Minutes of the Ogden Valley Planning Commission Regular meeting October 23, 2018 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; John Howell, Shanna Francis, Chris Hogge, Robert Wood, Steven Waldrip

**Absent/Excused:** John Lewis

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Ronda Kippen, Principal Planner;

Courtlan Erickson,Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call***

Chair Taylor asked if there were any conflict of interest or any ex parte communication. There were none.

**1. Minutes:** Approval of the July 17, 2018, August 07, 2018, and August 28, 2018, and September 25, 2018

Meeting Minutes

Chair Taylor approved the minutes with the noted corrections that were made.

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

**2.1. Administrative Items**

**a. New Business**

**1. CUP 2018-02: Consideration and action for a conditional use amendment for a temporary park and ride lot in Eden, located in the Commercial Valley-2 (CV-2) Zone, to provide free shuttle service to Powder Mountain Ski Resort (Terry Phillips Properties, LLC, applicant; Anne Winston (SMGH, LLC) agent)**

Director Grover said this is an administrative item; Ms. Kippen will be introducing this item, and then Ann Winston will be presenting what they are wanting to do, and then Ms. Kippen will follow up with staff’s recommendations.

Ronda Kippen said this is conditional use amendment for a temporary park and ride in Eden. Historically this has been known as the Park and Ride for Powder Mountain Ski Resort; that has been in operation since 2008. This has been located in the CV-2 Zone, and we recently amended the ZDA for this property to allow for temporary parking on this site. It is in compliance with all the county ordinances and zoning development agreement. There are two corrections in the staff report; the first one is that on the original proposal that the shuttle was a free, and that is not correct. Another point that needs to be corrected; the Park and Right is open from 7:30 am to 9:30 pm. On the original CUP the intent to have an attendant onsite; that is no longer Summit’s intent. Planning Staff recommends approval for a temporary park and ride for free parking for up to 100 cars; and shuttle for the Powder Mountain Ski Resort.

Anne Winston, representing Powder Mountain Group, said we have an annual lease agreement that has been renewed with the original owner of the property, and we’ve finalized the terms of that agreement today. It will be effective as of November 1st through the following year; it complies with the provisions of the CUP.

Anne Winston said with the buffer, the Evergreen would be a year around buffer. The other thing is this is ultimately a temporary solution; and we were trying to find a balance between having a visual buffer, and not having to a thing that would be permanent in nature that couldn’t be contained easily. This could be in terms of expense, permits, and visual effect is what we ultimately agreed with staff to be the best option.

Ronda Kippen said the 8 trees came from the site plan that was approved with the ZDA that was shown. Prior to issuing the actual CUP; I will have the designer revise the landscape plan to reflect the 8 Evergreen trees which is in compliance with the site plan, and the same parking lot layout will just have the Evergreen in there. The parking lot layout must maintain 3-inch minus gravel, to be topped with road base impacted. It must be done in a manner to keep material on site and not onto the roads.

Chair Taylor opened up for Public Comment

Miranda Menzies, 3807 N Elkridge Trail in Eden, said I would like to speak in favor of this. I have spoken with Mr. Terry and would like to add some information pertain to Weber Pathways. Being a board member, this is an unofficial communication; and Mr. Terry has been in communication concerning with the Valley Market, and when we do the paving on the trails that goes up to Wolf Creek. We are going to be paving from this parking lot; there is a considerable amount of paving that’s been done to bring it toward the State Road 158. It will be added along the front of valley market and once the tearing up of the Maverik is finished. I would like to request of Mr. Ewert, a plan to put striped crossings between Valley Market, Maverik, State 158; so the pedestrian access from the shuttle lot to the trail system. I would like for the county to consider when the paving is done; when the kids come from Snow Crest School can walk along a finished paved trail. They can use the zebra crossing to get across to Maverik; and they can use the zebra crossing to get to the trail going off to Wolf Creek going home on their bikes. I would like to request on this landscape plan a requirement that they put something down between the eight the drought resistant evergreen so that it looks like something other than weed.

Chair Taylor closed up to public comment

Chair Taylor ask Ms. Kippen to respond pedestrian access from Snow Crest School to cross into Maverik. Ms. Kippen deferred to the Director. Director Grover replied this has already been approved with Maverik; and we are working with Maverik right now with the intersection crossing, and that will be addressed. As far as weed control, we do not have anything in our code at the present time, but as far as maintenance purposes, you may want to include that with the recommendation that it be maintained in an attractive manner, and that would be something that we could enforce. We are creating something now between Snow Crest and Maverik; but then it will be done with Weber Pathways, and that is not something that we can impose on that because the scale of the development.

Commissioner Francis asked what is the relationship if there is a state law; and the state law being enforced since this thistle would be state nuisance. Director Grover replied that is something we can take care of. We can encourage, we can educate, and we can also bring the state into it.

**MOTION:** Commissioner Waldrip approve CUP 2018-02 consideration and action for a conditional use amendment for a temporary park and ride lot in Eden. Based on the findings in the staff report subject to staff’s recommendation with two additions that the 8 drought resistant Evergreen trees be maintained in good condition as condition of the CUP. Also, that all state and county ordinances regarding noxious weeds be observed on the property; as well as property being maintained in good and reasonable condition, and there will be no free shuttle service as a condition of the CUP. That can certainly be added later, and there is no requirement for a Parking Lot Attendant. Commissioner Wood Seconded. A vote was taken with Commissioners Howell, Francis, Hogge, Waldrip, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

**2.2. Legislative Items**

**a. New Business**

**1. ZDA 2018-05: Consideration and action on GP 2018-06, a request to amend the Ogden Valley General Plan related to forest firefighting management of roadless areas on Forest Service Lands.**

Charlie Ewert said the request before us and this was talked about at our last work session; the state has asked us to take a look at our roadless areas that the Forest Service owns, and consider helping them categorize the treatment of those areas. They have given 4 categories: Primitive Areas, Forest Restoration, Forest Stewardship and Boundary Adjustment, and Re-Inventory. In your staff report I have attached Exhibit A, the draft for this rule petition that the state has currently put together. The state is going to categorize the way they see fit; they do want to cooperate and coordinate with the locals, and find out how the locals would like to see them. 1. Primitive Areas is to keep it as it is, with no changes and no roads. In those areas normally in those areas roads aren’t even allowed. 2. Forest Restoration areas will be allowed for roads to be cut, as long as they are reclaimed after forest management has taken place. Not open for public use, it’s only open for maintenance purposes. With forest restoration, the Forest Service could potentially allow timber mining, if absolutely necessary for forest cut. Not for commercial use as expansive use, just to take care of the dead fall and the undergrowth. 3. Forest Stewardship, that’s the most permissive of the roadless areas. That would be commercial timber that would be allowed there, you would be able to cut in roads. Generally, 1, 2, and 3 would require reclamation when it’s done, but 3 is a bit more circular through the backdraft. 4. Boundary Adjustment and Realignment. As we look at our map, you can see the blue polygon correspond with what we recommend for Forest Restoration Area, so Category 2 for all forest areas in the county. As you look at the back country back along of the upper South Fork; we debated between recommending Primitive Area or Forest Restoration Area.

Charlie Ewert said as we talked with the Forest Service, they said that area back there is let it burn area. In our work session, the let it burn is a good forest management principle; provided you don’t have human structures and human issues in the way, and have decent water. One of the reason the forest is in such a poor state of health versus 100 years ago, is because we haven’t been letting things burn. Human eruption of wildfire has led to forest not naturally reclaim. The idea here is not to create enterprise, just the ability to give the Forest Service the ability to do so. The Forest Service currently has a rule that says you can’t build roads; so they take their equipment there and break things down there, and find a way to grind those trees there. They do allow personal permits in Forest Areas 1, 2, and 3 that would allow personal wood gathering permits. That’s just individuals walking in permitted areas, if it’s a Category 2, and I would recommend Category 2, because it yields better forest management in the future and gives the Forest Service the ability if they need it. There is on caveat when the state was putting in the roadless rules together, or at least the recommendation to effect, they didn’t consider ski resort development. There may be possible need for ski resorts to cut in the roads for installation of lifts, for maintenance, or whatever. If you shave these areas as Forest Restoration Areas, Category 2, it’s not clear that ski resorts would be permitted to cut a road in, and that’s not necessarily in the forest management.

Charlie Ewert said this is just us with the Nordic Valley Expansion project; this is their proposed area; they are nowhere near the level of approval yet. The Forest Service has told them that they need to get public support, before the Forest Service would even consider taking this through public process. What this would do if you see the cross sections on our Weber County maps, this would tell the state that we want to see something a little bit more permissive for ski resorts. They would still have to reclaim the roads, restore, and all that stuff. From there the state would have to reconsider whether they consider it to be appropriate; and put it in the state roadless rule component. Our recommendation for economic purposes; if that would stop this from going forward with a successful recommendation from the Planning Commission. If not, might as well just nix from the map, from the plan, and just stick with Category 2.

Commissioner Waldrip said one thing we don’t want to do as a Planning Commission; I don’t want seem like we’re giving a stamp approval to something that isn’t there yet. It’s not right for approval, the public sometimes feel like they are left out of the discussion. What would be the practical implication of taking special consideration for ski resort development with the practical implication of taking that off. Mr. Ewert replied the state hasn’t addressed this at all. If we take it off the map they are probably going to continue and not address this. They probably won’t create a special provision in the future, for us to go in and change the map; then we won’t be able to put it on the state’s map and the state’s desire on their roadless rules. Not having it on there right now; the Forest Service is saying no roads.

Chair Taylor asked it’s just the state that hasn’t thought about it and the Forest Service hasn’t had any input, is that correct? Mr. Ewert replied to my understanding, the Forest Service has been asked not to provide policy guidance. I think there is a sensitivity to Federal versus State control; and I think they are looking to the state to take control. The Forest Service does have a requirement anytime they do forest service plan or anything like that; create new roadless rules or whatever. They have a requirement under FLPMA to corporate and coordinate with the state and the locals. So we have something in our plan and they have something in their plan; it’s almost a mandate for the Forest Service to put it in their file.

Chair Taylor said it’s of tricky with the Forest Service, and it’s just an oversite on the state; because the Forest Service is a huge part of what they do in the ski resort. I just don’t know how to best go about it because you’re really correct that this completely emits the concept of social consideration for ski resorts element.

Charlie Ewert said as we talked about this with staff and the state; we don’t want it to be perceived by the public that ski resort development there is a forgone conclusion. There are a whole lot of hoops that ski resorts still need to jump through to even get into both County level and the Federal level, and possibly the State level with the look of wildlife management. So we looked to pitch the idea and see how you feel; but it’s going to keep it from being approved tonight. I was just submitting it for now, and maybe we can address this with more thoughtful and careful deliberation to the state over time. I did reach out to Salt Lake County to find out what they’re doing; and their response to this is to leave it up to the state to take control.

Commissioner Waldrip said to me that seems a little more comfortable to push that back to the state. Mr. Ewert replied being a legislative time that would require a public hearing and noticed for that. If you notice on Exhibit C, this would be the text added to the plan outlined in blue. I worked with the Fire Chief and the State Fire Marshal; and everyone is comfortable with the way it is written.

Chair Taylor asked what does it mean to encourage this private landowners, would it be every person. Mr. Ewert replied it’s open ended, encourage them by education, maybe by ordinance encouragement, maybe through conditional use processes; right now this is actually a new project for me because I have to work with our fire code. The state and the county has such a solid Wildfire Management Plan that they use Causey Estates to train. They do that on an annual basis and our Fire Chief is working HOA by HOA; to talk about how to go about providing good fire resistant materials, good quality defensive space around their homes, and fire wise vegetation.

Commissioner Francis said Nordic Valley has a really strong fire wise program; where they get someone to they haul off their wood and chip it for them. They have education programs for homeowners to chip their wooded areas, when most fires are started they need to be able to control it. The Planning Department is a good place to access that information with grants and how to get them. Mr. Ewert said I will have the Fire Chief to reach out to you guys; they are interested in reaching out as many people and in providing good information and quality education.

Chair Taylor opened for public hearing

Miranda Menzies, resides in Eden, said I reacted when I saw this where the ski resorts were involved. My immediate response was somebody has to deal with Nordic; given that I have seen 100’s of people turned out to question and argue with Nordic expanding. I want to ask why this is being done in a roadless area; I strongly recommend that you do not go down the road of inventing something that the Forest Service didn’t ask for. I would request based on that map, that the areas from North Ogden Divide south to Ogden Canyon be considered primitive status, for the simple reason that there’s no reason not to. There’s no beetle kill of any substantial size, it’s an area that for a sort of recreation getting to a remote place and enjoying the peace of quiet. I would ask that you consider that as an amendment to the General Plan; and not just sliding something through on a day where there’s nobody here.

Chair Taylor closed for public hearing.

**MOTION:** Commissioner Howell moved to recommend to the County Commission approval ZDA 2018-05; consideration and action on GP 2018-06, a request to amend the Ogden Valley General Plan related to forest firefighting management of roadless areas on Forest Service Lands, zoned as Forest. Under these changes listed in the staff report to give the State of Utah better management and access to the forest areas. This motion is based on facts listed in the staff report. Commissioner Waldrip seconded.

**DISCUSSION:** There was a discussion between the Planning Commission and Staff about concerns they had with this amendment.

Mr. Ewert said something worth noting; Western Weber has already passed on a positive recommendation for a Category 2 for their half of the mountain range. So if you wanted Category 1, we have to arm wrestle to find out who’s right. Commissioner Waldrip asked so is their half west of wall. Commissioner Francis asked are we ready for a formal amendment?

**AMENDED MOTION:** Commissioner Francis moved to amend to have those hatched areas be removed from the county submitted map and leave those as Category 2. Commissioner Waldrip seconded. A vote was taken to amend the motion with Commissioners Howell, Francis, Hogge, Waldrip, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

**VOTE:** A vote was taken on the main motion, with Commissioners Howell, Francis, Hogge, Waldrip, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

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

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

**5. Planning Director Report:** None

**6. Remarks from Legal Counsel:**

**7. Adjournment: The meeting adjourned at 6:15 p.m. Respectfully Submitted,**

**Kary Serrano, Secretary;**

**Weber County Planning Commission**