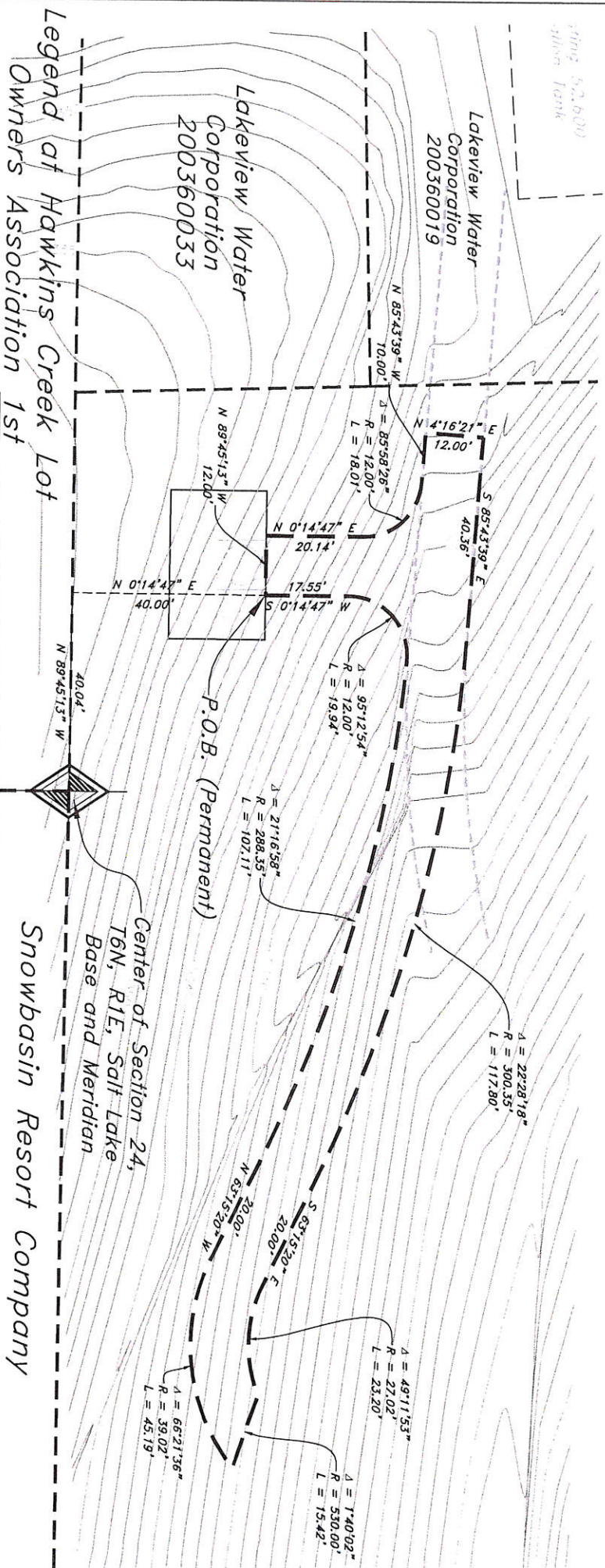
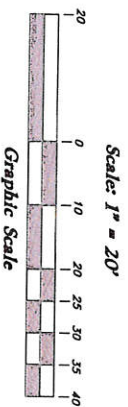
Legend at Hawkins Creek Lot  
Owners Association 1st

Center of Section 24,  
T6N, R1E, Salt Lake  
Base and Meridian

Snowbasin  
Resort  
Company

<h2>Digis Site - Short Term and Long Term Pad Leases</h2>		<h3>The Summit at Ski Lake</h3>	
<p><b>GREAT BASIN ENGINEERING NORTH</b> CONSULTING ENGINEERS AND SURVEYORS 5746 South 1475 East - Suite 200 Ogden, Utah 84403 P.O. Box 150046, Ogden, Utah 84415 Ogden (801)324-4515 Salt Lake City (801)521-0222 Fax (801)322-7544</p>		<p>A part of the Southwest 1/4 of Section 13, a part of the Northeast 1/4 of Section 23, and a part of the Northwest 1/4 of Section 24, T6N, R1E, SLB&amp;M, U.S. Survey</p>	
SCALE :	1" = 10'	DATE :	9-4-2014
DRAWN :	RB	REVISIONS :	
	IIN224	DRWG. NO.	

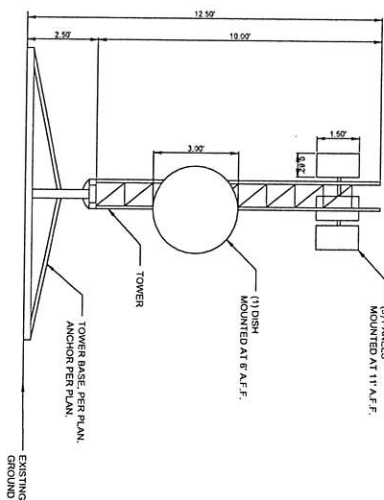
# Exhibit A- Digis Site Plan



<b>Digis Site - Permanent Access Easement</b>		<b>The Summit at Ski Lake</b>	
GREAT BASIN ENGINEERING NORTH CONSULTING ENGINEERS AND SURVEYORS 5746 South 1475 East - Suite 200 Ogden, Utah 84403 P.O. Box 150046, Ogden, Utah 84415 Ogden (801)384-6515 Salt Lake City (801)521-0222 Fax (801)382-7544		SCALE : 1" = 10' DRAWN : RB IIN224	DATE : 9-4-2014 REVISIONS : DRWG. NO. 1
A part of the Southwest 1/4 of Section 13, a part of the Northeast 1/4 of Section 23, and a part of the Northwest 1/4 of Section 24, T6N, R1E, SLB&M, U.S. Survey			



# Exhibit B- Transmission Site Details

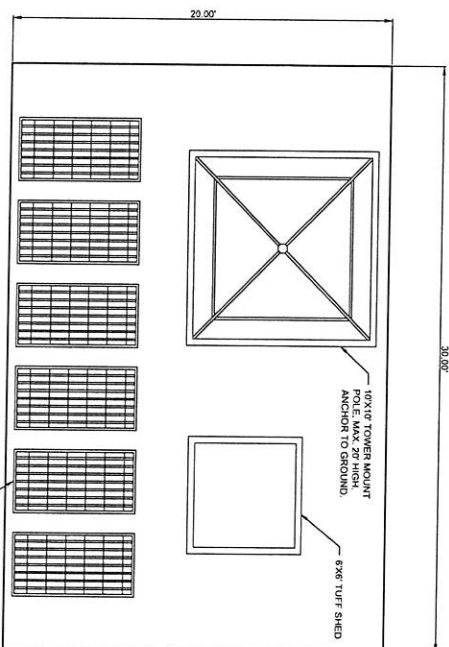


**PROCESS:**

- PLACE WEED MATS ON GROUND SPACE
- PLACE GRAVEL, ROCK 3" DEEP ON WEED MATS
- PLACE TOWER MOUNT ON GRAVEL, ROCK
- PLACE 20" MASONRY BLOCKS ON BASE OF TOWER MOUNT
- PLACE TUFF SHED ON GRAVEL, ROCK
- PLACE SOLAR PANELS ON PRE-MADE ANGLE IRON MOUNT
- PLACE EQUIPMENT ON TOWER MOUNT

**NOTES:**

- SOLAR POWER WILL GO TO SOLAR CONTROLLER IN TUFF SHED
- SOLAR CONTROLLER WILL OUTPUT 24V DC TO EQUIPMENT
- SELF CONTAINED ELECTRICAL POWER - NO ELECTRICAL METER
- NO DIGGING - NO TRENCHING
- TOWER MOUNT REQUIRES NO FOUNDATION
- THIS IS NOT A CELL TOWER



**WARNING**  
IF THIS BAR DOES NOT  
DRAWING IS NOT TO SCALE

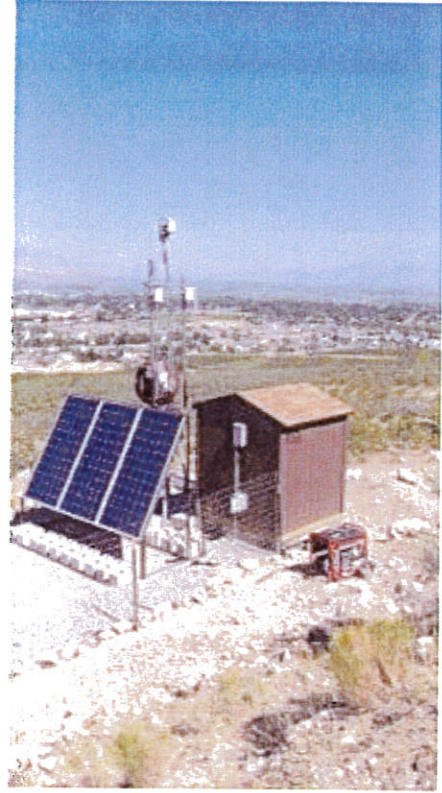
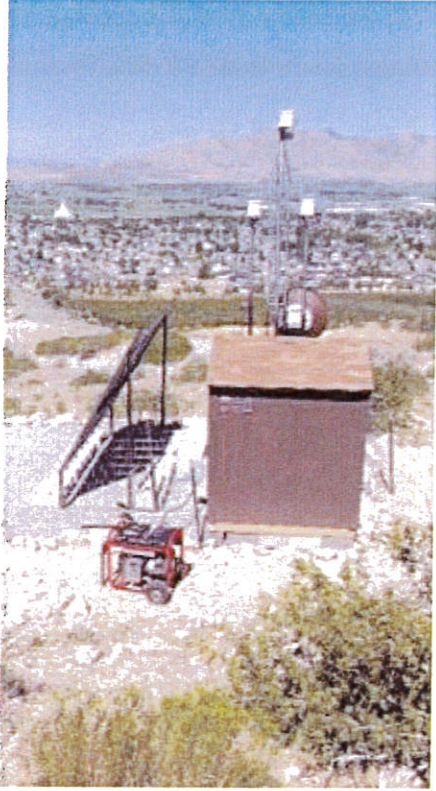
**HORROCKS**  
ENGINEERS

2182 West Grove Parkway  
Suite 400  
Eden, Utah 84402  
(801) 763-5199

DIGIS EDEN SITE DETAIL

EDEN, WEBER COUNTY, UTAH

Exhibit C-Pictures of Similar Tower, Solar Panels and Shed





## Exhibit D- Applicant's response to landscaping requirements

### Landscaping Detail – Digis Site

This site is in the sage brush. There will be no water available to this site to maintain any landscape.

The site will be leveled out and gravel placed on the ground to help with erosion.

The dishes and antennas will be painted with camouflage colors to match the surrounding terrain.