



## OGDEN VALLEY PLANNING COMMISSION

### PLANNING REGULAR MEETING AGENDA

June 27, 2017  
5:00 p.m.

*Pledge of Allegiance*

*Roll Call:*

1. Minutes: Approval of the minutes February 23, 2016; May 24, 2016; June 29, 2016; July 26, 2016, August 23, 2016 and May 23, 2017 meeting minutes
2. Presentation: Update Storm Water Master Plan – Jared Anderson
2. Petitions, Applications and Public Hearings
  - 2.1. Administrative:
    1. CUP 2016-06 Consideration and action for a request to amend a previously approved conditional use for the Fairways at Wolf Creek P.R.U.D. The amendment will reduce the density in the multi-phased PRUD from 115 units to 99 units. This PRUD amendment will run concurrently with the request for preliminary subdivision approval of the Fairways at Wolf Creek PRUD Phase 4 & Phase 5, located within the approved Wolf Creek Resort Master Development. (Fairway's @ Wolf Creek LLC, Applicant)
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, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room.*

**Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.**

***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***

Minutes of the Ogden Valley Planning Commission Combined Joint Training Session May 24, 2016, in the Weber County Commission Chambers, commencing at 4:00 p.m.

**Present:** Greg Graves, John Howell, Kevin Parson; Will Haymond, Stephen Waldrip, Jami Taylor

**Absent/Excused:** Laura Warburton, Chair

**Staff Present:** Rick Grover, Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner  
Ronda Kippen, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**BOA Members:** Rex Mumford, Nathan Buttars, Bryce Froerer,

**Western Weber Planning Commission:** Mark Whaley, Wayne Andreotti, Roger Heslop,

**Guest:** Brent Bateman, Utah Property Rights Ombudsman

**1. Board of Adjustment Training with Brent Bateman, Utah Property Rights Ombudsman**

**From: 4:00 p.m. to 5:00 p.m.**

Director Grover introduce Brent Bateman, State Ombudsman will proved training on Rules and Procedures and ways to manage our meetings to make them more functional. He asked Mr. Bateman to explain what an Ombudsman is. Mr. Bateman clarified that an Ombudsman is someone that is part of an organization and solves problems with the organization. I am the State Ombudsman and it is my job to help resolve complaints against the government over land and property rights only. So let's start talking about variances, on appeals, and some procedural issues like due process, and ex parte communication.

Brent Bateman said you have a land use code and that is the time to decide what you want in your community; and the discretion you have with the land use code is huge. When you have a land use code, you have to do it very carefully and make sure it reflects what you want. The thing about variances is the ability that the Board of Adjustment has, is give an exception to a land use code. When someone comes with an application that doesn't fit the land use code but they want an exception. The problem is when we keep giving out exceptions to the land use code; we might as well just put it in the land use code. Exceptions should be rare; because your discretion to put things in the right code is huge, and that discretion to the exception is so narrow. It should be very difficult to get a variance because there are so many rules they have to meet in order to get the variance. Keep in mind that the rule is the law that we have decided are needed to do for a variance, and the reason is to protect applicant's property rights, but also protect the property rights of the neighbors. These are the five rules for variances:

- Literal enforcement of the ordinance causes an unreasonable hardship on the applicant.
  - Unreasonable Hardship does not have that much discretion. It has to be a hardship and it has to be unreasonable.
  - The purpose of a variance is to prevent a regulatory taking.
- There are special circumstances attached to the property that does not apply to other properties.
  - There is a feature to that land that prevents people from doing what everyone else is able to do.
  - Special circumstance must relate to the hardship.
  - What special about the land that is causing the problem.
- Granting the variance is essential to the enjoyment of substantial property rights possessed by other properties.
  - Use Variances – We cannot grant use variances ever.
  - If someone wants to do something that is not a (permitted or conditional) use on their land, you can't grant a use variance.
- The variance will not substantially affect the General Plan of the public interest.
  - It is impossible to not affect the zone.
  - The public interest is what the neighbors think or want.
- The spirit of the ordinance is observed in substantial justice done.
  - This gives you the opportunity to say that all the four there, but I just don't like it, so I am going to find that #5 is not there. - Because the spirit of the ordinance for substantial justice done, and it gives you that right.
  - You have to find all five and they get more subjective as you go.

Brent Bateman said a lot of places shy away from amending the code but your code can always be improved. It needs to react to what you have in your community. If certain things are happening in your community, changing the code to reactive is the best way to do it. Say you decide whatever reason; to up the 75 foot setback from the street that would be a change for the community, and why not change the code to enable that to work.

Brent Bateman informed the board members that a whole bunch of groups got together and created what is called LUAU which stands for Land Use Academy of Utah that is funded by the legislature. The point is to create videos and training for people to watch because we can't be everywhere. You can watch it anywhere and it provides training on land use body like the training that was just provided now. You can go online and it's under [luau.utah.gov](http://luau.utah.gov)

**2. Ogden Valley and Western Weber Planning Commission Training with Brent Bateman, Utah Property Rights Ombudsman: From: 5:00 p.m. to 6:00 p.m.**

Director Grover said we are privileged to have Brent Bateman, the State Ombudsman. He will provide training on Rules and Procedure, and some ways which we can better manage our meetings to make them more functional.

Brent Bateman, State Property Rights Ombudsman, said his job is to prevent lawsuits between government and citizens. What is trying to do is provide some information with the goal that by doing so and when people come to us with questions or applications, we have a better understanding of the law. We will make better decisions that don't violate people's property rights. He credits Weber County for not having problems and that is because you show up for training and you take your public service job seriously.

Brent Bateman said he had a list of subjects that he could talk about but he wanted talk about issues that relate to Weber County. The following issues were brought up:

- Grandfathered Property: In order for something to be grandfathered; it has to be legal when it happened, and it has to be continued, and State Law states that it has to be within two years. If it was built back before there were any inspections, before there were any ordinances, and if there were no ordinances it's legal.
- Nonconforming Use: Expansion of a Nonconforming can cause you to lose your non-conforming use. So can changing the use, if the changing of the use adds to the burden of the community or the county. Once they expand their use or abandon it, they will lose the grandfather use.
- Grandfathered Property Continued: If you sell the property the grandfathering use goes with the property. If it has a legal nonconforming right, as long as the use is continued with the new owner, it doesn't matter who owns the property.
- Amortization: That is one way to get rid of grandfathered property.
- Conditional Uses: Weber County has rules and it's your responsibility to enforce and enact your rules. People are free to contract with each other; that's the thing about private covenant, CC&R's, and stuff like that. Those are not based on the law, they are based on contracts. You have your own ordinance and they have their contracts, and the enforcement is a matter for them. If it fits your ordinances you have to say yes.
- Impact Fees: Are very specific fees that can only be done on new development, if there is impact on that development in certain things. For instance, power, water, contour roads, some safety, and those kinds of things. As a government, you are allowed to raise revenues to taxes and fees. Taxes are how you raise revenues; you enact taxes and follow with tax laws and tax people for their property or for the sale. That money comes in that that pays for all our salaries. You are also allowed to charge fees, and fees are cost recovery. If providing some service imposes a cost on the government, because of a person's time or paperwork. You can charge a fee to have a person who asks for that service pay for that. Fees are only cost recovery and are never used to raise revenue.
- Trails on Personal Property: You cannot do immanent domain for trails. Immanent Domain is the power of the government to take some property for public use, and that's how we get revenue. The government has this power of immanent domain to come and take their property and pay them some compensation. In Utah you are not allowed to take property for trails, so if wanted to build a trail somewhere, and you came across someone who did not want to redo their property for trails, and all you can is ask if they would like to donate property for trails. However, there are multiple ways that trails get created, roads help you create them. There is a statute in Utah that if someone is used at a right-of-way long enough ten years, it becomes a public right-of-way, and that applies to trails as much as anything.
- Right-of-Way Grants: Once something becomes a public road, no matter how it becomes a public road, it is always a public road until it is expressly abandoned by the counsel. It has to be expressly abandoned and there is no sustained as a statute of limitations on the kinds of abandonment. We have a lot of cities in Utah where roads are platted out and never built.
- Utility Right-of-Way: This rule about physical abandon comes from the doctrine called You Can't Adverse with Public. It's only by government that you can adverse on government land. No matter how long that land has been, no matter how long your house has been on it, no matter how long you have been cutting grass, if its government land it never becomes yours. The government has to physically give it to you. There are two ways to get that property. There is adverse possession which takes 10 years but you have to pay the taxes; and there is down by acquiesces which takes 20 years.
- Conditional Use: When someone comes to you with a conditional use application; you judge the detrimental effects, you impose conditions that are allowed in the standards in the ordinance to mitigate detrimental effects. If you did that and came up with 57 feet that is fine. The next application that comes in, you go through this same process that leads to 55 feet. The point is you make a decision based on the conditional use according to the process. You make your decision based on the current application and adhere to the ordinance. Even though they got this at 57 feet, it does not set precedence.
  - When you get a conditional use permit application; it is because it has been listed in your code as conditional use, but having it here might cause detrimental effects that we want to mitigate, and there is a lot to consider when you get a conditional use application.
  - You have to consider what detrimental effects are and what conditions you can impose to mitigate those.
  - The statute says that you should have a discussion with the property owner, and if the property says no and he won't accept that condition, or there can't be no conditions. That does not give you the right to say no to this conditional use.
  - It all comes back to the government to impose those conditions. Your legislative body has said, if it's listed in the conditional use, you are looking for ways to say yes.
  - There are permitted uses, conditional uses, and there is forgiveness. Permitted Uses are yes, forgiveness are no, and conditional uses are maybe.
- Personal Property Rights: Our base property right is we can do whatever with our own land and that was part of the constitutional element. For the first 150 years that America existed that was not a problem. As it got more crowded, people starting suing, and it went all the way to the Supreme Court. The court allowed it because there needed to be an ordered society. The copy right is I can do whatever I want with my land, but the land use laws are the exception to the rules. This is important because it creates a conflict.

- The conflict is between the personal property owner and the public good. What the property owner wants to do often clashes with what is the public interest.
- Your job is to make sure that both are protected. The way to make sure that balance is protected; that the public interest is met without going too far without violating personal property rights is to follow the law.
- **Public Clamor:** As Planning Commissioners you have two roles; the legislative role and the administrative role. It's important to know the difference and know which ones you are assuming. The legislative role makes law. The County Commission is the only one that can change the law. But anytime they want to do a land use ordinance, they have to get a recommendation from the Planning Commission. If the County Commission wants to make an amendment to the zoning, they have to receive a recommendation from the Planning Commission. When you are working through those ordinances, you are doing a legislative act that makes law. If you are doing other things like applying the law, those are administrative. When someone brings in a conditional use permit, they are not asking you to make the law, they are asking you to apply the law to their application. In your administrative law, you are applying the law, and at that point it is illegal to make a decision based on public clamor.
- **Public Hearing:** There is only one time that State Code requires a public hearing; it is required to have a public hearing for legislative decision at the Planning Commission. If you have a legislative item and you have a public hearing, you have to let the public speak.

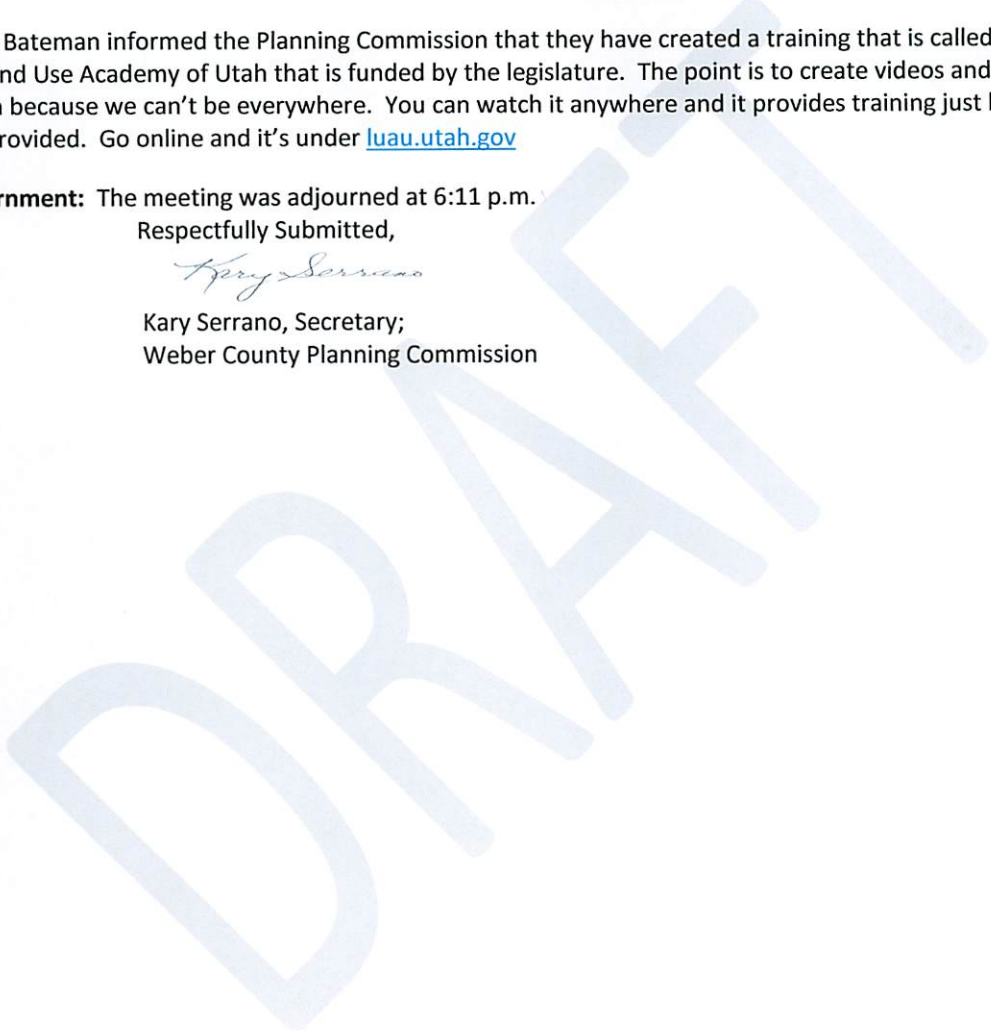
Brent Bateman informed the Planning Commission that they have created a training that is called LUAU which stands for Land Use Academy of Utah that is funded by the legislature. The point is to create videos and training for people to watch because we can't be everywhere. You can watch it anywhere and it provides training just like the one that was just provided. Go online and it's under [luau.utah.gov](http://luau.utah.gov)

3. **Adjournment:** The meeting was adjourned at 6:11 p.m.

Respectfully Submitted,



Kary Serrano, Secretary;  
Weber County Planning Commission



Minutes of the Ogden Valley Planning Commission Regular meeting June 29, 2016 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Chair; Greg Graves, Jami Taylor, Kevin Parson, John Howell, Steve Waldrip

**Absent/Excused:** Will Haymond

**Staff Present:** Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Charlie Ewert, Principal Planner; Ronda Kippen, Principal Planner; Felix Lleverino, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**\*Pledge of Allegiance**

**\*Roll Call**

**1. Consent Agenda:**

- 1.1. CUP 2016-07:** Consideration and action on a request to amend a previously approved conditional use for the Trapper's Ridge at Wolf Creek P.R.U.D. The amendment will add Phase 8, consisting of 18 lots, to the existing multi-phased P.R.U.D. This P.R.U.D. amendment will run concurrently with the request for preliminary subdivision approval of the Trapper's Ridge at Wolf Creek P.R.U.D., Phase 8 located within the approved Wolf Creek Resort Master Development. (Eden Village LLC, Applicant)
- 1.2. UVR060116 & AE 2016-04:** Consideration and action on a request for preliminary approval of Reflections Subdivision (6 Lots) and approval of an alternative access by private right of way at approximately 5650 East 1900 North in the Agricultural Valley (AV-3) Zone and Shoreline (S-1) Zone. (Courtney Valentine, Agent)
- 1.3. UVE050516:** Consideration and action on a request for preliminary approval of East Lake Meadows Subdivision (5 Lots) located at approximately 8600 East 500 South in the Agricultural Valley (AV-3) Zone and Forest Valley (FV-3) Zone. (Brad Dobson, Applicant)

**MOTION:** Commissioner Parson moved to approve consent agenda items CUP 2016-07, UVR060116 & AE 2016-04, and UVE050516 to include all staff and agency requirements and recommendations as listed in the staff report. Commissioner Graves seconded. A vote was taken with Commissioners Taylor, Graves, Howell, Parson, Waldrip, and Chair Warburton voting aye. (Motion Carried 6-0)

**2. Legislative Items:**

**a. New Business: Public Meeting:**

- 1. Ogden Valley General Plan Public Hearing:** A public hearing to receive public comment, to discuss and consider the proposed Ogden Valley General Plan. After the hearing the Planning Commission may make final recommendation on the plan to the County Commission.

Charles Ewert thanked the consultants for Logan Simpson for being a part of it through the whole process. In Version 3.2 and the difference between Version 3.1 and 3.3; as documented by red line changes that were produced and disseminated for the public to follow. The commercial section was one of the items that needed to be revised primarily to capture the will of the people, as opposed to the will of the Transportation Management.

Charles Ewert said he wanted to go through three points as we move forward with the General Plan. The first is to define growth boundaries better. The plan right now attempts to stimulate voluntary action to reduce land use rights as opposed to impose. The second thing is help identify where future growth boundaries could be. The third is Transfer Development Rights (TDR) where we could pull units off of the open spaces; we need to provide appropriate incentives to the market. The public wants no additional density but it's going to be a challenge for the transfers to occur without incentives.

Charles Ewert said the third thing is as the valley grows, and right now the valley is growing in pockets, and the water and sewer seems to be a pretty successful thing right now. As we grow out a little more and grow towards 15,000 units, valley wide water and sewer should be something to think about. The plan asks for pre-treatment of sewer systems, so not just traditional systems but systems that do pretreatment of water.

Commissioner Parson asked staff to elaborate more on the 80% build out. Mr. Ewert clarified the 80% rule is for commercial built out only within that village vicinity. That 80% rule has been removed, because we couldn't agree on what the 80% meant. Is it 80% of all the village spaces on the valley floor or is it 80% of each village, and it became a challenge.

Chair Warburton informed that we are going to have a public meeting and everyone is welcome to make a comment. When you come up and speak, we will not engage in discussion. We will bring it back to the commission for a motion, and after the motion we will make amendments to the motion. We will discuss each one of your suggestions, and decide whether or not to put that in there or keep it out.

Chair Warburton opened for public meeting.

Kim Wheatley resides 394 S 10000 E from South Fork, referred to a couple of omissions. We need to anticipate the future incorporation of park for the entire valley, and impose some principles like imposing the larger geographic areas rather than small pieces. Land Use Tables; in looking at Land Use Chapter and the Residential Housing Chapter, there is no way to mitigate ever increasing tension between conditional uses and high density that is being developed. If you look at the patterns that we are putting into this plan, we are trying to create concentrated density in the F-3 Zone that people had any idea what could be built so the expectations are not clear for the public.

Sharon Holmstrom resides in Eden has observed the conflicts over conditional uses, and the Planning Commission should focus going through every single one of those and focus on eliminating a lot of them.

Steve Clarke resides in Eden recommends the adoption of the General Plan, and add to the plan the number of second homes is currently 30% to 40% and is expected to go up to 60% to 70%. This has been addressed in other areas and is fundamental transition of the valley affects it deeply as part of the general plan. The second item can be deferred to after the General Plan has been adopted, let make planning for the next village concept more complete with the implementation as to how a village should operate in the plan concept.

Jan Fullmer resides 3741 Red Hawk in Eden, agreed that a planning document like this should be a living document. If this is truly to be a living document, you have to make changes, and you have to start doing something. This plan is not only for the residents in the valley, when you look at the recreation element, of how many people take advantage of that gem that is up there at the canyon. It's for many people in Weber County and outside Weber County. There is a golden opportunity to preserve this for people in the county and outside the county.

Gary Fullmer resides 3741 Red Hawk in Eden, said he second Mr. Wheatley's suggestion about incorporation. He has been involved with the emergency response team in the valley. We have been putting things together for the that last 3 or 4 years organizing the valley in case of an emergency response. Somehow we've crossed the county and we have been disbanded, if we were incorporated this would have not happened. This is one thing that he sees that incorporation really needs to be thought thoroughly.

Chair Warburton closed for public meeting.

**MOTION:** Commissioner Parson moved to recommend to the County Commission for adoption of the General Plan as stated right now. Commissioner Waldrip seconded.

**DISCUSSION:** 1. Chair Warburton said the 80% built out rule. There was a discussion with the commissioners and the following were key points to the 80% built out rule. No more commercial was granted until 80% of our commercial was developed. This is a market driven aspect. There are some areas of development that are going to grow and see more commercial development. It ties in with me future discussion on Transfer Development

Rights. The consensus in the valley they want to keep it rural and they don't want to promote commercial, and the bottom line everyone wants to keep it rural. Chair Warburton asked all in favor of leaving as is and all agreed.

2. Chair Warburton said do we anticipate future incorporation. There was a discussion with the commissioners and it was addressed that with incorporation in the documents lightly, that this would be an appropriate as we look at the financial data that is available. Need to look back to the last time that we had incorporation study effort in the valley. If there were some principals going in like wanting to petition to incorporate. Need some guidance in the form of principals that are really appropriate. There needs to be some guidance here that would really matter to us in the future. It takes huge effort to put this stuff together if it fractures, we can combine it, because this is one ecosystem out there. There are four other communities in Weber County go from unincorporated to incorporated, and it's inevitable. There was a suggestion that we pursue a 1<sup>st</sup> Appendix, and these are topics that are going to be pursued. There could be something in terms of the educational aspect. The study of a feasibility of incorporation seems to be a reoccurring thing. Need to Goals and Principals for future incorporation. We may decide to incorporate and if we do, we will have to look at the impacts. The county's decision should consider possible impacts on the potential that affected the future. In talking about incorporation, you need to take a vote of the people in the valley. The county will help the public pursue opportunities for incorporation. Just list the fact that to focus on is incorporation and if the county normally helps with the corporation process. Recommendation for the General Plan process is to just say it's been discussed. Is there any interest with a pat on the back for incorporation, is there is support, and if it's the will of the people. This would not change anything in the current text to create an appendix wish list as part of this document. Just at the end of the document it says the Planning Commission intends to investigate. There needs to be something as generic as that with topics that further study in the appendix would include incorporation, water, and anything that we have interests in pursuing as an appendix.

Jim Carter, Logan Simpson, said his own experiences have been with counties that have previously declared an intention like Salt Lake County to support incorporation of areas within the county.

Steve Clarke informed that he happened to be the one that chaired the meetings of citizens who looked at incorporation in 2002. We began in looking at incorporation of the entire valley including Ogden Canyon. We met with many of these residents as possible at public meeting, etc. Any group of citizen in Utah can put a petition for their County Commission to incorporate. They have to have a certain percentage of signatures of land owners in that area; which they then present to the County Clerk that petition is validated, the county is then obligated if it's been within the last ten years of the last incorporation review and this would be.

Chair Warburton said all in favor adding more raise your hand. All of those to leave it in raise your hand. The vote was unanimous to leave it as it is. Commissioner Graves said before we move on, I just want to make sure that this language is sufficient to give us reason to explore incorporation and ask staff to help us study that. Director Grover replied yes there is definitely enough information for staff look at this.

4. Chair Warburton said on the conditional uses is absolutely necessary but that's a policy decision and is not something we can put in the General Plan. Is there a way that we can put it in the General Plan? Director Graves replied I think that is something that goes on our workload and that will go to the top of that list. Commissioner Waldrip said based on the comments to come up with a public priority list, we are accountable to the public, staff, and to ourselves. These are the things we want to deal with and that allows staff could manage the workload. Chair Warburton said now we have a priority list and are going to park that one.

5. Chair Warburton said we are on to Steve Clarke home with the second home issue. There was a discussion on with the commissioners and the following key points to the second home issue:

- Having Moderate Income Housing and due diligence.
- Ways to setup for our community where our children could live there, have income living there, and can lend to reduction of percentage in vacation homes.
- Having higher taxes in the valley.
- Dealing with private property rights, dealing with prescriptive ordinance that will impact people's wallet.
- Putting on the list, and going out and finding out, looking up, reviewing, and filing information to bring back and present to staff.

- Review the General Plan and identify those specific item that is more in depth. Need to make this on the priority list. Chair Warburton said all those in favor of not putting this on the priority list acknowledging that it is already in the plan and is important to us. What we are doing now is going through the priority list and starting right away of having work sessions to discuss where we want to start.

Kim Wheatley suggested if this is the only body that can deliberate those kinds of things, this enormous bottle neck, and we have a lot of talent in the valley, consider the possibility of selecting a volunteer committee just to pursue any one of these things. Seeking the talent out there, a lot of people that have retired in the valley, they are good thinkers and they could get as much as half done in pursuing this.

Gary Fullmer said the problem that we currently have is there is no SERT Leadership Team in the valley. As far as establishing the shelters, emergency response, or the community supply sheds that we call them. The past leadership of SERT, the four of us has committed to the valley to continue this effort. We will be forming our own 5013C in order to control our own money, we will continue our education programs as we are doing, but it is outside the SERT Program. We had organized radio frequencies, hand radio contacts, everything in the valley to work with this special structure. We have a deadline of July 10 to have a new radio contact for Ogden Valley in Ogden Valley. A new contact for SERT, so if there is an emergency in the valley, it can be legally activated and this is all to be place by January 3 to July 10.

Chair Warburton said we have covered everything that the original people had spoken, so if anybody else has anything else to say, if you have a specific concern to the General Plan that we can amend, we want to hear it.

**MOTION:** Chair Warburton said what we are going to recommend for approval to the County Commission of the General Plan. A vote was taken with Commissioners Graves, Taylor, Parson, Howell, Waldrip and Chair Warburton voting aye. Motion Carried (6-0)

- 3. Public Comment for Items not on the Agenda:** Steve Clarke said he wanted to come back to a rules question. Can someone inform me when that ruled changed or when that procedure changed, to have the consent agenda only have the Planning Commissioners have a say. Chair Warburton replied we follow Robert's Rules, and we have spoke to legal about this and we switched it over. Mr. Erickson said that he was working on it for over a year and he didn't remember that ever happening before.
- 4. Remarks from Planning Commissioners:** Commissioner Howell said everybody should have an out of state contact if there is an emergency. FEMA has found out that you can call out of state, and they can call back to the people that you are trying to contact. That doesn't work locally but you should have an out of state contact in case of emergency. Commissioner Taylor said my favorite author is Wallace Stegner. He calls the west the native land of hope; and I think that really embodies Ogden Valley. It's that cooperation that gives us scenery not yet finished, this document continues to work and I have that hope that Ogden Valley will keep that western look that embodies hope.
- 5. Planning Director Report:** Director Grover thanked the Planning Commission for all the work they've done with the countless hours on this; but we will give this to the County Commission for now, and after that we will focus on working on specific items, and that would probably be in about a month. After that we will be coming back really hard in August to get through that.
- 6. Remarks from Legal Counsel:** None
- 7. Adjourn to Convene to a Work Session (Depending on the Ogden Valley General Plan Time Frame)**

**WS1. DISCUSSION: Review and Discussion of the Bridges at Wolf Creek P.R.U.D, a 364 unit Master Planned Project**

Ronda Kippen said that would be on the agenda for next week for the PRUD preliminary approval of the overall the Bridges Development and it's a lot to digest. Eric Householder was nice enough to put together an update that he will be presenting for next week a PRUD and preliminary subdivision.

Eric Householder representing Wolf Creek said we have an opportunity to do our presentation and Eric Vanguard is here for any detailed questions. Last week we had a community open house, and we invited the community and had



35-40 people attend. So I put together this presentation for you of the overall master plan for Wolf Creek Resort that was amended, tweaked, and recorded in March 2016. The Bridges in this section here was 349 acres that American First owned after the bankruptcy. Originally Wolf Creek properties had not filed for fifty years and with the amended development agreement 413 units came with the property and then there is another section here that was picked up, that had 15 acres that had 72 that was part of the golf course and we combined that. We are looking at a total instead of 486 we are looking at 364.

Eric Householder informed this is how it's laid out, and there are six different communities, 262 acre project, 143 acres remain open. The Parkside Homestead in the orange and that is where the PRUD is planned. We are trying to get some smaller level units 15,000 or 20,000 sq. ft in that. There is a component of single family home sites in the green, yellow, and blue. We are trying to match those homes out there about 4,000 sq ft, the Highlands have bigger homes that can go up to 7,000 sq. ft, the Retreat is about 5,000 sq. ft. that is a smaller home. Then in the middle here is our smaller cabins surrounded by trees that are 630 sq ft for the one bedroom and 814 sq ft for two bedrooms. Right now there is an existing road coming from Snowflake Subdivision there. On this side of the project there are signage and bridges. The Wolf Creek Water Improvement District will provide water and sewer for the project. The entry has this type of signage and it is called The Bridges. In the middle of our open space there are knolls up there our trails lead up to and we're talking about putting a knoll on top of that. Down by the cabin area is a grove of trees, the amenities is the community barn that can be used for events and weddings. Adjacent to that is a community pool, with a recreational lodge and two neighborhood parks.

Eric Householder said we have some open space requirements in the overall development agreement and this exceed that substantially. Open Space is an amenity, with six miles of trails in the project that is open to the public. What we are really trying to do is to the eventual commercial core and we would like to tie this with the trail core. We have this area with the cabins and there is a park here and another one towards the entrance of the project. We are trying to keep these common areas a place in the back. Adjacent to the barn to the west, there is a pond that is 95 working capacity, and they are working with the state processing that big pond. We hope to have other amenities for water storage. This is a layout of The Bridges, and we will run a trail through the golf course with a 10 foot asphalt trail to get everybody to the back of the court. For this court to work we need we need more permanent residents and we are trying to create that element here

John Lewis with Wolf Creek said the bigger picture with details at Wolf Creek and around the valley. One thing that excites me about this is listening to the market, acting on what the market wants, and what makes more sense. My hope is that the other developers in the valley can see this and realize here is somebody that voluntarily went from 500 odd units to 300 odd units, and you can make more money with less. With the Ridge it could have been 96 but we chose 48 and we are succeeding because of that. It's a lot dealing with banks, and at first they were hell bent on getting every single density that was agreed to. Getting to know John Lund and the President of Mecca First, who does care about this stuff. He chose community over other choices and he believed in what we were doing, and what it means to Wolf Creek. We never really had a good example of fairly sizeable commercial core with residential around it, with everything walkable, a place to have a Farmers Market, a band and/or event, condominiums, and have shopping doesn't exist. Whatever we do it doesn't work if you don't check those communities without trails.

John Lewis said so we're looking at the whole picture and Highlands has big beautiful homes, yet in my neighborhood and Elkhorn more people live there because they are not as expensive. How do we take the other half of this resort and make it viable. Our guess is to be different; have neighborhoods with one community, but the different product would be a 1500 sq. ft. house, and do it from \$400,000. That supports the core over here and as long as you go through the expense of putting in ten foot wide asphalt trail and keep it at 3% so kids can ride their bikes. We were lucky to get the bank on board, to get the residences on board, to get what we're going to build in that core. It's been a good process and I think we ended up with something that catches as many of those things as possible without overdoing it.

Commissioner Waldrip asked Mr. Lewis to talk about traffic at the east side where you have Fairways drawn with that end, you have 4100 that comes from the other side where people go over their only access out on the west side to that neighborhood. There's a stub up there that is not being used and would like to disperse some of that and tie

it back to 4100. Mr. Lewis replied everything we're doing at Wolf Creek is tying loose ends including that entire resort with the lack of access. We're trying to finish off access on the back of Ridge side that goes all the way across, and assist Howard to get down to the bottom. We are dumping dirt there to help them do that road. The same thing on this side at the end, we're working to finish the North Ogden from where we turned into Fairways or Bridges, and have that connect down through Eagle Ridge. Once that connect is the path for North Ogden Divide which the county really wants that. We also have every two other stubs out, one on Snowflake and one going into the Reserve. We want to take those trails and connect that to the other communities. The Reserve should be able to get over to the core. The same goes for Eagle Ridge, Fairways, and Trappers going the other way to open access and connect all this out.

Commissioner Waldrip asked why not tie in that North 40 into 4175 east, and is that a grading issue, do you find ponds there on the North 40 there's that road that goes into a cal-de-sac instead of even a spurt coming off that would tie in to that neighborhood and at least it would be another outlet. I'm just talking future wise when this get built out, that's a lot of cars to push out in one direction, and most of people would heading west once they go downtown. Mr. Lewis replied we have been talking to the commissioners, and they have been very supporting about trying to help us get that road completed, and I know that the county has a desire to get that connected. .

Commissioner Taylor said looking at your project area in the front page. Is there a way that wildlife won't go through that, has that been taken care into consideration? Mr. Lewis replied we've spent years looking at this property; but there is very definite corridors with trees and water and wildlife corridors and you can see from some of the Google imageries that we've tried very hard to make sure that the trees stay where they are. Those are the amenities that we want to increase that. People want cabins but they want them in the trees, and they want the parking somewhere else.

Commissioner Taylor said Mr. Householder mentioned that you are going to encourage no lawns and how you are going about that. Mr. Lewis replied we started off with the Retreat and it looks a lot different than Fairways. There are a lot of lawns and we've tried very hard on the landscaping side of this, with hydro seeding tall grasses and wild flowers, and we have asked them to follow the landscaping as we will be watching with a possible landscaping committee.

Commissioner Waldrip asked if Dark Sky would be part of the CC&R's. Mr. Householder responded we are working towards that; our vision is no exterior lighting in the common area, and it will be mandated on the physical product, and it will be addressed in the staff report. Mr. Lewis added there will be no exterior light bulbs, and what we can put bollards that are this tall and shoot down where you are walking.

Commissioner Waldrip concern with the road leading to nowhere and no ties to 4100 and having people go down that road creating a lot of traffic. Eric Langlard from Salt Lake City, said the access is a double edge sword, we need the second access and the people working in Ogden are going to want to cut through the west side. What we are trying to get to them to do is get them to pick up their mail at the community center; and maybe get a cup of coffee at the Head Club or at the resort and head out that way. We can provide emergency access there on the north side or we can provide a full access there but I think limiting that access a little bit because we don't control the two properties to the south and I think there will be some additional connections for people there as well.

Eric Langland said I think the goal and the reason we showed that connection on the south edge with road in was to make more people want to go to Fairways Drive and looking at it from years. I don't know which will come first getting out to the North 40 and the hillside development for Fairways Drive push through. By us pushing that connection further south, we're trying to say look we're going to try and make it difficult someone who homesteads to go west through Preserve Subdivision but those are good comments and we will continue to work with staff on that.

Commissioner Parson asked in looking at the development, what part is Phase 1 of the development? Mr. Langlard replied there is a Phasing Plan P1.8 and generally it's going to come along Fairway Drive and move north along the main road. Phasing is one of the most difficult things to try and anticipate especially with our project and multiple

product types; it's definitely going to be market driven, but more than anything it's going to be infrastructure driven. You don't want to put in sewer and water that you don't have or a road that you don't have to, so it's really just going to move in that process.

Commissioner Graves said from what I can see, you've done a good job on this. Mr. Langlard replied we had the luck of taking several stands at it, over the years but when you take that much density and Mr. Lewis is right less is more in our opinion and open space is valuable. It doesn't necessarily mean that more small things are better than bigger things and that's where the land is, and I think that the diversity is the key thing here.

Director Grover asked on Fairways Drive, how are we handling the double front of the lot so they don't have that appearance on Fairways? Eric Langland replied we don't actually have a double front at Fairways Drive. Director Grover said I know that road already exists, but the road that goes through here, and are there any restrictions on that road not to have a fence in that area or a series of wall. Mr. Langlard replied that is the Watts Enterprises and we actually left it open space right there.

Kim Wheatley said he would like to applaud Mr. Lewis for an enlightened look at this. This was picked up from bankruptcy and was put back together in conjunction with the people. That continues and it has created a really nice community up there in response to us. The principals we wanted for the community, this almost embodies that with the mixed use, a variety of housing, it has sewer and water, and this is kind of exactly what we are saying we want. I like that we are going to be seeing that; and this project is going to be a role model for the rest of the valley.

7. **Adjournment:** There being no further business, the meeting was adjourned at 8:00 p.m.

**Respectfully Submitted,**



**Kary Serrano, Secretary;  
Weber County Planning Commission**

Minutes of the Ogden Valley Planning Commission Regular meeting July 26, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Greg Graves, John Howell; John Lewis, Robert Wood, Will Haymond, Jami Taylor

**Absent/Excused:**

**Staff Present:** Rick Grover, Planning Director; Scott Mendoza, Asst. Planning Director; Charles Ewert, Principal Planner; Ronda Kippen, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**GUEST:** Eric Householder

***Pledge of Allegiance***

***Roll Call:***

Chair Warburton asked if there was anyone who had ex parte communication or conflict of interest to disclose. John Lewis disclosed that he had a conflict of interest in that he owns property in Wolf Creek that used to be in the CV-2 Zone, and that his name is on the Wolf Creek Development Agreement. In terms of conflict, there is no financial gain and the zoning mentioned in the Development Agreement, he no longer has that issue. In my opinion I do not have a conflict of interest. Chair Warburton said she didn't have an issue asked if the other Commissioners had any issues with Commissioner Lewis staying at the meeting. Commissioner Graves said as long as he can render a fair decision, and then there is no conflict of interest. Chair Warburton replied with that being said let's continue with the next item.

1. **Consent Agenda:**
- 1.1. **UVR060116: Consideration and action on a request for final approval of Reflections Subdivision (5 Lots) located at approximately 5650 E 1900 N in the Agricultural Valley (AV-3) Zone and Shoreline (S-1) Zone (Cortney Valentine, Agent)**
- 1.2. **UVE050516: Consideration and action on a request for final approval of East Lake Meadows Subdivision (5 Lots) located at approximately 8600 E 500 S in the Agricultural Valley (AV-3) Zone and Forest Valley (FV-3) Zone (Brad Dobson, Owner)**
- 1.3. **UVH060216: Consideration and action for final subdivision approval of the Horizon Neighborhood at Powder Mount PRUD at approximately 7758 East Horizon Run in the Ogden Valley Destination and Recreational Resort (DRR-1) Zone (Summit Mountain Holding Group LLC, Applicant)**

**MOTION:** Commissioner Howell moved to approve Consent Agenda UVR060116, UVE050516, and UVH060216 subject to all conditions and recommendations listed in staff report and all county agencies with all the findings as listed in the staff report. Commissioner Taylor seconded. A vote was taken with Commissioners Graves, Howell; Lewis, Wood, Haymond, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

Casey Duchesne, 8685 E 800 S, in Huntsville UT said in reference to the application by Brad Dobson; he wanted to see the layout and what they planned to do. He had concerns because he didn't know if there was enough roads there to make a lot. He was not aware of the criteria to skip having a discussion on a subdivision, because as far as he understood it, they were subdividing a piece of property, and the way it was written on the agenda last month is the reason he is asking why. Chair Warburton said what we just did was pass a consent agenda. A consent agenda is several items that had been worked on, but we would be happy to show you.

Director Grover this is a five lot subdivision and as you can see this shows lots 1 through 5, and this area here Lot 5 has some flood plain issues and water marks so it's designated as non-buildable. So they would have to meet certain criteria's on that for a five lot subdivision. As to your concerns about not having discussion on a subdivision he would address this with the Planning Commission. As staff looks at items that come before you, if there are items that are fairly minor without a lot of issues associated with these items that are fairly minor with not a lot of issues. That is a determination that staff looks if it meets all the ordinance requirements, we typically put them on consent just so it doesn't take a lot of your time. We just want to make sure that things go smoothly, and be able to get to other items that are going to require a little more time.

Casey Duchesne said tht his problem with that is how you know unless you look at it that he is doing his job. Commissioner Graves replied this only happens with lots below a certain number. In our staff report we do get the

information, we do review it so we can see what staff does. In certain conditions, it meets all the criteria, there are only minor things to consider and it is under a certain number of lots, that it can be placed on a consent agenda item, which does not require to be presented before the public. We can just have a vote on it which is what happened today. That is why you didn't see discussion on it, had it been bigger, had it had more complications, or had anyone of the members of the commission had questions and asked to be taken off of the consent agenda and placed on a regular agenda list, and that would have happened and you would have see the full presentation.

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

**2.1. Administrative Items**

**a. Old Business:**

**1. Election: Vice Chair for 2016**

Chair Warburton nominated Commissioner Taylor for Vice Chair. Commissioner Graves nominated Commissioner Haymond for Vice Chair.

**VOTE:** A vote was taken to elect Commissioner Taylor as Vice Chair. Unanimous Vote (4-0)  
Chair Warburton said Commissioner Taylor is the new Vice Chair.

**2. Rules of Order: Approval of the Rules of Order**

Courtlan Erickson, Legal Counsel said they will be reviewing the one that has comments and parts underlined and stricken out in a different color. He asked how they would like to proceed with this. Chair Warburton it would be best to go page by page, and if anyone has any questions they can talk about issues on that page.

Courtlan Erickson reviewed each page and there were questions, comments and suggestions by the Planning Staff and Planning Commissioners.

Eric Householder, 2850 N Nordic Valley Drive, said that his concern that was recommended to be 45 days submittals before the meetings instead of the current time of 30 days. He hoped that this commission would leave it at 30 days and only take complete submittals so staff had enough time to get you the staff report early. Commissioner Lewis said 45 days is a big difference for us versus 30; it doesn't do us any good to come before this commission if we haven't been informed and are bringing it up for the first time. Being well informed is the goal; and if staff does not have enough time with the 30 days, I would support whatever time it took to be appropriately looked at. Director Grover said we still have a problem with the workload; just this last year the workload has significantly increase and that is our problem. Unfortunately it becomes somewhat your problem because you'll get a 170 page document; you have balance family and work, and try to read this document when you are not getting it within seven days. We have an internal problem as staff; we don't have the amount of staff we had a few years ago, and we have a lot more applications coming in.

Chair Warburton asked are you short staffed. We have put in a budget request for this next year for a new planner and if we get that I don't know. There are resources out there that we are trying to tap into to help reduce some of the staff load, because we don't know if we are going to get another planner to help with the workload. Commissioner Wood asked to clarify the 30 day issue. Director Grover replied we could make the 30 days but you don't see behind the scenes whether it's getting the public notice out, getting things to an agency review meeting. We have representatives from the Fire Department Engineering Department, and often times when we get their comments with conditions, but they don't address the issues. That 45 day time period might help them, because they're also short staffed, and it might help them address the conditions in their comments in a timely manner. Chair Warburton said so where does that leave that 45 days suggestion in the rules. Director Grover replied that is a judgment call, and I have given you what I see, but I totally see where Mr. Householder is coming from. I would like for you guys to have a date in there, to at least hold our feet to the buyer. I would prefer to have a date in there so this is out there, it's clear to the development world, and it's clear for the Planning Staff on what we have.

Chair Warburton asked so if you have more staff would 30 days. Director Grover replied it could be just fine, and what we do right now, and this is my recommendation as we look at the 45 days, but then if we are able to require

more staff for the development, and there is not much development happening, we would just come back to that and amending it to 30 days. It doesn't help Mr. Householder right now, but it would help out staff tremendously.

There was a discussion among the Planning Commissioners and staff to keep it 30 days or change it to 45 days. Chair Warburton said let's take a vote, raise your hands for those that want to keep it at 30 days. Those that want to change it to 45. The majority of votes were for 45 days. Chair Warburton said we will change it to 45 days. Commissioner Graves said I like what the director suggested and monitor it and see how it goes, and it can always be changed to 30 days.

**2.2. Legislative Items,**

**a. Old Business: Public Meeting:**

- 1. ZTA 2016-03: A public hearing to consider and take action on a request to amend the CV-2 Zone within the Weber County Land Use Code, to provide for residential units when approved by a development agreement.**

Charles Ewert said is a request to amend the Commercial Valley Zones, just to give some clarity to the Wolf Creek Development Agreement specifies that a certain amount of units are assigned to CV-2 Zone. The recent change to the 2015 Development Agreement took what remaining units were still left of that 250 and divided it among two parcels. How do we allow and how building of a residential development in the CV-2 Zone when they are not specifically allowed when they are not allowed in the CV-2 Zone. The applicant, Eric Householder started looking at the possibilities of navigating towards the CVR-1 Zone that does allow residential and modifying to meet the needs of the Wolf Creek Development and then changing the zone. I worked with Mr. Householder and we found a easier solution just to add the allowance for residential units in the CV-2 Zone, provided that it was part of the previous development agreement. Right now under previously approved development agreement, and after talking with legal they said put a date, not just previously approved, so in the future we will know what that actually meant. If the Planning Commission moves forward today, and choose to recommend to the County Commission to strike the language written here; add in the Development Agreement approved prior to July 1, 2016. The rest of the changes in the packet are intended to clarify the ambiguities in the CV Zones.

Chair Warburton asked why we don't change to allow, because this is so village oriented and add that a certain amount of open space has to go along with it. Mr. Ewert replied if we allowed right now without putting in numbers would be increasing density. Chair Warburton said if we say that no one can build on it acreage here, then it doesn't have to increase density. Mr. Ewert replied create a quasi TDR program to go with this and that the platform that he is trying to create and that is not part of the request from the applicant.

Miranda Menzies, resides in Wolf Creek, asked that you consider requiring to change landscaping and not shade trees. Chair Warburton asked if that was open at this point that they can look at. Mr. Ewert replied if you desire to do so, that is not the request, and street trees were previously approved standard that was added into the code.

Commissioner Graves said it's much easier to accommodate trees in a complete street than it is other landscaping. A lot of time they use tree grates otherwise your whole park strip becomes an open planning bed to accommodate other kinds of planting, and you get zero shade from that when it's only 12 inches tall.

**MOTION:** Commissioner Howell recommend to the County Commission approval of ZTA 2016-03 consideration of a recommendation of Title 104 (Zones), Chapter 21, Commercial Valley Zones (CV-1 and CV-2) to allow dwelling units in the zone if they were previously approved as part of the development agreement and to provide specific standards government to them. Commissioner Taylor seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Wood, Haymond, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

- 2. ZTA 2016-01: Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7), and Hillside Development Review Procedures and Standards (§108-14), to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.**

Charles Ewert said basically what we talking about natural hazards as it relates to geologic hazards. The Ogden Valley has quite of few geologic hazards that were becoming more aware of at the county level. The county provides a lot of regulations and puts in a lot oversight in Natural Hazards Development Standards which would include county paid geologist, onsite inspections by county staff or contractors to verify geologic conditions. What we try and do with the recommendations is take the regulation hands off approach with the exception of asking the private market to do a check and balance within itself.

Charlie Ewert said one thing that our current natural hazards code does is it lists out the different kinds of natural hazards that we are most concerned about in the county. We have this list of various hazards, the trouble that we have is identifying exactly where they are. We have worked with the UGS in creating an updated Ogden Map of 30 x 60 which includes from the area of Western Weber on 4700 over to Rich County, south through Morgan, and north through Cache, and UGS delivered in part because they have successes with the Ogden Valley Hydrologist Study that they are doing is actually mapping geologic units with it. So what we are doing here is we have maps that are relative accurate and try to identify where a potential hazard could exist; not that one exists but could exist, or maybe close to an existing alluvial fan or debris flow is an issue.

Charlie Ewert said Weber County keeps a list of geologists that have demonstrated to the county that they are qualified to do work here, and if your geologist meets the qualifications you get on the list. The geologist would do a site recognition and determine what hazard the map is indicating, whether or not that hazard is there, and mitigating measures are going to be needed by the developer. The report that comes back to us, and indicate if in fact there is any hazard there, any mitigation required, or if no hazard is there, no further study is required. Our engineering and planning staff will look at their findings and recommendations; determine how to apply mitigation of that hazard to that specific development. After that is done and what this code does; it will ask the project geologist to look at the final plan, and verify that the civil engineer or the geotechnical engineer hasn't taken into consideration a problem, and provided a sufficient response. One of the issues with the natural hazards zones review is still applicable if you are in a natural hazards area, it would still maintain that process, those authorities will still maintain their role, but staff is going to play close attention to natural hazards through each of those steps.

Commissioner Howell asked does the applicant have any purview of the information from the engineer/geologist. Do they have to have a letter with a stamp of approval like a structural engineer? Mr. Ewert replied our current code has a requirement for development certification where the county requires that the geologist provides to the county some level of verification that a study was done in accordance with the law and the resulting development is reasonably safe. What we've done is added in study and report verification, development and design verification, these are two different stats. These are two different studies that require two different steps and the county does have some discretion to approve, but they will leave it up to the professionals.

Miranda Menzies, resident of Eden, said this is an ordinance that has so much detail in it and you are using maps that are just using surface geology and all I am just asking that you consider this again in three or four years and see how it worked. The original program that was put in place in the 90's, actually had maps of Weber County where a geologist actually went out and did a preliminary look see, they didn't necessary look at specific types of geology at landslides and where they occurred. I urge you to make sure on how this is working with respect to those maps and whether it's really having the affects that the county is trying to have. The second thing is to make clear that the Planning Commission is not the only land use authority over projects. I would ask that you insert reference of where it can be found of who the land use authority is. Because a lot of people think that the Planning Commission is the land use authority. Either that or even better insert into the definition, the Land Use Authority is blank and can be found in this section, so we have a cross reference to direct people where to go; and who they are working with.

Commissioner Graves asked so in talking about these maps the technically of the language the difficult part, or is it the maps that we're using. Ms. Menzies replied the maps are great, they are extremely detailed, and they have defined about 150 formations, which they have identified 50 that are potential hazard, and anything that is Quaternary Movement (QM). Just asking you to keep an eye on this one, and if it's entirely an administrative role, then let's give the support to the Planning Department that they need to keep this thing on track for private needs and market needs as well.

Commissioner Taylor said in reviewing the staff report, the second page, second to the last paragraph, you state, "makes a best effort to initiate the effort," so what are your plans for the next step if we recommend this, then what's next? Mr. Ewert replied this ordinance was initially set to make small changes, so it's still a work in progress and if we are successful in administration of the changes that are proposed here, we could probably go a couple more years before doing a bigger overhaul in the Geologic Ordinance is going to be needed at some point in time.

Commissioner Taylor asked what we can do to insure that this improves over time. Mr. Ewert replied providing little triggers helps staff get back to the items that you really want addressed. Working with the director on a work plan and having a high priority item readdressed on a regular basis and that is something we're working.

**MOTION:** Commissioner Taylor moved to recommend approval of ZTA 2016-01 proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7), and Hillside Development Review Procedures and Standards (§108-14), to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews. More specifically this is a recommendation of the text included as Exhibit B and Exhibit C, based on the staff reports of the conditions, and recommending approval preferable to the County Commissioners based on the findings under staff recommendations listed in the staff report. We would like to come back to this in two years. Commissioner Howell seconded. A vote was taken with Commissioners Graves, Howell, Lewis, Wood, Haymond, Taylor, and Chair Warburton voting aye. Motion Carried (7-0)

Kevin Parson, who resides in Liberty, said he wanted to thank Planning Commission and everyone. He appreciated his time and has learned a lot. He also congratulated Commissioner Wood and Commission Lewis. Commissioner Howell said Mr. Parson has served on the board for 8 years and depth and he has a passion make the right decision, and when he was on the board and we appreciate. Commissioner Taylor and she learned so much from him about the roads and everything

3. **Public Comment for Items not on the Agenda:** None
4. **Remarks from Planning Commissioners:** Commissioner Graves said he wanted to thank Kevin and Steve. Wanted to welcome the two new Commissioner's and be patient with yourself and there is a learning curve and then you will have memories like Kevin has.
5. **Planning Director Report:** Director Grover informed about the APA Conference coming up October 6<sup>th</sup> and 7<sup>th</sup>, at the Farmington Station. Chair Warburton said she would like to go. The other is we had talked about the citizen training, and getting word out to the public, and maybe some sort of direction from the Planning Commission. One thing that we have talked about as staff; that maybe before the work session meetings we have some type of Luau Training that has a lot of video presentations for citizens training. He gave some ideas that he and staff had put together and asked if the Planning Commission could help associated with work session training.

Chair Warburton said if you get us all those links to us so that everybody can see what we're talking about. Just having those links available on the Planning Wiki Site is valuable and throwing those on the Commissions Facebook page, and getting all those available links would be helpful, and getting a rotation of them and more people can get those. It would be nice if there were links on our page as well. I just think that having them online would be more feasible for people. .

Commissioner Graves asked so your thought would be during a work session? Director Grover replied it doesn't have to be, we're just brain storming and thinking about putting something in the newspaper. It could be some links that go out on the web, or we could shoot out the links to this commission so you can look at them. Commissioner Graves said let's look at the links and depending on each person's situation, don't always have time to mess around to find them, even though they are short, everybody is pressed for time. It's tied to a work session and it's five minutes and its done. If we can do it in five minutes then we need to rethink it. Director Grover said I was thinking like three times a quarter or three times a year.

Director Grover said when we do a presentation, typically staff does a presentation, and then the developer gives his spill if he chooses or not. Often time it appears when staff goes first that we're representing the developer. We are not



representing the developer, we are representing the county whether they are in compliance with the code or they are not. Some things that we have thought about, is that staff comes up first and does a short presentation with this is the area, this is the zone, and have the developer do the presentation, and then staff comes back after and tells how they are meeting the ordinance. So it doesn't look like staff is representing the developer. Commissioner Haymond said they talked about this before. Chair Warburton asked if everyone was okay with that.

6. **Remarks from Legal Counsel:** None.

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

**WS1. DISCUSSION: Review and Discuss Public Utility Substation or Structure Amendments**

Charles Ewert said we have a request from someone who has a utility out west to modify the setbacks for an unmanned utility facility. What they want to do is modify it to 10 feet. On the particular property is a flag lot and the 10 foot modification is no big deal. But this is an ordinance that is run in other places the ability for unmanned utility infrastructure to be closer to the front setback, considering they are essential service for communities. If you get them closer to the front setback, and the front setback shares a line with a right-of-way, you could have buildings disrupting the visual aesthetics of a 30 foot setback. You could have some issues with that, and just wanted to get some ideas, how you feel about modifying that front setback when you are right next to a public right-of-way. Chair Warburton asked if it is a substation. Mr. Ewert replied right now they are allowed, provided they are in the zone with a 30 foot setback. We could say if it's under a 15 foot structure you can be close to a road. Specifically structures don't talk about the lines, you could have a lattice style substation, and there is number of different types of utilities. Chair Warburton said we have a phone box that is right on the line that is two feet from the road. Mr. Ewert replied I don't think that is a structure. Commissioner Graves said this more of a building that someone could actually walk in, like a glorified tuff shed or something like that. It's a utility building that is housing some mechanical equipment. Director Grover said it is something that is going to require a building permit. Commissioner Graves said sometimes it's a CMU concrete block. My feelings for community aesthetics to keep it back. Chair Warburton agreed and so did the other Planning Commissioners.

8. **Adjournment:** The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



Kary Serrano, Secretary;  
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular Meeting, for August 23, 2016 in the Weber County Commission Chambers, Breakout Room, commencing at 4:30 p.m.

**Present:** Laura Warburton, Chair; John Howell, Robert Wood, John Lewis, Jami Taylor, Greg Graves

**Absent/Excused:** Will Haymond;

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**Guest:** Janet Muir, Ron Gleason

***\*Pledge of Allegiance***

**WS1. DISCUSSION: Planning Commission discussion regarding Night Sky Ordinance**

**1. INTRODUCTION:**

Charlie Ewert said we will be talking about model lightening ordinance. Weber County will be working with IDA, Janet Muir, Weber State University, and others to put together a presentation at the fall conference regarding Night Skies. Ogden Valley specifically is a great place to focus on this because we are the 21<sup>st</sup> in the world and we are the first in the Urban City. We will be talking about how to keep the Night Sky and help keep light pollution from accreditation run with the flow of Dark Sky Astrotourism in this area. We are going to have Janet Muir do her presentation and afterwards I am going to present a light show, with a number of different light samples, sign samples, lumination samples. I want to review our existing lighting ordinance to help point out some of the inconsistencies and some of the administration challenges. Janet Muir and I have a whole stack of other ordinances from other communities trying to draw out best management practices of Night Sky. Specifically Night Sky as it relates to a gateway community to recreational.

**2. DARK SKY PRESENTATION FROM JANET MUIR:**

Janet Muir gave a presentation of the of the Ogden Valley Starry Nights:

- The Committee for Dark Sky Studies
- Affiliates
- Policy and Ordinance Impact
- Momentum of Dark Sky Parks

**3. LIGHTING SLIDE SHOW FROM STAFF:**

Charlie Ewert presented some key issues from the lighting slides:

- International Dark Association (IDA) Model Light Ordinance that break into light zones.
- Ogden Valley doesn't have Urban Corp
- Ogden Valley breaks it out by uses like the design review: Institutional sites; manufacturing sites; commercial sites; multi-family sites, recreational sites, and agricultural sites
- Create Model for Gateway Community Lighting

Charlie Ewert presented the slideshow on various lighting

- Types of lights:
- Lumens – Take all the bulbs used (lumens each creates), add it all up, divide by developable sq. ft. of site.
- Light trespass
- Color of lights – more orange and blue spectrum
- Ban internally light signs
- Internally lit back lighting or reverse back pan channel halo
- Kelvin Chart - 3,000 or lower is the standard

**4. REVIEW OF OGDEN VALLEY OUTDOOR LIGHTING ORDINANCE: Chapter 16 – Ogden Valley Lighting**

Charlie Ewert started on Page 2, Section 108-16-5 (a) – General Requirements. We define:

(a) Shielding:

- (1) Fully Shielded
- (2) Partially Shielded
- (b) Filtration:

Charlie Ewert said turn to Page 3 is the Table that helps understand how these things are regulated in the valley. There are some Types of Lights governed by uses: Partially, Fully, or Filtered

Charlie Ewert read Section 108-16-5 (b) Filtration (1): It didn't make sense and he said he would fix it.

Chair Warburton suggested taking what we have in this format, shrink it down to ¼ of a page, and put next to it what IDA is recommending. It would be easier to look at, and have a discussion. Mr. Ewert agreed to get that done.

Charlie Ewert said he wanted to replace that whole table with downward directional, fully shielded, color temperature, and possibly light intensity (lumens per acre), and trespass

Charlie Ewert said turn to Section 108-16-6: We use the word "foot candle" because the building code uses it. He suggested moving away from that. Time constraints when can things be lit. Is there a time of day they need to be turned off, and what types of uses should have those time constraints. Our current code does say that anytime anyone makes any changes to any lighting, they have to get a land use permit. It should not be required for residential but it is required for commercial.

**5. REVIEW OF MODEL CODE IDEAS:**

Charlie Ewert said these are the questions we posed various communities when we started looking at what they doing.

- Springdale – They do a light audit of two people from Planning Division go out to community and do a light audit. They do not have lumens per acre, if they can see the bulb from the outside property boundaries, you are not in compliance. They have a code for lighting up on the hill.
- Jackson – Has lumens per acre
- Ketchum - Has a fully shielded ordinance.
- Having shielding – what level are we talking about.
- Heights of poles
- Temporary recreational lights – on/off for events
- Moratorium on lighting fixtures and moratorium on reimbursement
- Enforcement - time limit to be in compliance
- Education – Series of education for the valley
- Holiday and String Lighting – regulate for business with limit at night
- Canopy Lighting – Lumens per square foot
- Penalty – fines or notice of non-compliance
- Carriage historic Lanterns – Downward Directional Shielded
- Landscape Lighting – Downward Directional Shielded
- Curfews - Half hour after close or 10 o'clock or later

**WS2. Adjournment:** The meeting was adjourned at 6:45 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,  
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting May 23, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Chair; Greg Graves, John Howell, John Lewis, Will Haymond; Robert Wood, Jami Taylor

**Absent/Excused:**

**Staff Present:** Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Charles Ewert, Principal Planner; Ronda Kippen, Principal Planner; Steve Burton, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call***

Chair Taylor asked if any of the commissioners had any ex parte or conflict of interest they would like to declare. There were none.

**1. Minutes: Approval of the September 27, 2016 and May 2, 2017 Meeting Minutes**

Chair Taylor approved the meeting minutes as presented.

**2. Consent Agenda:**

**2.1. UVE030217:** Consideration and action on a request for final approval of Eagle Ridge Cluster Subdivision Phase 6, consisting of 5 lots, 2 common areas, and an extension of a public street, located at approximately 3600 N Eagle Ridge Drive in Eden in the Residential Estates (RE-20) and Agricultural Valley (AV-3) Zones. (Eden Hills LC, Applicant; Tyler Nielson, Applicant Representative)

**2.2. UVV050417:** Consideration and action for final approval of the plat amendment of the Village Nests at Powder Mountain PRUD previously platted as Village Nests at Powder Mountain, A Condominium Plat. The proposed amendment includes the vacation of a 10' PUE that will be relocated in the private right-of-way known as Daybreak Ridge, a 10 ft. drainage easement, an access/grading easement recorded as entry #2774940 and a water/sewer line easement recorded as entry #2672955.

**MOTION:** Commissioner Warburton moved to approve consent agenda 2.1. UVE030217 and 2.2. UVV050417 as presented in the staff report. Commissioner Wood seconded. A vote was taken with Commissioners Wood, Graves, Warburton, Lewis, Howell, and Chair Taylor voting aye. Motion Carried (6-0)

Director Grover commented on the Storm Water Master Plan would be coming back before this commission on June 6<sup>th</sup>. We will get Jared Anderson, County Engineer to present that at that time.

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

**3.1. Administrative Items**

**a. New Business:**

**1. Presentation: New York Conference – Rick Grover**

Director Grover gave is presentation on the New York Conference. There was a brief discussion and Director Grover said that they would have more detailed discussion in later meetings.

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

**5. Remarks from Planning Commissioners:** Commissioner Graves said his term is up and he thanked everyone, this is a very good Planning Commission, and the Planning Staff is the best he has ever worked with. The Planning Commissioners responded with their appreciation in working with him.

Chair Taylor and Commissioner Wood said they wouldn't be available for the first work session in June. Director Grover asked if they wanted to hold off the Storm Water Master Plan until the end of June. Chair Taylor replied that this was important but she would either way. Director Grover responded that it would be best if we had it for June 27<sup>th</sup> so that everyone could respond with questions or concerns.

6. **Planning Director Report:** None
7. **Remarks from Legal Counsel:** None
8. **Adjournment:** Meeting was adjourned at 6:15 p.m.

**Respectfully Submitted,**

**Kary Serrano, Secretary  
Weber County Planning Commission**



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for a request to amend a previously approved conditional use for the Fairways at Wolf Creek P.R.U.D. The amendment will reduce the density in the multi-phased PRUD from 115 units to 99 units. This PRUD amendment will run concurrently with the request for preliminary subdivision approval of the Fairways at Wolf Creek PRUD Phase 4 & Phase 5, located within the approved Wolf Creek Resort Master Development.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, June 27, 2017

**Applicant:** Fairway's @ Wolf Creek, LLC

**File Number:** CUP2016-06

### Property Information

**Approximate Address:** 4200 North Sunrise Drive

**Project Area:** 15.8 acres

**Zoning:** FR-3

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-017-0017

**Township, Range, Section:** T7N, R1E, Section 22

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
801-399-8768

**Report Reviewer:** SM

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zones (FR-3)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Title 104, Chapter 22 Natural Hazards Areas

## Development History

- The Fairways at Wolf Creek PRUD received conditional use approval by the County Commission on April 24, 2004 after receiving a positive recommendation from the Ogden Valley Planning Commission which heard and considered the proposal for 118 dwelling units and two duplex units (for an overall of 122 units) on February 17, 2004 and March 16, 2004.
- The Fairways at Wolf Creek PRUD Amendment 1 received conditional use approval by the County Commission on October 9, 2007 after receiving a positive recommendation for the club house redesign that was heard and considered by the Ogden Valley Planning Commission on September 25, 2007.

- The Zoning Development Agreement for the Wolf Creek Resort was reconfigured from the 2002 Zoning Development Agreement. The reconfigured agreement received approval by the County Commission on February 3, 2015 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on December 2, 2014. The Zoning Development Agreement the overall density in the Wolf Creek Resort (The Fairways at Wolf Creek PRUD density was reduced from 122 dwelling units to 115 dwelling units) and was recorded on December 4, 2015.
- The Zoning Development Agreement for the Wolf Creek Resort was amended and received approval by the County Commission on March 22, 2016 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on February 23, 2016. The amendment adopted the conceptual maps for the Wolf Creek Resort and was recorded on March 23, 2016.
- The Zoning Development Agreement for the Wolf Creek Resort Amendment 2 received approval by the County Commission on May 7, 2016 after receiving a positive recommendation from the Ogden Valley Planning on April 26, 2016. The amendment transferred five density units from The Fairways at Wolf Creek to Trappers Ridge at Wolf Creek and 11 units will be held in reserve for future development within the Wolf Creek Resort. The amendment was recorded on July 5, 2016 and reduced the density in The Fairway's at Wolf Creek to 99 units.

## Summary and Background

The Planning Division recommends approval of the request to amend a previously approved conditional use for The Fairway's at Wolf Creek PRUD. The amendment will reduce the density from 115 units to 99 units in the existing multi-phased PRUD. This PRUD amendment is being ran concurrently with the request for preliminary subdivision approval of The Fairway's at Wolf Creek PRUD. Phase 4 & 5, located within the approved Wolf Creek Resort Master Development (see Exhibit A for the proposed preliminary subdivision). The proposed subdivisions will be the final phases in the Fairway's at Wolf Creek PRUD that were approved in 2002. The architectural style of the homes in Phase 4 & 5 will mirror those in the previous phases in the Fairway's Development (see Exhibit B for the architectural designs).

Fairway's at Wolf Creek, LLC and Eden Village, LLC (current owner of Trapper's Ridge at Wolf Creek) have been a part of the recent restructure of the Wolf Creek Resort development and have received approval of the "Second Amendment to the Wolf Creek Resort Zoning Development Agreement" for the transfer of 5 units from "The Fairway's" to "Trapper's Ridge" on June 7, 2016. The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) §108-5 for consideration and approval of the proposed PRUD and preliminary subdivision. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and are required to receive concurrent preliminary subdivision approval according to the approval process that the applicant is vested under as outlined in the previous LUC §108-5-6(d)(3)(c).

Conditional use permits should be approved as long as any detrimental effects can be mitigated. The LUC already specifies certain standards necessary for mitigation of detrimental effects to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas, and the landscaping.

As part of the preliminary subdivision requirements, subdivision review process and approval procedure, the proposal has been reviewed against the subdivision ordinance and the standards in the FR-3 zone. The preliminary subdivision must be presented to the Planning Commission for their recommendation to the County Commission for approval. The Planning Commission, subject to the requirements of this chapter, may recommend approval, approval with conditions or denial of the PRUD to the County Commission. The proposed PRUD and the preliminary subdivision with the proposed lot configuration and based on the recommended conditions listed in this staff report, are in conformance with the existing PRUD, (see Exhibit D & F) the current LUC and the Zoning Development Agreement for the Wolf Creek Resort (see Exhibit E for the approved Wolf Creek Resort Concept Plan). The following is staff's analysis of the proposed PRUD as a condition use, the design review and the preliminary subdivision.

## Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-3 zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1 as:

*"The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts,*

*recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts."*

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the previous PRUD ordinance that the applicant is vested under and the standards in the FR-3 zone in LUC §104-17 to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance to the LUC.

**Lot area, frontage/width and yard regulations:** The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The site development standards for the FR-3 zone require a minimum lot area of 6,000 sq. ft. The proposed PRUD utilizes the allowed flexibility to create a neighborhood with lot sizes varying from 10,027 square feet to 21,088 square feet and lot widths varying from approximately 45 feet to 156 feet. The preliminary drawings include the following minimum yard setbacks:

- Front Yard: 15 feet
- Side Yard: 10 feet
- Rear Yard: 15 feet
- Side Facing Street (corner lot): 15 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot size are acceptable. Staff recommends a "No Access" note and line that will need to be placed along the northern property lines of Lots 77-81 and 83 due to these lots abutting a future right of way parcel owned by Fairways at Wolf Creek (Parcel# 22-017-0012) to ensure that the lots are accessed from Fairways Trail, a public right of way. This condition will restrict access per LUC §106-2-4(c) which prohibits interior lots from having frontage on two streets except where unusual conditions make other design undesirable. A condition of approval has been added to staff's recommendations to ensure the final subdivision is submitted with the required "No Access" line and note on the plat.

**Common Area:** The general requirements for a PRUD identify the need to preserve common open space. The applicant is proposing to dedicate approximately 33,951 square feet of common area which is 6.3% of the net developable area in Phases 4 and 5. With this dedication, the overall open space requirements for the entire Fairways at Wolf Creek PRUD have been met. The preliminary subdivision identifies the common open space as "Common Area" and will be dedicated upon recording to a Community Association. The CC&R's will need to comply with the provisions of the Community Association per U.C.A 1953, §57-8a-101 et seq. per LUC §108-5-6(d) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivision, the applicant will need to provide to the County a copy of the proposed CC&R's for review as well as a cash escrow to be held by Weber County for the proposed improvements including the landscaping of the common area. The dedication language on the final plat will need to include language to grant ownership of the common area to the Community Association. A condition of approval has been added to ensure the final subdivision submittal includes a cost estimate for the improvements and a draft copy of the CC&R's for review by the applicable agencies prior to final approval.

**Natural Hazards Overlay Zone:** The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain. A geotechnical study has been performed and a report has been prepared by Earthtec Engineering dated March 8, 2016, identified as Project #167003. A geologic site reconnaissance has taken place and a report has been prepared by IGES dated May 19, 2016, identified as Project #01855-007. All site development will need to adhere to the recommendations of these reports and a note will need to be added to the final plat. Also a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.

**Culinary water, irrigation water and sanitary sewage disposal:** The applicant has provided a feasibility letter from the Wolf Creek Water and Sewer District for the culinary water, irrigation water and sanitary sewer (see Exhibit G). The applicant will need to provide a "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District as part of the final subdivision submittal. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water will be required for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission.



Review Agencies: The Weber County Surveyor's Office, the Weber County Engineering Division, the Weber Fire District and the Ogden Valley Starry Nights have reviewed the proposal. These review agencies have approved the proposal and have provided the applicant with redlined drawings that will need to be addressed on the final plat. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the review agencies are strictly adhered to.

Additional design standards and requirements: The applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Fairways at Wolf Creek PRUD Phase 4 and Phase 5. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.

Conditional Use Review: The proposed PRUD is conditionally allowed in the FR-3 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Wolf Creek Water and Sewer District (see Exhibit G) for culinary, irrigation and waste water services. The applicant has provided the required material to facilitate a thorough review of the proposed project including preliminary subdivision plan, grading, drainage, and a geologic site reconnaissance and geotechnical report.

Design Review: The FR-3 Zone and the proposed conditional use, mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the 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:

1) Considerations relating to traffic safety and traffic congestion. The proposal includes improvements for the construction of Fairways Trail and the connection to Patio Springs Drive (see Exhibit A). A "No Access Line" will need to be placed along the northern property lines of Lots 77-81 and 83 that abut Fairways at Wolf Creek Parcel 22-017-0012 to ensure that the lots are accessed only by Fairways Trail, a public right of way.

2) Considerations relating to outdoor advertising. The applicant has not proposed any signage or outdoor advertising as part of the application. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.

3) Considerations relating to landscaping, screening and buffering. The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 by providing two landscaped open space areas along Patio Springs Drive (see Exhibit C).

4) Considerations relating to buildings and site layout. The individual lot layout has been reviewed against the design criteria of the FR-3 Zone in LUC §104-3, the Design Review in LUC §108-1, the approved Zoning Development Agreement for the Wolf Creek Resort, and the Ogden Valley Architectural, Landscape and Screening Design Standards in LUC §108-2-4. The lots in The Fairways at Wolf Creek PRUD Phases 4 and 5 will differ from the previous phases in The Fairways and will be developed as individual lots instead of building pads with common area surrounding the individual units; however, the proposal matches the existing architectural style of the existing homes in the Fairways development.

5) Considerations relating to utility easements, drainage, and other engineering questions. The applicant has provided civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainage. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

6) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. Per LUC §108-4-5(c)(2)(h), the County may take into consideration standards relating to infrastructure, amenities, and services. As part of this consideration, the County may implement conditions to "mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area". Prior to recording the final subdivision plats for Phase 4 and Phase 5 of The Fairways at Wolf Creek,

the applicant will need to receive certificate of occupancy for the club house in Phase 3, complete any and all improvements associated with the tennis court, swimming pool and any common and/or open space areas that are not in compliance with the previous approvals. A condition of approval has been added to staff's recommendation to ensure that prior to recording Phase 4 and Phase 5 final Mylar plats, the required improvements for the previous phases will be completed by the applicant by May 31, 2018.

Tax clearance: The 2016 property taxes have been paid in full. The 2017 property taxes will be due in full on November 1, 2017.

Public Notice: The required noticing for the preliminary subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

## Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- Does this subdivision meet the requirements of applicable County Land Use Codes?
- Does this subdivision comply with the Wolf Creek Resort Zoning Development Agreement Conceptual Plan?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
  - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
  - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
  - *The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.*
  - *The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.*
  - *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*
  - *The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.*

## Staff Recommendation

Staff recommends approval of the request to amend a previously approved conditional use for The Fairways at Wolf Creek PRUD. The amendment will reduce the density in the multi-phased PRUD from 115 units to 99 units. This PRUD amendment will run concurrently with the request for preliminary subdivision approval of The Fairways at Wolf Creek PRUD Phase 4 & Phase 5, located within the approved Wolf Creek Resort Master Development. This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. The applicant will need to complete all construction including finish work and receive a certificate of occupancy for the club house located in Phase 3, complete any and all improvements associated with the tennis court, swimming pool and any common and/or open space areas that are not in compliance with the previous approvals prior to May 31, 2018 or prior to recording the final subdivision plats for Phase 4 and Phase 5 of The Fairways at Wolf Creek, whichever comes first. Completion of these improvements will be inspected by the Planning Division prior to signing the final occupancy letter.
2. A "No Access Line" will need to be placed along the northern property lines of Lots 77-81 and 83 that abut Fairways at Wolf Creek Parcel 22-017-0012 to ensure that the lots are accessed only by Fairways Trail, a public right of way.
3. A draft copy of the CC&R's will be provided to the County for review by the applicable agencies prior to final approval.
4. All site development will need to adhere to the recommendations of the Earthtec Engineering's geotechnical report dated March 8, 2016, identified as Project #167003 and IGES's geologic site reconnaissance report dated May 19, 2016, identified as Project #01855-007.
5. A note on the final plat and a separate "Natural Hazards Disclosure" document will be required to be recorded to provide notice of any recommendations to future property owners regarding Earthtec Engineering's

geotechnical report dated March 8, 2016, identified as Project #167003 and IGES's geologic site reconnaissance report dated May 19, 2016, identified as Project #01855-007.

6. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.

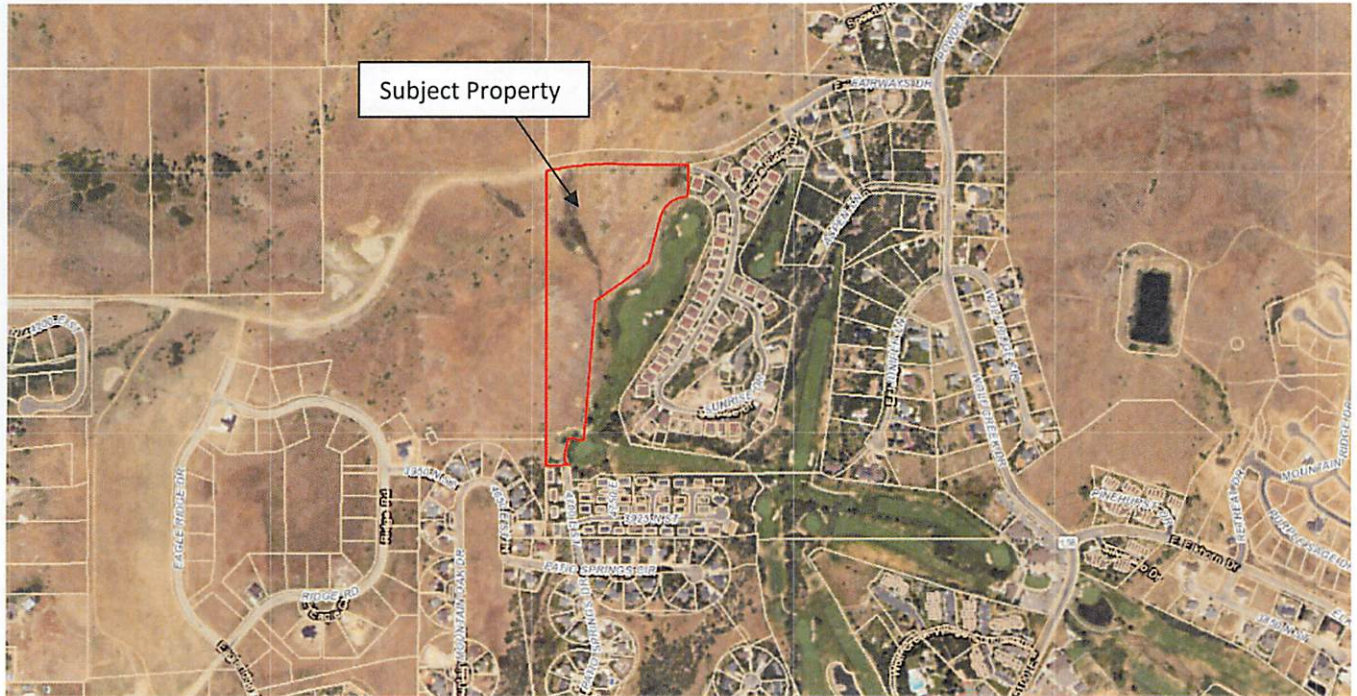
This recommendation is based on the following findings:

1. The proposed conditional use amendment and subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed conditional use amendment and subdivision complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conditional use amendment and preliminary subdivision.
4. The proposed conditional use amendment and subdivision will not be detrimental to the public health, safety, or welfare.
5. The proposed conditional use and subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Proposed Fairways at Wolf Creek PRUD, Phase 4 & 5 preliminary subdivision
- B. Architectural Plans
- C. Landscape Plans
- D. Proposed Conceptual Phasing Plan
- E. Wolf Creek Resort Zoning Development Conceptual Plan
- F. Original PRUD Conceptual Phasing Plan
- G. Feasibility Letter

## Location Map





GENERAL NOTES: 1. THIS PRELIMINARY SUBDIVISION PLAN IS THE PROPERTY OF EDEN VILLAGE LLC...

LOCAL DISTRICT

LOCAL DISTRICT: THE PROJECT IS LOCATED WITHIN LOCAL DISTRICT 13, WEST...

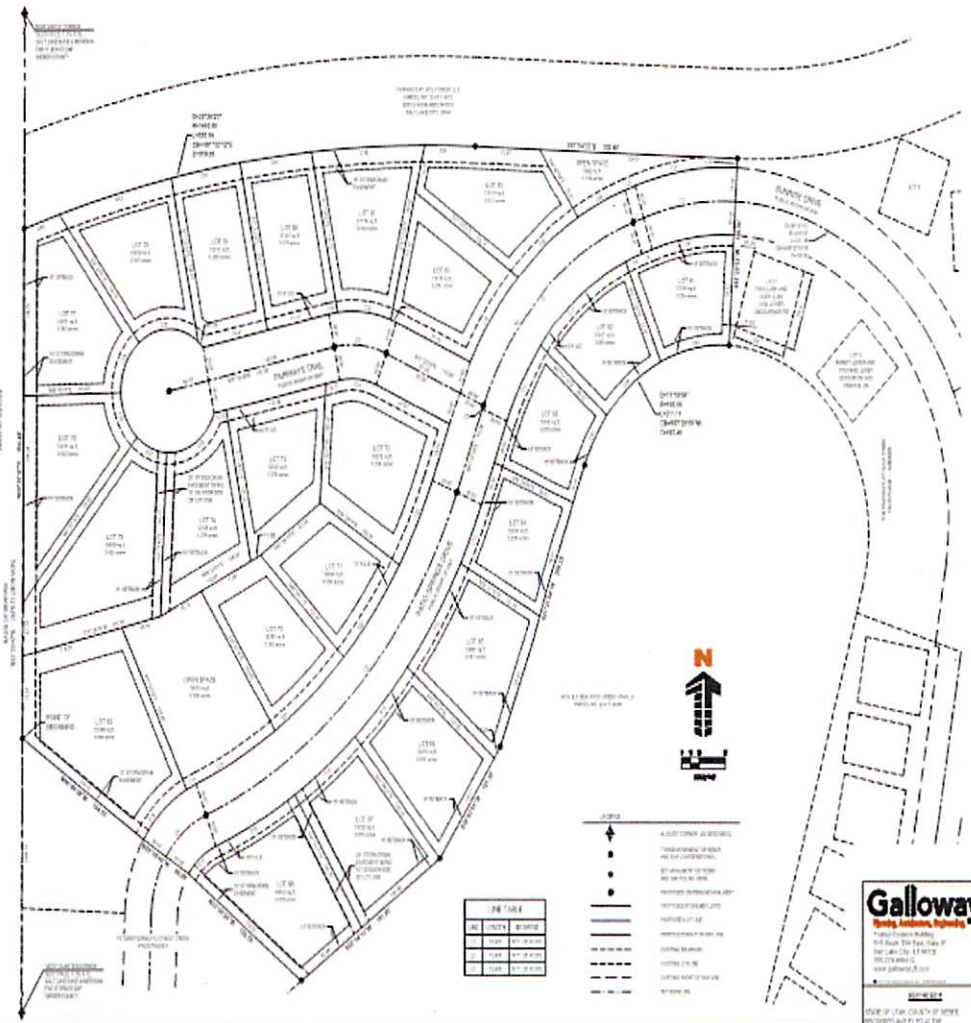
2. THE CITY OF DENVER HAS ADOPTED ORDINANCE 13.03, AS APPLICABLE...

CURVE TABLE

Table with columns: CURVE NO., P.C.I., P.T.I., TANGENT, CHORD, AREA, PERCENTAGE, DISTANCE.

THE FAIRWAYS AT WOLF CREEK P.R.U.D., PHASE 4

A PORTION OF THE WESTWEST QUARTER OF SECTION 28, TOWNSHIP 70N, RANGE 108E, 7TH RANGE, HARRIS COUNTY, TEXAS



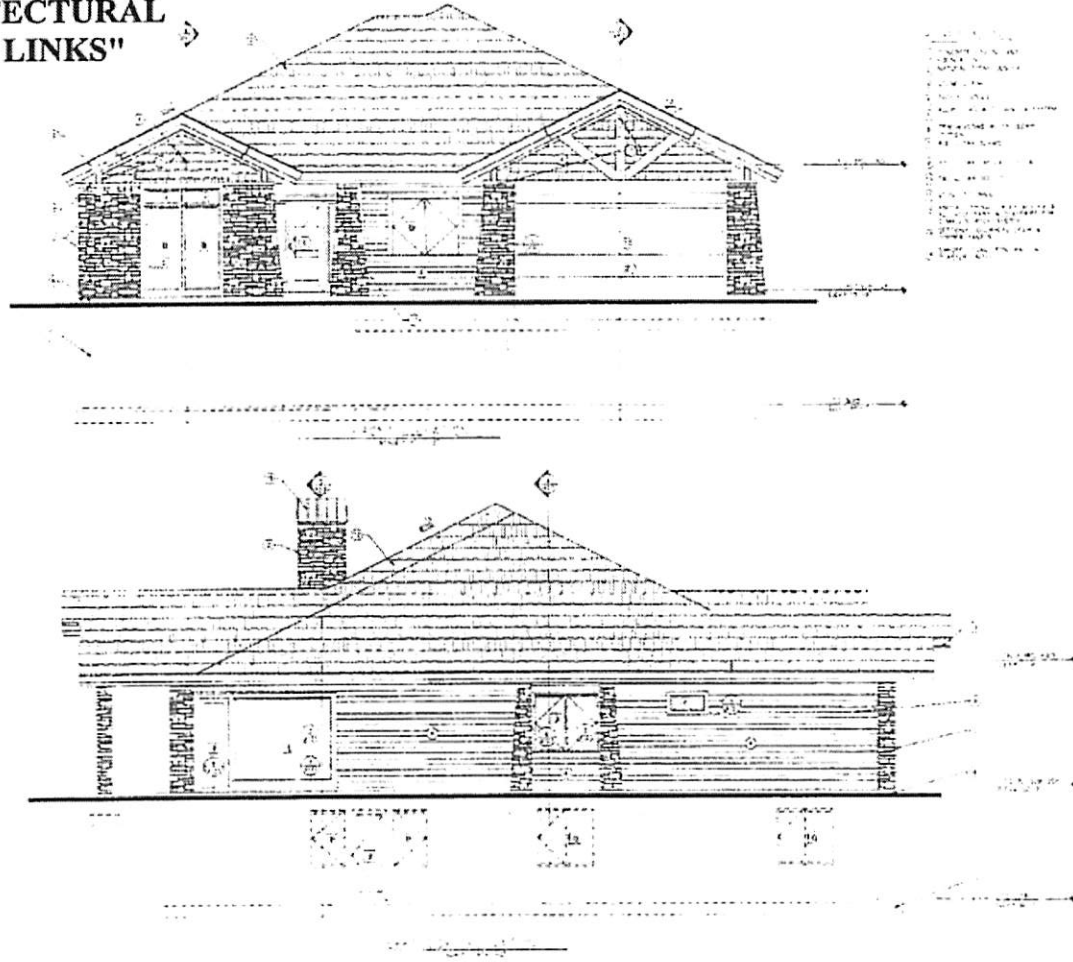
Galloway Survey, Planning, & Engineering, Inc.

Legal notices and signatures for THE FAIRWAYS AT WOLF CREEK P.R.U.D. PHASE 4, including signatures of Edén Village LLC and various county officials.

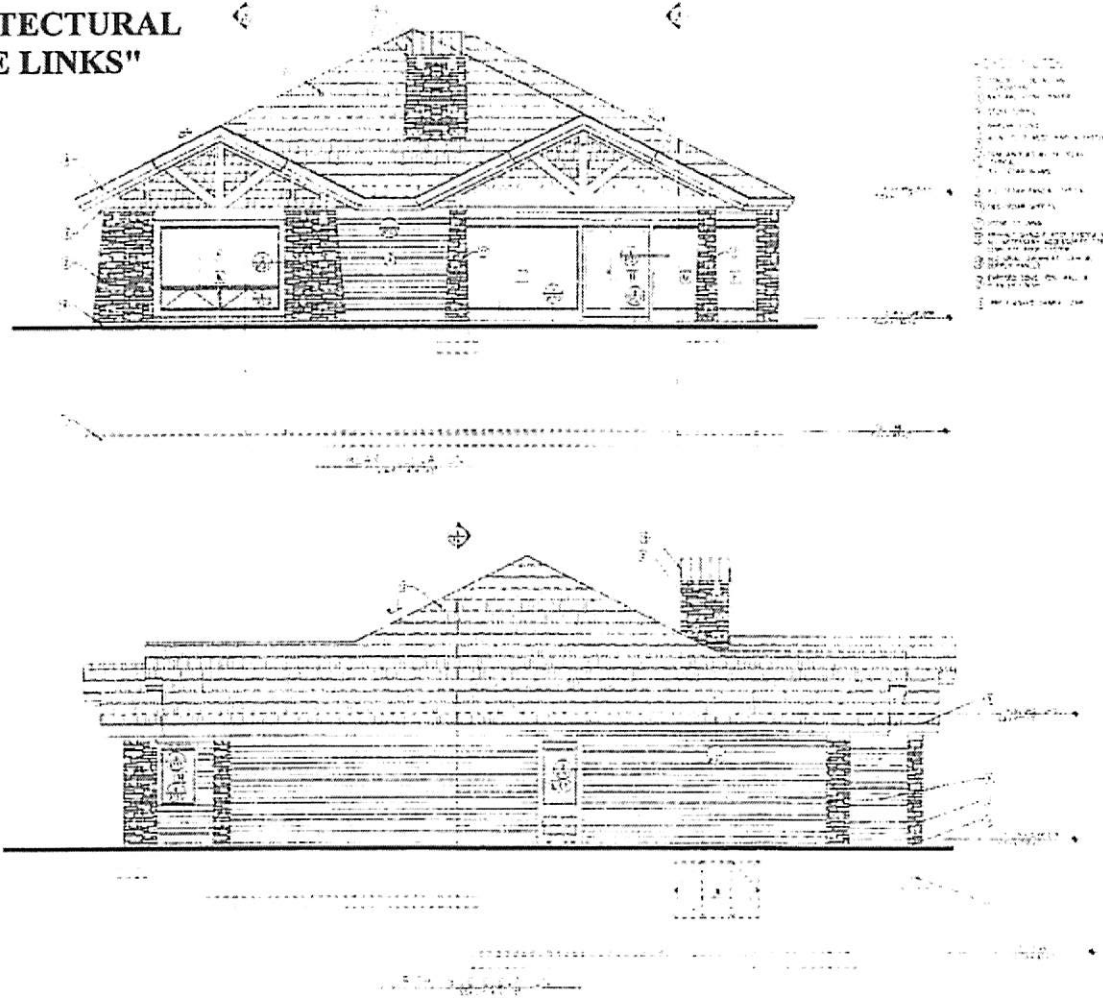




**FAIRWAYS ARCHITECTURAL  
EXAMPLE #1: "THE LINKS"**



**FAIRWAYS ARCHITECTURAL  
EXAMPLE #1: "THE LINKS"**





### FAIRWAYS ARCHITECTURAL EXAMPLE #2: "THE SUNPEAK"

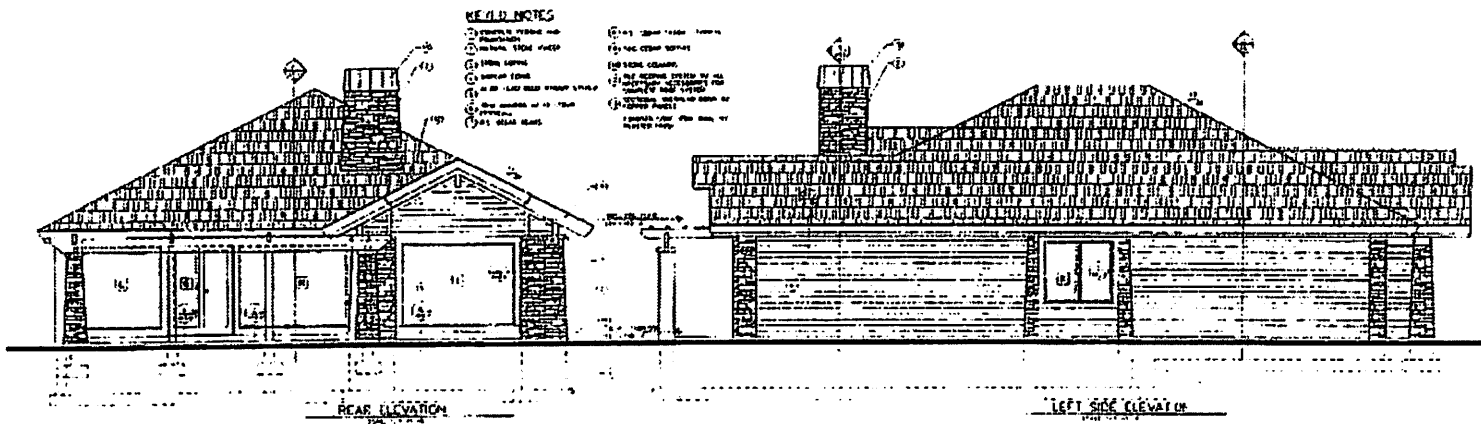
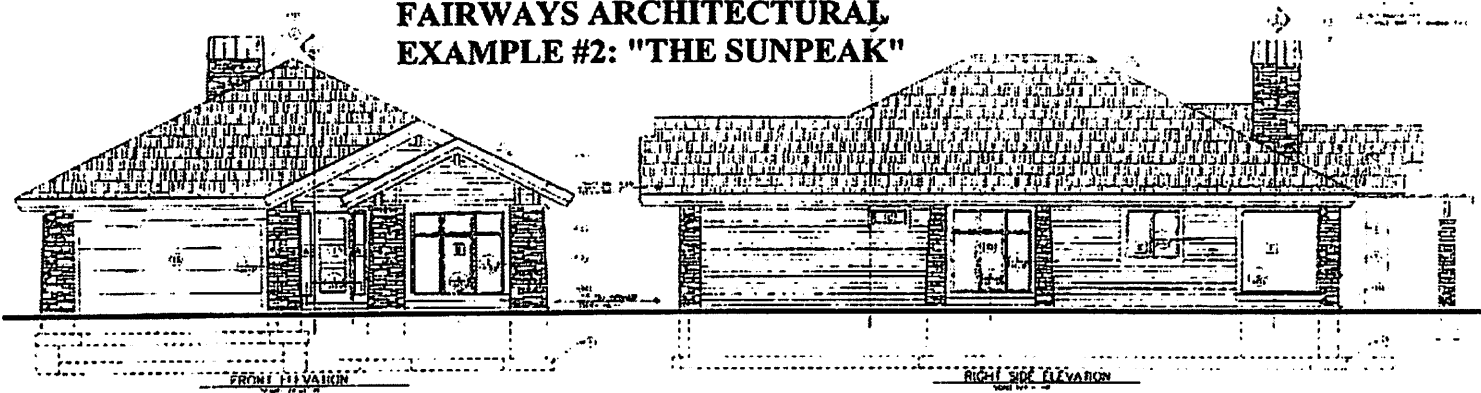


Exhibit B-Architectural Renderings



Exhibit B-Architectural Renderings



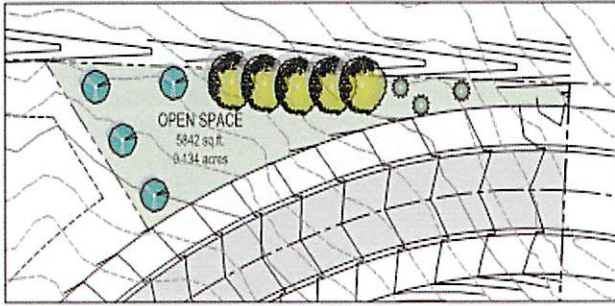
Exhibit B-Architectural Renderings



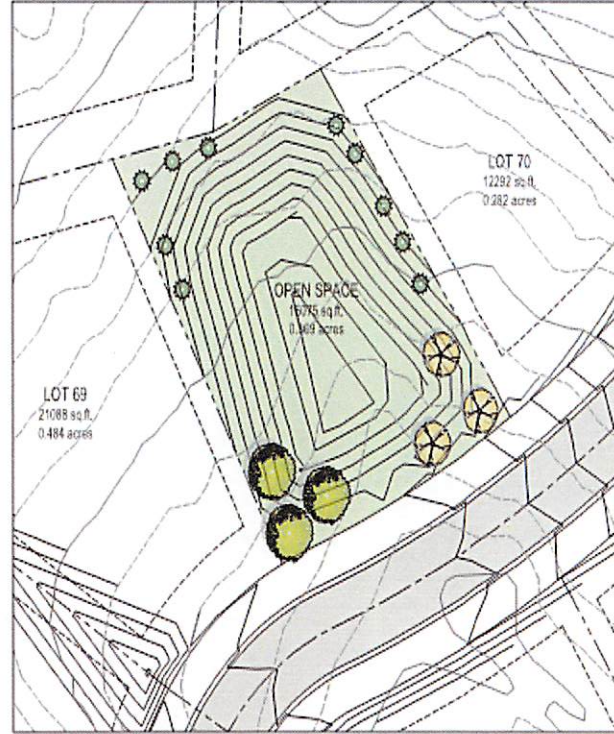
Exhibit B-Architectural Renderings



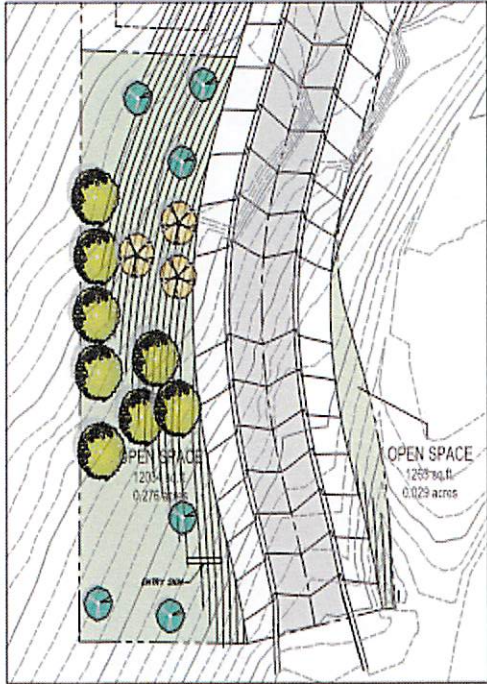
Exhibit C-Landscape Plan



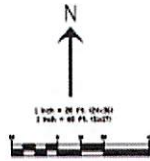
LANDSCAPE AREA A



LANDSCAPE AREA B



LANDSCAPE AREA C



EXAMPLE ENTRY SIGN

LEGEND

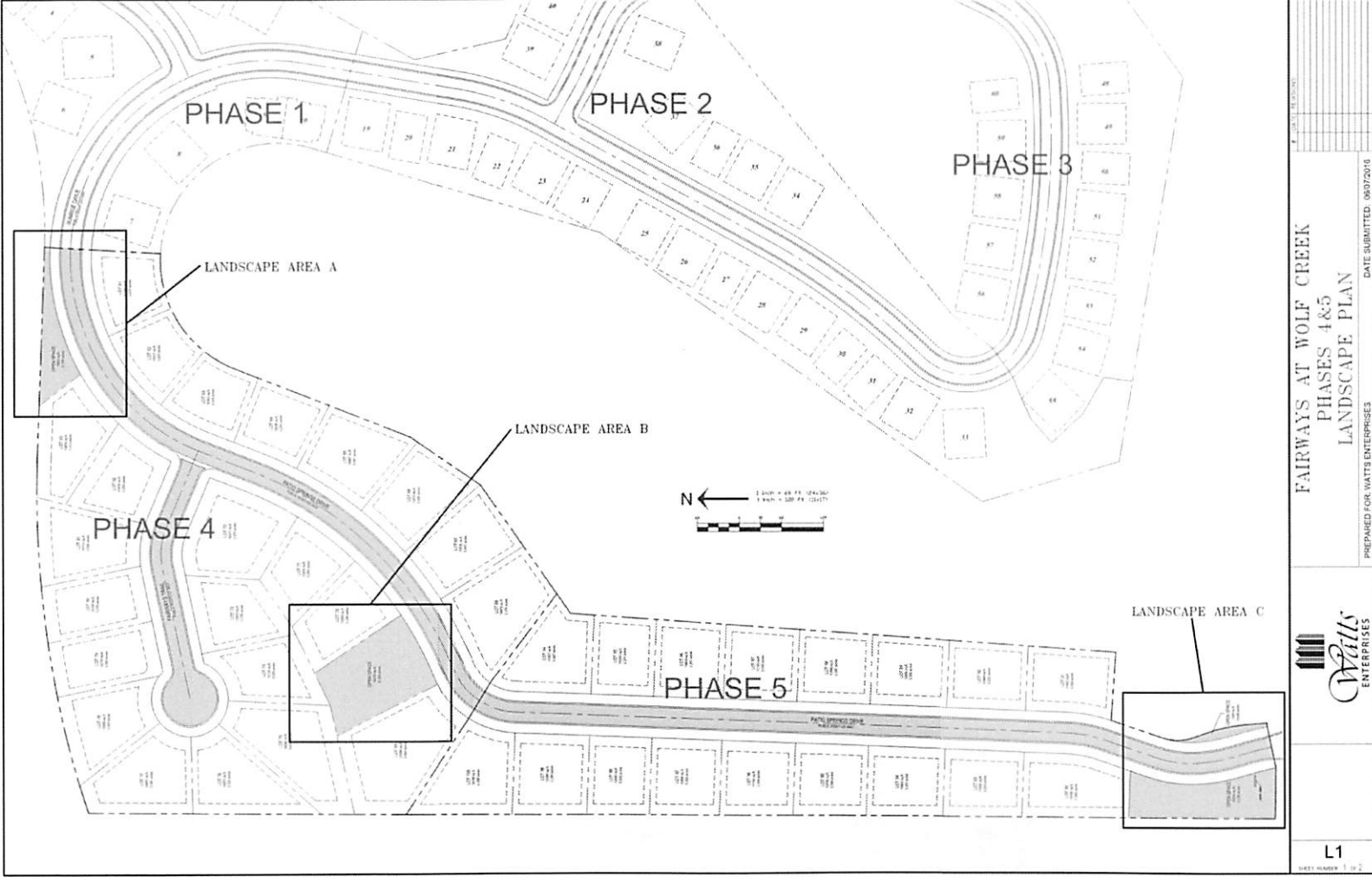
- QUAKING ASPEN (TREE)
- LONGBARDY POPLAR (TREE)
- CANADIAN RED OAK APPLE (TREE)
- ARCTIC CANYON BLUE WILLOW (SHRUB)
- KAMU FESCUE (MEADOW GRASS)
- COUNTRY MIELUNUM (BROADLEAF SHRUB)
- SEED FOR NATURAL RESTORATION

**FAIRWAYS AT WOLF CREEK**  
**PHASES 4&5**  
**LANDSCAPE PLAN**

Wills  
 ENTERPRISES

L2  
 SHEET NUMBER 2 OF 2

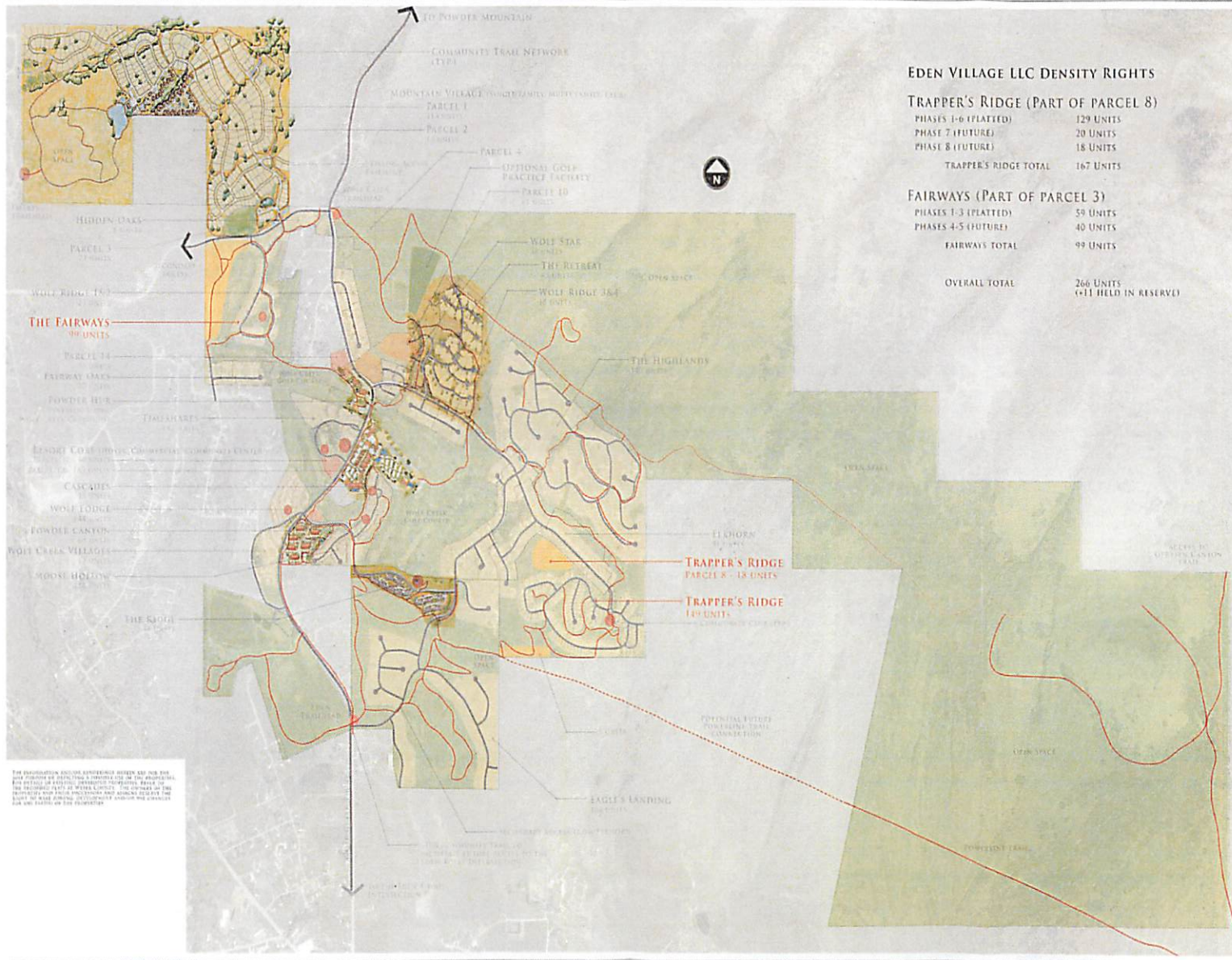
PREPARED FOR: WATTS ENTERPRISES      DATE SUBMITTED: 05/07/2013



 <p><b>Watts</b> ENTERPRISES</p>	<p>FAIRWAYS AT WOLF CREEK PHASES 4&amp;5 LANDSCAPE PLAN</p>
<p>L1</p> <p>SHEET NUMBER 1 OF 2</p>	<p>PREPARED FOR: WATTS ENTERPRISES DATE SUBMITTED: 08/07/2016</p>

# WOLF CREEK RESORT

MARCH 2016



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LANGVARDT DESIGN GROUP

EXHIBIT "C" POST-TRANSFER







*Wolf Creek Water and Sewer Improvement District*

P.O. Box 658  
3632 N. Wolf Creek Dr.  
Eden, Utah 84310  
(801) 745-3435  
Fax (801) 745-3454

*RE: Fairways at Wolf Creek PRUD Phase 4*

*Fairways at Wolf Creek PRUD Phase 5*

*Trappers Ridge at Wolf Creek PRUD Phase 8*

*Russ-*

*Based on our recent discussions, we understand that you are working with the County to adjust your master plans at the Fairways and Trappers Ridge projects referenced above. It is our understanding that the first step of the process will be to reduce the density in Fairways by 16 units, transferring 5 of those to Trappers, and holding 11 in reserve for future use. This leaves the following project densities:*

- Fairways at Wolf Creek PRUD Phase 4 – 23 homes*
- Fairways at Wolf Creek PRUD Phase 5 – 17 homes*
- Trappers Ridge at Wolf Creek PRUD Phase 8 – 18 homes*

*Within the master planning process Wolf Creek Water and Sewer Improvement District has previously anticipated service in accordance with the original master plans and this amendment does not inhibit our ability to serve either of these projects. The excess units to be held in reserve will also remain able to be served by WCWSID with possible conditions depending on where the units are eventually transferred to and other developments or changes that have occurred in the meantime.*

As you are aware, we operate three separate systems, culinary water, irrigation/secondary water, and sewer with treatment. The capacity of each of these systems is subject to state laws and limitations applied by the Division of Drinking Water and Department of Environmental Quality. In particular, the amount of culinary water we are required to have available is dependent on 1) continuing to supply irrigation water, and 2) limiting outdoor use of culinary water. At the same time, the supply of irrigation water is dependent on flow to the Wolf Creek diversion, which as you know may change due to pumping related to development at Powder Mountain.

In view of these concerns, we anticipate the following conditions will be placed upon all future developments:

- Landscaping plans shall limit irrigated areas and minimize installation of turf, both for building lots and common areas. Each building lot/unit shall be equipped with at least one hosebib tied to the irrigation system.
- Landscaping plans will be reviewed and approved by WCWSID, with an emphasis on xeriscaping and installed as approved
- Drip irrigation systems shall be used for all shrub and tree beds, consistent with the existing Design Guidelines (2010) of the Wolf Creek Master HOA. We strongly recommend design of the irrigation systems with zones based upon planting demand.
- No basement sump pump or footing drain shall be connected to the sanitary sewer.

*In summary, WCWSID is at present able to provide culinary water, sewer, and irrigation services to the projects listed above upon payment of impact fees per our standard schedule. This commitment to Master Planned densities is subject to future review until the connection and impact fees have been paid.*

Let me know if you have any further questions.

Thanks,



Rob Thomas

General Manager

WCWSID