



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

REGULAR PLANNING BOARD MEETING AGENDA

April 26, 2011

5:00 p.m.

Pledge of Allegiance

Roll Call

1. Minutes:

1-1. Minutes: Approval of the March 1, 2011, March 22, 2011, and April 5, 2011 meeting minutes.

2. Consent Calendar:

2-1. OVV070709 Consideration and action on a request for a one year time extension of final approval for Silver Bell Estates No. 2, First Amendment, Lot 63 Subdivision, (1 Lot) as well as a recommendation for the vacation of lot 63 of the Silver Bell Estates No. 2 Subdivision within the Forest Valley (FV-3) Zone, located at approximately 2200 N 3800 E, Liberty. (Gary Braden, Applicant)

3. Regular Agenda Items:

Old Business

3-1. CUP 2003-12 Consideration and action on a request to amend the Edgewater Beach Resort PRUD site plan by rearranging several buildings, eliminating one 12-plex and one 6-plex, adding five single family dwelling units, reducing the total number of units from 166 to 153, and changing the approved landscaping plan in the Commercial Valley Resort Recreation (CVR-1) Zone, located at approximately 6350 E Hwy 39. (Celtic Bank, Applicant)

3-2. UVR030209 Consideration and action on a request for a variance to the Weber County Subdivision Ordinance to allow an additional time extension of final approval for The Retreat at Wolf Creek Utah Subdivision Phase 1, in the RE-20 Zone, located at approximately 5334 East Elkhorn Drive (Rob Thomas for Wolf Creek Properties LC, Applicant)

New Business

3-2. CUP 2011-03 Consideration and action on a request for a Conditional Use Permit for a dog kennel in the Agricultural (A-1) Zone, located at approximately 391 S 10000 E, Huntsville. (Felicia & Richard Ewing, Applicants)

3-3. ZP2011-02 Consideration and action on a request to remove Heliport listed as a conditional use in the Commercial Valley 2 (CV-2) Zone (Lee Schussman & Dave Holmstrom, Applicants)

4. Public Comments:

5. Planning Commissioner's Remarks:

6. Staff Communications:

6-1. Planning Director's Report - HB412, Helipads, and CUP

6-2. Legal Counsel's Remarks

7. Adjournment

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

A pre-meeting will be held in Room 108 at 4:30pm. No decisions are made during the pre-meeting.



In compliance with the American 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 Township Planning Commission work session held March 01, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: William Siegel, Chair, Gary Allen, Greg Graves, John Howell, Kevin Parson, Laura Warburton

Excused: Jim Banks

Staff Present: Rob Scott- Director, Sean Wilkinson, Planner, Justin Morris, Planner, Sherri Sillitoe, Secretary

1. Ordinance to amend Board of Adjustment Chapter 29

The Weber County Planning Division staff is continuing the process of amending Chapter 29 (Board of Adjustment) of the Weber County Zoning Ordinance. This chapter governs the duties, powers, and procedures of the Board of Adjustment. At this point in the process, specific ordinance language changes have been proposed for the majority of the ordinance, but a few policy questions require further guidance from the Planning Commission. These questions deal with the following issues:

- Should the Board of Adjustment have more duties and powers than staff is proposing?
- Which body (staff, planning commission or board of adjustment) should handle special exceptions?
- If special exceptions are removed from Chapter 29, where in the Zoning Ordinance should they be relocated?
- Are the existing criteria for special exceptions adequate?
- How should notice for Board of Adjustment meetings be handled?
- Should citizens from outside the unincorporated area of the County be allowed on the Board?
- How should extensions be handled for Board decisions that have not been acted upon within the specified time frame?

Commissioner Warburton asked why shouldn't flag lots be approved administratively. Chair Siegel indicated that most concern has been the lot access.

It was decided that flag lots could be approved administratively and if appealed then it could go to the Board of Adjustments. Commissioner Warburton indicated that anything definable andshould be administratively approved.

Commissioner Warburton indicated that under 29-7.1b it lists the 15-day appeal period, but what can the public count on in regard to county timelines? (Clearly define in the ordinance, what a person can count on). She would like to see the deadline process defined, both for the public and the county; such as after an applicant submits an application, staff will set a meeting date within 45 days. This should also be spelled out in Section 29-5.

Rob Scott indicated that the rationale for the 18 months is we are trying to implement the General Plan. They do not set precedence.

Staff has proposed changes to the following sections:

Section 29-1 Purpose and Intent

Section 29-2 Board Membership and Organization

Most of the content from the original sections 1 and 2 has been preserved, but the language and organization of the information has been amended.

Section 29-3 Duties and Powers of the Board

Most of the original duties and powers have been removed because they were no longer applicable, or they are addressed elsewhere in the Zoning Ordinance. Staff is proposing four duties and powers for the board including appeals and interpretations, variances, special exceptions for access by a private right-of-way, and special exceptions for flag lots. One of the original special exceptions dealing with access at a location other than across the front lot line will be moved to another location in the Zoning Ordinance and will be an administrative approval. Several of the policy questions listed above deal with this section.

On the expiration dates, Commissioner Warburton said she believes there should be term limits. Rob Scott indicated that would be a County Commission policy decision.

With the discussed changes, the Board of Adjustment will have two policy decisions; to act as an appeal authority and to act on variance requests.

Section 29-4 Decision Criteria and Standards

This language reflects what is currently found in the Utah state code. However, staff has not proposed specific criteria amendments for the two remaining special exceptions. Several of the policy questions listed above deal specifically with how special exceptions should be handled. Staff is looking for guidance on this issue from the Planning Commission prior to proposing specific criteria and language amendments.

29-4.4

3. Variances will not affect the General Plan

4. Or contrary to the public interest. Commissioner Howell asked which section is weighed more heavily, and Mr. Wilkinson indicated that an applicant needs to meet both.

Section 29-5 Procedure

This section deals with procedures for filing applications, providing notice, meetings, decisions, time expirations, and appeals. Staff is requesting guidance from the Planning Commission on these issues, because the Planning Commission has more experience in these areas than the Board of Adjustment. Several of the policy questions listed above deal specifically with this section.

2. Ogden Valley General Plan Trails Element

Justin Morris indicated that the Ogden Valley General Plan Trails Element was adopted in 2002. In October, staff informed the members of the information from the Weber County Cooperative Trails Master Plan committee meetings.

Page 6-7 talks about bicycle lanes. The map prepared after 2002 did not show the lanes, but the text referred to them.

Steve Clarke indicated that he applauds the effort to do master planning on the trails. He encouraged the Planning Commission to create updates to that master plan (every year, every two years, etc.). What the master plan and trail plan does not show was the GEM Committee's vision for trails. He believes they should look at the master plan as a model.

Commissioner Warburton asked if the GEM Committee worked with Weber Pathways. Steve Clarke indicated that Weber Pathways and Ogden Valley Pathways were two different groups at the time the master plan was adopted. Jennifer Graham has been trying to get a recreation master plan for Weber County adopted.

Chair Siegel said that people are required to register their ATV's. There is only one area now where motorcycles could be used on the trails.

Justin Morris asked if the Ogden Valley General Plan Trails Element still represent the vision. Should a map be prepared that would replace the Ogden Valley's Trails Master plan?

Commissioner Warburton asked if she had her preference, she would have a committee comprised of experts study it and come back to them with their recommendations.

Chair Siegel indicated that what they have now, they could hold a work session with the GEM Committee and others they want to invite.

Commissioner Howell would like to have a map where the major roads are as well as the master-planned trails.

Chair Siegel indicated that he believes all trails should be shown, motorized and non-motorized trails.

Commissioner Parson indicated that they have a lot of work that has been done. He believes it should not take more than a couple of work sessions with all the groups involved e.g. Horsemen Associations, GEM Committee, Weber Pathways, Forest Service, off-road vehicle people, Jennifer Graham, Terry Davis, Alan Wheelwright, etc.). There is a trail guide that Sun Valley publishes which is an excellent example that shows trail access areas, etc.). Commissioner Howell said he is also familiar with the trail guide in the High Sierras.

Steve Clarke indicated that he would suggest that the Planning Commission make a list of all different uses in the plan and a list of everyone that would participate and then have them report again to the Planning Commission for a 30-minute meeting.

Justin Morris indicated that the map is for creating new trails. They are not adopting a trail use guide.

- It was decided that a subcommittee would be formed to address the Ogden Valley General Plans Element for non-motorized trails.

3. Ordinance to amend Home Occupations Chapter 34

This item was pulled from the agenda

4. County Commission Curb, Gutter and Sidewalk Deferral Policy Information

The County Commission is looking for ways on how they handle curb, gutter and sidewalk in the Ogden Valley. Right now, as a general rule, curb, gutter and sidewalk deferrals are required. Staff has prepared a list of various options. The members were encouraged to review the options and give comments to staff.

Commissioner Howell said the most important thing he sees is disclosure. Sean Wilkinson indicated that staff records the agreements and they should be revealed during a title search.

5. Other

6. Adjourn

There being no further business, the meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission

Minutes of the Ogden Valley Township Planning Commission meeting held March 22, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: William Siegel, Chair, Gary Allen, Jim Banks, Greg Graves, John Howell, Kevin Parson, Laura Warburton

Staff Present: Rob Scott- Director, Scott Mendoza, Planner, Sean Wilkinson, Planner, Ben Hatfield, Planner, Monette Hurtado, Legal Counsel, Sherri Sillitoe, Secretary

Pledge of Allegiance

Roll Call

1. Minutes:

1-1. Approval of the February 1, 2011 and February 22, 2011 meeting minutes.

Staff indicated that the members received an updated copy of the February 22, 2011 meeting minutes. Chair Siegel declared the February 1, 2011 and February 22, 2011 meeting minutes were approved as presented.

2. Consent Calendar:

2-1. OVH021511 Consideration and action for final approval of The Highlands at Wolf Creek Phase 2, 1st Amendment Subdivision (1 Lot) and a recommendation for the vacation of Lots 27 and 28 of The Highlands at Wolf Creek Phase 2 Subdivision within the RE-15 Zone, located at approximately 5667 E Porcupine Ridge Drive. (Volker Neuwirth, Applicant)

2-2. OVF022211 Consideration and action for final approval of the Fullmer-Roland Subdivision (2 Lots) and a recommendation for the vacation of Lots 18, 22, and 23 of the Highlands at Wolf Creek Phase 2 Subdivision within the RE-15 Zone, located at approximately 3729 Red Hawk Circle. (Gary & Janice Fullmer and Peter & Melinda Roland, Applicants)

MOTION: Commissioner Graves moved to approve Consent Calendar Agenda Items 2-1 and 2-2 as submitted and subject to all staff and agency comments. Commissioner Parson seconded the motion. A vote was taken and Chair Siegel said the motion carried with all members present voting aye.

3. Regular Agenda Items:

Old Business

3-1. CUP 2011-02 Consideration and action on a request from the Ogden City Engineering Division to extend the deadline for boulder removal and site restoration associated with CUP 2011-02 by 60 days. (Justin Anderson, P.E., Ogden City Construction Engineer, Agent)

No Exparte Communication was declared.

Sean Wilkinson presented a staff report and reported that Planning Division staff recently met with Justin Anderson (Ogden City Engineer) to discuss the possibility of extending the March 29th deadline for boulder removal and site restoration associated with CUP 2011-02. The Planning Commission approved CUP 2011-02 for a surface boulder collection operation at the February 22nd meeting. One of the conditions of approval was that the current stockpile site at the end of 3100 East would be cleared of boulders and restored by March 29th. This site is being used to store boulders that are used as part of the Ogden River restoration project.

The applicant for this extension is Ogden City, not Dan Lockwood who was the applicant for CUP 2011-02. Ogden City has run into a problem with a storage site in the city for the boulders, and does not want to move them twice, at an additional cost of \$30,000 - \$40,000. Therefore, Ogden City is requesting an additional 60 days (until May 29th) to complete the boulder removal and restoration for this site. Staff recommends allowing the 60-day extension with the other conditions that were approved as part of CUP 2011-02.

Staff has received several complaints regarding Mr. Lockwood's operation including operating at this site last Saturday. The property owner has also indicated a new lease has not been signed as was required in the original approval. Until these items are addressed, staff will not approve the conditional use permit for the upper site.

At this time, the Planning Commission is only dealing with the lower site and with the Ogden City extension request for a 60-day extension.

Justin Anderson, Ogden City made a presentation showing the Ogden River restoration project where construction began in January 2010.

Commissioner Banks asked if 60 days was ample. Mr. Anderson indicated that once funding is in place, they would be able to haul the remaining boulders from the lower site.

James Smith indicated that he lives within 500 ft. of the staging area (5800 N. off Hwy 162) and had not been consulted when the project began. Sean Wilkinson indicated that staff has not issued a conditional use permit for the upper site. The removal of the boulders on the lower site is allowed. Once that area is cleared, there is no approval for stockpiling at the lower site. Mr. Smith lives right next to the lower site where they are staging the rocks, sorting them, and then loading the trucks again. They were never asked for their comments when the operation first began. He is opposed to the noise, safety concerns, and ground shaking from the boulders.

Justin Anderson stated that since last week, they have brought off 800 to 1,000 tons, which is about 45 truckloads. If the extension request is not approved, they will remove the rocks by March 29, 2011 at a cost of \$15-\$20,000 that he would like to use toward the project.

Jim Banks asked Mr. Anderson if he was aware that there was never a permit obtained for the rock removal.

Commissioner Warburton asked if Ogden City could realistically accomplish the rock removal within 30 days. She would like to see if there was a compromise. Justin Anderson said he would have to make the best of whatever extension of time they were given.

James Smith indicated that a young couple nearby was trying to sell their home due to a job loss. How are they supposed to sell this home for what it's worth with this operation going on?

Sarah Bair indicated that what Ogden City is doing is wonderful. They pay their taxes to Weber County, which helps with the Planning Commission. She would like to see their taxes stay in the Ogden Valley. Ogden City should have planned better. She urged the members to allow some of the property owners to give input on part of the site restoration plans. Ogden City should pay part of the road improvements that are needed due to the damage from large trucks.

Ken Turner indicated that he took a walk with his wife along the Ogden River project and he supports that project. He has seen the site and understands the various concerns. It seems wasteful to have to double move the rocks and spend the necessary money to do so.

Gary Palmer, an Ogden Valley resident, indicated that the rocks are going to be moved. Another question is once the rocks are removed, when the site could be restored.

MOTION: Commissioner Parson moved to approve an extension request from the Ogden City Engineering Division to extend the deadline for boulder removal and site restoration associated with CUP 2011-02 by 45 days. Commissioner Graves seconded the motion. A vote was taken and Chair Siegel said the motion carried (7-0).

New Business

3-2. OVW042710 Consideration and action on a request to revise final approval of the Wade Pilcher Subdivision by not including 250 feet of new road and improvements (2 Lots) within the AV-3 and FV-3 Zone, located at approximately 3132 N 3825 E. (Carol Pilcher, Owner & Wade Pilcher, Agent)

Ben Hatfield presented a staff report and indicated that

Staff is recommending tabling this item until their February 5, 2011 work session so that the road improvement agreements can be signed.

MOTION: Commissioner moved to table OVW042710 until the February 5, 2011 work session (if the road improvement agreements are signed by then. Commissioner seconded the motion. Motion carried (7-0).

3-3. DR2011-01 Consideration and action on a request for Design Review approval of the Eden Blacksmith Shop development Phase 1A in the Commercial Valley (CV-2) Zone located at approximately 2145 N. 5500 E. (Dan Vanzeben, Agent, representing Horseshoe LLC)

Sean Wilkinson a staff report and reported that the Weber County Commission approved the amended Blacksmith Village Concept Development Plan on March 15, 2011 and the design has not changed since then. Design Review approval for the revised Phase 1 of this project is now being requested. The Phase 1 site plan is consistent with the approved conceptual development plan and consists of the following items: Renovations to the existing Blacksmith Shop, removal of the structure attached to the Blacksmith Shop, construction of a new 1,876 square foot structure attached to the Blacksmith Shop that will meet the existing Blacksmith Shop building exterior facade, construction of a new 2,578 square foot building south of the Blacksmith Shop, a complete street design, a new landscaping and signage plan, a new parking plan, and culinary water and wastewater treatment.

Staff recommends approval of the Blacksmith Village Phase 1 site plan subject to staff and other review agency requirements. This recommendation is based on the project complying with applicable County Ordinances and the Zoning Development Agreement.

Commissioner Warburton indicated that there were several concerns listed on Exhibit F and Sean Wilkinson indicated that the main Engineering concern was the site grading. She indicated that it would be helpful to have dates on the exhibits included in a design review.

Dan VanZeeben indicated that they would comply with the Engineering concerns regarding grading. The benches will be moved back further from that shown during the concept development plan approval. He showed where the drainage swales would be located. They will drain to the south back onto the property that they would be grading. The berm will be approximately 2 ft. so it would meet the Engineering concerns. Commissioner Graves indicated that the grade would be 3:1, which is the maximum slope if they intend to have grass that would be safely mowed. Mr. VanZeeben indicated that primarily the grasses would mainly be fescue, wheat, and other grasses.

Commissioner Howell indicated that safety of the children coming from the park could be a concern. Dan VanZeeben indicated that they are doing the street crossings.

Commissioner Warburton indicated that the proposed lights are beautiful.

Commissioner Graves said some of the plants would not grow where they are shown on the landscape plan. The purple plants will not be purple because they are proposed to grow in the shade, where they need sun.

No public comment was made.

MOTION: Commissioner moved to approve DR2011-01 Consideration and action on a request for Design Review approval for the Eden Blacksmith Shop development Phase 1 in the Commercial Valley (CV-2) Zone located at approximately 2145 N 5500 E subject to the project complying with applicable County Ordinances and the Zoning Development Agreement. Commissioner seconded the motion. A vote was taken and Chair Siegel said the motion carried (7-0) with Commissioners Allen, Banks, Graves, Howell, Parson, Warburton and Chair Siegel voting aye.

3-4. ZP2011-01 Consideration and action on a request to rezone property located at approximately 750 Ogden Canyon (The Oaks Restaurant) from Forest Residential Zone (FR-1) to Commercial Valley Resort Recreation Zone (CVR-1) for the purpose of expanding The Oaks Restaurant and using three existing cabins for nightly rentals (Keith & Melinda Rounkles, Applicants).

Sean Wilkinson presented a staff report and reported that the applicants are requesting approval to rezone property located at approximately 750 Ogden Canyon (The Oaks Restaurant) from Forest Residential Zone (FR-1) to Commercial Valley Resort Recreation Zone (CVR-1) for the purpose of expanding The Oaks Restaurant and using three existing cabins for nightly rentals. The majority of the property is on the south side of the river. The Oaks is currently located on a parcel containing 158 acres, of which approximately ten acres are proposed to be rezoned to CVR-1. The majority of the property that remains FR-1 will be placed in a conservation easement, while a small area will remain FR-1 without being encumbered by a conservation easement).

The Oaks is currently a nonconforming use in the FR-1 Zone that existed prior to the adoption of zoning regulations in Weber County and is still legal because the use has not been abandoned. However, Chapter 28 does not allow a structure that is occupied by a nonconforming use to be added to or expanded in any manner, unless such expansion is made to conform to all yard and use regulations of the zone in which the structure is located.

Based on this requirement, The Oaks would not be able to expand in the FR-1 Zone, which is the main reason behind the rezone request. The concept plan associated with this rezone is proposed to have three phases and a ten-year time frame. Phase 1 includes a two-year time frame wherein the freezer/cooler addition will be completed and the cabins will be made available for nightly rentals. Phase 2 includes the east dining room addition and must be finished within five years. Phase 3 consists of constructing the additional cabins within 10 years.

The CVR-1 Zone requires a site of at least 2.5 acres, but the proposed rezone area contains approximately 10 acres, over half of which is undevelopable due to steep slopes. Staff recommends that the CVR-1 Zone location be amended to get as close to 2.5 acres as possible, while still providing a reasonable area for the proposed concept plan. Allowing a rezone of more property than is necessary, especially when it is undevelopable, is not advised. The applicants should work with their engineer to revise the proposed rezone area according to this recommendation.

Staff has determined that this rezone request from FR-1 to CVR-1 for The Oaks meets the criteria found in Chapter 35-3. The applicants submitted a narrative answering how their application complies with the Chapter 35 requirements. Staff's response to that narrative is listed in the staff report on file. Staff recommends that the Planning Commission recommend approval of this rezone request to the County Commission. This recommendation includes the following provisions: Revising the proposed CVR-1 area from 10 acres to as close to 2.5 acres as possible, while still providing a reasonable area for the proposed concept plan. Placing a conservation easement on the designated property as part of Phase 1 (within 2 years) and working with Weber Pathways and the Forest Service to finalize a trail location, and providing an easement for the future trail.

Commissioner Howell asked if 2.5 acres would be adequate to cover the expansion area. Chair Siegel indicated that the recommendation was for an area. Commissioner Howell said septic tanks are a concern for anyone building along the river. Sean Wilkinson indicated that the Health Department requirements would be covered at the time they receive design plans. Commissioner Warburton asked if parking would be looked at, and Mr. Wilkinson indicated that parking would be looked at during design review.

Keith and Belinda Rounkles indicated that Mr. Wilkinson has covered their proposal. Where the river and the parking lot meet, there was only approximately 1.5 acres, which is why they included the other side of the river.

Keith Rounkles said they now live in the existing three cabins until they build their home. They have owned the property for 30 years. They met with the Forest Service and Weber Pathways about the pathway this morning and felt that the 3-hour meeting went well.

Commissioner Howell asked from where the Oaks property is to the area where the future cabins would be located, how much property would be needed complete the project. He believes the amount of land would be comparable to the Alaskan Inn site.

Commissioner Howell asked where the existing septic tank area is for the existing cabins. Keith Rounkles indicated that they have two 1,500-gallon tanks that they pump out once or twice a year. Commissioner Banks indicated that the water table is high in that area.

Commissioner Allen asked if they ever anticipate placing a bridge across the river. Mr. Rounkles said yes, and indicated that is the reason they met with the Forest Service and Weber Pathways today. Eventually, the Forest Service said a pathway could be tied into the Indian Trail. They are also working with Kirk Langford and the Ogden Valley Land Trust. Keith Rounkles indicated that he would like the conservation easement to stay with The Oaks property. They would like to obtain the necessary financing and begin the restaurant expansion in September/October.

Steve Clarke, Eden, recommended approval of the request subject to the applicants and staff successfully negotiating the maximum amount of land to accommodate the proposal as well as to accomplish future plans.

Monette Hurtado said they need to keep in mind that the applicant would be tied to the concept plan with the rezoning.

Anna Record, 692 Ogden Canyon - the first house to the west of the Oaks, said she believes that the 2.5 acres is fine right now, but she would not approve additional acreage until they receive additional plans in the future. Ms. Record indicated that she wished the applicants well in their expansion plans.

Scott Kinser, 690 Ogden Canyon, asked if the 2.5 acres is the minimum that is required. He indicated that part of the 2.5 acres is across the river. Sean Wilkinson indicated that he believes there will need to be a portion across the river needed to meet the 2.5 acres. Right now, the concept plan proposed does not show property on the other side of the river other than a bridge. Any development plans will come back before the Planning Commission for approval and property owners within 500 ft. will be notified. Mr. Kinser indicated that he would like to see the expansion happen and would like the 10 acres toned down to the minimum.

Rick Kearn asked staff to explain the bridge and the future trail head. Monette Hurtado said if the rezoning is approved, they will see future site plans.

Keith Rounkles said the trail head would probably be located at the west end of the parking lot. There was a trail back into that canyon in the 1900's which came out of Idlewild. The trail would be a walking trail.

Sean Wilkinson said in regard to Mr. Kearn's comments that as part of the Zoning Development Agreement, they could include that the trail and bridge would be non-motorized.

MOTION: Commissioner Warburton moved to recommend approval of ZP 2011-01 from FR-1 to CVR-1 to include approximately 2.5 acres, as close as possible, while still providing a reasonable area for the proposed concept plan, placing a conservation agreement, working with Weber Pathways and providing an easement for the future trail and subject to all staff and other agency recommendations. Commissioner Graves seconded the motion

Commissioner Warburton indicated that she made the motion because she believes property rights in this circumstance are to be honored and respected. They have 10 years to complete the concept plan, and she does not have any fear that it will be completed. Property owners can read Chapter 35 to put their minds at ease.

Commissioner Banks indicated that he knows there is a lot of concern in wastewater. EPA is always adding protection requirements and also, there are companies developing small wastewater treatments systems so the outgoing water is almost drinkable. Commissioner Howell agreed that there are septic systems in other states where the outgoing water is almost drinkable.

Commissioner Graves believes the application meets the intent of the General Plan. It is a good thing to do.

VOTE: Motion carried 7-0.

4. Public Comments:

Steve Clarke: Follow up on the last meeting where staff had direction from the Planning Commission to work with a committee to adopt a trails plan. He requested that staff presented a report on what has happened since their last meeting.

5. Planning Commissioner's Remarks:

6. Staff Communications:

6-1. Planning Director's Report

Rob Scott indicated that he met with Justin Morris this morning to discuss the trails committee issue and he will move forward with this mandate.

At the January work session there was interest in the Ogden Valley sewer study. Curtis Christensen will report at their next meeting regarding this issue.

6-2. Legal Counsel's Remarks

Monette Hurtado indicated that she noticed two letters were handed out to the members in the pre-meeting and generally, they do not add items to the meeting packet that late as there are noticed guidelines. In the future, she believes staff should not accept unsigned letters/emails.

Ms. Hurtado reviewed why the Planning Commissioners need to list "why" or the findings of fact why they made a motion. The courts treat the meeting minutes as the official record of the proceedings. Chair Siegel referred to the Rules of Order under reconsideration of a motion. Commissioner Graves indicated that staff spells out the reasons why in the staff report.

7. Adjournment

There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Division

DRAFT

Minutes of the Ogden Valley Township Planning Commission meeting and work session held April 5, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: William Siegel, Chair, Gary Allen, Jim Banks, Greg Graves, John Howell, Kevin Parson, and Laura Warburton

Staff Present: Jim Gentry, Assistant Director, Scott Mendoza, Planner, Ben Hatfield, Planner, Sherri Sillitoe, Secretary

Pledge of Allegiance

Consent Calendar:

- 1. OVW042710** Consideration and action on a request to revise final approval of the Wade Pilcher Subdivision by delaying the dedication and installation 250 feet of new road and improvements (2 Lots) within the AV-3 and FV-3 Zone, located at approximately 3132 N 3825 E. (Carol Pilcher, Owner & Wade Pilcher, Agent)

Commissioner Warburton asked if the petitioner was satisfied with the agreement and Mr. Pilcher replied yes; they would build the 250 feet of road once the subdivision is developed. Everyone has been informed and involved in the process. Ben Hatfield said when he originally wrote the staff report, there was no agreement in place. Currently, the agreement was that Carol and Wade Pilcher would take on the responsibility of building the road, but staff is recommending that once the property is sold, the new owner would be responsible.

Commissioner Warburton raised a point of order whether they should move the consent agenda item to the regular agenda in order to make questions or comments. Chair Siegel said there is no regular agenda as this is the only agenda item prior to convening a work session. The item was tabled from the last meeting so an agreement could be in place.

MOTION: Commissioner Graves said based on the fact that the subdivision is in compliance with other applicable ordinances and that the proposed future road agreement would defer the dedication and installation of 250 ft. of road improvement to Carol Pilcher and assigns and Wade Pilcher and assigns and the agreement is modified to have that language, he therefore moved that they revise and recommend final approval of the Wade Pilcher Subdivision by delaying the dedication and installation of 250 feet of new road and improvements (2) lots within the AV-3 and FV-3 Zone, located at approximately 3132 N 3825 E. subject to all other staff and agency comments. Commissioner Allen seconded the motion. A vote was taken and Chair Siegel indicated that the motion carried (6-0).

Adjourn: **Adjourn the Regular Meeting to Conduct a Work Session**

Work Session Agenda Items:

W1. Report: Ogden Valley Sewer Study Report

Curtis Christensen indicated that about a year ago the County in conjunction with Huntsville Town started a process to look at the need and possible ways to provide sewer service to the South Fork and the Huntsville area of the Ogden Valley. They contracted with Sunrise Engineering for this study. The lengthy study can be downloaded from the Weber County Engineering website. There is a meeting sponsored by Huntsville Town that will be held at the Huntsville Library April 20, 2011 at 7:00 p.m.

The purpose of the study was to look at some possibilities and give some consideration to what might happen in the future although there is no guarantee that anything will happen. This study is just a first step. Cost is always a big consideration with such systems. The consultant is looking at a package plant system as far as a high-level treatment facility. They also looked at collection type system, pump systems, vacuum, and gravity systems. The consultant is recommending going with a conventional gravity system with pumps at intermittent locations. They need to address the environmental impacts of the construction site as well. The consultant recommended that the treatment facility be located near the South Fork area, which is a level area, however the site location is flexible.

Cost is always a big factor of such systems. The consultant looked at the total cost and what that cost would be to the existing residents. They were looking at up to approximately \$120 month for that cost, which would be rather hard to take. Their hope is that grants could be obtained from the state to pay back part of that loan. Huntsville Town is in the process of making application with the state for potential funding of just their portion. They are looking at a monthly user rate of approximately \$55-\$60/month. There would be an impact fee for new construction of approx. \$13,500. For existing homes, they are looking at a connection fee of approximately \$500. There would have to be public support for it to happen. The County Commission wants to carefully proceed knowing what the public would support.

In response to a question by Commissioner Howell, Curtis Christensen said that some of the figures are only for Huntsville Town.

Commissioner Graves said if Huntsville Town has not had any public presentation to find out what their residents want, why ask the state for funding at this point, and Curtis Christensen indicated that it was a suggestion. Commissioner Warburton indicated that the town has held meetings. Mr. Christensen indicated he was aware of the study kick off meeting. It is a lengthy process. Dr. Sorensen is presently studying nitrate and other issues with the reservoir at this time.

Ron Gleason said he would recommend that they get the study printed. It is his opinion that they will not get through all the questions at tomorrow night's meeting. How do they get their questions answered if they are not answered at the first open public forum? Curtis Christensen indicated that the Town of Huntsville is taking the lead at the public meeting. He would suggest questions be sent to Sunrise Engineering. The consultants are working for both Huntsville Town and Weber County. Laura Warburton indicated her interest in seeing a list of Ron Gleason's questions.

W2. Discussion: Amendment to Zoning Ordinance Chapter 34 Home Occupations

Jim Gentry referred to the latest draft of an amendment to Chapter 34 Home Occupations and indicated that staff included those comments with the present amendment. Three policy issues will need to be answered: 1. Should non-resident outside employees be allowed? The Western Weber County Township Planning Commission believed that non-resident outside employees should be allowed. 2. Should clarification be made under 36-2 Barber/Beautician services for nail stations or tattoo parlors, etc.? Commissioner Warburton asked if there are there additional license issues. Staff replied yes, there has to be an inspection by the Health Department and the state and those should be a requirement for any such business. 3. Should short-term vendors, temporary outdoor sales and farmer's markets be located at a site with a previously approved site plan?

Chair Siegel indicated that he believes outside employees should not be allowed. Iris Hennon indicated that from an enforcement standpoint, allowing any outside employees creates enforcement challenges; it can also destroy the integrity of a home. Commissioner Graves said he believes staff has given them some good reasoning as to why home occupations should be limited to residents only. Commissioner Howell said if no outside employees are allowed, it keeps the home occupation small.

Commissioner Warburton said she grew up in San Francisco where they had flea markets and farmer's markets in open fields and she believes it would be a shame to allow such things only on non-paved parking areas. Staff's opinions were split regarding this issue. Commissioner Banks asked Ms. Hennon what her opinion was regarding this issue. Ms. Hennon replied that she believes that if farmer's markets are not located on an improved site, there has to be access to restroom facilities and water and that short-term vendors and temporary outdoor sales would be required to be located on an improved site where the facilities are already in place. Mr. Gentry said he believes they should allow all three uses on unimproved sites as long as restroom facilities and water were available.

Commissioner Warburton asked a question on Item 7, Page 34-2. As long as her widgets do not take up more than 25%, why couldn't someone sell retail products from the home? Jim Gentry indicated that it becomes a concern where there are constant deliveries. Ms. Warburton said she would be more comfortable with being able to sell items out of her home that she does not make herself on the internet. The key would be "internet sales." Commissioner Graves said the issue is how many deliveries are made to the home. Iris Hennon said the state courts have defined "excess."

A couple of minor questions were answered at this time.

W3. Discussion: Request Proposed Amendment of the Weber County Zoning Ordinance by adding certain ancillary uses, under the overall term of "Agri-tourism" to the list of Conditional Uses found in Chapter 5B; Agricultural Valley-3 (AV-3) Zone

Scott Mendoza presented a handout from American Farmland Trust that talked about agricultural land being the resource that it is which provides beyond food and provides agricultural open space and preserves a community's heritage. The Planning Commission has addressed some of the policy questions, which the board started discussing at a previous work session.

Policy 1. Create an agri-tourism ordinance? **Yes**

2. This policy was answered by creating a stand-alone agri-tourism ordinance and adding a use in the Forest Zones or other zones.

3. Should there be a minimum acreage requirement? **Yes, but amount to be determined.**

Scott Mendoza indicated he made a phone call to the Monastery and they were not interested in the subject at this time.

4. Should they restrict agri-tourism to a complimentary or subordinate type enterprise? **Yes**

5. Should they limit the number of days a use would be allowed? **Yes, if agri-tourism is a conditional use, they could address the number of days allowed for each use.**

6. How other uses in the AV-3 Zone could be impacted. The AV-3 Zone would remain as is, and the stand-alone agri-tourism ordinance could be an alternative for the owner.

Scott Mendoza indicated that a question they need to answer is; how interested is the Planning Commission in open-space preservation? Commissioner Graves said in order to preserve open space with farms; you have to make farms financially viable.

Laura Warburton indicated that she knows of an instance where it was not viable to grow hay anymore, would they be able to have an agri-tourism business. Mr. Mendoza replied they would need to have the main farming use at least one year prior to applying for an agri-tourism use to ensure that the main use is viable. They do not want a carnival or agri-tourism use without the farm. Chair Siegel said they would just be providing the tool for a farm to use to help make his farm viable.

John Howell in the agricultural zoning, the farm must be productive at all times. In the Ogden Valley, it is tough to make a full-time agricultural operation viable without some type of supplemental work. Scott Mendoza said the bottom line is to preserve the farms; open space is a by-product of that farm preservation.

Commissioner Warburton asked Mr. Mendoza to review 46-5. Permitted Uses/Activities Table, which lists the the proposed uses/activities that have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. The uses are listed with and the proposed amount of acreage required for an agri-tourism operation. The suggested proposed uses such as fishing/hunting preserve, etc. were discussed. An agri-tourism use could be utilized in a P.R.U.D. if planned carefully. A farm trail could also be a tool that could be used in the future.

The 46-6 Use/Activity Standards and Limitations is the design standard section was briefly reviewed.

The members felt the heli-pad use in the zoning ordinance should be reviewed and discussed in the near future.

W4. Information: Meeting Procedures and Testifying before the Planning Commission Handout Presented a handout that will be printed on the back of each regular meeting agenda instead of the Opening Meeting Statement. The board members were asked if they had any comments regarding the proposed

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for a one year time extension of final approval for Silver Bell Estates No. 2 First Amendment Lot 63 Subdivision (1 lot) as well as a recommendation for the vacation of lot 63 of the Silver Bell Estates No 2 Subdivision.

Agenda Date: Tuesday, April 26, 2011

Applicant: Gary Braden

File Number: UVV 070709

Property Information

Approximate Address: 2200 N 3800 East Liberty, Utah

Project Area: 2.1 Acres

Zoning: Forest Valley (FV-3)

Existing Land Use: Residential/ Vacant

Proposed Land Use: Residential

Parcel ID: 22-036-0001

Township, Range, Section: T7N, R1E, Section 32

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: SW

Applicable Ordinances

- Title 26 Weber County Subdivision Ordinance
- Zoning Ordinance Chapter 28 [Nonconforming Buildings, Uses, and Parcels](#)
- Zoning Ordinance Chapter 40 [Ogden Valley Pathways](#)
- Zoning Ordinance Chapter 12B FV-3 Zone

Background

The Silver Bell Estates No. 2 First Amendment Lot 63 Subdivision (1 lot) was formerly known as the Valhalla Estates Subdivision. It received a recommendation for final approval September 22, 2011, but due to some legal issues with his surveyor has had to hire a new one and therefore was unable to record the subdivision plat within 18 months of the recommendation. The Weber County Subdivision Ordinance (26-1-7 (B)) allows for one time extension for a period of one year. The applicant is requesting a one year time extension of final approval for the subdivision as well as a recommendation for the vacation of lot 63 of the Silver Bell Estates No 2 Subdivision located at approximately 2200 North 3800 East. The proposed lot will occupy 2.1 acres. Due to some steep slopes on lot 63 the owners would like to combine an additional acre of land which has a buildable area of less than 25 percent.

Other Agency Comments and Recommendations: Culinary water will be provided by Nordic Mountain Water Inc. and waste water treatment will be a private septic system. Trails for this subdivision can be placed in the Right of Way, thus conforming to the Weber County Pathways Ordinance.

Summary of Planning Commission Considerations

Does this subdivision meet the applicable county ordinance requirements?
Should a time extension be granted for this subdivision?

Conformance to the General Plan

The subdivision conforms to the General Plan by meeting the outline of permitted land uses and requirements, and the requirements of the zone in which it is located.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Survey Department
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Vacation of lot 63 of the Silver Bell Estates No 2 Subdivision

Staff Recommendation

Staff recommends approval for a time extension and a recommendation for final approval of the amended subdivision plat subject to staff and other agency comments and recommendations. Staff also recommends the vacation of lot 63 of the Silver Bell Estates No 2 Subdivision.

Exhibits

- A. Original Subdivision plat
- B. Amended Subdivision plat

Map 1

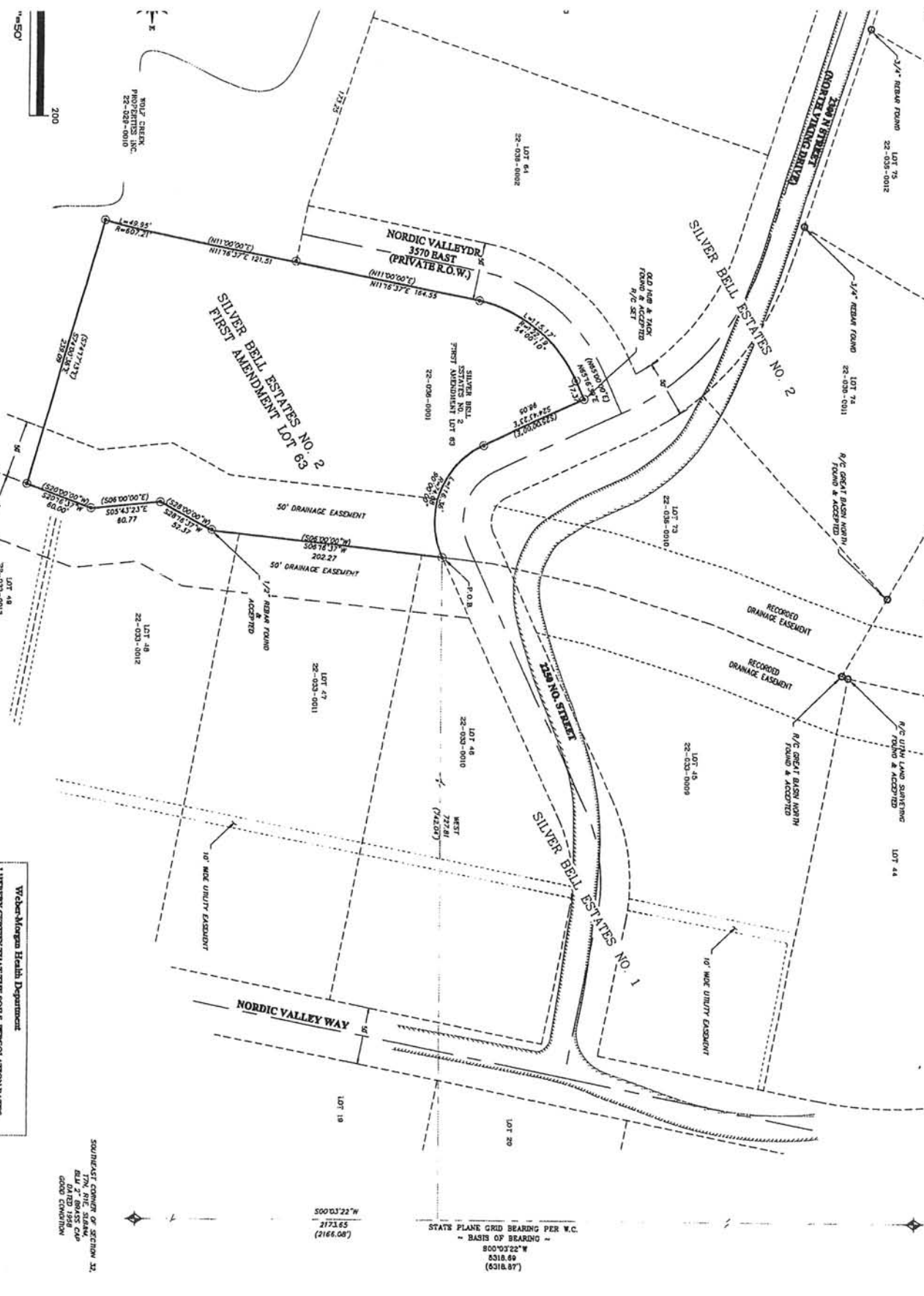


Map 2



SILVER BELL ESTATES NO. 2 FIRST AMENDMENT LOT 63

PART OF THE SOUTHEAST QUARTER
OF SECTION 32,
TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B. & M.
WEBER COUNTY, UTAH



DATE FROM PLAT/CED
BY SET (NAME & C.A. #) MAP, 2017/7
BY FOUND (AS NOTED)
CORNER

THE PURPOSE OF THIS SURVEY IS TO CORRECT LOT 63 OF SILVER BELL ESTATES NO. 2 AND THE ADJOINING PARCELS TO THE SURVEY INTO A SINGLE LOT KNOWN AS SILVER BELL NO. 2 FIRST AMENDMENT LOT 63. THE SURVEY IS BEING MADE IN ACCORDANCE WITH THE NORTHWEST CORNER AND THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B. & M. WEBER COUNTY, UTAH. THE EXISTING ROADWAY IS IMPROVED BY ACTUAL SURVEY.

Webster-Morgan Health Department
I HEREBY CERTIFY THAT THE SOILS, PERCOLATION WATER, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEM.

SIGNED THIS _____ DAY OF _____ 2017

SOUTHEAST CORNER OF SECTION 32,
T7N, R1E, S32E
BLM 2' BRASS CAP
GROSS CORNER

NORTHEAST CORNER OF SECTION 32,
WEBER COUNTY, UTAH
GROSS CORNER

Surveyor's Certificate
I, TED E. MAJOR, A REGISTERED LAND SURVEYOR WITH TITLE # 64, CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND I HAVE PLACED MONUMENTS AS REPRESENTED ON THE ATTACHED PLAT. I HAVE BEEN COMMISSIONED BY THE UTAH BOARD OF SURVEYORS AND I AM A MEMBER OF THE SURVEYORS' ASSOCIATION OF UTAH. I AM A MEMBER OF THE SURVEYORS' ASSOCIATION OF UTAH AND I AM A MEMBER OF THE SURVEYORS' ASSOCIATION OF UTAH. I AM A MEMBER OF THE SURVEYORS' ASSOCIATION OF UTAH.

SIGNED THIS _____ DAY OF _____ 2017.

208717
LICENSE NUMBER

Boundary Description

SOUTH 67° 16' 37" WEST	50.37 FEET
SOUTH 87° 16' 37" WEST	13.07 FEET
SOUTH 67° 42' 37" WEST	60.77 FEET
SOUTH 37° 16' 37" WEST	60.00 FEET
NORTH 72° 02' 38" WEST	298.09 FEET
NORTHERLY	634.97 FEET
NORTH 01° 17' 12" EAST	264.06 FEET
NORTHEASTERLY	114.17 FEET
NORTH 67° 37' EAST	17.27 FEET
SOUTH 42° 02' EAST	264.37 FEET
EASTERLY	116.89 FEET

TO THE POINT OF BEGINNING

CONTAINS 1.0 ACRES

Base of Bearing
THE BASE OF BEARING FOR THIS PLAT IS THE CORNER AND THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B. & M. WEBER COUNTY, UTAH.

Owner's Declaration
WE, THE UNDERSIGNED OWNERS OF THE SET PART AND SHOWN THEREIN, HAVE IN THE ABOVE DESCRIBED PARCELS AND DO HEREBY DEED TO PUBLIC A LAND DISCOUNTED AS REPRESENTED BY THE SURVEYOR'S PLAT AND DIRECT TO THE SURVEYOR TO BE USED FOR THE INSTALLATION OF A WASTEWATER DISPOSAL SYSTEM. AS MAY BE NECESSARY TO CONVEY TO THE SURVEYOR THE RIGHTS AND INTERESTS IN THE ABOVE DESCRIBED PARCELS BEING EXERCISED WITHIN THE SURVEY.

SIGNED THIS _____ DAY OF _____ 2017

FRONT NAME _____ SC

FRONT NAME _____ SC

Admission
STATE OF UTAH
COUNTY OF _____
ON THE _____ DAY OF _____ 2017
I, _____, COUNTY CLERK, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS ARE BEING SURVEYED AND PLACED UNDER THE SURVEYOR'S CONTROL AND THAT THE SURVEYOR IS A MEMBER OF THE SURVEYORS' ASSOCIATION OF UTAH.

COMMISSION EXPIRES _____

4. Use of sod on the interior of the development with a transition to natural grasses on the exterior.
5. Elevations showing views from the site to Snowbasin.
6. Swapping Building 2 with Building 11.
7. Reducing the possibility of creating a wall effect on the west side of the development.
8. Consider moving density from the west side to the east side of the project.
9. Consider adding amenities in the second or third phase.
10. Answering the questions listed in the staff report.

Staff has analyzed the revised proposal to determine how the applicant has addressed each of these issues. Staff's findings are discussed below. The staff report and minutes from the October 26th meeting are attached as Exhibits L and M respectively.

1. The revised site plan shows a full connection to the unimproved County road (6300 East). The emergency access designation has been removed from the site plan. This will be a full-time, unobstructed access for the development. This revision complies with the Weber Fire District's requirements.
2. The approved landscape plan has 367 trees and the October 26th site plan has 159 trees. This amended landscape plan has 300 trees, which is 67 less than the approved plan, but 141 more than the October 26th plan. This revised landscape plan is a significant improvement over the October 26th plan. The applicant did not submit a letter from the landscape architect addressing the new tree layout.
3. The applicant did not submit a letter from the landscape architect discussing how the new plan is in compliance with Chapter 18-C of the Zoning Ordinance, but a compliance table was provided on the landscape plan to help make that determination. Approximately 42% of the total site is landscaped, which meets the area requirement of Chapter 18-C. Approximately 16% of the landscaped area is turf grass, which also meets the requirements of Chapter 18-C. The notes on the landscape plan verify that the trees and shrubs will meet the minimum planting sizes and standards.
4. The new landscape plan shows that the majority of the turf grass is within the middle of the development where the condo-tel and buildings 3, 4, and 5 are located. The other condominium buildings also have an area of turf grass immediately surrounding them. The remaining grass areas are a native grass/wildflower mix. This landscape plan complies with the Planning Commission recommendation.
5. The applicant has not provided renderings or elevations showing views from this site to Snowbasin, as requested by the Planning Commission.
6. Buildings 2 and 11 have been left in their previous locations. The Planning Commission was concerned about creating a wall effect on the west side of the project. The approved plan shows a tennis court where building 2 is located. The applicant has not provided justification for leaving the buildings in their previous locations, nor has the applicant provided a rationale for how the potential wall effect can be mitigated.
7. See number 6 above.
8. The applicant has not changed the building layout on the new plan. The density on the west and east sides of the project has remained the same. The applicant has not provided rationale for why the Planning Commission recommendation was not followed.
9. The amenities appear to be located either in Phase 4 or Phase 6. The Planning Commission recommended that the amenities be installed with Phase 2 or 3. The applicant has not provided rationale for why the Planning Commission recommendation was not followed.
10. Some of the original questions were addressed in the October 26th meeting and they have been removed from this staff report. However, there are still several questions that the Planning Commission needs to address with the applicant. The applicant did not provide written answers to these questions as part of this submittal.

Three additional issues that need to be discussed are setbacks for buildings 10 and 15, garages for the single-family dwellings, and pathways within the development.

- The setback for building 10 is shown at 100 feet from the property line adjacent to Highway 39. However, when building 10 is developed, an additional road dedication area of ten feet is required, which will leave the building with a 90 foot setback. The original approval required a 100 foot setback. This issue needs to be addressed on the site plan.

The west side of the project was approved with a 50 foot setback from 6300 East as a buffer for adjacent property. Buildings 1 and 2 comply with this setback, but building 15 does not. This issue needs to be addressed on the site plan.

- The applicant has not provided renderings or elevations of the single-family dwelling garages. As part of a PRUD, the renderings and elevations must be approved by the Planning Commission and the County Commission.
- The original pathway system within this development consisted of a loop trail that ran along Highway 39, down the west side of the project, through the USA property on the south boundary and on USA property running along the east boundary back to Highway 39. The pathway type was a four foot wide, bark/mulch walking path. The Forest Service has asked the applicant to remove the trail shown on the USA property.

Weber Pathways has requested that the applicant work with them on developing the trail along Highway 39. As part of Phase 1 of this development, an asphalt pathway has been installed that runs parallel with Highway 39, but is actually on the Edgewater Beach property. Weber Pathways has not said whether or not they think this pathway could work as part of the Pineview Loop Pathway. Pathways are addressed as subdivisions occur in the Ogden Valley, and the Planning Commission cannot impose requirements on Edgewater Beach at this time, but one of the conditions of approval could be that the applicant discuss this issue with Weber Pathways and provide a written report back to staff.

Summary of Planning Commission Considerations

- Do any of the proposed amendments have potential negative or detrimental effects that have not been considered?
- Do the single family dwelling units fit with the rest of the PRUD?
- Is the Phasing plan appropriate?
- Is the reduction in the number of trees on the landscape plan appropriate?
- Is the reduction in the number of amenities appropriate? Should the amenities be built in earlier phases of the project?
- Is this new PRUD design better than the previously approved design?
- Does the Planning Commission have other questions that have not been addressed?

Conformance to the General Plan

The existing site plan was approved in conformance with the Ogden Valley General Plan in 2003. These amendments reduce the overall density numbers for Ogden Valley and reduce the height and mass of the buildings located closest to the reservoir.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- All previous conditions of approval from CUP 2003-12 which are applicable remain in place

Staff Recommendation

The applicant has not provided sufficient information to address the Planning Commission's questions. If adequate answers are provided in the meeting to address the Planning Commission's 10 issues, findings can be made to recommend approval to the County Commission. If adequate answers are not provided in the meeting, staff recommends tabling this item to allow the applicant time to provide the necessary information.

Exhibits

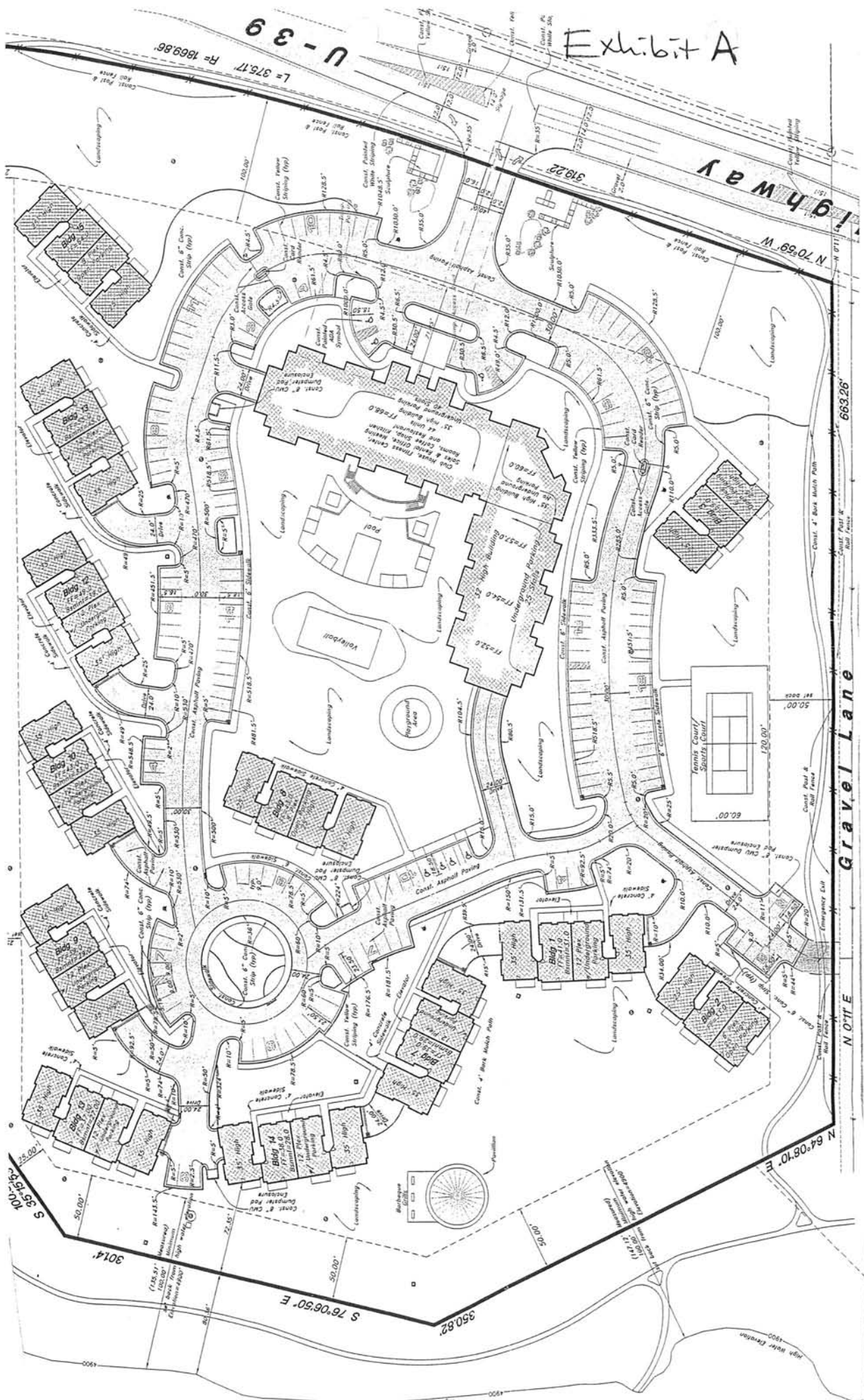
- A. Existing approved site plan
- B. Previously submitted amended site plan
- C. New amended site plan

- D. Existing approved landscape plan
- E. Previously submitted amended landscape plan
- F. New amended landscape plan
- G. Applicant's request statement
- H. Renderings of approved condominium buildings
- I. Renderings and footprint of new single family dwellings
- J. Weber Pathways letter
- K. Forest Service letter
- L. October 26th staff report
- M. October 26th Planning Commission minutes

Map 1



Exhibit A



U-39
L=375.17 R=1869.86

IGHWAY
N 70°59' W 663.26

Gravel Lane

N 64°06'10" E

S 76°06'50" E
350.82

S 35°15'30" E
100.15

3014

High Water Elevation
1900

Exhibit - G

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed September 27, 2010	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

Property Owner Contact Information

Name of Property Owner(s) Celtic Bank		Mailing Address of Property Owner(s) 340 E 400 S Salt Lake City, UT 84111	
Phone 801-363-6500	Fax 801-303-1948		
Email Address bbybee@celticbank.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Brandi Hammon		Mailing Address of Authorized Person Mountain Real Estate PO Box 985 Eden, UT 84310	
Phone 801-745-8400	Fax 801-745-3650		
Email Address brandi@mountainluxury.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

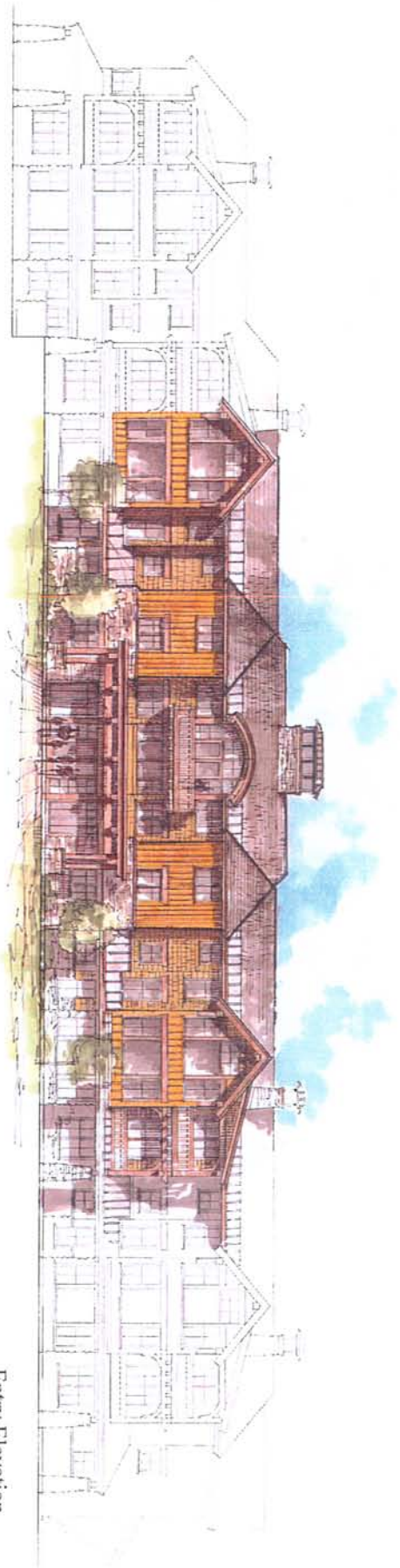
Property Information

Project Name Edgewater Beach Resort	Total Acreage 14 Acres	Current Zoning CV-R1
Approximate Address 6350 E Highway 39 Huntsville, UT 84317	Land Serial Number(s) 20-013-0008	

Proposed Use
Condos, Single Family Homes

Project Narrative
The project is being altered from its original master plan to accommodate five single family residences on the lake front. The project is being reduced from 166 total units to 153. All buildings with the exception of the new single family units, are the same design of the units currently approved.

○ Exhibit H



Entry Elevation

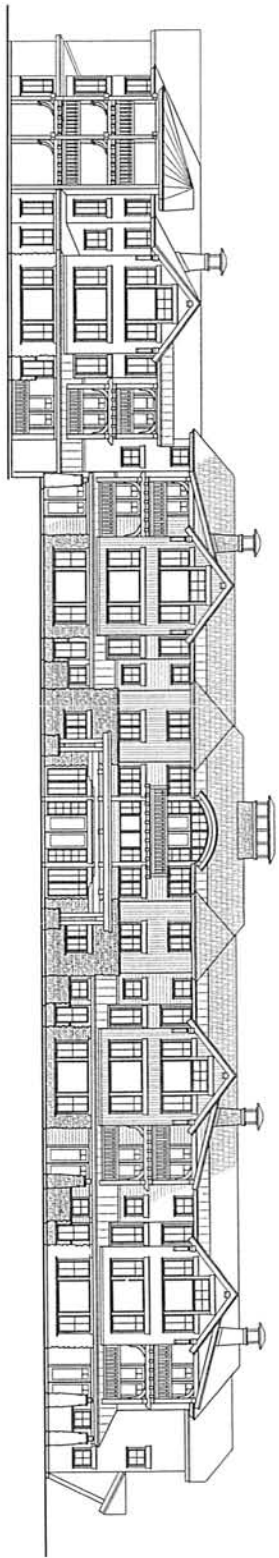


West Elevation

jisa
ARCHITECTURE
PLANNING
INTERIORS

Edgewater Resort
at Pineview Reservoir

Lodge



VIEW FROM HIGHWAY
LODGE FRONT ELEVATION

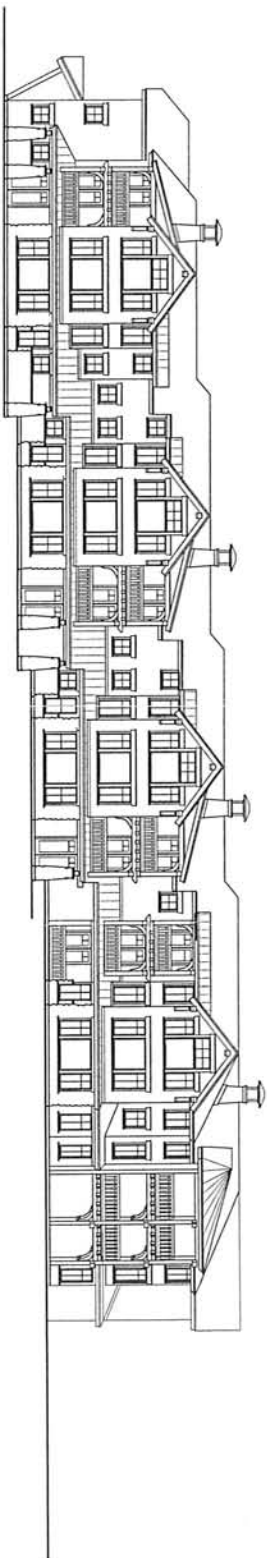


CONSULTANT:

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2115 E. Iron Street, Suite 300
Salt Lake City, Utah 84121
801.271.4111 Fax 801.278.8911

jsa
architectural
interior
landscape



VIEW FROM FAIR
LODGE LEFT (WEST) ELEVATION



PROJECT:
**THE
LODGE
AT
EDGEWATER RESORT**

DATE: 09-23-02
REVISIONS:

DATA:
Project No. 001
Sheet No. 301
Revision No. 01

DATE: 09-23-02

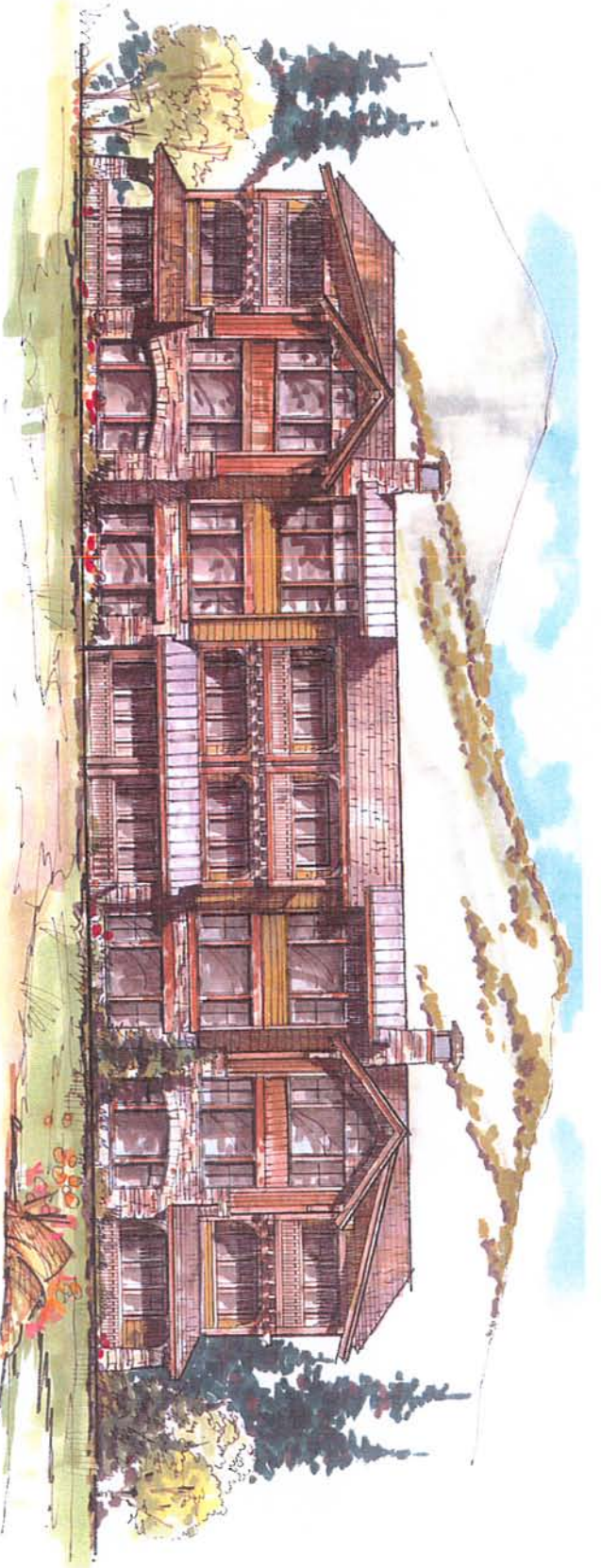
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**THE
LODGE
AT
EDGEWATER RESORT**

DATE: 09-23-02

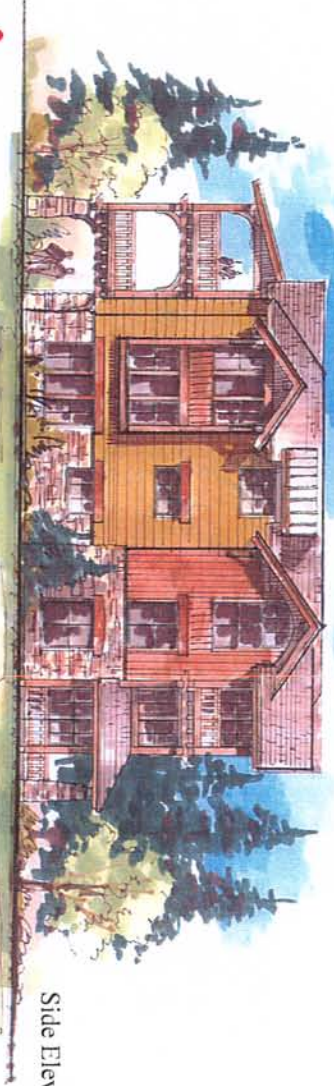
REVISIONS:

DATA:
Project No. 001
Sheet No. 301
Revision No. 01

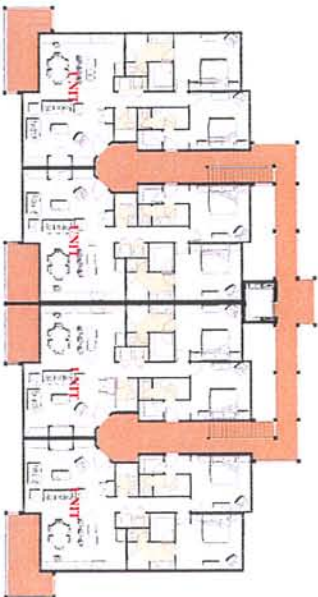
A31



Rear Elevation



Side Elevation



12-Plex Condominium

jsa
ARCHITECTURE
PLANNING
DESIGN SERVICES

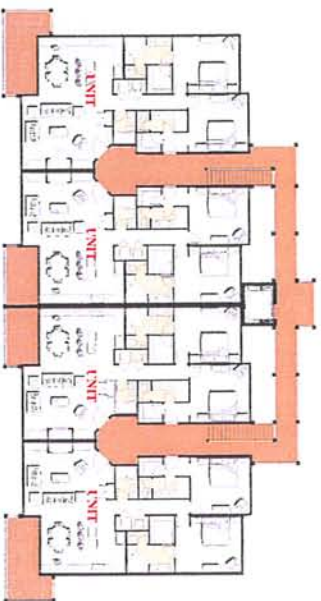
Edgewater Resort
at Pineview Reservoir



Rear Elevation



Side Elevation

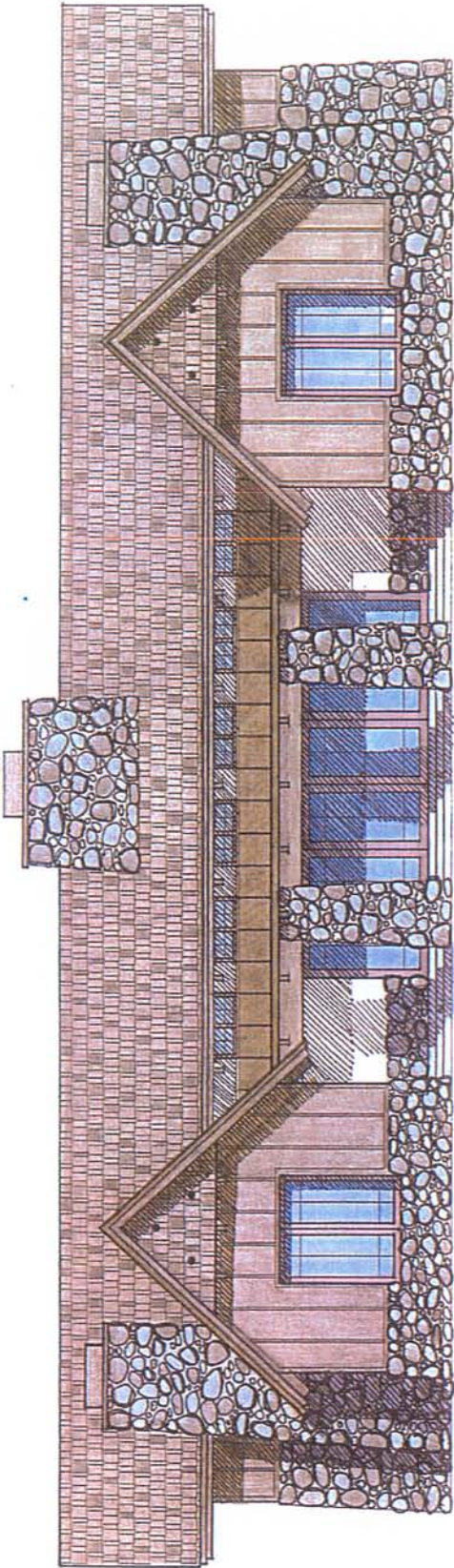


8-Plex Condominium

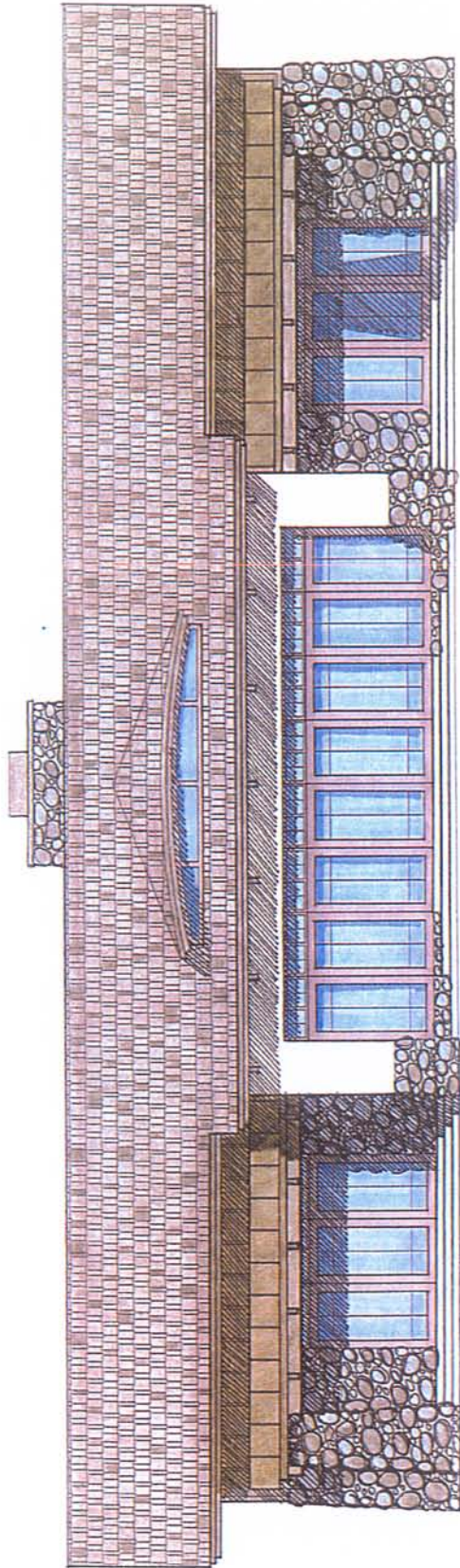
jsa
ARCHITECTS
 PLANNERS
 INTERIORS

Edgewater Resort
 at Pineview Reservoir

Exhibit I



PROPOSED SOUTH ELEVATION
MOUNTAIN VIEW



WALLING
FRONT ELEVATION

**BLUE
MODE.**

SALT LAKE

SEATTLE

685 EAST 400 SOUTH, SUITE 300
SALT LAKE CITY, UT, 84103
(801) 364-5602

ADDRESS:

IN COLLABORATION WITH:
TROY ADAM MOORE, AIA
BURLINGTON, VT
360.333.7
TAM@FIRBERG

ARCHITECT:

BEAL

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COPYRIGHT:

NO

BY

REVISIONS:

EDGEWATER HOUSE PLAN A

PROJECT:

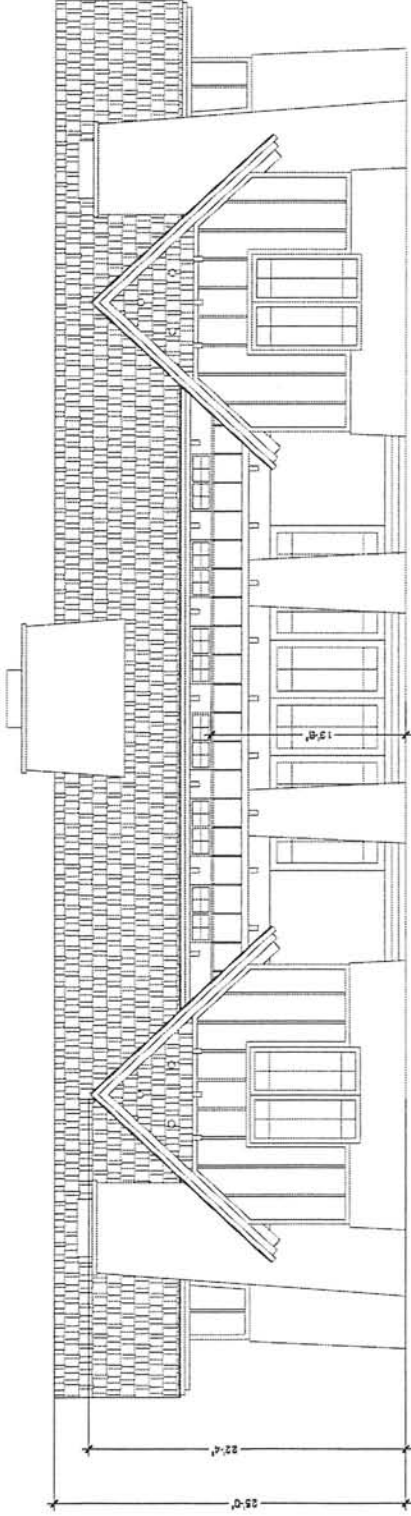
PROJECT ADDRESS:

ELEVATIONS

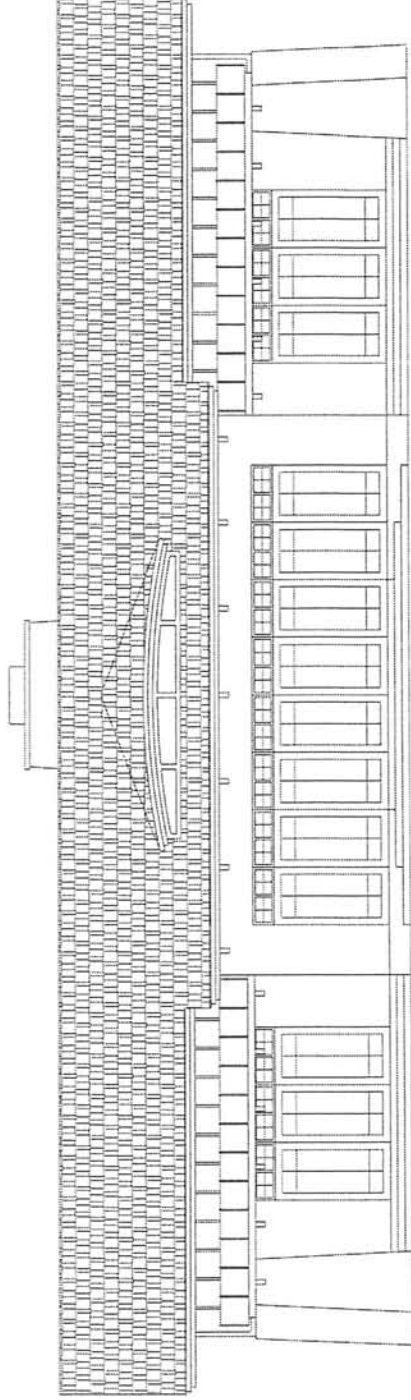
TITLE

A2

SHEET



1 SOUTH ELEVATION (MOUNTAIN VIEW)



2 NORTH ELEVATION (LAKE VIEW)

BLUE
MODE.

SEATTLE

SEATTLE

655 EAST 400 SOUTH BUREAU RD
SALT LAKE CITY, UT 84115
(801) 364-3603

ADDRESS:

IN COLLABORATION WITH:
TROY ADAM HODDGENS, AIA
325 WEST 1000 SOUTH
SALT LAKE CITY, UT 84115
360.333.7907
TAD@FISHERONE
DRESON LUDWIG N.
5520

ARCHITECT:

SCALE:
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NO

DATE

REVISIONS:

EDGEWATER HOUSE PLAN A

PROJECT:

1300 EAST 10600 SOUTH
SANDY, UT.

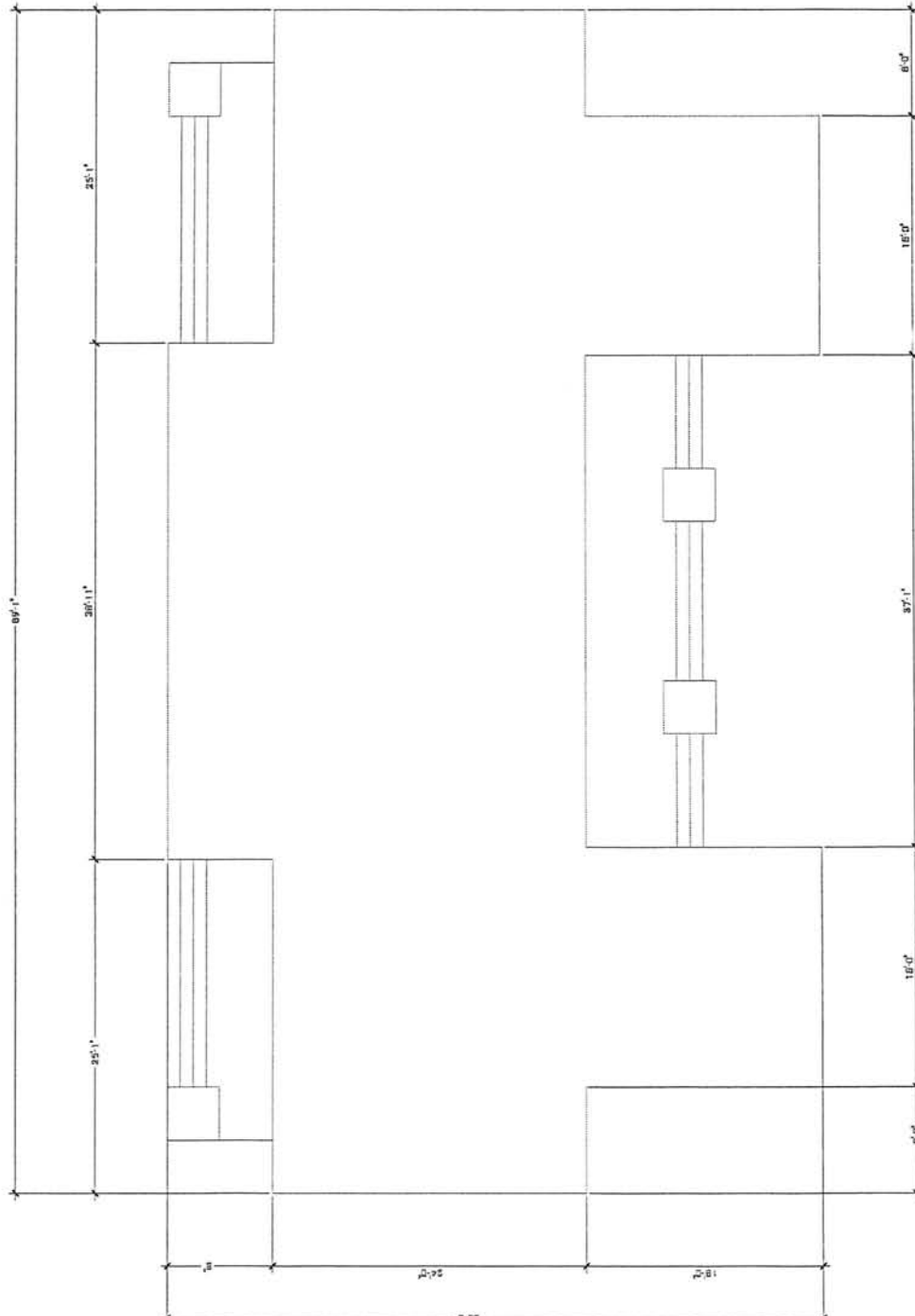
PROJECT ADDRESS:

FOOTPRINT

TITLE

A1

SHEET





April 11, 2011

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STAFF

Jenn Trescott, *Outreach Coordinator*

Ogden Valley Planning Commission
Weber County
2380 Washington Boulevard
Ogden, Utah 84401

Dear Ogden Valley Planning Commissioners:

I am writing regarding the proposed trail at "Edgewater Beach Resort at Snow Basin Road."

To comply with the County's ordinance requiring trails in developments in the Upper Ogden Valley, the Edgewater Beach developers have come up with a proposed trail in their development. This letter is to request that you defer approval of the proposed trail and ask the developer to explore another option with Weber Pathways.

Weber Pathways is currently working to construct the Pineview Loop Pathway (PLP) which is planned to encircle Pineview Reservoir. When complete, the PLP will be 16 miles in length and will provide a safe route for students, residents, families, recreationists, and tourists walking or cycling to school, to the local library, to restaurants and shops in Huntsville and Eden, and to a wealth of camping, picnicking, boating, fishing, and other recreation spots along the trail. Weber Pathways and its partners have completed approximately 5 miles of this trail and have funding to complete another 1.5 miles. We are working with the U.S. Forest Service and Huntsville Town to build another 9 miles and are now developing plans to complete the final 2.5 miles. In 2011, the Board of Weber Pathways has ranked the PLP as the organization's top priority.

A portion of the PLP route on the south side of the Reservoir will abut the proposed Edgewater Beach development. Weber Pathways would like to explore the possibility of the developer building this small section of the PLP. We believe that this will be advantageous to the developer as it will enable Edgewater Beach residents to gain immediate access to the 16-mile loop. We would also like to explore integrating the development's beach access with the PLP.

Thank you for your consideration on this matter. A member of the Weber Pathways board and PLP Trail Committee will attend the April 26 Planning Commission meeting and can provide additional details as required.

Sincerely,

Richard White
Chair

Exhibit K



United States
Department of
Agriculture

Forest
Service

Uinta-Wasatch-Cache National Forest
Ogden Ranger District

507 25th Street, Suite 103
Ogden, UT 84401
801-625-5112

File Code: 2720

Date: December 6, 2010

Sean Wilkinson
Planner
Weber County
2380 Washington Blvd. #240
Ogden, UT 84401-1473

Dear Sean:

Thank you for the opportunity to comment on the submitted Subdivision plan for Edgewater Beach development on the south shore of Pineview Reservoir.

We are concerned about the "Beach Access" shown on the planning map. The map also shows a number of trails on National Forest that do not exist at this time. We are concerned about how the future residents of the Edgewater Beach development would be channeled on to the undeveloped National Forest managed property and the resulting environmental impacts.

If the developer of this property wants to propose any development on those public lands, they should contact this office. We have procedures and policies for proposed developments of any kind. Even the shown "Beach Access" through their north property line has an obvious consequence to the undeveloped National Forest. It will result in a user-created trail that would not be acceptable to us. An additional impact would be how those residents would work their way down the hill to the edge of the reservoir water.

We therefore request that the planning map remove the designation of a "Beach Access" and any of those trails drawn on National Forest property north of the development adjacent to Pineview Reservoir.

If additional changes are proposed to the planning map or the developer has questions or needs clarification, please feel free to contact Rick Vallejos in this office or myself.

Sincerely,

ROBBIN REDMAN
District Ranger





Staff Report to the Ogden Valley Planning Commission
 Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan by rearranging several buildings, eliminating one 12-plex and one 6-plex, adding five single family dwelling units, reducing the total number of units from 166 to 153, and changing the approved landscape plan

Agenda Date: Tuesday, October 26, 2010

Applicant: Celtic Bank

File Number: CUP 2003-12

Property Information

Approximate Address: 6350 East Highway 39

Project Area: 13.08 Acres

Zoning: Commercial Valley Resort Recreation Zone (CVR-1)

Existing Land Use: PRUD Development

Proposed Land Use: PRUD Development

Parcel ID: 20-013-0017

Township, Range, Section: T6N, R1E, Section 13

Adjacent Land Use

North: Pineview Reservoir	South: Residential
East: Residential	West: Agriculture

Staff Information

Report Presenter: Sean Wilkinson
 swilkinson@co.weber.ut.us
 801-399-8765

Report Reviewer: SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 9C (CVR-1 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 22D (Planned Residential Unit Development)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)

Background

The Edgewater Beach Resort PRUD was approved as a conditional use in 2003 (CUP 2003-12). Since that time, the Planning Commission and County Commission have made minor amendments to the original approval. The applicant is now requesting a major amendment to the existing approval. The Weber County Zoning Ordinance (Chapter 22D) states, "Once the overall development plan showing details of buildings, structures and uses has been approved by the County Commission, after recommendations of the Planning Commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the Planning Commission and County Commission."

This major amendment resembles the approved site plan, but several buildings are being rearranged, one 12-plex and one 6-plex are being eliminated, five single family dwelling units are being added on the north side of the project, the overall project density is being reduced from 166 to 153, and the number of trees on the landscape plan is being reduced significantly. Each of these proposed amendments is addressed below.

Buildings and Parking: The following table shows the breakdown of buildings and units in the approved site plan and the amended site plan.

Approved Site Plan		Amended Site Plan	
12-plex = 8	96 Units	12-plex = 7	84 Units
8-plex = 2	16 Units	8-plex = 2	16 Units
6-plex = 1	6 Units	6-plex = 0	0 Units
4-plex = 1	4 Units	4-plex = 1	4 Units
Condo-tel = 1	44 Units	Condo-tel = 1	44 Units
Single Family = 0	0 Units	Single Family = 5	5 Units
Total Buildings = 13	Total Units = 166	Total Buildings = 17	Total Units = 153

As shown by the table, one 12-plex building and one 6-plex building are being eliminated, and five single family dwelling units are being added. The 6-plex that was Building 2 on the approved site plan is being moved to where the tennis court was located and is now shown as an 8-plex. The row of 12-plex buildings (Buildings 1, 4, 7, and 13 approved site plan) on the north part of the parcel is being replaced by the five single family dwellings. One of these 12-plex buildings is being eliminated, one of the buildings is replacing an 8-plex (Building 8 approved site plan), and the other two have been moved to the south side of the road, across from the single family dwellings. The rest of the buildings are shown in the same location on both site plans.

The applicant has stated that the condominium buildings are not being redesigned and will be built according to the previously approved plans. The single family dwellings will resemble the rendering in Exhibit H. The single family dwellings are shown with a footprint of 4,500 square foot and a maximum height of 25 feet. Garage renderings for the single family dwellings have not yet been submitted, but are required.

With the reduction in density, the parking requirements have also been reduced. The Zoning Ordinance requires 1.75 spaces per unit which rounds up to 268 required parking spaces. The amended site plan shows a total of 321 spaces (161 underground, 150 open, 10 for single family dwellings) compared to 358 on the approved site plan. The amended number appears to be sufficient for residents, visitors, and commercial uses. All of the buildings have 12 underground parking spaces except for the existing 4-plex, Building 5 which is shown as a 12-plex with open parking, and the single family dwellings which will have their own garages. While the number of parking spaces is sufficient, staff recommends that the open parking spaces be specifically designated for residents or visitors on a site plan as each phase of the project progresses. Each parking space must have a minimum area of 180 square feet exclusive of any sidewalk areas.

While the amended site plan has the effect of reducing the overall density and surface parking, it also increases the number of buildings from 13 to 17. The Planning Commission needs to determine if the reduction in density and parking offsets the increase in the number of buildings. In staff's opinion, the location and height limit of the new single family dwellings is a better design than the 12-plex buildings that are on the approved site plan. Any potential negative impacts are reduced because the single family dwellings have a smaller footprint and are 10 feet shorter than the 12-plexes.

Phasing Plan: A new phasing plan (See Exhibit C) has been submitted for this project. The first phase includes the existing 4-plex building and the west entry area. The second phase consists of the five single family dwellings and includes the road from the end of Phase 1 to the round-about. The rest of the Phases are shown on Exhibit C. When these phases are subdivided, this Phasing plan must be followed unless it is amended at a future date.

Landscaping and Amenities: The approved landscaping plan shows 367 trees compared to 159 trees on the amended site plan, which is a difference of 208. The landscape designer eliminated the trees to retain and improve the views to the reservoir and Snowbasin. The Planning Commission should compare both landscape plans and make a recommendation on the overall number of trees. If views to the reservoir are to be protected, it may make be beneficial to reduce the number of trees along the north property boundary and incorporate these trees back into the development. Another landscaping concern is on the amount of turf grass. The Zoning Ordinance (Chapter 18-C) allows a maximum of 50% of the landscaped area to be turf grass. The approved site plan showed an area of 26% turf grass, but the amended site plan appears to have more than 50%. This issue could be addressed by adding more areas of wildflower and natural grass mixes. The landscape plan needs to show an underground irrigation system for the landscaped areas. The pathway system has not changed from the approved site plan and must be built accordingly.

The amenities plan for this project is also proposed to change. The approved plan showed a tennis court, a pavilion with barbecue grills, a volley ball court, a playground, and a swimming pool. The amended site plan has eliminated the tennis court and the pavilion with barbecue grills. The volleyball court and playground are shown as part of Phase 9, and the pool is shown in Phase 12 with the condo-tel. A 20 foot wide beach access easement is located between Buildings 13 and 14 in Phase 2. The Planning Commission needs to determine if the amenities are sufficient or if the approved plan amenities should be retained. The Planning Commission should also determine if the amenities should be built earlier in the phasing plan. Any signage or lighting for the project also needs to be addressed with this amendment or the approved signage and lighting designs will remain in place.

Roads, Utilities, etc.: The roads in this development will remain at 24 feet wide, and all of the requirements of the Weber County Engineering Division and Weber Fire District must be followed. The review letter from the Fire District states that the roads must be 26 feet wide, but in speaking with Fire Marshall Ted Black, the 24 foot wide roads which were previously approved will be allowed. The second entrance on the northwest corner of the parcel must be extended to meet the existing gravel County road. This entrance will no longer be used only as an emergency access, and no gate will be allowed. The utility and drainage plans are being reviewed by the Weber County Engineering Division and their requirements must be complied with.

Summary of Planning Commission Considerations

- Do any of the proposed amendments have potential negative or detrimental effects that have not been considered?
- Do the single family dwelling units fit with the rest of the PRUD?
- Where will the single family dwelling garages be located (designs are still required)?
- Do the reductions in density and parking offset the increased number of buildings?
- Should the parking breakdown between residents and visitors be shown on this plan, or in future phase approvals?
- Is the Phasing plan appropriate?
- Is the reduction in the number of trees on the landscape plan appropriate?
- Is the reduction in the number of amenities appropriate? Should the amenities be built in earlier phases of the project?
- Is this new PRUD design better than the previously approved design?
- Does the Planning Commission have other questions that have not been addressed?

Conformance to the General Plan

The existing site plan was approved in conformance with the Ogden Valley General Plan in 2003. These amendments reduce the overall density numbers for Ogden Valley and reduce the height and mass of the buildings located closest to the reservoir.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- All previous conditions of approval from CUP 2003-12 which are applicable remain in place

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the County Commission, if adequate answers are provided to the questions listed under "Summary of Planning Commission Considerations." If adequate answers are not provided, staff recommends tabling this item to allow the applicant time to provide adequate answers to the Planning Commission's questions.

Exhibits

- A. Existing approved site plan
- B. Amended site plan
- C. Phasing plan
- D. Existing approved landscape plan
- E. Amended landscape plan
- F. Applicant's request statement
- G. Renderings of approved condominium buildings
- H. Renderings and footprint of new single family dwellings

Map 1



Exhibit M

Minutes of the Ogden Valley Township Planning Commission meeting held October 26, 2010, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: Greg Graves, Chair, Gary Allen, Jim Banks, John Howell, Kevin Parson, William Siegel. Laura Warburton

Staff Present: Rob Scott, Director, Jim Gentry, Asst. Director, Sean Wilkinson, Planner, Scott Mendoza, Planner, Iris Hennon, Planner, Monette Hurtado, Legal Counsel, Sherri Sillitoe, Secretary

Pledge of Allegiance

Roll Call

Minutes

1. Approval of the October 05, 2010 meeting minutes

Chair Graves declared the October 05, 2010 meeting minutes approved.

Consent Agenda

2-1. CUP 19-2010 Consideration and action on a request for approval of a Conditional Use Permit to establish a private recreation ground for construction of a picnic bowery in the Monte Cristo area; G E Marriott Investment Limited Company, Applicant

MOTION: Commissioner Siegel moved to approve Consent Agenda Item 2-1 subject to all staff and agency recommendations. Commissioner Parson seconded the motion. A vote was taken and Chair Graves indicated the motion carried (7-0).

Regular Agenda

New Business 3-1. CUP 2003-12 Consideration and action on a request to amend the Edgewater Beach Resort PRUD site plan by rearranging several buildings, eliminating one 12-plex and one 6-plex, adding five single family dwelling units, reducing the total number of units from 166 to 153, and changing the approved landscape plan; Celtic Bank, Applicant

Sean Wilkinson presented a report and indicated that The Edgewater Beach Resort PRUD was approved as a conditional use in 2003 (CUP 2003-12). Since that time, the Planning Commission and County Commission have made minor amendments to the original approval. The applicant is now requesting a major amendment to the existing approval. The parking numbers have been reduced based upon the density reduction.

This major amendment resembles the approved site plan, but several buildings are being rearranged, one 12-plex and one 6-plex are being eliminated, five single family dwelling units are being added on the north side of the project, the overall project density is being reduced from 166 to 153, and the number of trees on the landscape plan is being reduced.

With the reduction in density, the parking requirements were reduced. The Zoning Ordinance requires 1.75 spaces per unit which rounds up to 268 required parking spaces. The amended site plan shows a total of 321 spaces (161 underground, 150 open, 10 for single family dwellings) compared to 358 on the approved site plan. The amended number appears to be sufficient for residents, visitors, and commercial uses. All of the buildings have 12 underground parking spaces except for the existing 4-plex, Building 5 which is shown as a 12-plex with open parking, and the single family dwellings which will have their own garages. While the number of parking spaces is sufficient, staff recommends that the open parking spaces be specifically designated for residents or visitors on a site plan as each phase of the project progresses. Each parking space must have a minimum area of 180 square feet exclusive of any sidewalk areas.

A new phasing plan was submitted and the only issue staff had was if the amenities should be located in earlier phases of the project. The approved landscaping plan shows 367 trees compared to 159 trees on the amended site plan, which is a difference of 208. The landscape designer eliminated the trees to retain and improve the views to the reservoir and Snowbasin. The developer's landscape engineer indicated that the main reason for eliminating some of the trees was based on the views.

Sean Wilkinson referred the members to the "Summary of the Planning Commission Considerations" in the staff report.

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the County Commission, if adequate answers are provided to the questions listed under "Summary of Planning Commission Considerations." If adequate answers are not provided, staff recommends tabling this item to allow the applicant time to provide adequate answers to the Planning Commission's questions.

Commissioner Siegel indicated that the pictures do not reflect that probably the lowest part of this is on the north side of the road and then looking across to the south, going up Snowbasin Road becomes a significant grade. The large ridge in the way and probably blocks a significant portion of Mount Ogden. Now if the concern was that they would not be able to see Snowbasin because of Ski Lake, the trees should have been removed then he does not believe that was a good argument for removing the trees.

Commissioner Warburton clarified that it is not an option for the Planning Commission to deny the project as there is already an existing approved site plan.

Commissioner Howell indicated that the fire department was concerned about the dead-end road coming out to the gravel lane and he asked if the gravel lane was large enough for development. Sean Wilkinson replied yes and that it is a county dedicated road.

Brandi Hammond, the real estate representative for Celtic Banks on this project, indicated that the bank has decided to develop with single family dwellings with a reduced maximum height of 25 ft. They are in agreement to reduce some of the grass area. There is a 150 ft. setback, which was not required in the zone, but it is a nice feature. They can do some transitional areas in the project. The surveyor asked if they should vacate 6300 E, which is a dirt road.

Commissioner Warburton stated that with her question is that with any PRUD there is such a risk of it ending up empty and she wonders how feasible it would be to sell 4500 sq. ft. homes next to the condos. Brandi Hammond indicated that lake-front properties are still very desirable. The dwellings will be limited to 25 ft. in height and they will probably increase landscaping to give it more of a privacy feeling. In answer to a question by Commissioner Warburton, Mrs. Hammond indicated that the condotel is included in the last phase. Commissioner Warburton indicated that she would to see a letter from a landscape architect to make sure whatever happens is in compliance with Zoning Ordinance Chapter 18C.

Commissioner Howell asked how large the five lots that face north are and Mrs. Hammond indicated that they are .5 acre.

Commissioner Siegel indicated that they felt the tennis court was an attractive feature in the original approval. With the new plan, there will be a dwelling near Fowers' property and they did not want development near that property. Ms. Hammond indicated that tennis courts do not get much usage so they moved the 6-plex where the tennis courts to get it away from the house and made it an 8-plex but did not increase the height.

Commissioner Banks indicated if they have approved water letters for the units. Brandi Hammond indicated that there are ongoing negotiations and the water both culinary and secondary and sewer issues will be addressed in the future.

Chair Graves indicated that there is a canal which goes through the property that the developer would be required to maintain. Brandi Hammond indicated that they are aware of the canal. Chair Graves said a different type of pipe than what was approved was installed.

Commissioner Warburton asked for further clarification of the road issue. Brandi Hammond indicated that as it stands now, the road is a dedicated road.

No public comment was offered

MOTION: Commissioner Warburton moved to table CUP 2003-12 until they have further information on the road, letter from the landscape architect justifying eliminating the number of trees, that the applicant submits an expanded elevation to the top of the ridge and that the applicant look at the possibility of swapping the 6-plex where the tennis court was eliminated with Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson seconded the motion

DISCUSSION: Commissioner Graves indicated his concern that the original plan was approved with little development on the west side and with a tennis court proposed as a transition buffer. The new proposal fills that gap with a building and he does not recommend it. The idea was to keep the height limited to 25 ft. and not to create another wall on the west side so there is more of a buffer between this development and the farm next door. He does not want to see them wall the west side.

Commissioner Warburton indicated that hopefully the screening would cover more of the west side. She suspects that the proposal does not meet Chapter 18C and she would like verification that it does. Commissioner Parson agreed with the landscaping used as screening.

Commissioner Warburton asked if a parking lot would be better located in the area where the tennis court was to be located. Sean Wilkinson indicated that the proposed parking numbers are sufficient. Chair Graves indicated that one possibility is to switch Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson agreed with Chair Graves.

Concern is to move higher density on the west side to the east side. Chair Graves indicated that his preference is to keep the proposed trees and possibly move them to the east side as a screen. In addition, he would like to see a commitment that the applicant adds the amenities in the second phase or third phase.

Monette Hurtado indicated that the Fire District would not approve BBQ's on the individual patios.

Chair Graves indicated that he would suggest that the applicant looks at concentrating the sod in the property's interior and transition to the outside with native grasses.

Commissioner Howell indicated that a picnic pavilion could be located in the eliminated tennis court area.

VOTE: A vote was taken and Chair Graves indicated that the motion carried (7-0) with Commissioners Allen, Banks, Howell, Parson, Siegel, Warburton and Chair Graves all voting aye.

3-2. UVS 082807 Consideration and action on a request for final approval of The Sanctuary (6 Lots), located east of Green Hill Country Estates Phase 6 past the end of Maple Drive; Timothy Charwood, Applicant

Sean Wilkinson presented a staff report and indicated that while each of the lots The Sanctuary consists of 6 lots on 521 acres and lies in an F-40. While each of the lots has at least 40 acres, the majority of the property is steep and unable to be developed. Each of the lots has a building pad for a dwelling and an accessory building shown on the plat. These building pads exceed the 75 x 100 foot requirement, but several of the building pads do not meet the setback requirements. On lots 2 and 6 the accessory building pad needs to be at least 40 feet from the side property line, which can easily be done. On Lot 1 both of the building pads need to be moved to meet lot and stream corridor setbacks. A 75 x 100 foot building pad for the dwelling could fit within the required setbacks, but the accessory building pad would have to be significantly reduced or eliminated. If the building pads cannot be shown on this lot, it will be designated as a restricted lot and the future structures will be required to go through a hillside review process. The Planning Commission should ask the applicant to decide what will be done with this issue. The building pads on lots 3, 4, and 5 meet the necessary requirements.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a variance to the Weber County Subdivision Ordinance to allow an additional time extension of final approval for The Retreat at Wolf Creek Utah Subdivision Phase 1

Agenda Date: Tuesday, April 26, 2011

Applicant: Rob Thomas for Wolf Creek Properties, LC

File Number: UVR 030209

Property Information

Approximate Address: 5334 East Elkhorn Drive

Project Area: 13.65 Acres

Zoning: Residential Estates Zone (RE-20)

Existing Land Use: Vacant

Proposed Land Use: Residential Subdivision

Parcel ID: 22-016-0014

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

Adjacent Land Use

North: Vacant	South: Residential
East: Residential	West: Open Space

Staff Information

Report Presenter: Sean Wilkinson
swilkinson@co.weber.ut.us
801-399-8765

Report Reviewer: JG

Applicable Ordinances

- Weber County Subdivision Ordinance

Background

The Retreat at Wolf Creek Utah Subdivision Phase 1 received a recommendation for final approval from the Ogden Valley Planning Commission on March 24, 2009. The subdivision received a one year extension of final approval in February 2010, which expired on March 24, 2011. Prior to the March 24th deadline, the applicant submitted a letter requesting an additional time extension, however, this request requires a variance to the Subdivision Ordinance Standards. The Weber County Subdivision Ordinance (26-1-1) allows the County Commission to vary the standards where exceptional conditions exist, after a recommendation from the Planning Commission.

Summary of Planning Commission Considerations

The applicant is requesting an open-ended time extension for completion of this subdivision. The applicant's letter (see Exhibit A) discusses the exceptional conditions under which Wolf Creek Properties feels they qualify for this extension request, including:

- In 2009 underground sewer and water lines were installed, but the project was put on hold due to negative economic conditions.
- These economic conditions eventually forced Wolf Creek Properties, LLC to file for Chapter 11 bankruptcy protection in 2010.
- Part of the bankruptcy reorganization plan involves the sale of new lots, in which this subdivision plays a vital role.
- Allowing the extension will benefit the community because the project will be completed rather than leaving a partially developed project in a high traffic, high visibility area.

Staff has made the following findings in reference to the applicant's request for an additional time extension:

- Every subdivision currently in process in the Ogden Valley has faced the same negative economic conditions. Many of these subdivisions have been taken back by the lenders, and many of the subdivisions have expired and become void. While filing for bankruptcy may be considered an exceptional hardship or condition, the negative economic conditions that prompted the filing are not unique for Wolf Creek Properties, LLC. The development timeline standards in the Subdivision Ordinance cannot predict or account for periods of good or bad economic conditions. Therefore, it is difficult to determine that a bad economy can be considered an exceptional condition.
- There is no justification for an open-ended time extension. If negative economic conditions persist, this subdivision could conceivably be extended for several years, but the one extension of final approval allowed by the Subdivision Ordinance is for a period of one year. If the subdivision is allowed to expire, the applicant could resubmit when the economic conditions improve. The County is better protected in this case because the subdivision would have to comply with new ordinance standards in place at the time of the new submittal.
- Underground sewer and water lines have been installed within this subdivision, but the Planning Division would be much more comfortable recommending some type of extension if more of the subdivision improvements were complete. Staff agrees that completing the development, rather than leaving the disturbed site is a better idea. However, the site can be temporarily cleaned up and restored until the economic conditions are right to resubmit the subdivision and continue with development.
- This request cannot be compared to other developments that have received additional time extensions. Each request for a variance must stand on its own and the applicant bears the burden of proof that exceptional conditions exist. Variances are not granted based upon precedent.

Conformance to the General Plan

The request is allowed by the Weber County Subdivision Ordinance (26-1-1) and does not affect the subdivision's compliance with the Ogden Valley General Plan.

Conditions of Approval

- All of the requirements and conditions for the Retreat at Wolf Creek Utah Subdivision Phase 1 remain unchanged.

Staff Recommendation

The applicant has not provided sufficient justification for an open-ended time extension. The Planning Commission can consider the following options in making a recommendation to the County Commission:

- Approve the open-ended time extension request.
- Deny the open-ended request, make the current approval void, and instruct the applicant to reapply in the future.
- Approve a time-specific extension based on progress to this point, with guidelines for what is expected with time-frames for future development.
- Table the request for additional information.

Exhibits

- A. Applicant's letter
- B. Subdivision plat map

Map 1

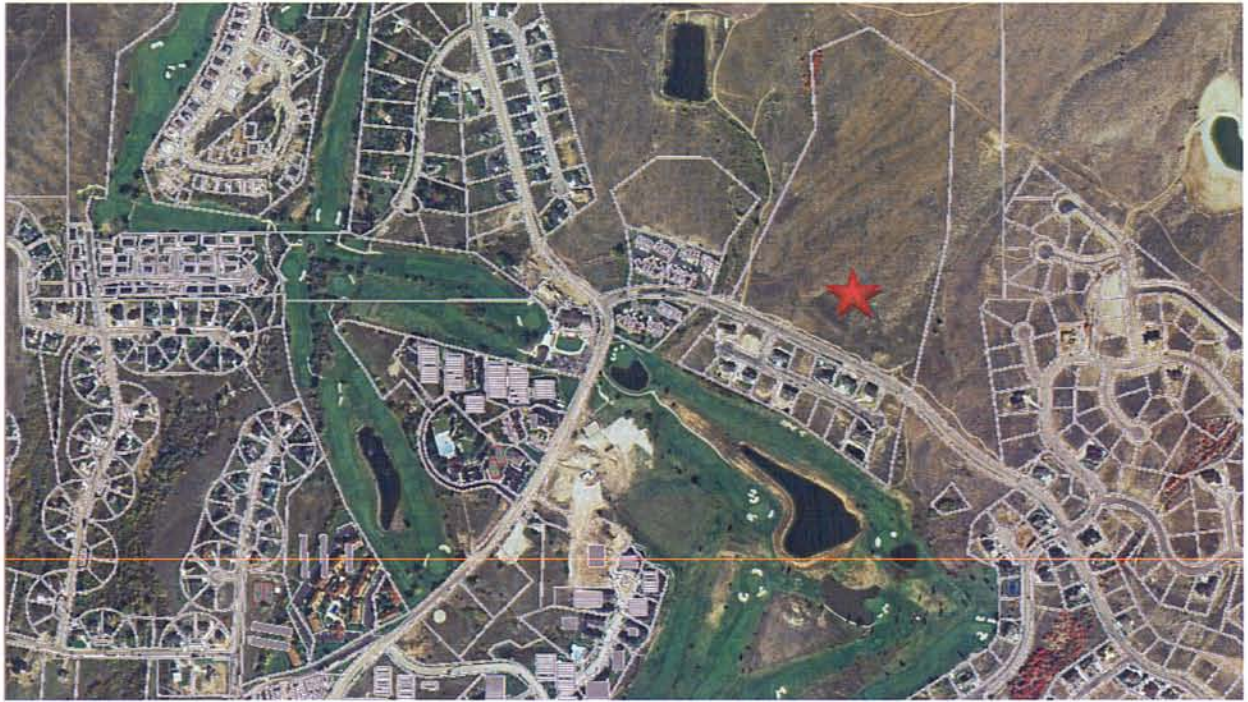


Exhibit A

**Wolf Creek Properties, LC
3923 North Wolf Creek Dr.
PO Box 658
Eden, UT 84310**

March 10, 2011

Mr. Sean Wilkerson
Weber County Planning
2380 Washington Blvd.
Suite 240
Odgen, UT 84401

RE: PARCEL 7-THE RETREAT PROJECT EXTENSION AT WOLF CREEK RESORT

Sean:

Sincere thanks for meeting with me the other day for a few moments and explaining our options in regards to our Parcel 7-The Retreat project owned by Wolf Creek Properties (WCP). This letter is in response to our conversation and I hope it serves to fulfill the necessary requirement for a subdivision extension.

The Retreat development was started in 2009 with the intent to develop 45 single family lots in three phases. A fair amount of the underground sewer, culinary and irrigation has been installed on the first phase of the project (18 lots) in 2009. Due to economic conditions towards the end of 2009 and real estate market conditions beginning 2010, further development of the Retreat was put on hold. Due to continued market conditions WCP had to file for Chapter 11 Bankruptcy protection and reorganization in June 2010.

The Retreat has been cleaned up and beautified as much as possible since that time. It is WCP's intent to continue the Retreat development project as soon as we are further along in our reorganization and as the real estate market here in the valley dictates. Part of our reorganization plan will rely on future real estate sales and the Retreat is vital to fulfilling that plan since some of the infrastructure is complete and it sits in a high demand location within the resort.

WCP believes completing the Retreat development helps promote convenience and general welfare to the community versus leaving a partially completed development project along the hillside in a high traffic area. We respectfully ask you to grant a subdivision extension so we can continue to work towards acquiring new equity here at the resort and completing the Retreat project as soon as possible.

Sincerely,

Rob Thomas
Chief Operating Officer
Wolf Creek Properties, LC



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on Conditional Use Permit (2011-03) for a private dog kennel in the AV-3 Zone.
Agenda Date:	Tuesday, April 26, 2011
Applicant:	Felicia and Richard Ewing
File Number:	CUP 2011-03

Property Information

Approximate Address:	391 South 1000 East
Project Area:	5.27 acres
Zoning:	Agricultural Valley 3 Zone (AV-3)
Existing Land Use:	Residential/Agricultural
Proposed Land Use:	Private Dog Kennel
Parcel ID:	21-046-0008
Township, Range, Section:	T6N, R1E, Section 15

Adjacent Land Use

North:	State road shop	South:	Agricultural/Residential
East:	Agricultural/Residential	West:	Residential/Residential

Staff Information

Report Presenter:	Iris Hennon ihennon@co.weber.ut.us 801-399-8762
Report Reviewer:	SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 1 Section 6 (Definitions)
- Weber County Zoning Ordinance Chapter 5-B (AV-3 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Use)
- Weber County Zoning Ordinance Chapter 36 (Design Review)

Background

The applicant is requesting approval of a Conditional Use Permit to allow a private dog kennel in the AV-3 Zone. A private, dog kennel is allowed in the AV-3 Zone subject to the following:

- No more than ten (10) dogs older than ten (10) weeks per acre are allowed.
- Minimum setbacks of fifty (50) feet from any side or rear lot line, and one-hundred (100) feet from a property line adjacent to a street are required.
- A minimum lot area of three (3) acres is required.

The kennel is located in the East Huntsville area on 5.27 acres. The proposed site is bordered by residential and agricultural uses on the south, east, and west and by the state road shop on the north. This site is split by the AV-3 and FV-3 Zones, but the kennel is located entirely in the AV-3 Zone. The Zoning Ordinance requires a kennel if more than three dogs are to be located on the same property. The applicants currently have six dogs.

Applicable County review agencies have responded with no concerns, except that a kennel license is required from County Animal Services. The actual kennel is a temporary structure that does not require a building permit from the Building Inspection Division.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed use meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Chapter 22C-4: Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

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

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potentially detrimental effects of this private kennel relate to noise, smell, and loose dogs. Noise is partially mitigated by the size of the property and the location of the kennel, but the Planning Commission may want to address this issue in more detail with the applicants. To mitigate smell, the dog waste will be removed on a regular basis. The Health Department requires the dog waste to be removed from the site at least twice weekly. To mitigate the potential for loose dogs, the kennel structure will be kept closed. The dogs can also be moved to another fenced area on the site.
2. This application meets the criteria listed in applicable County Ordinances in the following ways:
 - The proposed site (5.27 acres) is larger than the required three acres.
 - The applicant currently is not proposing more than three dogs in addition to the three allowed by ordinance without a kennel permit.
 - The kennel location meets the required setbacks.
 - No additional parking is required because this private kennel is not considered a commercial use.

Conformance to the General Plan

Dog kennels are consistent with other animal raising operations in agricultural areas. This use does not negatively impact any of the goals and policies of the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of County Animal Services

Staff Recommendation

Staff recommends approval of CUP 2011-03 for a private dog kennel in the AV-3 Zone, subject to staff and review agency requirements. This recommendation is based on the proposed kennel being in compliance with applicable County Ordinances as listed in this staff report.

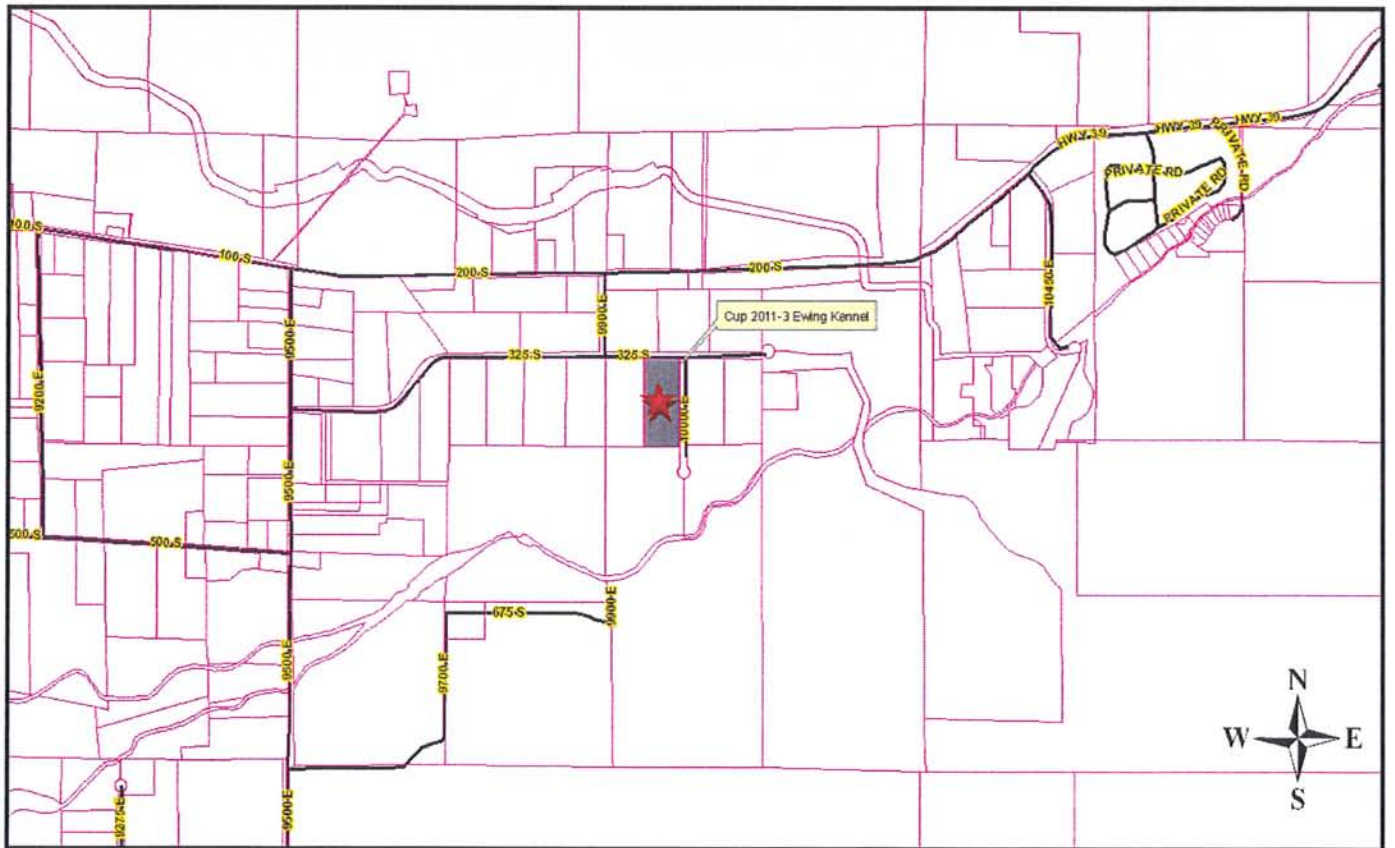
Exhibits

- A. Photo of the zoning map
- B. Applicant's narrative
- C. Photo of the kennel

Map 1



Map 2



Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use) \$85 ⁰⁰	Receipt Number (Office Use) 20706	File Number (Office Use) CUP 2011-03
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Property Owner Contact Information

Name of Property Owner(s) Felicia & Richard Ewing		Mailing Address of Property Owner(s)	
Phone 801-745-6718	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address feliciavienna@gmail.com			

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address			

Property Information

Project Name	Current Zoning AV-3 + FV-3
Approximate Address 391 S 10000 E Huntsville, UT 84317	Land Serial Number(s) 210460008
Proposed Use Dog Kennel	

Project Narrative

We are requesting a dog kennel permit.

We currently own a Great Pyrenees dog who guards and protects my livestock. We have two rescue Shih Tzus, which are house dogs. We also currently have my father's three older dogs, which are approx. 10 to 15 years.







Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and/or action to remove heliport as a conditional use to the Commercial Valley 2 (CV-2) Zone
Agenda Date: Monday, April 25, 2011
Applicant: Lee Schussman and Dave Holmstrom
File Number: Zoning Petition 2011-2

Property Information

Approximate Address: N/A
Project Area: N/A
Zoning: Commercial Valley 2 (CV-2)
Existing Land Use: N/A
Proposed Land Use: N/A
Parcel ID: N/A
Township, Range, Section: N/A

Adjacent Land Use

North: N/A	South: N/A
East: N/A	West: N/A

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766
Report Reviewer: RS

Applicable Ordinances

- Weber County Zoning Ordinance chapter 18B Commercial Valley 2 (CV-2)

Background

The petitioners are requesting a text amendment to chapter 18B Commercial Valley 2 (CV-2) zone of the Weber County Zoning Ordinance. This request is to remove a "Heliport" as a conditional use from the list of uses in the CV-2 zone.

The petitioners, in exhibit A, have addressed the criteria for a rezone request. In the request the petitioners express reasons supporting the removal of the use, claiming that heliports are not in compliance with the core and central tenants of the General Plan. They claim that there has been a fundamental shift in the conditional use permitting process, and therefore heliports are no longer consistent with the other uses in the CV-2 zone.

The petition also expresses that there are many public health, safety, and welfare concerns associated with heliports. There is concern about the nuisance that occurs with heliports, namely noise and the disruption of businesses and other surrounding uses. Of the existing properties zoned CV-2, the petitioners believe that none of the surrounding properties would be non-impacted, reasonable, or safe, near a heliport. Their view is that there are few areas of Ogden Valley where there would not be serious concerns about the safety of the location of a heliport.

Summary of Planning Commission Considerations

1. Should there be heliports in the Ogden Valley?
2. Can the nuisance of a heliport be mitigated sufficiently as to not be detrimental to surrounding uses?
3. Are there any qualifying conditions that could be put into place that may reduce impacts to the community? If so what are they?
4. Can the use be permitted elsewhere in the Zoning Ordinance where impacts may be reduced to the community as a whole?

Planning Division analysis of Summary of Planning Commission Considerations:

- The indication is that there is a market for the use in the Ogden Valley. In statements from some community members and officials it is noted to be a desirable use in the Ogden Valley.
- As has been stated by many before in public testimony and by the petitioner, helicopters will always produce noise. The level of nuisance that is tolerable is discretionary. At what level it is sufficiently mitigated is a matter of opinion. Staff reminds the Planning Commission that detrimental effects occur with many uses, and it is common for owners along zoning boundaries to have concerns from the "other" uses allowed in an adjacent zone. Often those concerns are considered when determining a zoning designation. Again determining sufficient mitigation is left to the discretion of the decision makers.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission not to remove "heliport" as a conditional use in the CV-2 Zone subject to the Planning Division analysis above.

However if the Planning Commission is inclined to discuss their options further, staff recommends that this topic be addressed at a time specific future work session. The Planning Commission can consider the following options:

- Recommend approval of this request to remove "heliports" from the CV-2 zone.
- Deny the request to remove "heliports" from the CV-2 zone.
- Recommend that heliports be permitted only in commercial zones that are within resort boundaries. This would allow the resort the benefit of the use, but leave the resort the responsibility of responding to the effects of the use.
- Alter the qualifications of a "helistop" conditional use in the Destination and Recreation Resort Zone (DRR-1) zone to include a heliport allowing for interior and exterior resort operations.
- Allow heliports in the Forest zones under the conditional use "Airports".

Exhibits

- A. Application

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

3-11-11

Received By (Office Use)



Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

Lee Schussman / Dave Holmstrom

Mailing Address of Property Owner(s)

Phone 801-884-8593

Phone 801-745-6638

Email Address

Schuss84@yahoo.com | dave.tractor@

Preferred Method of Written Correspondence

Email Fax Mail

Ordinance Proposal

gmail.com

Ordinance to be Amended

Describing the amendment and/or proposed changes to the ordinance:

see attached

Dave Holmstrom

THE HOLMSTROMS' INVESTMENTS, INC.

3128 N. River Drive

Eden, Utah 84310

Phone: 801.745.6638

Cell: 801.698.5463

Fax: 801.745.0324

Eliminate “heliport” from under the designation of “CV2”:

[In order to make changes in the zoning ordinance, these five criteria need to be addressed:]

(Ref: Weber County (Ref: Weber County General Plan and Text Ordinance Amendment Application.)

1. How is the change in compliance with the General Plan?
2. Why should the present zoning be changed to allow this proposal?
3. How is the change in the public interest?
4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

This is a proposal to remove “heliport” from the permitted uses listed in The Weber County zoning ordinance under the Commercial Valley CV-2 designation. (The intent of this change is to also exclude “helipad,” “helistop,” or other euphemisms for permanently established helicopter landing and take off areas under the CV-2 zoning.) This application has no bearing on the emergency landing and operations of any emergency helicopters in the Ogden Valley, as these operations fall outside of these zoning ordinances.

1: How is the change in compliance with the General Plan?

REMOVING “heliports” from uses allowed in CV 2 zoning is very much in compliance with the General Plan, because the inclusion of heliports in CV 2 zones is NOT in compliance with the General Plan. Commercial, private heliports (unless they are carefully planned, sited, and regulated) are contrary to the basic goals of the Ogden Valley General Plan.

Below are direct quotes from some of the first paragraphs of the Ogden Valley General Plan--quotes that exemplify and embody the very core and central tenants of the general plan:

“They [Ogden Valley residents] are justifiably proud of the unique characteristics of Ogden Valley, its timeless mix of pioneer heritage, agricultural lands, recreation opportunities, abundant wildlife, scenic vistas, and quiet living.”

(Ref: “Ogden Valley General Plan; Sec 2, Ogden Valley Vision Statement, 2.01)

The activities necessary for heliport are in direct conflict with preserving these unique characteristics.

“Abundant Wildlife”:

Activities of a helipad are directly disruptive of wildlife and domestic animals. This opinion was amply and repeatedly expressed by many (over 68% of the respondents) during the public input into the CUP for a proposed Eden heliport/helistop/helipad. (Many more attendees at the meetings would have also spoken against the heliport, but they were asked to not repeat any opinions or data that had already been presented.)

(Ref: OVPC, meeting minutes, Feb 2010 and Jan 2011)

The opinions (expressed in the above referenced meetings that wildlife would be disrupted) are backed up by information in a comprehensive study done by the Utah State University, sponsored by the Weber County Commissioners, and published in May 2009. On page 57 of that study, under “Evaluation Criteria for Use of Land in Ogden Valley” is data on the Biodiversity distribution in the Ogden Valley. The data and diagrams indicate that some of the richest areas of biodiversity in the Ogden Valley are in or near the largest of the areas that are currently zoned as CV 2. These richly diverse animal populations would be directly and negatively affected by regular helicopter take offs and landing.

(Ref: Alternative Futures 2030: Ogden Valley; p. 57).

“Scenic vistas”, and “Quiet Living”:

The commercial operations of helicopters in the Ogden Valley are well established to be very intrusive and noisy. Some of our own Ogden Valley commissioners have counted and recorded over a dozen flights each day of a previous, non-permitted, helicopter operation. (Those are only the flights directly over their neighborhoods. Many Ogden Valley citizens have counted nearly twice that many flights a day during helicopter operations.)

(Ref: Minutes of the OVPC, Jan 2011)

Proponents of the inclusion of a heliport in the Ogden Valley state that each landing and take off takes only “3-4 minutes.”

(Ref: Minutes of OCPC, Jan 2011)

If we assume this “best-case” scenario, noise is produced for only about 4 minutes per landing and 4 minutes per take off. If we assume only twelve flights, and if we assume the operations are only during regular business hours (8am to 5 pm), then the noise of the operations would be present for about 100 minutes out of each eight-hour day of operations. Thus, this business would produce bothersome noise (at 70 to 90 dbI) for about 20% of every day that it operates. No other businesses that are listed in CV2 zoning would ever be allowed to operate and produce such noise levels for this long a time period every day of operation. The production of such noise levels is not in keeping with the tenants of the General Plan.

“Recreational Activities”:

Heliports offer limited recreational opportunities for a few at the expense of many. The very processes of zoning and planning are designed to help to balance the good of the community vs the rights of private property owners. Considering this balance, the number of customers for any helicopter service will be at a maximum 100 / month. For the benefit of these customers and for the profit of the applicants, many hundreds of Ogden Valley residents, business owners, and visitors who are here to enjoy other recreational activities will pay the price and will be very negatively affected by the disruptive and intrusive activities every day that the flights take place.

The General Plan goes on to state:

“Ogden Valley is a place which:

- Values and protects its natural beauty and natural resources
- Cherishes and maintains its rural atmosphere and rural lifestyle
- *Empowers its citizenry to take part in decisions affecting the Valley*”

(Ref: “Ogden Valley General Plan; Sec 2, Ogden Valley Vision Statement, 2.01)

Rather than empowering the citizens in Ogden Valley decisions, establishing a heliport in the existing CV 2 zones would take away the power of the citizens to influence decisions affecting the Valley. Commercial, for profit operation of heliports in CV 2 zoned areas would be completely at odds with the many residents who have spoken against at the public hearings in the OVPC meeting in 2010, 2011, and/or signed petitions against heliports.

(Ref: OVPC Minutes, Jan, 2010; on-line petition: <http://gopetition.com/petitions/stop-heliport-at-red-moose-lodge.html>)

Later in the General Plan is the following statement about business developments in the valley:

“Weber County feels that Ogden Valley’s commercial development should be balanced with residential growth and occur in a manner that does not detract from the area’s character.”

Heliports do not fit within this definition of commercial development, as they are very much out of “character” with the Ogden Valley. It is unknown why that they were ever even included in the Ogden Valley C2 designation. One might surmise that “heliport” was included in the original CV2 zoning so as to allow emergency helicopter use in the valley. Inclusion of a CUP for a helipad benefits one very small subset of the outdoor industry at the expense of many other businesses and at the expense of many of the affected residents of the Valley. Such a use should be very carefully conditioned or

it will very much “detract from the area’s character” and be in direct opposition to the General Plan.

Emergency helicopter landing in ANY safe landing zones is, of course, already allowed; but a helipad or heliport, commercial or private, is NOT in keeping with any of the basic tenants of the General Plan and the commercial development that has been envisioned in the General Plan.

2- Why should the present zoning be changed to allow this proposal?

And

4- What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

The present inclusion of a heliport as a conditional use in CV 2 zones should be removed because **there has been a very fundamental shift in the entire process needed to obtain a CUP.**

Previously, applications for a CUP were to be approved only when the applicant for that permit could show that the use of the land under consideration was in the general interest of the community and that use did not have serious negative effects on the community—either in terms of health, welfare, or environment.

That CUP process has been completely changed.

This is a direct copy of what PREVIOUSLY was necessary to obtain a Conditional Use Permit. (As of March 5, 2011, it was still on the Weber County web site. The site is: Weber County; Planning; Zoning Ordinance; 22-C Conditional Use Permit.)

“22C-5 Basis for Issuance of Conditional Use Permit

The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

- That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community, and
- That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
- That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
- That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County

- That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.”

Some time in the recent past, this entire paragraph has been completely removed from the planning ordinance.

Here is the NEW Weber County “Criteria for Issuance of Conditional Use Permit”:

“Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

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

By the adoption of this new ordinance, the entire intent of the granting of a CUP appears to have been shifted. Previously, the applicant needed to show that certain conditions were met—that the use of the land was in the best interests of the citizens and the community. Now, no such conditions need to be established. Absent in the new ordinance are any references to the General Plan; to the environment; to the citizens of the surrounding areas; to any pre-existing residents or businesses; or to the health, safety, or general well-being of the citizens. It also appears, that all an applicant must do is to propose “reasonable conditions” to mitigate any expected detrimental effects. Apparently, the applicant does not even have to show that the mitigation will be effective before the CUP is granted.

The new laws appear to move “conditional uses” (i.e. uses which would be allowed only under certain conditions) closer to the category of being “permitted uses” (i.e. uses that are specifically stated as being allowed under that zoning designation). “Heliports” should be removed as a use from the CV2 zoning designation because there is no longer a realistic way to apply “CONDITIONAL” use.

If “heliport” is allowed to stay on the CV 2 zone list of uses, an application can be filed for a heliport on ANY of the 17 CV 2 sites in Ogden Valley. And, according to the new “Criteria of Issuance of CUP,” it would be very difficult to make that use conditional; the use is now specifically listed, and would be hard to deny.

In reviewing ALL of the allowed uses under the CV-2 heading, it is clear that all uses which could possibly impact neighbors or surrounding areas are specifically restricted in the wording of the CV-2 specifics to be permitted only for uses confined to INSIDE a building. The operation of a heliport in the Ogden Valley would be the ONLY permitted

activity that could have such a large negative impact outside of the boundaries of the private property on which it would be located.

The specific listing of "heliport" in the CV 2 zoning is the ONLY use in the long list of permitted or conditional uses that can have a negative impact on the surrounding community. There are 187 uses listed as appropriate in the CV 2 zone. ONLY ONE, "HELIPORT" is prime facie an operation that will definitely negatively impact its neighbors in the community. Not one of the remaining 186 uses is dangerous to the surrounding community. Not one of the remaining 186 uses produces anywhere near the noise pollution in the surrounding community. And not one of the remaining 186 uses has as much negative impact on the surrounding business.

(Ref: Weber County Ordinance: Commercial Valley Zones : 18-5B Uses)

Given that the operation of a heliport has inherent and overt safety risks to the surrounding community, and given that our zoning laws have changed to permit such a use under CV 2, are we not at risk for legal liability if an accident were to occur, if we, as a county, site with little or no restrictions a heliport in a busy commercial or residential area?

The use of any piece of land as a heliport is a very specific uses. It should be conditioned on careful discussion, careful siting, and on very specific conditions, and monitoring. This is such a unique and specific use that perhaps it should fall under a completely separate zoning, such as "Airport/Heliport—AH 1"; but certainly not under the general CV 2 heading.

3- How is the change in the public interest?

and

5: How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

The operation of a helipad or heliport, which could be permitted in any of the current CV 2 zones, is very much against the safety, health, and welfare of the Ogden Valley.

Safety Concerns

Safety concerns will be a problem for a heliport in the CV2 areas in the Ogden Valley.

Many citizens expressed concerns in the last year during the deliberations over a proposed heliport in Eden. In those public comments, 66 % were against the granting of a CUP for a heliport, and many citizens expressed safety concerns.

(Ref: minutes of OVPC meetings, Feb, 2010 and April, 2010).

There are 17 CV 2 areas currently in the Ogden Valley.

(Ref: Weber Co on line maps]

None of these areas would be a reasonable, safe, non-impacted area, and there are very few areas in Ogden Valley where there would not be serious concerns about the safety of the location of the landing zone itself.

Residents (who have no real benefit from the operation of such activities) should not have themselves and their families subjected to the risks of frequent helicopter flights, especially when those flights and the assumptions of those risks are against their wishes.

The law, as it now stands (which permits the granting of CUPs for frequent helicopter use in any CV 2 zones) may even produce legal liability issues for Weber County. The current CUP process would permit with Weber County sanction the use of an area for an activity that has a small but definitely present risk for surrounding citizens and businesses, many of which oppose that use in the first place.

Taking off and landing of helicopters in mountain valleys is prima facie an activity with inherent risks. Flying only in good weather and extensive pilot experience can mitigate these risks, but does not eliminate them. An example of those risks occurred here in Ogden Valley in 1993. In 1993, during a flight for heli-skiing to film a Marker Ski Binding commercial, the crash of a Diamond Peaks helicopter near Powder Mountain killed four people. The pilot was a decorated military veteran with extensive experience, and the weather was favorable. The risk of a serious accident is certainly small, but is finite. After the 1993 crash, the US Army rescue helicopter pilot, the US Army helicopter crew, and the FAA examiners reported that there are ALWAYS risks to helicopter flights in mountain areas. They emphasized that to minimize future risks and to maximize the margins for safety, landing zones (LZs) should always be as far away from residential areas as possible.

(Ref: Lee Schussman, MD, MSPH; Team Leader and Medical Advisor (for 20 years), Weber County Sheriff, High Angle Search and Rescue Team)

Landing zones produce risks to the surrounding communities that are not present from ANY other listed CV 2 uses. Establishing landing zones for helicopters should require a separate, very carefully planned and thought-out process; heliports should not be allowed to stay in with (and remain simply "lumped in" with) all the other 186 permitted uses in any CV 2 zone.

Noise Issues.

Noise is a very important issue. It may even be a more important issue in the Ogden Valley in the future, it is an issue that will not go away, and it will affect the residents of the valley every day that any heliport is in use. Multiple takeoffs and landings will definitely create a noise issue that will be a significant problem for many dozens of households, many businesses, and literally hundreds of Ogden Valley residents.

Helicopter noise levels can approach 100 dbL. (Report to Congress: Non Military Helicopter Urban Noise Study)

Take offs and landings each lasting three to four minutes each and each producing over 70-100 dbls (depending on the type of helicopter) will be extremely problematic for 1 ½ hours every day a heliport is in operation.

Solving noise issues once they are in place is very difficult, as was discovered in a recent issue with a CUP for the Wolf Creek Sewer Plant:

There are no state or county noise ordinances; and once the CUP is granted, the county has no authority to regulate the operation of the heliport. Generally accepted industrial noise levels are about 40-45 dbls at the property line of the operation. This was the level agreed upon by the OVPC when the Wolf Creek Sewer Improvement District plant was permitted.

(Ref: OVPC minutes—meeting for CUP)

Unexpectedly, the noise levels produced by the plant were in excess of the agreed upon levels. It was found that the noise levels from the plant were about 45 dbls at distances of ½ mile from the plant. Those levels of noise were very intrusive and posed significant problems for the county planning office and the local residents. Resolving those noise issues (from a permitted use in CV 2) required a total of two and a half years of time, hundreds of hours of citizen work, dozens of hours of Weber County Planning Staff time and effort, and thousands of dollars of expenditures and engineering work on the part of the Wolf Creek Sewer Improvement District.

(Ref: Waste Water Treatment Facility Sound Evaluations. Submitted to Lowell Peterson, Wolf Creek Sewer Improvement District. Aug. 15, 2008.)

That noise will be an issue from any heliport operation in the Ogden Valley is obvious when one considers the problems that many places in the nation are already experiencing with non-military helicopter operations. Noise issues related to heliports are already an important national issue; and national studies have been done. The statistics listed here are from a Report to Congress:

(Ref: Report to Congress: Non-Military Helicopter Urban Noise Study)

Helicopter noises were found to be much more noticeable to residents than noises from trains or fixed-wing aircraft. Sight seeing, news gathering and other non-essential helicopter use created much greater public problems (and much greater local government time, energy, and money expenditures to deal with) than any emergency or military helicopter use.

In urban studies, helicopter noise levels were recorded as the following:

500 ft from the helicopter:	90 dbl
1000 ft (0.2 mile) from the helicopter:	85 dbl
2000 ft (0.4 mile) from the helicopter:	78 dbl
5000 ft (0.95 miles) from the helicopter:	74 dbl

Over one quarter of a mile from the heliport, the reported noise levels are about the same as a Harley Davidson motorcycle revving to 2500 RPM 50 feet away.

Wisconsin, Florida, Arizona, and Connecticut have set 80 dbL at 50 feet as the loudest legal motorcycle noise that will be tolerated, and they have had to enforce those laws with \$250 fines. With every take off and with every landing a heliport will create much more noise than these limits.

This same Report to Congress documents that many different proposals have been made in different cities to mitigate the noise effects. None have proved to be effective at bridging the needs of both the communities involved and the industrial needs of the helicopter operators.

All these data indicate that the operation of a heliport in any area is a complex and controversial undertaking. Heliports in the Ogden Valley should be treated and appropriated permitted only as the very specialized use that they are. It is necessary to remove "heliport" from the CV 2 zone and to study the overall issue of heliports in the Ogden Valley carefully before permitting their use in any CV 2 zones of the Valley.

Item #3: Business Planning Issues

Some have stated that this heliport will be good for Ogden Valley businesses—that it will "create jobs".

(OVPC, Jan 2011 meeting)

There is evidence to the contrary in that many businesses would not welcome having a heliport in the backyard.

For example, in 1997, the administration of the McKay Dee Hospital helped to establish a medical practice in Eden, UT for Dr. Michael Housley. The office was located in the Eden CV2 area (in the building currently housing the Eats of Eden Restaurant.) The practice was planned and set up using resources from the McKay Dee Hospital Planning Office and the Family Practice Residency Program of McKay-Dee Hospital and the University of Utah. Had there been a heliport (instead of the existing basketball court) in the proposed location, those who worked to help establish this medical practice in Eden's CV2 zone would definitely have looked elsewhere to locate.

(Ref: John Grimmer, Director of Planning, McKay-Dee Hospital. Dr Lee Schussman, and Dr H J Gardner, Directors, McKay-Dee Hospital / University of Utah Family Practice Residency Program.)

Having a noisy, wind and dust producing, potentially dangerous heliport in the "back-yard" is NOT a good way to promote the development of businesses in the Ogden Valley. A CUP for a heliport does not meet the necessary criteria of contributing to the general well being of the business community.

Community Involvement

The processes involved in granting a CUP for any heliport and the operation of any Ogden Valley heliport have the potential to be very divisive and to pit residents of Ogden Valley against those Ogden Valley businesses. How unfortunate it would be if a CUP were to be granted and if the helicopter operations so permitted were to so badly affect the local residents that Ogden Valley residents would actually come to hope that this business would fail! How much better it would be if any heliport were carefully planned so as to make it safe, non-intrusive, and properly located. Then, the Ogden Valley residents, many of whom would actually be potential customers for heli-skiing or other helicopter associated activities, could actually help support and promote that business.

We hope that the very reasons we have zoning could prevail—to balance the rights of private property owners and the greater good of the community.

Heliports should be removed from the CV 2 zoning list of uses.

April 6, 2011

To: Planning Staff / Planning Commissioners
From: Laura Warburton, Planning Commissioner
Re: 1. HB412
2. Helipads
3. CUP

1. HB412 was supported by UAC, League of Cities and Towns, and UAR (Utah Association of Realtors – property rights proponents). Navigating a very transparent process, HB412 passed entirely unopposed. In addition, we were thanked by Representatives of Counties that are or have been riddled with problems due to a lack of adequate description of and planning for these types of schools.

HB412 added four clarifications to state code.

1. Definition of Therapeutic School. This definition defines a 'Green Valley' type of school. Language was taken directly from Human Services Utah state code.
2. It states that an educational institute/school is not a therapeutic school. (To me, state code was already very clear that an 'educational institution' is a public school, but Representative Froerer wanted it to be clearer given our recent mis-use of 'school'.)
3. It states that a charter school is not a therapeutic school.
4. Clarifies commitment/requirement to ADA regulation.

The purpose of HB412 was to give Counties a clear definition of a Green Valley type school in order to plan appropriately. It was not the intent to stonewall this type of business or any other business. Nor was it meant to circumvent property rights.

As our definitions currently read, a Therapeutic School is not allowed in Weber County. Therefore, I would strongly suggest we add Therapeutic Schools to our zoning ordinance. I also would like to see other types of 'schools' defined and properly placed.

2. Helipads –

To avoid another Diamond Peaks incident, I am requesting that we consider an aviation ordinance and new zone and or amend the current Airport Ordinance to accommodate helipads. Once done, please consider removing heliports from the CV-2 as a conditional use.

I like GEM's proposed changes to the recreation and resort zone but only if it does not force a business to allow use of their property. In other words, if Snowbasin doesn't want to allow helicopters to transport from their property to another resort, then I'm not comfortable forcing them to do so.

3. CUP –

Please consider adding this phrase found in Utah State Code, 17-27a-506 / Conditional Uses, to Weber County Zoning Ordinance Chapter 1 and 22c (b) *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

Thank you,

Laura Warburton
OVPC