

OGDEN VALLEY PLANNING COMMISSION

PLANNING MEETING AGENDA

September 25, 2018
5:00 p.m.

*Pledge of Allegiance
Roll Call*

1. Minutes: Approval of the June 05, 2018, June 27, 2018, July 17, 2018, August 07, 2018, and August 28, 2018 Meeting Minutes

2. Petitions, Applications and Public Hearings
- 2.1. Administrative Items
 - a. New Business
 1. CUP# 2018-09: Consideration and action on a conditional use permit application for a private recreational facility in the Forest 40 (F-40) Zone; located at approximately 4798 N Middle Fork Drive, Huntsville. (Prometheus Utah Land Holdings LLC, Applicant; Carson Jones, Agent)

3. Public Comment for Items not on the Agenda:
4. Remarks from Planning Commissioners:
5. Planning Director Report:
6. Remarks from Legal Counsel:
7. Adjournment:

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. to discuss agenda items. No decisions are made in this meeting.



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit application for a private recreational facility located at approximately 4798 N Middle Fork Drive, Huntsville.

Type of Decision: Administrative

Agenda Date: Tuesday, September 25, 2018

Applicant: Prometheus Utah Land Holdings LLC

Authorized Agent: Carson Jones

File Number: CUP# 2018-09

Property Information

Approximate Address: 4798 N Middle Fork Dr

Project Area: 86 acres

Zoning: F-40

Existing Land Use: Vacant Forest

Proposed Land Use: Private Recreational Facility

Parcel ID: 23-012-0095, 0087, 23-013-0213

Township, Range, Section: Township 7 North, Range 2 East, Section 13

Adjacent Land Use

North:	Forest	South:	Forest
East:	Forest	West:	Forest

Staff Information

Report Presenter: **Steve Burton**
 sburton@co.weber.ut.us
 801-399-8766

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 9, Forest Zones F-5, F-10, and F-40
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7, Supplementary and Qualifying Regulations, Fencing Requirements
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

The applicant is requesting approval of a conditional use permit for a private recreational facility located at approximately 4798 N Middle Fork Drive, Huntsville. The applicant anticipates no more than 15 people on the site during use, which will be no more than 30 nonconsecutive days out of the calendar year. The recreational facility will include mountain bike/motorcycle trails and snowmobiling paths. Shooting areas are shown on the site, including a shot gun range, rifle range, and pistol range as indicated on the site plan (Exhibit B). Although the applicant has included these ranges on the site plan, Utah Code (53-5a-102) states the following regarding local authority regulation of firearms:

Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.

The proposed use under review is a recreational facility including mountain bike/motorcycle trails and snowmobiling paths. Conditional use permits should be approved as long as any harmful impacts are mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, in compliance with the recommended conditions, appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located within the Forest (F-40) Zone. Private recreation grounds are a conditional use in the F-40 zone. The purpose of the Forest Zone can be further described in LUC §104-9-1 as follows:

- (a) *The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.*
- (b) *The objectives in establishing the forest zones are:*
 - (1) *To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;*
 - (2) *To reduce the hazards of flood and fire;*
 - (3) *To prevent sanitation and pollution problems and protect the watershed;*
 - (4) *To provide areas for private and public recreation and recreation resorts; and*
 - (5) *To provide areas for homes, summer homes, and summer camp sites.*

The F-40 Zone has specific standards identified in the LUC §104-9-4 that shall be met as part of the development process. The applicable standards are as follows:

- Minimum yard setbacks:
 - Front: 75'
 - Side: 40'
 - Rear: 30'
- Minimum lot area: 40 acres
- Minimum lot width: 660 ft
- Building height:
 - Maximum: 35'

Although there are no buildings or structures other than a future cabin site on the site plan, any future buildings intended to be accessory to the recreation grounds will be required to meet the zoning setbacks, and any other setbacks required by the land use code.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The following is an analysis of the application reviewed against the applicable conditional use standards:

- **Standards relating to safety for persons and property:** The applicant shall provide the proper safety training and equipment to mitigate any injury or loss of life. The applicant shall contact the fire district prior to use of the site on high fire hazard days to mitigate property damage hazards.
- **Standards relating to infrastructure, amenities, and services:** The proposed recreational site will not include any infrastructure or use that will materially degrade any services in the area. The facility will be used no more than 30 nonconsecutive days out of the calendar year by no more than 15 people at a time.
- **Standards relating to the environment:** A condition of approval has been added to the staff recommendation regarding possible degradation of the environment. The condition is that the applicant contact the fire district prior to use of the site on high fire hazard days.
- **Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan:** With the exception of the berming, the site will remain undeveloped, conforming to the characteristics of surrounding area.

Design Review: The proposed use requires a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The applicant has indicated that no more than 15 people will be on the site at any given time and anticipates the site being occupied a total of 30 nonconsecutive days out of the calendar year. A 10,000 square foot parking area is shown in the site plan to provide adequate parking to the facility. The parking area is approximately 142 feet from Middle Fork Drive. Traffic safety concerns and congestion are not anticipated.
- *Considerations relating to landscaping.* The site currently maintains the required 20 % landscaping with deciduous trees and other natural landscaping.
- *Considerations relating to buildings and site layout.* The site will remain undeveloped, except for an existing chain link fence and the berming associated with the shooting areas. Construction of any future buildings will be required to obtain a land use/ building permit prior to construction.
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: The Fire District has given an approval of the project, as long as the applicant observes red flag warning days and does not use the facility on those days. A condition has been made part of the Planning Division's recommendations to ensure that all conditions of the review agencies will be met.

Summary of Planning Commission Considerations

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

a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Planning Commission will need to determine if the request for a recreational facility has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

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

Staff Recommendation

The Planning Division recommends approval of file# CUP 2018-09, a conditional use permit application for a recreational facility located at 4798 N Middle Fork Drive, Huntsville. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The applicant must obtain a land use or building permit prior to construction of any future structures.
2. On high fire hazard days, as determined by the Weber County Fire District, the applicant shall contact the fire district prior to use of the site.

3. The proposed site is located on property that is not a legally created lot. The applicant will be required to undergo the subdivision process to make the parcels legal before a conditional use permit will be issued.
4. The applicant shall provide the proper safety training and equipment to mitigate any injury or loss of life.

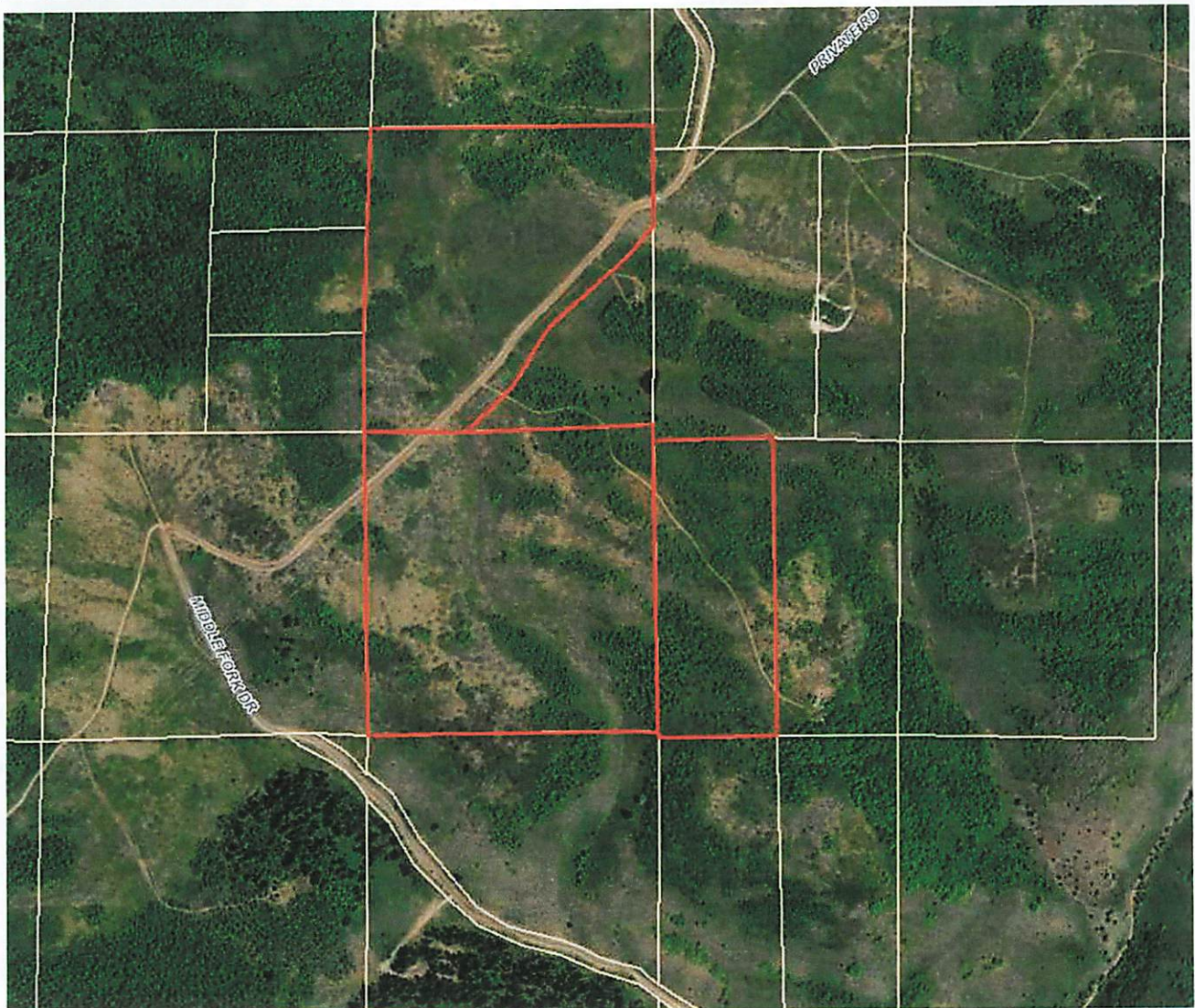
This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare.
3. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
4. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application and narrative
- B. Site Plan

Map 1



Brief History of 30 Acre Property: As Concerning Current Owner

The owner purchased this property to have a place to relax and unwind. His intended use of the land consists of the installation of a mountain bike/motorcycle trail, snowmobiling paths and private shooting area as well as is to build an all-season shelter to provide protection from the heat and cold.

The buyer's agent came into the county prior to the purchase of the property to verify that these were appropriate uses and that it was acceptable to discharge firearms on the property to be purchased. He was told at that time that these uses were acceptable if the property owner does not profit or use the land as a business.

Current Project Narrative

Applicant wishes to add an additional 56 acres to the existing 30 to create a combined 86-acre parcel. The applicant also wished to have the ability to discharge firearms for target practice in addition to the current limit of skeet/trap shooting.

The property owner will have berms built of sufficient size as to minimize the sound coming from the property. These berms will also protect from any shots going off-property. The owner will also install a 6' tall perimeter fence to ensure no inadvertent travel onto the property and across a shooting path. There are currently several tree clusters that also minimize noise to the surrounding properties and the applicant is open to discuss the possible placement of additional trees for sound barriers.

The closest cabin site to this property is 2500' away and 200' lower in elevation. In total, there are six camping sites that range from 1500' to 4500' away from the property.

This 86-acre parcel is a vacation property with shooting/target practice only one of the activities offered and would be done infrequently. However, the applicant would consider an hours of operation agreement for shooting that would consist of firearm noise only during daylight hours. / OR 10:00 AM - 5:00 PM
Every Day of the week. Anticipated use should be no more than 30 non-consecutive Days of the year.



