

Minutes of the Ogden Valley Planning Commission Regular meeting September 26, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jamie Taylor, Chair; Chris Hogge, Steven Waldrip, John Howell, Robert Wood

**Absent/Excused:** Laura Warburton, John Lewis

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

*\*Pledge of Allegiance*

*\*Roll Call*

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

**1. Minutes: Approval of the April 26, 2016 and September 05, 2017 Meeting Minutes**

Chair Taylor approved the meeting minutes as presented.

**2. Consent Agenda:**

**2.1 UVD070317: Consideration and action for an application for final approval of the Drasel Condominiums, a condominium plat consisting of 6 units located at 306 Ogden Canyon, Ogden in the Forest Residential (FR-1) Zone. (James Fawson, Applicant)**

**MOTION:** Commissioner Howell moved to approve consent agenda UVD070317 of the Drasel Condominiums, a condominium plat consisting of 6 units located at 306 Ogden Canyon, Ogden in the FR-1 Zone subject to all the conditions and recommendations listed in the staff report and all county and state agencies requirements. This motion is based on the findings listed in the staff report. Commissioner Wood seconded. A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell and Chair Taylor. Motion Carried (5-0)

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

**3.1. Administrative:**

**a. New Business:**

**1. DR 2017-15: Consideration and action for the design review to modify the parking standards for the single and multi-family homes along Copper Crest and Spring Park Road, Eden in the Destination Recreation Residential (DRR-1) Zone. (SMHG Village Development LLC, Applicant)**

Director Grover reviewed the staff report and indicated on Page 5 of the staff report, Summit has put together some rationale on why they're requesting this reduction, as well as other amenities they would be providing and these are some of the suggestions they are giving on giving them the parking reduction. As a commission you need to determine if this warrants that, and if we can limit the trips on the public roads. There is the ability on the public roads to park along the curb, and a lot of mountain bikers were using that road to park along those roads because it is public parking which is allowed. Staff's recommendation for parking reduction because there is the ability to only need one vehicle based on those amenities they will provide, and on a Master Parking Plan that will be coming to you.

Commissioner Waldrip said I have several questions; if Copper Crest and Spring Road was a private road. According to the code, the operational characteristics are for reduction in parking requirements. What is the operational character of these parcels; is the driver for this the environmental friendly side or not enough lot sizes for it. The other part of the code requirement is the possibility of mitigation if this doesn't work. For instance with snow removal, you have cars parked on the public right-of-way, how do we deal with that. With a number of homes under construction, what would be the operation procedure for removing snow when you have cars parked on that public right-of-way; would there be a sign that states no parking, or what would mitigation plan be in the code for this? On private roads, are there plans for these roads to be dedicated and would they meet county standards where they could be dedicated.

Director Grover responded yes, that is a private road and there no parking along those roads, but they were to park there it would be on the other side. Part of it is environmental but it also has to do with reducing the impact on our infrastructure. We are also looking at this as a whole development because the development agreement is based upon the entire development. These other areas as part of the resort, but we're still working on their Master Parking Plan that's in process,

and we're working with the applicant solidifying some previous requirements in the Development Agreement that need to be addressed. People can't park along there with a storm in place, and he was not sure exactly how it's signed up there. Often times the storms that come in are usually at night time so they wouldn't be able to park there at night time. What we would be doing as staff, and on the previous one has been granted, we are monitoring those and seeing if they are working or not. If they are not then this will come back to the commission, address that at that time for the existing homes, and see what type of impact that has in the future as well. A lot of mitigation as part of the resort is to have the larger parking areas, and shuttling people on to the site in the bus system. Those are some of the mitigating factors proposed on Page 5 that would address those issues. That is correct, but I am sure that private roads have been designed to county standards as far as pavement depth and width of the right-of-way.

Commissioner Howell said generally speaking like the county roads, there are 12 foot lanes on either side, what is the width on this road. Director Grover replied typically are public roads are between 56 and 59. The road going into Spring Park on that pavement width is around 24 feet.

Courtlan Erickson said just a follow-up on that point; on Page 3 of 8 of the Staff Report, right above after staff's recommendations, there is a review agency paragraph, it says, "*The Engineering Division has reviewed the proposal and has granted a conditional approval which states that on street parking will not be allowed along the public roads known as Summit Pass and Spring Park Road.*" Director Grover said those two roads there, the big road out along the edge, that's where parking would be allowed. There is no parking allowed along Copper Crest or Spring Park as they are all private roads. Assistant Director Mendoza said Spring Park is a public road.

Chair Taylor said so it seems that under staff's recommendation #1 is correct that no parking is allowed. Mr. Courtlan said that he wanted clarification so this commission understands that if you adopt this, with the recommendation of #1, and that my include Spring Park as well as Summit Pass. Director Grover said just put it on Spring Park. Chair Taylor said take out any to be more specific with that condition.

**MOTION:** Commissioner Waldrip moved to approve DR 2017-15 for a parking reduction on the Copper Crest and Spring Park road for the multi-family and single family homes as detailed in the staff report. Subject to the following conditions those outlined in staff report. Including specifically that no parking allowed in Spring Park Road and that the applicant demonstrates a sufficient mitigation plan to staff; that the applicant demonstrate to staff provisions applying significant mitigation for parking and a mechanism for revocation where the plan is not operating as presented per the existing land use code. This is based on the findings indicated in the staff report that this parking reduction meets the requirements of the land use code, that the operational characteristics of the proposed reduction area warrant a parking reduction in conjunction with the applicant's Master Parking Plan for mass transit alternative transportation and the ability to mitigate the impact of a reduction in parking. Commissioner Howell seconded.

**DISCUSSION:** There was a discussion there were other measures if this didn't work and how they are struggling with Summit's vision. It was suggested to invite them for a work session and have them present what they presented in Ogden. They have done great things, but we need to see what they are doing to be able to get behind their vision but for Ogden Valley as a whole.

**VOTE:** A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell and Chair Taylor. Motion Carried (5-0)

**2. CUP 2017-06: Consideration and action on a conditional use permit application for 50 self storage units located at approximately 601 S 7800 E, Huntsville in the Commercial Valley (CV-2) Zone. (Chris Cave, Reeve and Associates Inc, Applicant)**

Director Grover said this item is an administrative item that does not require a public hearing, but you can choose to take public comment. As you review this it will be under the conditional use standard and Mr. Burton is going to give a brief overview of where it's at, then the applicant Kerry Wangsgard will give his presentation, and then Mr. Burton will follow-up showing how it is or is not meeting county code.

Steven Burton said this is a brief over view of the proposal. The applicant is proposing three storage buildings; Building A will include 11 (16 x 40) foot units, Building B will include 12 (16 x 45) foot units, and 8 (14 x 20) foot units, and Building C will

include 9 (16X 35) foot units and 10 (14 x 20) foot units. At this site as seen by the aerial there are two existing self storage units. The existing site gains access from 7800 East through the adjacent parcel to the west that is also owned by the applicant.

Kerry Wangsgard, Applicant said currently I own 36 storage units in the upper valley along Highway 39, and have owned that for 20 plus years. At the present time all of the units are full and have a waiting list and that's why I need the additional storage place. In looking at the Planning Commission staff report; I have just three concerns. The first one is that staff is asking for a vinyl fence and berm be placed on the east and south side of the property by those passing by. At the present time there is a chain link fence that extends along the south side of the property. It doesn't draw attention to it but a vinyl fence would stand out, it is difficult and expensive to maintain if a windstorm comes along and blows it away. The second part the county requires 20% landscaping and my proposal to be able to use the inside of the storage facility as part of that landscaping. There would be asphalt right up against the doors; about 8 feet out from there and it would be pastured grass which is what is currently there now. It allows any runoff to percolate and contain on the property site; so there isn't an entire bed of asphalt that runs off to adjacent or neighbors property, it allows to be contained to percolate. My third concern is that I should eliminate the outdoor storage that is on the west side of the property. There has been outdoor storage on the facility since the 1990's, and he is not opposed to that, he would like to move that outdoor storage to the back of the adjacent property to the north, putting it out of sight and out of the way.

Commissioner Howell said you mentioned chain link fencing, and to my understanding you can't use that in commercial property in the valley. Mr. Wangsgard replied that's true, and the facility and chain link was put prior to that ordinance, and the reasoning for that is purely aesthetics. When you first put a chain link fence; you can have that coated green or brown, and the chain link fence is more durable, provides more security, and is easier to maintain.

Commissioner Hogge said on the asphalt there, and having the pasture grass areas where the water would go to percolate, is the asphalted area the driving surface going to be graded and sloping to the grass areas would naturally collect there. Mr. Wangsgard replied that's correct, and in the two facilities I have three drains where everything floats to those drains.

Commissioner Wood asked between those buildings now, is there gravel in there. Mr. Wangsgard replied no, there's asphalt and then there is another white strip of asphalt. The one below the ground drains and is right in the center and right now it's covered in pasture grass and natural vegetation that just grows in there.

Steve Burton reviewed the staff report and recommended approval of file # CUP 2017-06, a conditional permit application for 50 self storage units located at approximately 601 S 7800 E in Huntsville, on parcel 240180007. This recommendation for approval is subject to all review agency requirements with the conditions as listed in the staff report and the recommendations based on the findings listed in the staff report.

Commissioner Waldrip said on the storm drainage, and his concern is they are adding a lot of hard surface to the area to a parcel without any detention or retention onsite. Has Engineering addressed that, have you had a discussion with them. Mr. Burton replied I have not had a specific conversation with them; they have called that out in their review so that will be something that Engineering will be required to approve before the conditional use permit is issued.

Chair Taylor asked the 20% landscaping and the asphalt and all of that makes sense, as far as the request goes for the landscaping, would the drive space be considered part of the landscaping, can that be a possibility that we can look at putting that into a motion or is that not really good to implement it. Mr. Burton replied personally that the existing field grass isn't probably the intent of the landscaping chapter to allow existing field grass with weeds and net. I believe that providing an area to protect landscaping would be in line with the land use code and it would be important to everybody in the valley.

Commissioner Waldrip said according to Mr. Wangsgard the southern property line is only a couple of feet away from those existing buildings. A berm there wouldn't be feasible; and it would have to be between those two buildings, and I don't know how you could screen that out on those existing buildings. Mr. Burton replied and he's proposed vinyl fence that looks like it's along the existing Building 1 but it's not for Building 2.

Chair Taylor said so specific things like the berm and the fencing, is that something that we can pass a motion that we just need to make sure that is in compliance. Those are details that I want everyone to be happy as long as it is in compliance with

the code. Is there are some very specific things in here, that we would need to strike out to allow for that type of flexibility when we make a motion. Mr. Burton replied as far as berming and fencing goes, you can say strike out the specifics of a specific fence and I don't think that it states a vinyl in the motion, and that's because that's what the applicant has on their plan. You could just have a motion that says that staff proposes other screening that is approved by the Planning Division in compliance with the land use code.

Kerry Wangsgard said when talking with staff, they indicated that there are different kinds of fencing that is approved, but my concern is to keep it secure. I want to also protect the aesthetics and prevent the visibility of the inside of the storage units. I have designed it on the left side; and on the north side of the property is hidden by the facility themselves, and we have created a barrier with the storage units. The sides exposed are on the south side and east side and I wanted to put chain link but that is not allowed. I was thinking of putting in the net fence but I have to create a berm which creates more of a problem. I was told that I put in vinyl fencing that would eliminate the berm. My thoughts on security and chain link would be my best option; even if I have to get a variance from the commission to do that. The adjacent property owner planted shrubs on the south east corner down to where it drops off; so there is already vegetation along that chain link fence. The only portion that requires be hidden is the front part of the exiting storage unit and on the west side of the proposed storage facility. There will be trees planted on the west side to break up that exterior wall of the proposed building. As for the outdoor storage units, I have lease agreements going back to 1992 from individuals that rented sites for outdoor storage. That's 25 years that outdoor storage has been allowed by the county until I applied for extra storage units.

Ron Gleason, 252 N 8750 E, Huntsville, said that he was confused that the CV-2 Zone allows for recreational vehicles storage and what that means if it's outside storage. It does allow for self-storage for indoor for personal and household items, and there are questions not addressed in the staff report. The first one has to do with LUC Section 110-2-2 Signage; is there going to be a sign plan, or are they going to continue with the same type of signage. A permit will be required, when that permit is needed, and should it be included in the packet. The second one has to do with LUC Section 108-16 Lighting and there is no lighting plan; there is a new light ordinance that went into effect as of August 1<sup>st</sup>. What are the steps for outdoor lighting and lighting at the gate, and is there a lighting plan required for that. Will this facility be able to support a 45,000 pound load or higher going across there? On the entrance there is a width but no length, so how much room is there from the road to the gate? I didn't see any type of feedback or recommendations from the Fire Marshall, or any fire protection requirements for this site. Are there any restrictions of what people can or cannot store in these units.

**MOTION:** Commissioner Waldrip moved to table this item until our next meeting on October 24, 2017; specifically to see the fencing issue clarified, the berming clarified along the west side of the proposed Building A with trees on it, storm drainage calculations done, engineering requirements identifying what is going to be taking place on this property with building and hard surface that is a significant area for a small site. I would like to see a proposed signage, proposed lighting, and proposed architectural detail and the code requires architectural relief within that plane. Commissioner Howell seconded.

**DISCUSSION:** The Planning Commissioners felt there were too many unanswered questions and things that needed to be clarified before they could proceed.

**VOTE:** A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell, and Chair Taylor. Motion Carried (5-0)

**3. DR 2017-12: Consideration and action on a request for design review approval to permit a temporary rock crushing operation located 4100 N Eagle Ridge Drive, Eden in the Residential Estates (RE-20) Zone. (Ben Opheikens, Applicant)**

Director Grover said this is an administrative decision and notices were sent out to just the abutting property owners on this and they were more for courtesy purposes. Mr. Burton will give a brief presentation of where it's at and what has been reviewed against. The applicant Ben Opheikens will explain his project and then Mr. Burton will explain if it meets or doesn't meet county code.

Steve Burton the applicant is requesting a design review approval for a temporary rock crushing operation. That is specifically to produce material for the development of the roads within the future phases of the Eagle Ridge Master Plan community. The rock crushing operation has received prior review approvals during Ogden Valley Planning Commission meetings held in August 2009 and June 2014 and this something that we've seen before.

Ben Opheikens Applicant said we're applying for a temporary rock crushing project up there so we're not having truck stuff up the canyon. We make 3,000 to 4,000 yards per day which is 166 to 222 trucks out on the canyon per day. From 2009 to 2014 we've kept 10,600 trucks off the road; from 2014 to now is almost 12,600 from coming up and down the canyon. Obviously there is a financial benefit that we've saved with not having to pay those trucks from coming up and down and just having that material accessible. All the material that we've crushed previously is done on the lower side and we've trucked up on this side on dirt roads where we've stored it and we can only access it behind three gates. We have put in 250,000 sq. ft. of asphalt last fall and the spring and we've had success with the material that's been approved.

Commissioner Hogge asked is that material that has been crushed coming from the future developed area, and excavation for the construction and development. Mr. Opheikens replied when we cut the roads we'll be in six feet of topsoil and go four feet over and nothing but straight boulders. That pit runs that type of material that we use to process; so anything that we cut out for the road, we'll use that at the site to build the walls and produce the project.

Steve Burton reviewed the staff report and indicated that the project does comply with the previously approved with the Eagle Ridge Master Plan approvals. Staff recommends approval of DR 2017-12 subject to all agency requirements and based on the following conditions:

1. Crushing will be allowed only for onsite materials to be used in future phases of Eagle Ridge Subdivision. No offsite material will be brought in for crushing and no onsite material will be crushed and exported to other to other locations.
2. The site plan hours of operation and mitigation controls must be followed as well as other conditions stated in the staff report and that's based on the findings of the staff report.

Dave Garland, 3930 North Mountain Oak Drive, Representing the Patio Springs HOA, said he had concerns but Mr. Burton answered all the questions. There was mention of dust, and was concerned. Commissioner Howell replied that dust is minimal. Commissioner Waldrip read part of the staff report, *"rock crushing machines will have water sprayers and water truck will be onsite to mitigate dust."*

**MOTION:** Commissioner Hogge moved on staff's recommendations for DR 2017-12 approval to permit a temporary rock crushing operation located 4100 N Eagle Ridge Drive, Eden in the Residential Estates (RE-20) Zone. This is based on recommendations and findings listed from the staff report. Commissioner Wood seconded. A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell and Chair Taylor. Motion Carried (5-0)

### 3.2. Legislative:

#### b. New Business:

**1. ZTA 2017-01: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7) and Ogden Valley Signs (Title 110, Chapter 2) to amend provision related to flags, window signs, and portable signs.**

Director Grover said this is a legislative item, we have noticed it for a public hearing. We are going to do this a little bit differently, we will have Mr. Ewert present and the applicant has submitted a petition. He is going to propose the language, and after he presents we will have a member of the OVBA will give their comments.

Charlie Ewert what we have before you is a proposal to amend the sign code that is being proposed by the Ogden Valley Business Association (OVBA). They submitted the original proposal back in January of this year, and asked for a couple of very specific things. They revised their application to those three specific things are related to:

1. The allowance for the display of flags.
2. The allowance for display of one illuminated window sign.
3. The allowance for display of A-Frame Signs both onsite and offsite.

Charlie Ewert said as we were building a relationship with the OVBA over this request; one of the things that we wanted to make sure we did as staff control over the code writing. This is the county's ordinance and the county is comfortable with what's being adopted.

Charlie Ewert said flags specifically, if the county is going to allow flags to be displayed, we cannot regulate the content of that flag. A flag of any kind, if we say not this type, not that type, we are crossing the free speech law and getting into content regulation there. There are some kinds of speech that can be regulated; we can regulate against obscenity, speech content