

OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

June 24, 2014  
5:00 p.m.

*Pledge of Allegiance*

*Roll Call:*

1. **Minutes:** Approval of the March 4, 2014, May 6, 2014, and June 3, 2014 meeting minutes
  2. **Presentation:** Pineview Reservoir Water Quality Research Work – USU Utah Water Quality Research Laboratory
  3. **Consent Agenda:**
    - 3.1. **CUP 2014-13** Consideration and action on a 3-year time extension for a temporary trailer for the Powder Mountain Kids Ski School and an addendum to extend a site plan development agreement and escrow certificate in the amount of \$8,000 for the Powder Mountain Kids Ski School Trailer located at the Powder Mountain Ski Resort within the Forest Valley-3 (FV-3) Zone (SMHG Management LLC, Applicant; Angela Illum, Agent)
  4. **Petitions, Applications and Public Hearings**
    - 4.1. **Administrative Items**
      - a. **New Business**
        1. **DR 2014-05** Consideration and action on an administrative application to operate a rock crusher on a temporary basis, to provide material for onsite subdivision construction at Eagle Ridge Subdivision located at 3900 N 4500 E within the Agricultural Valley-3 (AV-3) Zone (Opheikens & Company, Applicant)
  5. **Public Comment for Items not on the Agenda**
  6. **Remarks from Planning Commissioners**
  7. **Report of the Planning Director**
  8. **Remarks from Legal Counsel**
  9. **Adjourn to a Work Session**
- WS1. Cluster Subdivision Ordinance Discussion**

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT  
A pre-meeting will be held at 4:30 P.M. in Room 108, no decisions will be made in this meeting.*



*(In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)*

Minutes of the Ogden Valley Planning Commission Work Session held March 4, 2014, in the Weber County Planning Division Conference Room, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller, John Howell; Greg Graves; Kevin Parson; Will Haymond

**Absent/Excused:** Laura Warburton;

**Staff Present:** Sean Wilkinson, Planning Director; Jim Gentry, Planner; Scott Mendoza, Planner; Charles Ewert, Planner; Kary Serrano, Secretary

**Others Present:** Lee Schussman, Richard Menzies, Kirk Langford, Steve Clarke

1. Discussion: Cluster Subdivision Ordinance

Scott Mendoza presented the Ogden Valley Planning Commission and Weber County Planning Commission Work Sessions minutes that were held in previous work sessions. He also presented the Ogden Valley Township Planning Commission Cluster Subdivision itinerary for discussion on the following:

1. Cluster Subdivision: Review of the October 2, 2008 Joint Work Session

- What open space tools does the County want to modify or enact to preserve lands in the Ogden Valley?
- Where TDR's should be used? The resorts and in the cluster subdivisions. It states Resorts will contain a TDR component; cluster subdivisions will be revised to include an optional TDR bonus.
- The General Plan talks about the need for incentive transfers and use all kinds and we talked about those resort ordinance how it's probably going to be necessary to have incentives and it worked very well in the resort ordinance and we came up with bonus densities and what we call Transfer Incentive Matching Units (TIMU)
- If you would ever want to modify or amend the existing cluster ordinance in a way that would allow TDR's to be used, the transfer density into the cluster, should the bonus density, today in the Ogden Valley the cluster ordinance allows up to a 30% bonus?
- If TDR's were an option and we were to amend the existing cluster ordinance to allow transferable development rights come in would you want to take that 30% bonus and lower it?
- If today you've got so many units that can be built and you increase that by 30%, and add those to the project. Can somebody else be able to go out and acquire the development rights and pile those in also so the number of units actually rises in the project?
- The whole idea with TDR's and the question is do you want TDR's to have a TDR option in the cluster ordinance?

2. Update on discussion with the Western Weber Township Planning Commission:

- The Western Weber Planning Commission out west it's 15% and they need to come up with something that is more real than that.
- Meeting the Intent: Trails is meaningful and the other one is the road stub that comes from traffic and that is meaningful.
- Stub may be issued in part any way for getting a bonus.
- What is needed is circulation, captivity, and to get people access
- Western Weber Planning Commission went on a tour and liked the fact of the 60% on open space requirements and the designs. Out west they have one acre zoning with a 30% open space requirements.
- Requirement to do a trail and it's not because of the type of developer, it's because Western Weber have a separate pathway ordinance that requires them to do pathways.
- In some cases they can get extra bonus densities for opening it to the public and only if they declare it.

## 3. Other Ideas:

- Bonuses for developers were to encourage those that have them a little more and see if that would and the goal of the cluster subdivision is to get open space and not to provoke development but to get open space.
- Why not throw out bonuses and install mandatory TDR's so that for every instance where we increase density in some small area we decrease density elsewhere. So why would we not want to institute mandatory TDR's.
- We have in place today that standard where if I transfer development right I end up encumbering my property with that and it's not just a grant of easements to the county it's a grant of easement to the county and a third party, so that's an addition for staff.
- Before the Planning Commission put the bonus in place to incentivize people, which happen to be right when the boom took off, and normally you incentivize in the bust and not the boom.
- Every acre requirement took away the incentive, the one acre developers they could do that and that was okay. At three acres, they didn't have one come in until 2006, when they amended the ordinance.
- This is a place where we want to promote open space, so if you want to do a TDR than what you have to do is purchase some land that somehow connects to open space, so that we identify these three, four, or five places in the valley where we want to have open space and what we do is when they purchase TDR's?
- If density is the driving factor that would be the only direction to go. Is it worthwhile to get a little open space and trails and are you willing to increase density to get that?
- As a developer to perform and come up in bonus percentages, or bonus points, he will need to get 30% more than you have by right, based on that formula that's in place.

## 4. Open discussion and OVPC guidance for staff:

- Check with Legal Counsel and see if mandatory TDR's are legal.
- Commissioners will think about TDR's.
- Propose Concise description of ideas.
- Meet again with more informed discussion

## 2. Discussion: Administrative Approvals

Sean Wilkinson presented the Decision Approval Process and said this is for their information and if they had any questions, concerns, or comments that this would be discussed in the next meeting.

## 3. Adjourn: The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Division

Minutes of the Ogden Valley Planning Commission Work Session held May 6, 2014, in the Weber County Planning Division Conference Room, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller, John Howell; Greg Graves; Will Haymond;

**Absent/Excused:** Kevin Parson; Laura Warburton

**Staff Present:** Sean Wilkinson, Planning Director; Ben Hitfield, Planner; Scott Mendoza, Planner; Charlie Ewel, Planner; Kary Serrano, Secretary

**Others Present** Janet Muir; Professor Christine Arrington

**1. Presentation: USU Huntsman Scholar Teams:**

- Alex Daines (not present but contributed to the research)
- Cooper Larson
- Nate Naegle
- Chris Ransom

Christine Arrington said their mission was to craft a Planning Development Recommendation to help guide future development in Ogden Valley. Particularly with an eye to keeping property values high, build sustainable economic growth, and enhancing the recreational appeal and recreational tourist economic value of the valley with it's premier ski resorts. They did look at Dr. Bell's findings, so they could learn from that and they could build on that.

They laid out six questions as a starting point: Key questions for discussion

1. Economic tipping point – Where overdevelopment lowers the value of real estate in scenic area
2. Economic value to "Dark Sky"-- Initiatives in a scenic area
3. Most effective economic tools— For helping scenic communities insure wise sustainable development
4. What roll to the water supply—The finite of the existing sewage system and limited road capacity
5. Development and property values— Studying the competitive set
6. Final Recommendations – What will best help Ogden Valley create a plan for sustainable development in a scenic recreation area?

Research and Analysis Completed: Information obtained from the following:

1. New Geographies of the American West
2. Ogden Valley General Plan
3. Ogden Valley Sign and Dark Sky Lighting Ordinances
4. Summit Powder Mountain
5. Utah Economic Outlook
6. Completed several Interviews:
  - Ogden valley citizens – January 22' 2014
  - Interview Sumner Swaner - Swaner Preserve - in Salt Lake City Utah – March 18, 2014
  - Interviewed Dr. Dwight Israelsen – Utah State University
  - Attended Dr Bell's LAFP Presentation
  - Interviewed Dr. John Johnson
  - Visited Swaner Preserve
  - Interviewed Ogden Valley Real Estate Broker – Ken Turner
  - Interviewed two attorney expert in land use and development issues (Jody Burnett, Thomas Ellison)

Economic Tipping Point: All the sources said no except for Tom Allison – If the quality of the development was not controlled and low quality housing proliferates; than property values drop

- Most effective Economic Tools
  - Recommend Considering Planning Tool – Conservation Development System  
Developed by Sumner Swaner
  - Outcome – Legally Defensible Document
    - Supported by Zoning Changes that is not easily overturned
  - Urban Land Use Institute – Communities with Open Space increase in value due to  
Conserved Open Space

- Water Supply Finite Existing Sewage Capacity and Limited Road Capacity – Practice Solutions Identified
  - More of these problems are solved the more development will speed up
- Development of Property Values in a Competitive Set
  - Examples of Numbers Listed
- Recommendations
  - Consider Implementing Conservation Development System
  - Generates 50% Open Space out of each parcel
  - Public Workshops – Follow-up Data Case Study in Black Hawk Community
  - General Plan – Regarding Subdivision Plans to ensure they attach development to conservation
  - Consider Research on Cluster Analysis of Ogden Valley Residents
- Property Values – Park City
  - Grown from \$350,000 (2002) to \$929,000 (2013)
  - Seminal Events – Based on Demand
- Summit Development
  - Current Second Homes – 70% of Current Real Estate Market
  - Current Home Price – Increased 9.27% Over 11 Years (From 2002 to 2013)
    - Total Real Estate Sales – Increased by 7.88% per year on average over 11 Years
    - Total Real Estates Second Homes – Increased at less than 1% per year
- Future Population Growth – Population Characteristic in Ogden Valley
  - Second Fastest Growing State in the United States
    - At 1.6% Growth Per Year – Exceeded only by North Dakota at 3.1%
  - Population of Utah -- Expected to More than Double from 2.7 Million to 6 Million in 2060
  - Economic Growth – Rate Higher than most states

Planning Tools and Conservation Development – Chris Ransom

- CAP – Maximum Amount of People that Ogden Valley can Maintain
  - Conclusion: Growth and Development can continue forever if it's done right
    - What the community wants
  - Resources: Anything can be added but it has to be what the people want
  - Vision: What the people in the valley have
- Community Workshop – Different from Typical Forum
  - Community Involvement – What different types of land are within the valley
    - Cultural, Ecological, Developmental, Agricultural, Recreational
  - Open Space
    - Beneficial for Everyone – Can be used across the board
    - Quantify as Open Space – Value in Community
    - Change Zoning -- Reflect the General Plan and What the Community is After in the Valley
- Development/Zoning Chips
  - Represent where they develop
    - Reflect the Current Zoning Laws
    - Reflect what the Community Wants
    - Legal Defensible Document – Quantified by the Public
- Open Space Conservation Toolset
  - Transfer of Development Rights (TDR's)
    - Compensates Land Owners for the land they give up
    - Difficulty – Not in high Demand may not be a Viable market
    - Nodes Over Developed – Receiving Zones being Overcrowded with Development
  - Conservation Development
    - Incorporate Open Space from the beginning
    - Conserve Valuable Open Space – Add to the culture in the Valley
  - Purchase of Development Rights (PDR's) – Funding Tools
    - Conservation Easements
    - Government Funding

- Lower Property Taxes
- Private Donors
- TDR Transaction Tax
- Conservation Development -- Benefits
  - Landowners retain their density rights
  - Promotes the desired community rural character
  - Creates additional open space and other preservation tools

Ogden Valley Dark Sky Model Ordinance – Cooper Larsen

- Ogden Valley General Plan
  - Values and protects its natural beauty and natural resources
  - Cherishes and maintains its rural atmosphere and rural lifestyles
  - Empowers its citizens to take part in decisions affecting the valley
- Benefits
  - Headlined International Dark Sky Park Emmet County, Michigan
    - “Economic Boom”
- Kerry International Dark Sky Reserve, Ireland
  - Increased tourism and international attention
- Big Bend National Park Texas
  - Went from over \$4,000/light to less than \$150/light
- Dark Sky Lighting and signage ordinance will protect the beauty and rural feel of the valley
- Benefits for wildlife, environment, and night visibility
- Energy Conservation
  - Lighting could save about 8% of total electrical energy usage in the US
- Safety – glares actually cause less visibility
- Costs
  - Pictures shown on the lighting (how they reduced lighting costs)
    - Downward signage lighting
    - Dimming lights after a time period
- Funding
  - Municipal Bonds
  - Grants to IDS

**2. North Fork Park Dark Sky Accreditation – Janet Muir**

Janet Muir Presentation: Information obtained by: Craig Browne, Weber County Building Department  
 Jennifer Graham, Weber County Parks  
 Steve Clarke, GEM Committee  
 Frank Cumberland, Eden Resident

North Fork Park

- Target 2015: IDA International Dark Sky Park Designation
  - North Fork Park -- International Dark Sky Park
    - Death Valley
    - Big Ben
    - Natural Bridges
- North Fork Park – Most light Polluted Zones so it’s this urban
- Dark Sky Communities
  - Weber County
  - Ogden Valley Starry Night
  - Ogden Astrological Society
- Wild Life Phase II
- Background in the Dark Sky Movement

- Dark Sky
- Dark Sky Activity
- Astro-Tourism
- North Fork Park
- Weber County Straddles the Mountain Preserves the Sky
- Active State Natural Assets Dark Sky
- Dark Sky Parks: Virtuous Cycle Economic Impact
- Dark Skies Enhance Private Real Estates Values
- The Vision: Ogden Valley Starry Nights
  - Dark Sky Help s Bring Responsible Growth
  - The Valley Resources as Scenic
- Star Party 2014 – Dark Sky Viewing Area (Trail)
  - May 23, 2014 – Friday
- Environmental Campaigns – Jane Kim (Artist)

**3. Ogden Valley Land Use Tools and Light Pollution:**

Sean Wilkinson said this that this was already covered with the presentations and than a follow up if needed.

**4. Applicant/Staff Presentation Order:**

Sean Wilkinson said that staff has discussed the way the meetings have been conducted as far as the order of presentation. Currently they have staff present first with the staff report and than their analysis. It has been brought to our attention that in other jurisdiction the applicant presents first; the reason for that is because it is their request, their application, and they are presenting what they want, first to the commission, than staff can do a follow up, either to support or refute what the applicant is presenting with the code or criteria. This also helps take staff of appearing to be a consultant or advocate for the applicant and don't want to appear that they are in support or against personally for the applicant. This is a discussion that staff has had and they are asking for thoughts and opinions from the Planning Commission. The Planning Commission does have the authority to change the order of the presentation; and this could be done a case by case basis. They could choose one Planning Commission meeting and test this out and see if this is successful. This is just a discussion item for the Planning Commission to consider.

After a series of discussion the Planning Commissioners agreed to have trial run either in June or July with staff doing the presentation after the applicant and see what happens.

Chair Hollist said he would like to speak about a news article with a combined effort with planning staff, himself, and legal counsel about an article that he would appreciate some feedback and would like to get this in the Ogden Valley News. Not sure if this would be a letter to the editor but would be more in the overall education of what the Planning Commissioners do. This was brought on by that public meeting with people accusing us of tax rate, promoting tourism, developing land, and being responsible for recreational development of the valley. The second item, these are takeaways from the conference in Atlanta, and there were four ideas presented. The first one was called, Just Close the Door. You can't close the door they are not oriented to take open land for economic benefit, and take poorly used land and redevelop for economic benefit for the residence. To summarize this, they need to find a way for Ogden Valley residents to keep the valley small in face of enormous growth. The third issue is a number of communities showing their service to populations what density would look like in photos, computer simulations, or show what a land use in the form population and density.

**5. Adjourn: The meeting was adjourned at 7:10 p.m.**

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Division

Minutes of the Ogden Valley Planning Commission Regular meeting June 3, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller; John Howell; Kevin Parson; Greg Graves; Laura Warburton

**Absent/Excused:** Will Haymond

**Staff Present:** Jim Gentry, Planner; Scott Mendoza, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

**Guest:** Kirk Langford

***Pledge of Allegiance***

***Roll Call:***

1. **Minutes:** Approval of the April 22, 2014 meeting minutes

**MOTION:** Chair Hollist declared the meeting minutes of April 22, 2014 approved as written.

Chair Hollist asked if any member had ex parte communications they would like to declare. No ex parte communications were declared.

2. **Consent Agenda:**

- 2.1. **CUP 2014-10:** Consideration and action on a conditional use permit application for a public utility substation (water storage tank) for Camp Atoka LDS Church Private campground located at approximately 10700 East Highway 39 in the Forest Zone -5 (F-5) (Susan Eyzaguirre, Engineer and Agent for LDS Church)

**MOTION:** Commissioner Parson moved to approve consent agenda item CUP 2014-10. Commissioner Miller seconded.

**VOTE:** A vote was taken and Chair Hollist indicated that the motion carried 6-0.

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

- 3.1. **Legislative Items**

- a. **New Business**

1. **ZDA2014-05:** Consideration and action on a request to amend the 2002 Development Agreement for Wolf Creek Resort (Wolf Creek Stakeholder Members, Applicant)

Jim Gentry said this application is not a zoning petition to change the zoning on the property at Wolf Creek and is not a new master plan showing amenities, club houses, or anything like that. This petition is assigning the remaining units that have not been developed to parcels based on the zoning and the Zoning Development Agreement (ZDA). At some point the applicants may come in and amend the overall Master Plan; showing new amenities

Back in 1984, Wolf Creek started their Master Plan process, it was a master plan community held by one owner, and over time the Master Plan had been amended with the latest one done in 2002. Based on the ZDA and county zoning, they came up with density for the project. Wolf Creek's density is more restrictive than the county zoning; such as in the RE-15 Zone, they could probably get three units per acre but the ZDA that Wolf Creek entered into only allowed one unit per 1.75 acres, so they are more restrictive. Also in the FR-3, our zoning would allow 20 units per acre, but in the ZDA they restricted them to six units per acre. Over time the master plan has been amended with the last major amendment done in 2002. Going through the numbers that was provided by the Householder group; based on the acreage, zoning, and ZDA, there are 860 units that have not been developed in Wolf Creek. They are asking to assign those 860 units to certain parcels. In the ZDA not all the units were assigned to a parcel, and he is not talking about any visual tax identification parcels. When Wolf Creek identifies parcels; it is this large piece of ground that they have identified as their own parcel numbers, so the units were assigned to these different parcels to help identify things.

As staff has looked at the numbers over the last nine months; they noticed that some parcels built more units than were allowed based on the ZDA. They also noticed that some parcels built fewer units that were allowed in the ZDA, but at that time staff wasn't too concerned because it was all under one ownership. Under the ZDA they can move units around; that's why they had the 400 units that were not assigned to any one parcel that gave them some flexibility.

Now where this property has been split up with bankruptcy and has different owners; with the firm number as they come and develop those remaining parcels, staff will follow and make sure they don't build any more units than what is going to be allowed by the amended Zoning Development Agreement if it is amended.

The Householder Group held meetings with the stakeholders except for two. Their parcels were left whole, meaning that they didn't take any decrease in the number of units, and what they had, and what they planned is what they still have.

Chair Hollist asked staff to comment on the statement in the staff report, "*the overall total density is not changing.*" Jim Gentry replied that they are not changing the 2002 ZDA; there have been parcels that have been added to it after 2002, which are now included and part of this amendment, to bring it all under one ZDA.

Chair Hollist said this body is not considering some increase in the number of units that are going to go up on that hill. This has been approved previously by the Planning Commission; and we're simply allowing these units to be assigned to parcels, because they now no longer have one owner but multiple owners. Jim Gentry replied that is correct and by assigning the numbers, it gives them the numbers to work with, if they wanted to come in and amend the Master Plan.

Eric Householder, Householder Group, said he wanted to add a few things and noted unfortunately the bankruptcy in 2010 created a mess. They now have multiple owners, no single ownership, and now they are trying to figure out entitlements and clean up the mess. In January 2013, they had their first meeting with the county and have had multiple meetings since then, to try and figure out a process to clean things up. The county has come back with the two step process; they thought that we should come in here and take the 2002 ZDA and update it. There have been seven rezones since 2002 with the additional units from an adjacent project becoming part of Wolf Creek and we wanted to account for that. The first step was to update the agreement which is what they are doing today, and then they would come back and follow up with the new master plan. This is not a zoning application and it will not change the zoning on the ground at Wolf Creek or Weber County Zoning Map. They are just talking about the development that had been approved and occurred in 2002. The overall density would not increase; the open space does not get changed or reduced with this action. The second step as part of Weber County would be to come back though and do a Master Plan.

Essentially, there are 492 unassigned floating units from the 2002 Agreement; and what is being asked from this Planning Commission to consider looking at zoning on the ground, is taking these 492 units and allocating them out to the parcel. Since the 2002 Agreement; there have also been some changes to certain county ordinances. For example, there was an FCR-1 Zone which was put in place in 2002 to support a question center. That zoning no longer exists so they are asking to go to the FR-1 Zone. There is another request for making the commercial zoning; right now they are looking at CV-2 Zoning and in the development agreement there are 250 acres tied to that. The CV-2 Zone is completely commercial, so they are asking to change that on paper to CVR-1 to give them mixed use. They are asking to take this action for this allocation so they can go back and do the master plan so they know where they are at with the numbers.

Erich Householder said that in the pre-meeting he became aware that there was some correspondence from Summit, but he had not had a chance to review them. Chair Hollist replied that none of the Planning Commissioners had time to review them, but it would be part of the record, so they would all have an opportunity to discuss it.

Chair Hollist asked how many density units can they put, or can this group put in each of these parcels. Mr. Householder replied in each of those that are in the same color, such as light-blue; they are asking for the ZDA to reflect the 941 density units combined on the light-blue parcels.

Chair Hollist said let's go backwards through the numbers. The bottom line number in the proposal is 2,258, of that 1,442 already exists on that mountain. Mr. Householder replied they are already approved to be on that mountain and those are developed as of today. Chair Hollist indicated that would leave 816 yet to be approved and yet to be built, is that correct? Mr. Householder replied that is correct.

Commissioner Miller asked that's where they get the discrepancy between the units that were approved in 2002 and what they are asking for in 2014. Where does the Summit acreage come in? Mr. Householder replied that is why the acreage is different and the overall numbers are different and Summit has 40 acres of FV-3 Zone.

Commissioner Warburton asked Eric Householder to explain the 106 additional units. Mr. Householder replied that in 2006 there was a rezone with the adjoining property owners and that brought them into the resort. They fall under the Master HOA and they are under those restrictions as well. With those acreages they were assigned or allowed those 106 units.

Chair Hollist said he wanted to talk briefly about the stakeholders; can he equate this extensive list of stakeholders who are representatives of what appears to be legal entities. Can he equate these legal entities as the owners of the various parcels now that exist in what was Wolf Creek and one owner? Mr. Householder replied they would say that they own undeveloped property. Trendwest is in there and they have a project up there with remaining units to go.

Chair Hollist opened the meeting for Public Comment.

Jan Fullmer, 3741 Red Hawk Circle in Eden, said she has one question and one recommendation for the Planning Commissioner's to consider. She asked Mr. Householder in reference to Eagles Landing development, and if they want to add on 96 more units. The original plan called for those units to be built around nine holes on the golf course, is that what they plan on doing? Jim Gentry replied that is not what they are going to do. A number of years ago, they came in for a time extension, and the Planning Commission amended the ZDA to not require them to put in the golf courses, but to leave it as open space. If another golf course goes in, it will be done as a golf course.

Chair Hollist asked if there are 96 more units and do they surround the golf course? Jim Gentry replied that ten units have been developed in Eagles Landing so there are 96 left to build. That was the original zoning agreement that was in place for Eagles Landing, and their density was based on a consent agreement to settle a lawsuit which is different from Wolf Creek's master plan density.

Jan Fullmer said second is a recommendation for the Planning Commissioner's to consider. They have been following the pursuits of the Wolf Creek stakeholders and things have not gotten to good start. In Mr. Householder's most recent email, he has stated that the stakeholders do want to work with the communities to complete the Wolf Creek Master Development Plan, but what they want to do is start the development before looking at what is all of Wolf Creek and putting together a total plan. There are many parcels that many of the stakeholders have that haven't been up for development. There is open space that can be rezoned and be used for development. The minutes from the December 30<sup>th</sup> Wolf Creek Master Association annual meeting; some stakeholders were there along with their attorneys, and they basically indicated that they did not feel the bankruptcy attorneys removed the Declarant from the Wolf Creek Master Association, they were declaring themselves as the Declarant. A very specific question was put to one of the developers, Mr. Howard Schmidt, if it was his intention to take over as the Declarant of the Wolf Creek Master Association, so he would have the authority and the power to develop as he sees fit without any controls and oversight. His answer was yes. Another Wolf Creek stakeholder basically indicated that it was his option, because he owned the golf course, that he could turn that into a cow pasture at any time. This was at a public meeting with residents from various communities and this did not go very well. There is this building of community relationship that has to be done. If the stakeholders are willing to work with the community; then she would recommend to the Planning Commission to consider working with the communities and complete the whole Wolf Creek Development Plan and then start action.

Commissioner Warburton said in reference to the association, this Planning Commission doesn't have any jurisdiction over the association. So as they work out their family business, they have to sit with the law. As to the 400 units, they are not going to allocate them, there is an offer to be allocated, but they aren't being allocated to specific areas. Jim Gentry replied the proposal is to allocate them to certain parcels.

Commissioner Miller asked Jim Gentry if he worked with Eric Householder, and it sounded like this was a two step process; they needed to do the legislative part which is what they are looking at tonight. Then the second step would be the Master Plan and can you explain why they separated those out. Jim Gentry replied yes and other staff members' including Rob Scott; and that was suggested by our staff. Chair Hollist added it is since there are multiple owners; each of the multiple owners needs to know what part of the entitlement they can anticipate developing and thus effectively participate in the master plan.

Commissioner Miller said that means that the stakeholders, who are different from the community when they find that document have agreed to this many units per parcel. Mr. Householder replied that is true and to essentially exceed that cap number there was a five percent reduction from everybody.

Chair Hollist asked what exactly does the 5% really mean. Mr. Householder replied if you took the ZDA; there are certain columns, if you take one column that breaks it out by zone, and tied to that is a density calculation. If you take out the acreage with that calculation in there, you are given a number, and to make everybody hold to that number, they couldn't do it. Nobody could get the full benefit of that because there have been some overdevelopment in areas, so they agreed to take a reduction to get us to where they needed to be.

Commissioner Warburton said in the pre-meeting when they were talking about the reduction, you said you left Summit and Trendwest whole. Mr. Householder replied that he believed Jim Gentry said that. The stakeholders in the last meeting the direction that he got was that everybody got a 5% cut. Trendwest is unique where it has an approved site plan.

Chair Hollist asked in looking back at the numbers, the total remaining units was 816, but he needs to reconcile that to the 492 unassigned units, is that possible. Jim Gentry replied no because he needed to look at all of the tables and charts. If you have some extra time and want to see all of the calculations, staff has been working over the calculations. The overall density that is left to develop including the floating years is 816 units, so with the 5% cut, it reduces to 45 units that have been approved as part of the ZDA.

Harold Strange, 883 North Yacht Club in Eden, Chief Operating Officer for Summit, said he wanted to address some of the issues that he heard earlier. Some of the documents that were included in the materials used the term stakeholders in different context. In some areas it appears that all of the stakeholders are unified in the action here, and he just wanted to make clear that Summit is not a signatory to a letter here that was submitted, and is not in agreement that this is the approach that should be taken. Another clarification was that they participated in meetings prior to this meeting; he was present at the meeting where the majority of the other stakeholders signed that letter. One of the main issues here is this in any way going to change the process when they go to delve into the master plan? In moving forward, what is going to happen, they have taken a group of stakeholders who were able to agree to apply density in a way that they have all agreed is appropriate. In his view, there isn't any way they can conform to the master plan process as they move forward. It means that there is certain density available in one location that is locked in; it won't be subject to change without negotiations between parties.

The comment about the two step process causes great challenges for Planning and approaching it, and the idea for the two step process, was designed that if the stakeholders could agree, it would be the cleanest and begin the planning process with these entire units allocated. It is reasonable for the two step process, assuming that all the stakeholders agree, but the challenge is because they are now forming that future development process, not only without community involvement but it seems like they are making a step here that will alter that process and move forward, and in some ways pre-designs the plan. It will allocate density, and if they look back on what was presented in the original plan, some of the densities that are now being allowed to specific parcels and owners, are not what was reflected in the presentation that was shared. In addition, he wanted to clarify the question of what properties Summit holds; this was the land that was put into open space in order to gain the entitlements that are now being distributed today with no application to this area. When you look at some of the area that was originally master planned, now you have stakeholders who own large pieces of land in the development, but are not part of the agreement, and it does ask whether there should be a process.

Chair Hollist said to summarize what you said; you do not agree that they should take action on the proposal that is before this Planning Commission now; you don't feel that it is a rational approach to allocate density at this point, and he does believe the community should be engaged in a master planning effort for all stakeholders involving all lands that they hold, and then allocate densities later. Mr. Strange replied that is fair but he wouldn't question the rationality of the Planning Commission as they move forward. He did want to address these large sections that were designated for community use and these were places for future amenities that they were handing density to folks that were not responsible for any of these amenities as they move forward. They purchased this property because they wanted to be involved in this process. It was a very early stage in development and was difficult but they have met with Eric and

others, and they will be able to work with them in the future. He would suggest that this Planning Commission read the email because there are some issues that they have been stated in the email.

Commissioner Howell indicated that Mr. Strange had mentioned that he was trying to negotiate with the other homeowners; how long does he anticipate this taking? Mr. Strange replied that there was not a negotiation but they did ask that they go into a true planning process with community input. If this Planning Commission allocates this today that he asks that they have a meaningful process in moving forward.

Commissioner Graves said upon looking at map they are providing a lot of open space that the development as a whole could take advantage of, where they are not receiving any of the unallocated density. Mr. Strange replied that is fair but they are not looking for a tradeoff necessarily. The point is this is what the developer gave up in order to get those entitlements, so they should be part of that process of where the development occurs and how the master plan looks and they should have a comprehensive plan that delegates the density.

Commissioner Graves said that density is based on underlining zoning and the existing agreements that have been approved already. He was just trying to understand why they didn't sign this or go along with this.

Greg Mauro, Chairman of the Summit Mountain Holding Group, replied that the densities that they are talking about are associated with the master planning process that was put in place that allowed this cluster of density in Wolf Creek that was allowed because there was destination. There were things there that would absorb activity and they allowed increase density because there is a commercial core, where there is recreational activity. The original reason why density is provided was because there is master plan that has to be pursued. When the master plan blows up, someone has to step in and take those master plan responsibilities. The stakeholders need to speak under one voice but the challenge and a board consensus is that no one really wants a second golf course. However, the allocated density is before being allocated to sub-parcels. The overall density was predicated on a second golf course because it would absorb that activity and he didn't think that green pasture open space is absorption of activity. This master plan needs to be redone and if not, who is doing the second golf course? There are densities that are already allocated but they are going deeper into an inner parcel allocation when the density that was originally granted was granted because there was a master plan.

In the email that he sent them, there are some questions like who is responsible for the amenities associated with the Master Plan. In the Wolf Barn alone, there were a host of amenities for the communities that are no longer amenities for the community. They are waiting to go through the public planning process to see what the community would like to see in the Wolf Barn area. In the past, it's been events based on overflow parking space, tree house, swimming, gazebo for barbeques and activities. None of that is associated with Wolf Creek and it's an amenity that is no longer there. Shouldn't there be a repercussion on the densities when a 76 acre amenity is no longer in the plan? A variety of things could be done but it is best if it is done in a public planning process engaging the community, in a town hall forum, and addressing the fear that they have. We know we have the density, so what happens if the current golf course becomes a cow pasture? Do they keep blowing another 1,000 or 2,000 units of density when the golf course goes away? Whose responsibility is it for the second golf course and additional parking, assuming there was additional parking that was required to be put in place, and not just parking for the specific condo users but for the agriculture development for the master plan; who will maintain it? Who is responsible for maintaining biking and hiking trails? Who is responsible that Pineview Lodge stay in business? What about Harley and Bucks and that amenity? What about trip reductions as part of the responsibility that we all should be looking at how they mitigate trip reduction. There is no commercial activity now so all the services that these people need up there, they have to drive to the valley market or to Ogden. What about a shuttle system or transportation? What about open space? They have been maintaining the cost of this open space and shouldn't that be the responsibility of all the stakeholders. By moving forward on this, even if there was good intention, you are going to see developments on those sub-parcels and they are going to effectively force this Planning Commission to be the master developer in Wolf Creek.

Gary Fulmer, 3741 Red Hawk Circle in Eden, asked if the proposal included Nordic Valley property, Wolf Mountain, or Wolf Creek going up to Powder Mountain. Chair Hollist replied no. Mr. Fulmer said they do have representatives that live in Patio Springs. They have previous meetings with the Summit team, people who are not with the Wolf Creek Resort but have attended these meetings, particularly people who live on Powder Mountain Road. So the community is not just Wolf Creek former resort residents but that whole area from Wolf Creek Barn up to the start of the Powder

Mountain road by the entry gate and that should be your community focus. He had time to read that letter and they had many valid points; and a lot of the residents' view this as a comprehensive development opportunity, and they recognize the rights of the developer to develop what has been legally granted to them. It is not as they are going to ask for rezoning, and doesn't see that as being feasible, but what they are asking for is input into this from the community. As this Planning Commission knows there is a lot of back and forth between the Master Association, if it exists and if not who is in charge. Some of these fundamental questions need to be answered before you say, here are these additional development units, and hand it to the stakeholders and have them divide these as they want. This Planning Commission should take into account, the stakeholders of people who are in the community and have asked to be part of this process. He would urge the Planning Commission to reverse the process; let's work together and get a community development plan put in place, knowing that there are these additional development units that need to be granted. Let's work with the Summit Team, this team, plus include community involvement to get something that works for everybody.

Kimball Wheatley, who resides in East Huntsville, gave a brief history of property. Steve Roberts was the most knowledgeable person that knew Wolf Creek and unfortunately he passed away during the middle of things and then unfortunately the economy collapsed. An important background to know is that Steve could never figure out where to put these 400 units. The reason that they have these unallocated units is because he said that one year they came before the Planning Commission 22 times trying to figure out how to move things around and make Wolf Creek work. He finally said to the prior owners of Powder Mountain that if they needed density to buy it from his because he couldn't make it work. By allocating and breaking this up, basically there are five or six stakeholders carving 40 million dollars in profit here that is the bottom line when they are looking at density here. By pre-allocating this, they could change what might end up happening. His recommendation is to plan first, maybe it's impossible to make this work, and he agreed with most of the comments that were previously stated.

Sharon Holmstrom, 3128 North River Drive in Eden, said her property abuts parcel 18 and they have lived there almost 40 years and they have a long history with what has gone on with Wolf Creek. To her recollection with all the processes; was that the open space land was allocated in exchange give a certain amount of open space, they are given a certain amount of density, and essentially that's what Wolf Creek was doing on a much larger scale. Her concern has always been these O-1 Zones, because these whole Nordic Valley is zoned O-1. They were zoned O-1 to accommodate for density in other areas and that's what bought the density. The problem was that they never took conservation easements on them, so there was nothing to protect them, which made them fair game for rezoning. In terms of developing because they have seen that with other development; when they parcel this out to all these individual owners, and there is a parcel that comes in for redesign, and states that they want to cluster what's left, they will be entitled to another bonus density. In considering all the community stakeholders, this Planning Commission could encourage, and be the facilitators for a master plan that would work for everyone.

Chair Hollist asked staff to clarify the O-1 Zone density. Jim Gentry replied there is no density assigned to the O-1 Zone but people have the right to petition to change the O-1 space to allow density. There are no conservation easements or anything like that, so they set aside open space and they would have to have a recommendation from the Planning Commission to change it to whatever zone they want and it would go to the County Commission.

Kirk Langford, who resides in Eden, said that he agreed with Mr. Mauro, that this Planning Commission has an obligation to hold the master plan together through this bankruptcy; it's happened before and your predecessors held it together. There is a lot to be said about how these amenities support the entitlements and developments. Originally this whole Wolf Creek was a 2,200 acre parcel and these units got moved to the mouth of the canyon for higher density. In turn, through negotiation with the County Planning staff and Planning Commission, 1,300 acres from Middle Fork to the mouth of Wolf Creek was declared open space, and 800 acres of that has a conservation held by DWR. A conservation easement is something that runs on the land with the deed and stipulates what kind of uses they can have for the land in perpetuity; that particular easement has no structures, no roads, etc. The 500 acres that Summit has which is open space, was something that Steve Roberts had discussion with us and they were always going to put that easement on. Until the Ogden Valley Land Trust came and built itself up, there was no one to hold that easement. Prior to Wolf Creek being developed and Steve Roberts's development, the Planning Commission and staff held that master plan together as a homogenous unit. What is being asked of this Planning Commission, is to do away with that and let each individual execute these hypothetical entitlement, they have distributed amongst some of the stakeholders, and that is their right to do so. But this Planning Commission has a right to hold this master plan together as your predecessors did prior to

the three bankruptcies. He suggested that they should allow planning to go first, and then allocate the entitlements and move forward.

Mark Gaylord, 201 South Main Street in Salt Lake City, and representing America First Federal Credit Union said he wanted to concur and support the application for the reasons that Jim Gentry and Mr. Householder have indicated. As one of the stakeholders, they are looking for certainty. They acquired a piece of property from the bankruptcy; they have a master plan and a development agreement, and that's what they have to look to in order to determine their rights on their property in order to develop. All the application is seeking is to define what development rights can be placed on his client's property for the purposes of certainty so they could come to this Planning Commission and indicate how they want to develop their property. He takes great pride in hearing the property owners saying they want to be part of the public process. The public process is right here before you to be heard and what they don't want is a reverse of the process. They don't want a town home meeting which has no authority. His client will come before the Planning Commission with its own development plan based upon the master plan and the development agreement. They will ask this Planning Commission to approve that development plan and if that does not conform to the master plan, then they will be receiving complaints if they seek improvements that are not contained in those documents. They want to work with our community and they are a good cooperative citizen and as such they want certainty in being able to accomplish that. He disagrees with the Summit Group and thinks they are trying to steal away what they already bought. In a public process, they can come in raise their concerns and voice their views, but it is this Planning Commission that makes the ultimate decision. Some of the people here will not like the decisions that you make, but at the end of the day there is a legal process, and that's what they are here for. They ask that this application be approved because it would give a certainty in the future development.

Chair Hollist asked Mr. Gaylord to clarify what he means by "steal away public process." Mr. Gaylord replied that everyone has been saying they need a town hall and they need a whole new plan for planning. What they want to do is steal away what they are doing today, this the public process. They want a town hall meeting where they sit around and he welcomes a town hall meeting, and his client will talk with the public about the process and what they plan to do. He can't get them to all agree; today is a good example, and that is why the Planning Commission is here.

Steve Clarke, who resides in Eden, said he has learned a lot in the process but he is persuaded by Mr. Langford, Mr. Wheatley, and the Summit Group. This is indeed a blowup of a master plan; it's difficult for this Planning Commission to consider being owners of a master plan. You will be asked to sit and be in judgment for each change in the master plan. It seems that in the face of the argument that the amenities are owned by one owner; who is not really in tune with the distribution of un-built units. It might be fair just to declare in the interest of certainty, the plan stands as currently authorized or currently built on each one of these and that the 400 extra units remain, and await a master plan process, and would only be allocated after a master planning process occurs.

Doug Bowers, 201 E South Temple in Salt Lake City, representing KRK Wolf Creek, said a year ago they purchased the assets that Zion's Bank had foreclosed on. Between America First Credit Union and KRK Wolf Creek; of the 800 plus units that are still developable, two of them (KRK Wolf Creek and America First Credit Union) represent over 700 units as it relates to solidifying that they own them. When they purchased the property from Zion's Bank, they knew they were purchasing almost 350 entitlements. America First Credit Union knew they were purchasing 400 plus entitlements. They came in to the Planning Department and asked them what they would like for them to do. They have specifically followed their instructions for one year and have paid the price as well. During this whole process over the last year, they have tried to integrate others who own property that would be considered stakeholders; i.e. the Summit Group. They have not actively pursued residents who own individual homes that are already developed. They have found in the past that when they include all of the neighbors, they never get anything done. This is what they have experienced over the last year; they had numerous meetings where they invited the Summit Group, and he has personally visited with Mr. Mauro twice. His counsel has come to two of their meetings, and Mr. Mauro has come to one of them.

Their contribution during that period of time has been they didn't know enough about this whole development to move forward with us and support us in going the direction that we were going. All that they were doing was following the guidelines that this Planning Department gave them to follow. The Summit Group paid a price for and they received 13 entitlements for the purchase of all that land. As landowners; they are anxious to develop this responsibility. He has explained what the Summit Group has contributed during that year's period of time. They have not made one dime of contribution to moving this forward nor have they volunteered any money and they are requesting that this Planning

Commission move forward as the legal process would have them do. This is what they have experienced with the Master HOA. They recently filed a document and made it a public record, which stripped owners of property, of the Declarant Rights which they purchased. They felt that they were stripping them of their rights as the Declarant which was previously Steve's; but now because the properties are broken up, they have a number of Declarants, and the stakeholders are the Declarant who has to implement the development agreement with the county. They want to move forward, they have followed the Planning Department guidance, have paid money for consultants, and have met many times with other property owners. If you move forward as they advocate, they will be back to put together a master plan that makes sense for the community as well as the developers.

Chair Hollist asked what document you are referring to when you stated, "We knew we had 350 entitlements." Mr. Bowers replied they came to the Planning Department and they hired Householder to help them figure out how the county was looking at the entitlements that went with the 800 plus acreage with the golf course they had purchased. Chair Hollist asked what document stripped or intended to strip your Declarant rights. Mr. Bowers replied it was a document issued and recorded by the Master Home Owners Association (HOA). The HOA thought they were given the power by the Bankruptcy Court to cancel those Declarant rights; when they challenged them along with the bank, they went back to the Bankruptcy Courts. The Bankruptcy Court's decision was they did not have the authority to grant them that and they would have to go to the State Court. Chair Hollist asked the comment you made, "submit a master plan that makes sense," would that master plan be for the whole or for the portion that KKRK Wolf Creek owns. Mr. Bowers replied that it would be a master plan for everyone that is a stakeholder that wants to participate in going after that master plan. They can't force it on any of those property owners; they represent 95% of all of the 800 plus entitlements between the groups in cooperation. Chair Hollist asked could he assume that the six signatures that Mr. Householder submitted would be those most willing to participate in the master planning effort. Mr. Bowers replied yes, with one exception of the water company.

Gary Fullmer said the previous speaker spent a lot of time in discussion that is totally irrelevant to this Planning Commission. The discussion of the Declarant Rights between his group and the Master HOA is not part of the discussion tonight and should not be considered. It is still an open question and has not yet been determined by the courts, so he would like the Planning Commission to understand that it is still an open question. The second point that he made, Mr. Langford talked about holding together a master plan. Mr. Bowers shows you what will happen if this Planning Commission does not do that. He refers back to the questions that the Summit Group asked and the stakeholders that are not on any document but are homeowners, that are asking what is the future and how do they control this environment to make it useful for everybody else. He requests that they pass on this, defer it, and try to get together on a master plan.

Mark Gaylord said that the document recorded in Weber County is called Termination of Declarant Rights and was filed by the reorganized debtor. What this attempted to do was terminating the Declarant rights and as Mr. Fullmer stated, that is in dispute and is not before us now. They are simply looking to see what their development rights are.

Greg Mauro said in response to Mr. Bowers's statement that he was responding to a desire from the Planning Division to follow through on the action that they are talking about. He also had issues with the way we had approached this. He made a determination earlier on when Mr. Bower had stated that he was going to build a condo-hotel in Wolf Creek among with a bunch of other things, and he found them to be non-credible, and that it was not a good use of spending his time. As to the point of the Planning Division's position, he was simply responding to their request. He clarified this information with Sean Wilkinson, Planning Director, and his position as stated in the letter to Greg Mauro, "Thank you for the response, you are correct that the Planning Division position is neutral. We want to see a new master plan that makes sense, but the current proposal is not our suggestion."

Commissioner Warburton asked what he was referring when he said current proposal because in the Planning documents that they are given, they are always given a recommendation of what they would like for this commission to do. Mr. Mauro replied that is a good point, the language that staff included is very specific and it states, "the reassignment of units make sense and if the Planning Commission is comfortable with the proposal, it can recommend to the County Commission that the Zoning Development Agreement be amended."

Greg Mauro said the other issue with respect to the gentleman whose firms represents them; he could have better served his client in participating in the auction in 2012. When they bought that Nordic West 40-acre parcel, and they

confirmed with Rob Scott and Sean Wilkinson that for all intent and purposes, that parcel and the parcel wrapped around it, from staff's perspective was one unit of development. They would have to be developed together and it effectively was a blocking parcel; if they wanted to move forward and develop that parcel on their own without our 40 acre piece, that was part of the rendering and it would significantly reduce density as in rolled back to prior density pre-master plan density because they wouldn't be executing the master plan. He disagrees that the public cannot be engaged in this process. They have shown that if they do a series of town halls that the public can be engaged and will show up, they have great ideas, and are quite reasonable about what the densities are going to be and they will give feedback.

Chair Hollist said on the map, the piece in the upper blue owned by America First there is a center section of 40 acres, is that owned by Summit? The other question is when you had Commissioner Warburton read from your notebook was it actually a message that they received today. Mr. Mauro replied that is correct it is owned by Summit, and it was a subsequent clarification with the Planning Director because there was some confusion about whether this was being recommended by the Planning Department, with a suggestion or recommendation by them, or if this was coming from those that had submitted it.

Chair Hollist said since you had that letter read into the record, you are hereby committed to provide a copy to Sherri or Kary so that it becomes part of the public record.

Doug Bowers said for clarification, they are not asking for, nor will they ever ask for, additional entitlements. They are regulated and subject to the entitlements they already have and it is up to this Planning Commission to decide.

Eric Householder said he wanted to apologize for not identifying all of their property and he was referring to the piece that had some density tied to it. This process is a two step process that was determined by Planning Staff. He was surprised by Mr. Wilkinson's email and with the conversations that he had with him; he thought they were in a different place. The idea is to take the 2002 Agreement and update it, to make it current. He wanted to clarify the 492 as extra density. The density is within the framework of the agreement, and it has not actually been allocated to zoned parcels. They are trying to get numbers together so they can lay out a plan.

Commissioner Warburton said from the 2002 to the 2014 agreement; she wanted to see the difference and where the changes were, and who made those decisions. For example there is the FR-3 Zone, they have added an additional 300, so who owns that and where will that go to. In the RE-15 Zone they have added 277, so where does that go. Then there is the 7.2 in the AV-3 Zone. How did they decide that and who owns most of these properties. Eric Householder replied in the FR-3 that is indicated in the green, this is the medium-high density zones within Wolf Creek. In one place they did go over that density calculation, and that would be Moose Hollow. These numbers that you're seeing from 704 to 1004, that is future and existing total in that zone.

Commissioner Miller asked in reference to those 300 units, who own that land, is that a combination from America First and KKRK? Eric Householder replied that is based off of undeveloped property and the calculations within the zoning development agreement. This number is less than 5% of what it could have been. They are not assigning units to a particular parcel owned by particular people.

Commissioner Warburton said there has been a word used "blown up" with the ZDA, and if they allow this to go through today, the plan that is in place right now stays; the people that have specific density right keep those rights, but everything else about the master plan has been capped, until it's changed. They are not changing the master plan, and why do these people think that the master plan is being blown up? Mr. Householder replied they are not trying to blow up the master plan; they are trying to update the agreement. His understanding was the next step was a requirement and would need to go through that public process where everything got laid out.

Commissioner Miller asked how does that next occur and she is not sure that Mr. Householder can answer that. Who develops that master plan, how do they make sure that is consistent with this agreement, and how is all that tied in. So who is the final deciding entity that decides the master plan is done? Jim Gentry replied the overall density of Wolf Creek is what they have; there is 816 total units left to be developed. They are looking at the entitlements to know what they actually have. They don't know at this point because some of those units have not been assigned to individual parcels.

Commissioner Miller asked how they assign the amenities, as previously stated and decide if a golf course is not feasible. Jim Gentry replied they are obligated to the master plan that is in place; and if he wanted to develop his units, there has to be a second golf course, and he is obligated by the Zoning Development Agreement to put that golf course in. If he doesn't want to put in that additional golf course, then he has to come back in, and these people have to work together to amend this master plan.

Commissioner Warburton said that she had the distinct impression that the Planning Staff was in support of this petition. Jim Gentry replied that staff didn't take a position on this; this is a petition that came from the Householder group to allocate the remaining units. Staff has worked with this group and knows the numbers, but staff does not want to commit to taking a position, to make it look like it came from staff.

Chair Hollist read staff's recommendation, "If the reassignment of the units makes sense, and the Planning Commissioner is comfortable with the proposal, it can be recommended to the County Commission that the Zoning Development Agreement (ZDA) be amended." Jim Gentry added that this Planning Commission is the recommending body; they have to feel comfortable with what is being proposed, with understanding that the zoning and amenities are not being changed, and that if the applicants want to develop this piece, they will still have to follow the guidelines of the ZDA that were in place.

Commissioner Warburton asked Eric Householder who he represented in this application. Mr. Householder replied that he represents all the people who signed the stakeholder agreement.

**MOTION:** Commissioner Miller said in regards to ZDA 2014-05, she recommends that the Stakeholder Group come back with a review of the master plan and any necessary amendments. Commissioner Parson seconded.

**FRIENDLY AMENDMENT:** Commissioner Graves said that this should be tabled with direction to continue. Chris Allred said that this would not be tabled if she was not approving what is requested, and then she would be denying the application and making a recommendation that would go to the County Commission. Chair Hollist said the motion would stand complete as stated.

**DISCUSSION:** In response to Commissioner Howell's question, Commissioner Miller said that her intention was that they talk with the HOA to revise 2002 Master Plan. Commissioner Graves asked if she was asking them to revise that master plan. Chair Hollist said that Mr. Bowers said that based on discussions with staff, he knew that there are 350 entitlements and further stated that will not ever change. Commissioner Parson said that it makes sense where these units go, but with the information provided, and seeing who benefits from this, he could not get behind this. Commissioner Warburton said that they should not interfere with the HOA, and just be with the property owners, and then back to us. If they do open this or the County Commission agrees with it, then it opens up immediate amendments to the whole master plan; so does that stop the development rights, or does that still exist as is until it is amended? Commissioner Howell said by not agreeing with this; what are they accomplishing by holding this up and not moving forward. Commissioner Warburton asked Legal Counsel if there was anything in the Land Use Law that would put the county in jeopardy with Commissioner Miller's motion. Mr. Allred replied it is exactly what they do; they recommend to the County Commission and proceed from there. Her motion was to recommend that the zoning development agreement not be amended as being proposed and that would go to the County Commission with her further recommendation and they will take action there.

Chair Hollist said there is a value to this map, and what you see is what they get. If they approve the proposal they have been discussing, that's what we are going to get in the way of development. This Planning Commission has united around the idea that they should holistically plan and develop the valley in such a way that all the residents are accommodated. Commissioner Warburton said where they are looking for a master plan for the entire valley, would they ask them to come in once and then again later on? Chair Hollist replied no and that he is in support of Commissioner Miller's motion; if they had approved with the action that was presented, the course would have been fragmented front door to Ogden Valley if they recommend to the County Commission to see an altered and agreed upon master plan for the whole area. Commissioner Warburton said once they open the master plan, there is no guarantee they are going to plan it as a whole. Commissioner Graves said aren't they bound by the 2002 Master Plan unless it's officially changed. Chair Hollist said they would not lose control because they would still have to approve the individual master plans for each of the parcels that come here. Commissioner Warburton said the two major stakeholders Mr.

Gaylord and Mr. Bowers, bought this land knowing that it was under a master plan. Chair Hollist said as part of the master plan, a second golf course is not economically supported, so there is a major change that is inherited in the KKRK Wolf Creek holdings.

Chair Hollist said he needed to hear staff's reasoning for the idea that they pursued with laying down the entitlements first and then the master plan second. Jim Gentry replied that is the direction that staff took because it gives the people the entitlement to know how many units that they have so when they go and do their master plan they know how many units they have. Not all parcels may be able to support all those units, and the numbers are based on county zoning, and the ZDA that shows where the units are going to be. The floating units were where the density was going to be in the first place. They are not changing anything; they are adding density to an area that does not already have density. Commissioner Miller stated that they need to know the number of units to make a master plan, so who are you talking about when you say "they"? Mr. Gentry replied that the stakeholders will come in as a group and they are the landowners who own the undeveloped land that is still developable under the Wolf Creek master plan. Commissioner Graves said that the worry here is that they are going to submit several master plans; but they can do that because they are all under the obligation to follow the one that exists now, or at least collectively modify that and bring it back before us. Mr. Gentry said this was planned as one development at a density of one unit per acre that is why the open space was set aside in order for them to meet that density requirement, but there were no bonus densities or anything else granted. Commissioner Graves said a plan was in place, and because of his profession, he has done a lot of planning, and he knows that it does help to know the numbers. The assumption is they have their numbers and they could change based on allocation, but if they couldn't proceed with the master plan, they would solidify that with the approvals; if they make changes and those come before us, this body has the chance to recommend approval or not.

Chair Hollist asked each member of the Planning Staff for their opinion and advice as planners on the subject matter that has been discussed. Each of the Planners Ben Hatfield, Scott Mendoza, and Charles Ewert indicated their own opinions and advice to the subject matter.

Chair Hollist asked Greg Mauro specifically about their agreement or disagreement with the entitlements and their distribution as proposed by this applicant. Mr. Mauro replied that their main interest is having planning there and not having a discombobulated mess. The benefits of this commission not having unallocated benefits is there is no justification for allocating unallocated master planning efforts when the applicants are admitting that they have no intent to execute the existing master plan that justify those densities in the first place. The carrot is the 400 unallocated units and they should ask the stakeholders to show you how that 400 works. The Planning Department is having a difficulty allocating the existing plan, and not sure where they would go. If you don't allocate the 400, what would wind up happening is the stakeholders would end up getting together and the size of this development would probably be where it should be, given that you are removing this major second absorption of activity which is the golf course. Until that plan comes before you, you should use that as your carrot.

Commissioner Miller said that she was asked to withdraw the motion but after listening to staff, she believes that they need a master plan. Chair Hollist said that he had suggested that she withdraw her motion to be followed by a motion that approved the numbers as they are but that approval would be granted by the Ogden Valley Planning Commission and not forwarded to the County Commissioner until such time a master plan was in place and send them both together to the County Commissioners.

Commissioner Graves asked Commissioner Miller to repeat the motion. Commissioner Miller said that her motion was that they don't approve the numbers, that they have a master plan, and that the master plan is done first.

**FRIENDLY AMENDMENT:** Commissioner Miller moved to recommend denial of ZDA 2014-01, and recommend to the County Commission that a master plan be produced and agreed upon by the stakeholders before additional density units are allocated. Commissioner Parson seconded.

**VOTE:** A vote was taken and Chair Hollist stated that motion carried (6-0).

**4. Communication Policy:** No communication policy

- 5. **Public Comment for Items not on the Agenda:** Kirk Langford said he would like to layout a proposal using a short Power Point Presentation. He introduced a new kind of subdivision and suggested that staff begin to work on it. The General Plan was passed in 1998, discussions have followed regarding ways to bring that plan into realization but it's been a very slow process. It's the ordinances that get written that support the general plan, otherwise it's just a nice document. This proposal will create another private property right. It will help people that live in the valley stay in the valley. It will help preserve our agricultural and rural heritage. This shouldn't be too contentious of a proposal. What he is proposing is:
  - Preserving Wildlife Habitat
  - Open Space and Our Unique Rural Environment
  - Reduce the Density in Ogden Valley
  - Element of the Agricultural
  - Rural and Wildlife Preservation Subdivision Ordinances

He believes that this is an interesting idea and that they should get started.

**MOTION:** Commissioner Parson made a motion to request staff look into creating an Agricultural and the Rural Wildlife Preservation Subdivision based on the concept of density, rural lifestyle, and giving some property owners an option with an infrastructure aspect. Commissioner Warburton seconded.

**DISCUSSION:** Commissioner Graves said this is headed in the right direction; it doesn't solve all of their problems, but one thing that is happening against our collective will, is that this is turning into a second and third home community. That is not where they want to be and not the direction where they should go. If we want to make this the valley vibrant, they need to find ways to have young families to come and stay. It's difficult because the market makes it difficult for them to stay there, and the ones that can are the people that can afford to spend their money on second or third homes. The lifeblood in the valley has always been the young families that stay there and they are losing that. They have to figure out a way to capture that again and allow them to stay. Kirk Langford said if there is a landowner whose kids are forced to move out of the valley and you can give access without the cost of these 30 foot roads with asphalt and bridges, they should do it. Those people will share those values and it contributes to that area. To get to the point that was discussed with some of the Planners; right now, they are doing some things that are going totally in the opposite direction and this could help move into the right direction. Chair Hollist said that this is infinitely more hopeful than TDR's, PDR's and even conservation easements.

**VOTE:** A vote was taken and Chair Hollist stated that motion carried (6-0).

- 6. **Remarks from Planning Commissioners:** Chair Hollist said that he is still focusing on items that he learned from Dr. Gillis and he has been reading and researching temperature increases, precipitation increases, frequency of storms decreases, and snow packed recedes to the south of the Canadian Border by the year 2030. He has continued to do the research and most recently visited Randy Julander of the Natural Resources Conservation Service. He went there to ask for special readings on the seven Snow Trail Stations that ring Ogden Valley, because he wanted to know what Ogden Valley is doing. He said you already have it; you are lumped in with Weber River drainage, and you are the Ogden River drainage. The Weber River drainage has three Snow Trail Stations and you have seven. The data is already skewed to Ogden Valley. He then said the significant things that snow fall, snow depth, and snow pack changes it's cycle. When they are statically correct for those cycles; they cannot distinguish any difference in the level of snowpack since the 1920's. It makes a difference in the investment that Liberty Pipeline is going to make, but the record needs to be corrected, and he doesn't think that the snowpack is receding long term.
- 7. **Report of the Planning Director:** No Planning Director's report.
- 8. **Remarks from Legal Counsel:** No remarks from Legal Counsel.
- 9. **Adjourn:** The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary, Weber County Planning Division



UTAH WATER RESEARCH LABORATORY  
College of Engineering  
8200 Old Main Hill  
Logan, Utah 84322-8200  
United States of America

9 May 2014

Sherri Sillitoe  
Ogden Valley Planning Commission  
Weber Center - 2380 Washington Blvd  
Ogden, UT, 84401

RE: Completion of Research Work on Pineview Reservoir Water Quality

Dear Ms. Sillitoe,

I am pleased to report that the Utah Water Research Laboratory, in collaboration with the Weber Basin Water Conservancy District, has completed a series of research projects that have been conducted on Pineview Reservoir's water quality beginning in 2007. The work involved studies on in-reservoir processes, nutrient contributions from major stream inflows and from the shallow aquifer to the reservoir that contribute to eutrophication potential. We feel that the information we have collected can be useful in planning and designing actions to protect and improve water quality in Pineview Reservoir and the Ogden Valley watershed. Lindsey Carrigan and I had the privilege of presenting a summary of the work we had completed through early 2012 at a commission meeting on June 25, 2012.

If the Ogden Valley Planning Commission would like to hear a summary of work completed in 2012 and 2013, we would be delighted to have the opportunity to make a brief presentation and answer questions. We would, of course, need to know the date and time we are invited to present and the amount of time allotted.

Sincerely,

A handwritten signature in black ink that reads "Darwin L. Sorensen". The signature is written in a cursive, flowing style.

Darwin L. Sorensen  
Adjunct Professor



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application (Design Review 2014-05) to operate a rock crusher on a temporary basis, to provide material for onsite subdivision construction at Eagle Ridge Subdivision

**Agenda Date:** Tuesday, June 24, 2014

**Applicant:** Opheikens & Company

**File Number:** DR 2014-05

### Property Information

**Approximate Address:** Eagle Ridge Subdivision at 3900 North 4500 East

**Project Area:** 2 acres

**Zoning:** Agricultural Valley Zone (AV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Temporary material processing and rock crushing operation

**Parcel ID:** 22-015-0070

**Township, Range, Section:** T7N, R1E, Section 21

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Steve Parkinson  
sparkinson@co.weber.ut.us  
801-399-8768

**Report Reviewer:** JG

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (Agricultural Valley AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review)

## Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The petitioner is requesting approval to operate a rock crusher on a temporary basis within Eagle Ridge Subdivision. The purpose of the rock crushing operation is to provide material for use in road construction within future phases of the subdivision. Crushing will be allowed only for on-site material to be used within future phases of Eagle Ridge Subdivision. No off-site material may be brought in for crushing, and no on-site material may be crushed and then exported to other locations. The rock to be crushed has already been stockpiled, so new excavation will not be a part of the operation.

This project is located in the AV-3 Zone where subdivisions are permitted, and uses customarily incidental to permitted uses are also permitted. Staff has determined that a temporary rock crusher is a use which is customarily incidental to the construction of infrastructure in a subdivision, and is, therefore, a permitted use in the AV-3 Zone.

The rock crusher will be located west of the intersection of Eagle Ridge Drive and Foothill Lane as shown on the site plan (Location Map). The nearest homes are located approximately 680 feet from the actual crushing site on the west, 880 feet on the east, and 1529 feet on the south (Exhibit B). The rock crusher will be enclosed within a three sided temporary earth

and rock berm structure (Exhibit C) which is 60 feet wide, 120 feet long, and 8 feet tall. This structure is intended to help mitigate potential noise issues. The rock crushing machines have water sprayers and a water truck will be on site to mitigate potential problems with dust. The operation is expected to take three to four months to crush the existing rock stockpiles. The operation would run during normal work hours (8 am to 5 pm) on weekdays (Monday – Friday) with no weekend operation.

### **Summary of Planning Commission Considerations**

- Are the proposed noise and dust mitigation measures adequate?
- What is the planned end date for the operation?
- What are the daily operation start and finish times?
- Will crushing be limited to the existing rock stockpiles?

### **Conformance to the General Plan**

The proposed use is customarily incidental to the construction of the Eagle Ridge Subdivision development, and is, therefore, a permitted use that meets the requirements of the Agricultural Valley AV-3 Zone and conforms to the Ogden Valley General Plan.

### **Conditions of Approval**

- Crushing will be allowed only for on-site material to be used in future phases of Eagle Ridge Subdivision. No off-site material may be brought in for crushing and no on-site material may be crushed and then exported to other locations.
- The site plan, hours of operation, and mitigation controls must be followed as well as other conditions stated within this staff report.
- Requirements and Recommendations of the Weber County Engineering Division and Weber County Health Department.

### **Staff Recommendation**

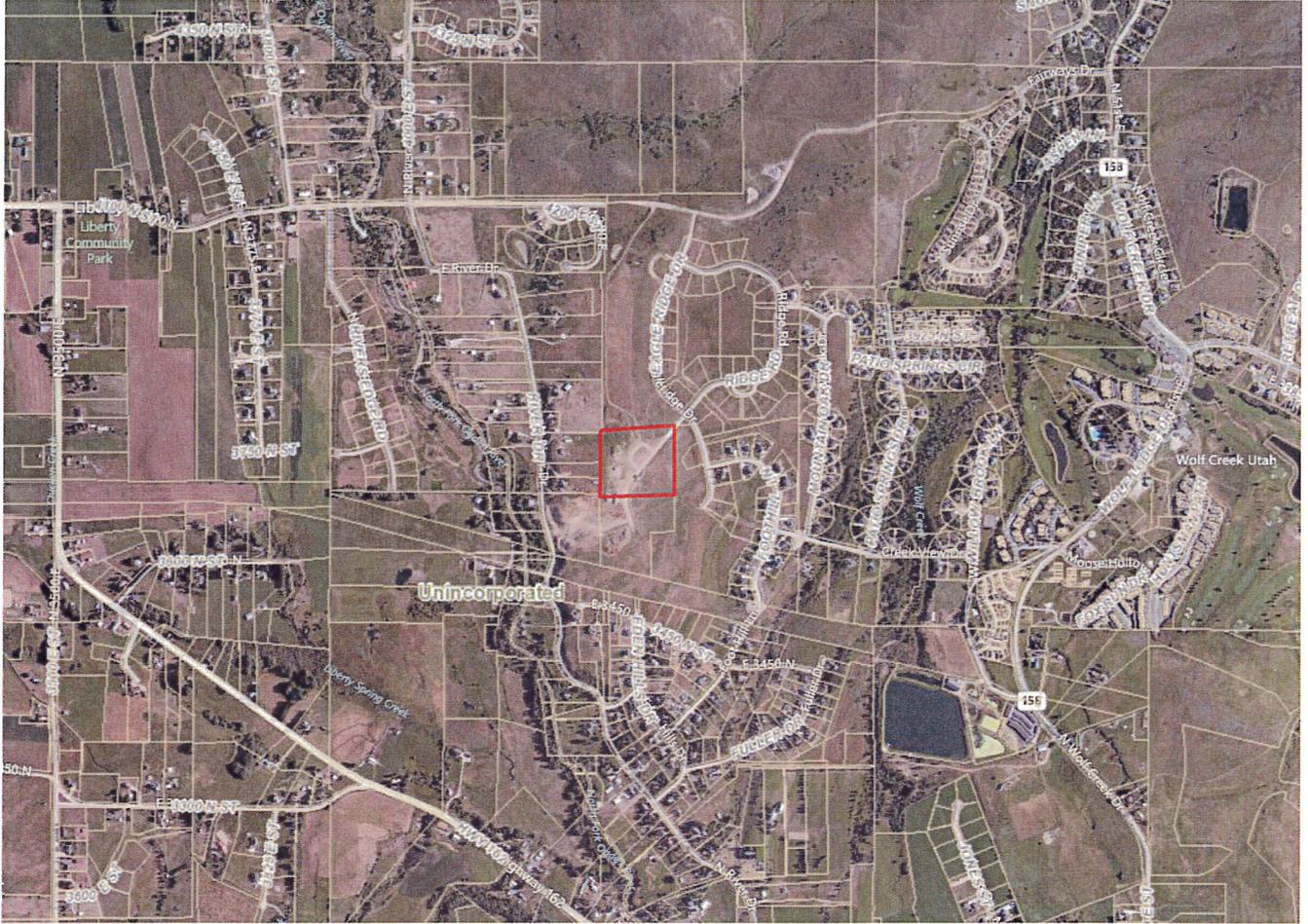
Staff recommends approval of DR 2014-05 for a temporary material processing and rock crushing operation at Eagle Ridge Subdivision based on the following information:

- The operation is an accessory use that is customarily incidental to the construction of a subdivision and is permitted in the AV-3 Zone.
- The operation will significantly eliminate the number of truck trips used to haul material to this site, thus improving safety and decreasing road damage in the Ogden Valley.
- The applicant has proposed ways to mitigate potential negative impacts.

### **Exhibits**

- A. Project Narrative
- B. Site Plan
- C. Site Picture
- D. August 25, 2009 Ogden Valley Planning Commission minutes

Location Map



 Crush Site



## Exhibit A – Project Narrative

Requesting approval to operate a rock crusher on a temporary basis within the Eagle Ridge Subdivision. The purpose of the rock crushing operation is to provide material for the use in road construction within future phases of the subdivision. Crushing will be allowed only for on-site material to be used for future phases of Eagle Ridge subdivision. No off-site materials will be brought in for crushing, and no on-site material will be crushed and then exported to other locations.

The crushing site will be enclosed within a three (3) sided rock wall structure which is 60 ft wide, 120 ft long and 6 ft tall. This structure is intended to help mitigate potential noise issues, and the crushing site will also mitigate trucking traffic throughout Ogden Valley and Ogden Canyon. The rock crushing machines have water sprayers and a water truck will be on-site to help mitigate potential problems with dust. The operation would run during normal work hours on weekdays.

This exact project was approved in the August 25, 2009 meeting under file # DR 01-09. It was approved and ran to the exact specification of the approval with no complications or complaints from any surrounding neighboring property owners. The previously approved rock crushing project helped to keep thousands of semi trucks out of Ogden Valley and Ogden Canyon.

## Exhibit B – Site Plan

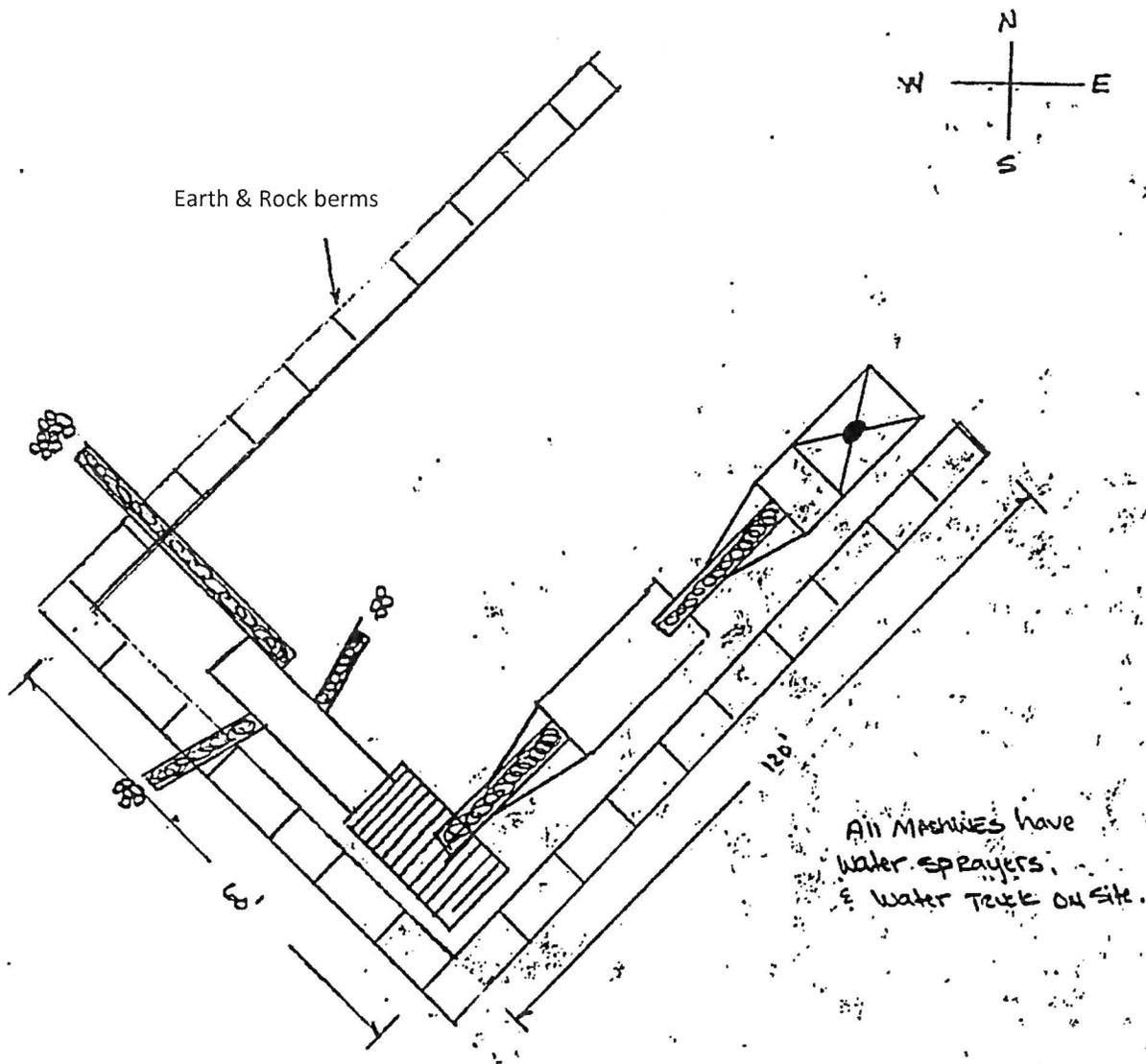


Exhibit C – Site Pictures



Rock and Earth berm to mitigate noise



Rock stockpile

## Exhibit D – August 25, 2009 Planning Commission minutes

3-1. DR0109 Consideration of a request to operate a rock crusher on a temporary basis (maximum of four months, to provide material for onsite subdivision construction, 3900 N 4500 E. 3XL Construction, Applicant

Chair Graves indicated that there was no exparte communication declared regarding this item.

Sean Wilkinson presented a staff report and indicated that the petitioner is requesting approval to operate a rock crusher on a temporary basis within Eagle Ridge Subdivision. The purpose of the rock crushing operation is to provide material for use in road construction within future phases of the subdivision. Crushing will be allowed only for on-site material to be used within future subdivision phases. No off-site material may be brought in for crushing, and no on-site material may be crushed and then exported to other locations. The rock to be crushed has already been stockpiled, so new excavation will not be a part of the operation. The rock crushing machines have water sprayers and a water truck will be on site to mitigate potential problems with dust. The petitioner previously explained to staff that he may use rocks from the site to build walls around the crusher instead of using concrete blocks.

Staff recommends approval of a temporary rock crusher at Eagle Ridge Subdivision because it is an accessory use that is customarily incidental to the construction of a subdivision, it will eliminate the number of trucks used to haul material to this site, and the petitioner has proposed ways to mitigate potential negative impacts. This recommendation is subject to staff and other agency requirements and recommendations.

Sean Wilkinson said staff received a letter from Julie Aldrich in opposition to this proposal.

Traviss Hogge, 3XL Construction, indicated that there is 3" cobble that exists on the site they will use for the structure walls to help mitigate noise. The base of the walls will be 60 feet wide, 120 feet long, and 6 feet tall. They will use a few concrete blocks where the spoils will be discharged to make transport easier. Their operation will be either 8am to 5pm or 7am to 4pm on weekdays. They are hoping to crush 1,000 tons per day maximum. Crushing rock on site would eliminate 120 trucks per day traveling the canyon. They anticipate starting the first week in September with wall construction and then they would start crushing rock the second week in September. Ogden Valley Township Planning Commission August 25, 2009

Commissioner Rounkles asked if the walls could be built higher to mitigate noise. Mr. Hogge indicated that they could build the walls to 8 ft. tall. Chair Cooper believes they need to set a noise decibel limit that is tested once the walls are built.

Mr. Hogge indicated that 3XL Construction has been hired just to do the crushing, not the subdivision infrastructure. They have estimated 30,000 to 50,000 tons of material that would be crushed. They will have a water truck to use for the material they crush and for their loader. They are hoping to be finished by the end of October or before winter.

Marve Rothhaar, 3709 River Drive, indicated he owns the first property down the hill from the crusher. He is more concerned with the material loading and unloading noise than with the crusher noise. The noise has been on and off for five years and has been very loud. Mr. Rothhaar referred to the sound as "rock music" and likened it to coal mine excavation noise. To the north of the site there is a 50 ft. road cut into the hillside, which will act as a funnel for the noise. He believes this proposal would be an aggravation to several residents in the area. In answer to a question asked by Commissioner Cooper, Mr. Rothhaar indicated the alternative of hauling the rock material into the site would be very disturbing.

Gladys Nivielius, an owner in the Eagle Ridge Subdivision, indicated her concerns were addressed. She is empathetic that there is a development going on, but 70 trucks in and out of the site would be unacceptable. She is concerned with the hours of operation and would like constraints set especially where the dust would be addressed and that the operation would not begin until after 8:00 am.

Pam Kramer Dalton, 3887 N River Drive, indicated that she is also concerned with truck traffic, dust and noise from the operation. She asked how many cubic yards of material would be needed for the roads. She would ask for a report from the Division of Air Quality for the noise and path of noise travel.

The meeting was closed to public comment.

Travis Hogge indicated that they are not the developer for this project. They have taken preliminary precautions to mitigate the noise. They will only be using a crusher, secondary crusher and screen, a loader, and a trackhoe. They will not be hauling material off site. The crusher will not cause any vibration.

Commissioner Siegel asked what complaints they received for the Fairways rock crusher proposal. Sean Wilkinson said he did not know the specifics but from his from his recollection, most of the complaints were raised before the walls were installed.

MOTION: Commissioner Cooper moved to approve DR0109 subject to the requirement that once the crusher is in operation, the decibel level should not exceed 120 decibels next to the rock crusher and 500 ft. out from the crusher the decibel level shall be 70 decibels or less. The hours of operation will be from 8 am to 5 pm, the walls of the noise minimization structure shall be 8 ft. tall, and the end date for the temporary rock crushing operation is 12/15/09. The applicant is to maintain anything in their SWPP and they shall stay within the standards of fugitive dust as indicated by DEQ. Commissioner Banks seconded . Motion Carried (7-0).



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a 3-year time extension for the temporary trailer for the Powder Mountain Kids Ski school and an addendum to extend a site plan development agreement and escrow certificate in the amount of \$8,000 for the Powder Mountain Kids Ski School Trailer

**Agenda Date:** Tuesday, June 24, 2014

**Applicant:** Angela Illum for SMHG Management LLC

**File Number:** CUP 13-2014

### Property Information

**Approximate Address:** Powder Mountain Ski Resort

**Project Area:** 1,440 square feet

**Zoning:** Forest Valley 3 Zone (FV-3)

**Existing Land Use:** Ski Resort

**Proposed Land Use:** Temporary trailer used for ski school

**Parcel ID:** 22-001-0006

**Township, Range, Section:** T7N, R1E, Section 1

### Adjacent Land Use

<b>North:</b>	Ski Resort	<b>South:</b>	Ski Resort
<b>East:</b>	Ski Resort	<b>West:</b>	Ski Resort

### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767

**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 14 (Forest Valley FV-3)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)

## Background

In 2008, the Planning Commission approved CUP 2008-21 allowing the use of a temporary trailer for the Powder Mountain Kids Ski School for one year. In November 2009, the Planning Commission approved a two year time extension and in June 2011, they approved an additional three years for this use, through the 2013-2014 ski season. The applicant is now requesting an additional three year time extension through the 2018 ski season.

As part of the previous approvals, the Planning Commission required an escrow to be established for removal of the trailer when a permanent structure is built. The County Commission accepted this escrow and approved a site plan development agreement for this use on January 26, 2009. The addendum allowed the site plan development agreement and the escrow certificate to be extended through the 2013-2014 ski season, without going through the process of creating a new agreement. If a time extension is granted then the addendum will need to be modified to extend the financial guarantee for three additional years. The escrow amount is still sufficient to cover the cost of removing the trailer.

## Summary of County Commission Considerations

- Are the existing site plan and escrow certificate sufficient?

## Staff Recommendation

Staff recommends approval of the time extension and the extension of the financial guarantee agreement addendum through the 2017-2018 ski seasons.

## Exhibits

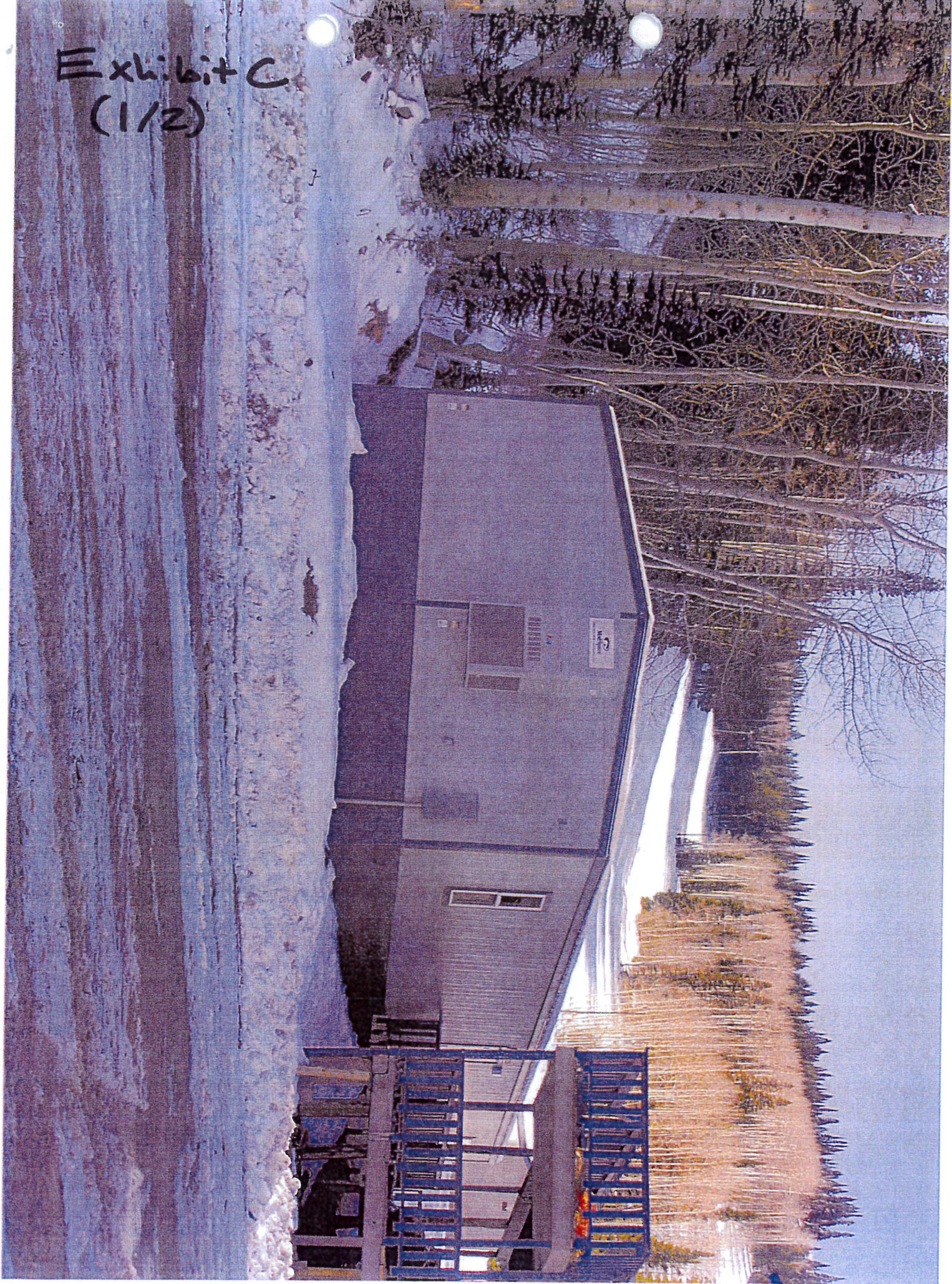
A. Previously approved site plan and photos

## Map 1



Exhibit C  
(1/2)

7



(2/2)

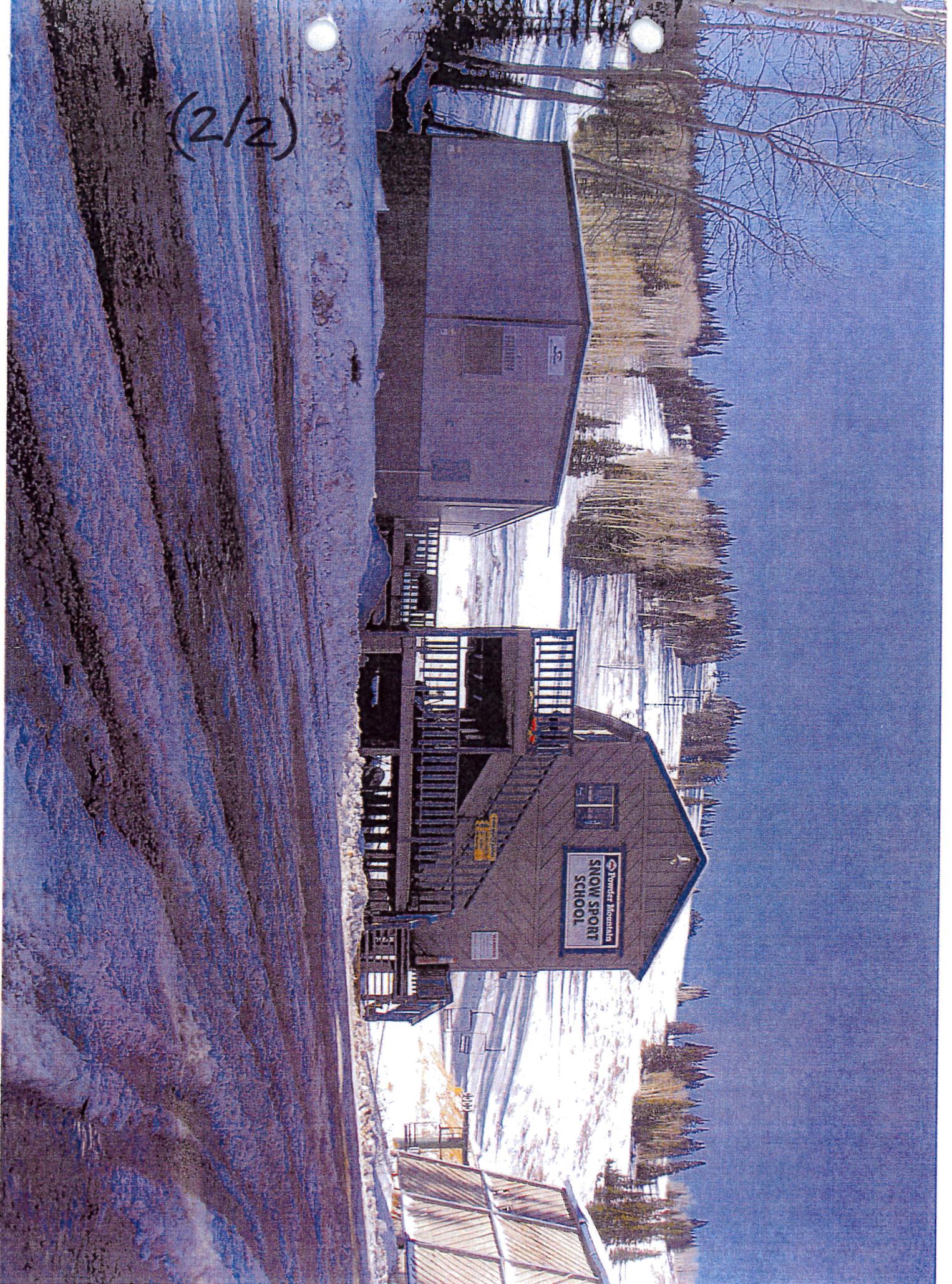


Exhibit D  
(1/3)

10/27/2009



(2/3)



10/27/2009

(3/3)



10/27/2009

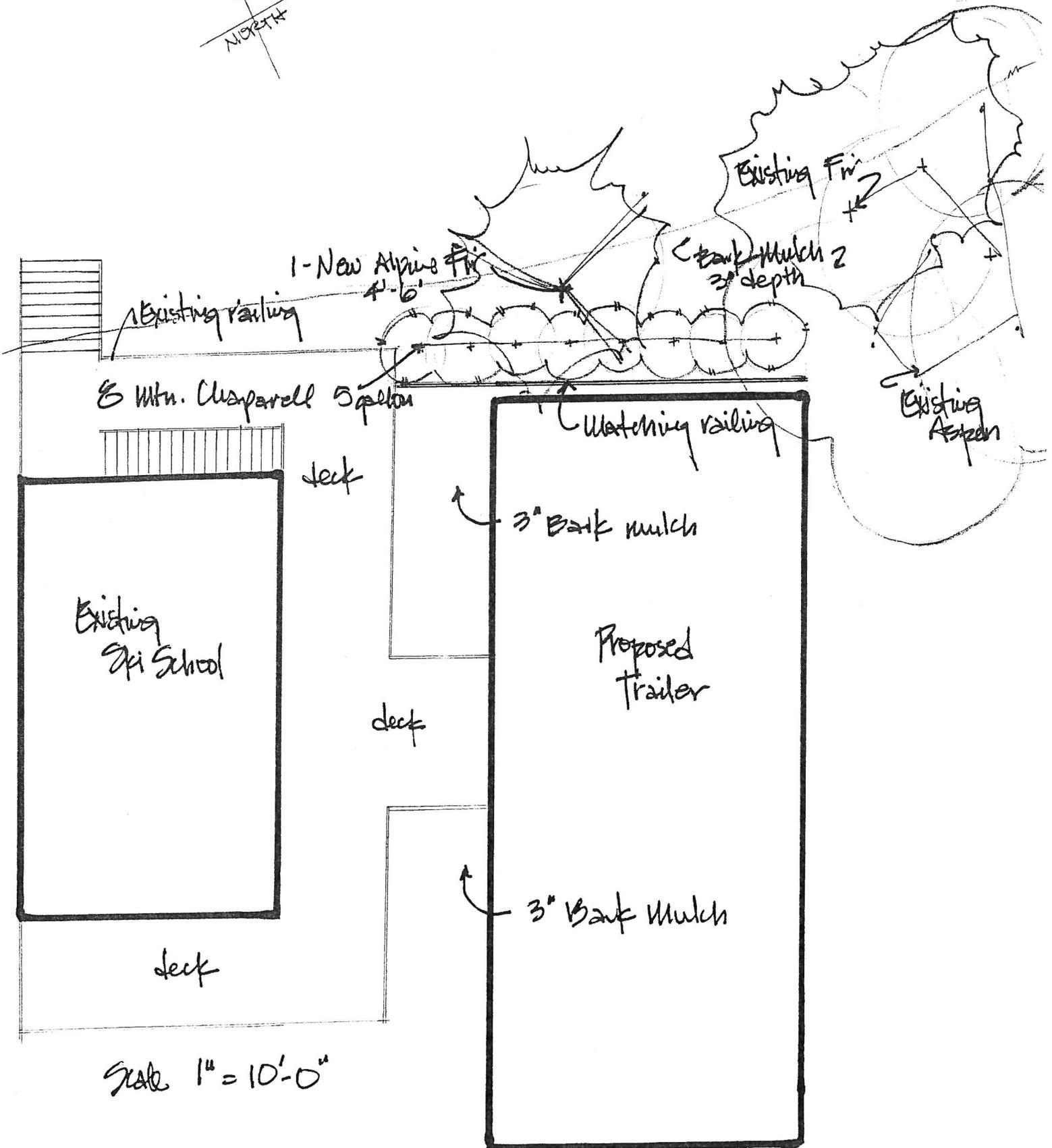
Exhibit  
E



11/05/200

Exhibit F

Existing parking



## Ogden Valley Township Planning Commission Cluster Subdivision Work-Session

**WS1.**

**Discussion:**

1. Review of Example "Sketch Plan Approval" Processes.
  - a. Summit County, Utah
    - i. Summit County Code.
    - ii. Summit County Sketch Plan Application Form.
  - b. Boulder County, Colorado
    - i. Boulder County Code (Article 5).
    - ii. Boulder County Sketch Plan Application Form.
  
2. Review of Weber County Cluster Subdivision Draft and Application Form.
  - a. Section 108-3-1 Purpose and Intent.
  - b. Section 108-3-2 Approval Procedure.
  - c. Cluster Subdivision Sketch Plan Endorsement Application.
  - d. Other.

# Summit County Code

## Sketch Plan Approval

**D. Submission Requirements:** An application for the Cluster Bonus/Agricultural Preservation Subdivision of property approval shall not be accepted as complete unless such application contains the information set forth herein; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this Title. The CDD or designated planning staff member may also determine that due to the nature of the parcel and of the subdivision proposed, some of the submission requirements can be waived in an effort to simplify the application process. (Ord.481, 3-12004; amd. 2004 Code)

1. Sketch Plan: Prior to submitting a formal application for development review, an applicant shall submit a sketch plan, which shall be prepared in pen or pencil, and shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 100'), and shall show the following information:

- a. The creation date of the parcel(s) to be subdivided in accordance with the definition of a "lot of record", as defined in Appendix A of this Title.
- b. The name of the subdivision. This name shall not duplicate the name of any plat previously recorded.
- c. Name and address, including telephone number, of the legal owner, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference. 11-4-9
- d. Legal description and location of property, including citation of any existing legal rights of way, irrigation ditches, or easements affecting the property; and existing covenants on the property, if any.
- e. The approximate location, dimensions, and areas of all proposed or existing lots, existing easements, burial grounds, railroad rights-of-way, watercourses, and names of all existing streets or other public roads adjacent to the proposed lots.
- f. A delineation of environmentally sensitive areas including, but not limited to, wetlands, and slopes exceeding thirty percent (30%), and ridgelines.
- g. Identification of the means for providing water supply, power, sanitary sewage systems, collection and discharge of surface water drainage, and fire protection, including an analysis of the feasibility of connecting to a centralized sewer disposal or water systems if requested.

- h. All areas within and adjacent to the project, including areas separated by a street, highway, road, right-of-way, railroad line, or stream or watercourse, under common ownership, shall be identified in the sketch plan.
- i. A site specific agricultural plan shall be required to be submitted at the time of sketch plan. The purpose of this study will be to identify the significant features and characteristics that make the property viable for agricultural use. Development should be planned in such a way as to preserve or enhance the agricultural use of the property. (Ord. 481, 3-1-2004)
- j. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for subdivision consideration and approval. (Ord. 481, 3-1-2004; amd. 2004 Code)



Community Development Department  
P.O. Box 128  
60 North Main Street  
Coalville, Utah 84017  
Phone: 435-615-3124  
Fax: 435-615-3046  
www.summitcounty.org

## EASTERN SUMMIT COUNTY

### CHECKLIST AND REVIEW PROCEDURE FOR SKETCH PLAN

---

- **SUBMISSION REQUIREMENTS**

- ***Application form:*** Completed and signed by the property owner(s).
- ***Approval of the property owner(s) if different from the applicant:*** The property owner(s) must sign the back of the application form, or submit a letter indicating their ownership and authorization for the submittal of the application.
- ***Fee:***
  - ***Residential Project:*** \$20.00 per lot/unit
  - ***Non-Residential Project:*** \$95.00 per acre of disturbed land or 1,000 sq ft of building footprint area, whichever is greater (if the development area is less than one acre, the fee shall be \$95.00)
- ***Warranty deed(s):*** Please submit current deed(s) for each parcel involved in the Sketch Plan; available from the Summit County Recorders Office.
- ***1 copy of a detailed Sketch Plan (11" x 17" minimum paper size, drawn to scale), including:***
  - Vicinity Map and North Arrow;
  - The creation date of the parcel(s) to be developed in accordance with the definition of a "lot of record" as defined in Appendix A of the Development Code;
  - The name of the development. This name shall not duplicate the name of any plat previously recorded;
  - Name and address, including telephone number of legal owner(s) and/or authorized representative, and citation of last instrument conveying each parcel of property involved in the proposed development, giving grantor, grantee, date and lands records reference;
  - Legal description and location of property, including citation of any existing legal rights-of-way, irrigation ditches, or easements affecting the property; and existing covenants on the property, if any;
  - The approximate location, dimensions, and areas of all proposed or existing lots, existing structures, existing easements, watercourses, and names of all existing streets or other public roads adjacent to the proposed development;
  - A delineation of environmentally sensitive areas, including, but not limited to wetlands, slopes exceeding 30%, floodplains and ridgelines;
  - Identification of the means for providing water supply, power, sanitary sewage, collection and discharge of surface water drainage, and fire protection, and an analysis of the feasibility of connecting to a centralized sewer disposal or water

system (if applicable);

- All areas within and adjacent to the project, including areas separated by a street, highway, road, right-of-way, or stream or watercourse under common ownership.
- *If the application is for a Cluster Bonus/Agricultural Preservation Subdivision, a site specific agricultural plan shall be required to be submitted at time of Sketch Plan. The purpose of this study will be to identify the significant features and characteristics that make the property viable for agricultural use. Development should be planned in such a way as to preserve or enhance the agricultural use of the property.*
- *If the application is for a Specially Planned Area (SPA), the Sketch Plan shall include a written statement describing how the proposed development will further the goals and objectives of the General Plan and sufficient information to demonstrate the general design philosophy for the project.*

- **ADDITIONAL INFORMATION MAY BE REQUIRED.**



Community Development Department  
P.O. Box 128  
60 North Main Street  
Coalville, Utah 84017  
Phone: 435-615-3124  
Fax: 435-615-3046  
www.summitcounty.org

## SKETCH PLAN APPLICATION FORM

### Owner(s) of Record:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Fax: \_\_\_\_\_

### Authorized Representative to Whom All Correspondence is to be Sent:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Fax: \_\_\_\_\_

### Project Information:

Parcel #: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_

Address: \_\_\_\_\_ Section: \_\_\_\_ Township: \_\_\_\_ Range: \_\_\_\_

Do you currently have constructions plans turned in for Building Permit review? **YES (plan check #)** \_\_\_\_\_ **NO**

### Project Description (acreage, building square footage, number of lots, etc.):

\_\_\_\_\_  
\_\_\_\_\_

#### FOR OFFICE USE ONLY

- Residential Project:** \$20.00 per lot/unit
- Non-Residential Project:** \$95.00 per acre of disturbed land or 1,000 sq ft of building footprint area, whichever is greater (if the development area is less than one acre, the fee shall be \$95.00)

- Snyderville Basin**
- Eastern Summit County**

RECEIPT #: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

OWNER(S) ACKNOWLEDGEMENT

All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid. Notification and publication fees for required public hearing notices (individual notices mailed to property owners - \$2.00 per notice; 14 day publication of legal notice in local newspaper - cost of notice) will be billed to applicant at the time a hearing is scheduled. Notification fees must be paid within 10 days of billing.

PLEASE NOTE REGARDING FEES; the payment of fees and /or the acceptance of such fees by County Staff does not constitute any sort of approvals, vesting, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

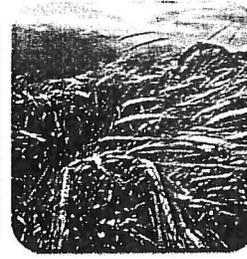
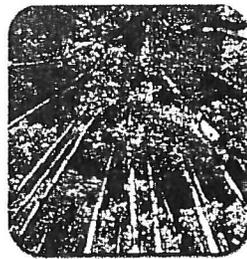
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I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Summit County may rescind any approval or sufficiency determination, or take other appropriate action.

Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Article 5



## Subdivision Regulations

### Article 5 • Subdivision Regulations

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#### 5-100 Sketch Plan

#### 5-101 Introduction

- A. The sketch plan is the first step of the three step approval process to plat unsubdivided land. During this step, public hearings will be held before the Planning Commission and the Board of County Commissioners. The applicant must receive sketch plan approval or conditional approval in order to proceed to the second step, the preliminary plan.
- B. The sketch plan process will review, at a conceptual level, the feasibility and design characteristics of the development proposal based on the standards set forth in this Section. Residential densities will be based on unit types and/or commercial/industrial square footage limits, as established in Article 4 of this Code, with the understanding that additional technical engineering design material, survey work and preparation of required documents will be submitted for review at later steps in the application review process.
- C. The preliminary plan and final plat may be combined with the sketch plan if the proposed development contains 7 subdivided lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine sketch plan, preliminary plan, or final plat processes.

## 5-102 Standards and Conditions for Sketch Plan Approval

- A. The Planning Commission and the Board of County Commissioners shall not approve a sketch plan proposal until the applicant has adequately shown that the proposal meets the following:
  - 1. The design conforms to the criteria established in Section 7-200.
  - 2. A water source is designated and the method of distribution within the proposed platted subdivision is defined. Also necessary, as applicable, are a preliminary agreement for water service from the appropriate water provider, well permits from the State Engineer, preliminary evidence on the availability of water, and/or a preliminary water augmentation proposal. In accordance with Section 7-300, the water supply must be adequate for the type of platted subdivision proposed.
  - 3. Either a written commitment to provide a public sewage disposal system or a sewage disposal system which complies with state and local laws and regulations, in accordance with Section 7-400.
  - 4. The develop proposal conforms with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.
  - 5. The proposed methods for fire protection comply with Section 7-1100.
  - 6. The proposed uses for all areas are appropriate and the design is based on the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, flood plain, airplane flight overlays, or other constraints.
  - 7. Services are available and adequate to meet the needs of the proposed platted subdivision including transportation, police protection, schools, recreation, telephone, mail, gas, electric power and other services, and comply with Section 7-1200.

## 5-103 Planning Commission Consideration of a Sketch Plan Proposal

- A. Planning Commission action on a sketch plan proposal shall include either a recommendation of:
  - 1. approval of the sketch plan;
  - 2. conditional approval, including a listing of all conditions; or
  - 3. denial, including a listing of reasons for denial.
- B. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the sketch plan, in accordance with the provisions of Section 3-205.
- C. Following action under Section 5-103(A):
  - 1. The Land Use Director shall certify the action by the Planning Commission and transmit this certificate to the Board of County Commissioners.
  - 2. The Director shall transmit this certificate to the applicant.
  - 3. This certificate shall include any special conditions of approval or reasons for denial and the date, place, and time of the hearing before Board of County Commissioners.
- D. The Planning Commission may reserve the right to reconsider sketch plan issues during their consideration of the preliminary plan or final plat.

## 5-104 Board of County Commissioners' Consideration of a Sketch Plan Proposal

- A. Board action on a sketch plan proposal shall include either:
  - 1. Approval of the sketch plan.
  - 2. Conditional approval of the sketch plan, including a listing of all conditions. The Board may specify conditions which shall be satisfied prior to the filing of a preliminary plan application.
  - 3. Denial of the sketch plan, including a listing of the reasons for denial.
  - 4. The Board may table their consideration of a sketch plan for more information from the applicant, or they may return the sketch plan to the Planning Commission for the Commission's reconsideration at a public hearing, in accordance with the provisions of Section 3-205.
- B. Following action by the Board:
  - 1. The Director shall certify any action taken by the Board and shall transmit such certification to the applicant.
  - 2. The certification of action shall also specify the sketch plan expiration dates as defined in Section 5-500 of this Code.
  - 3. The Board may reserve the right to reconsider sketch plan issues during their consideration of the preliminary plan or final plat.



**Boulder County  
Land Use Department  
Publications**

## Planning Review Fee Schedule

**Land Use Department**  
Courthouse Annex Building  
2045 13th Street  
PO Box 471  
Boulder, CO 80302

**Planning Division:**  
Phone: 303-441-3930  
Fax: 303-441-4856  
Email: [planner@bouldercounty.org](mailto:planner@bouldercounty.org)  
Website: [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)

**Office Hours:**  
Monday – Friday 8 a.m. to 4:30 p.m.  
Closed Tuesdays 8 to 10 a.m.

## Planning Review Fee Schedule

Process	Non-Refundable Deposit/Fee (\$)
Appeal of Administrative Decision - \$500 deposit and time billed for staff up to a total amount of \$1,000. If the appellant prevails with the Board of Adjustment, the deposit and any additional payments will be refunded	500.00
Comprehensive Plan Change (for individual site specific requests)	500.00
Correction Plat	100.00
Development Plan Review for Oil and Gas Production (Flat Fee)	400.00
* Exemption Plat	300.00
Extension of Approval	100.00
Location and Extent	450.00
Limited Impact Special Use Review	400.00
Preliminary Plan and/or Final Plat	750.00
Renewable Energy System; Residential (Flat Fee)	100.00
Renewable Energy System; Non-Residential (Flat Fee)	500.00
* Replat	500.00
Rezoning	500.00
Road/Easement Vacation	300.00
Road Name Change	200.00
Site Plan Review for new structures or additions 2,000 square feet and larger (Flat Fee)	1,075.00
Site Plan Review for new single family structures less than 2,000 square feet	400.00
Site Plan Review for additions and accessory structures less than 2,000 square feet, grading less than 500 cubic yards, changes in use, and commercial telecommunications facility (Flat Fee)	540.00
Site Plan Review for additions and accessory structures less than 2,000 square feet on a conservation easement (Flat Fee)	400.00
Amendments to a Site Plan	540.00
Site Plan Review Waiver (Flat Fee)	260.00
Site Specific Development Plan	800.00
Sketch Plan	1,000.00
Subdivision or PUD (Combined Process SP/PP/FP/SSDP)	1,000.00
* Subdivision Exemption	300.00
Special District	500.00
Special Use/SSDP	1,000.00
Special Use Monitoring	100.00
State Interest Reviews (1041)	500.00
Variance	250.00
Public Notice Sign Deposit (refundable)	25.00

\* Subdivision Exemptions, Replats, and Exemption Plats that are proposed to extinguish a Building Right are not required to pay an application fee.

**Note:** Non-refundable deposits are usually exceeded. The Land Use Department will bill on a monthly basis once the fee is exceeded. Amendments require the same non-refundable fee as the original process.



## Boulder County Land Use Department

Courthouse Annex Building  
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302  
 Phone: 303-441-3930 • Fax: 303-441-4856  
 Email: [planner@bouldercounty.org](mailto:planner@bouldercounty.org)  
 Web: [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)  
 Office Hours: Monday — Friday 8:00 a.m. to 4:30 p.m.  
 Closed Tuesdays 8 to 10 a.m.

Shaded Areas for Staff Only
Intake Stamp

## Application Form

Project Number		Project Name		
No Application Deadline		Application Deadline: First Wednesday of the Month	Application Deadline: Second Wednesday of the Month	
<input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Exemption Plat <input type="checkbox"/> 1041 State Interest Review <input type="checkbox"/> Other:		<input type="checkbox"/> Variance <input type="checkbox"/> Appeal	<input type="checkbox"/> Sketch Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Rezoning <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Location and Extent <input type="checkbox"/> Road Name Change
Location(s)/Street Address(es)				
Subdivision Name				
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)
Area in Acres	Existing Zoning	Existing Use of Property		Number of Proposed Lots
Proposed Water Supply		Proposed Sewage Disposal Method		

### Applicants:

Applicant/Property Owner			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax
Applicant/Property Owner/Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax
Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax

### Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

**All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.**

Signature of Property Owner	Printed Name	Date
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

**WEBER COUNTY LAND USE CODE**

**Title 108 - Chapter 3**

**Cluster Subdivisions**

- Sec. 108-3-1. Purpose and Intent
- Sec. 108-3-2. General Regulations Approval Procedure
- Sec. 108-3-3. Lot Area Regulations General Cluster Subdivision Design and Layout Standards
- Sec. 108-3-4. Width, Yard and Height Regulations Open Space - Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards
- Sec. 108-3-5. Additional Design Standards and Requirements Open Space Parcel Development Standards
- Sec. 108-3-6. Bonus Density Lot Development Standards
- Sec. 108-3-7. Open Space Preservation Bonus Density
- Sec. 108-3-8. Owner's Association Required
- Sec. 108-3-9. Procedure

**Sec. 108-3-1. Purpose and Intent**

~~The intent of this chapter is to encourage the creation and permanent protection of open space, to preserve the rural character and natural beauty of unincorporated Weber County, as called for by the county's general plans. It is not the intent of this chapter to create open space subdivisions with lots sprawled over large areas, or strung out along roadways.~~

The purpose of this chapter is to provide flexible development standards to landowners that are committed to developing safe, attractive, conservation oriented, neighborhoods that are thoughtfully designed and arranged in a manner that considers and gives deference to natural topography, environmentally sensitive areas, wildlife habitat, and/or agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by offering an inherent incentive, in the form of reduced infrastructure costs, and possibly, a substantial increase in residential density. It is equally intended to benefit the residents of Weber County by promoting public welfare through the reduction of long-term infrastructure maintenance costs and the permanent preservation of the County's functional open spaces, picturesque landscapes, and rural character.

**~~Sec. 108-3-2. General Regulations~~**

~~The planning commission may approve a reduction in the minimum lot area required for a lot in a subdivision provided the provisions of this chapter and title 106, the Weber County subdivision ordinance are met. A cluster subdivision shall meet the requirements of the Weber County Land Use~~

~~Code, and shall ensure proper use and maintenance of open space and open space facilities and shall result in a development superior to a conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.~~

### **Sec. 108-3-2. Approval Procedure (Moved up from Sec. 108-3-9)**

~~A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the planning commission and county commission before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed.~~

The cluster subdivision approval process shall consist of four phases which include a conceptual sketch plan endorsement from the appropriate township planning commission, a preliminary approval and a final approval from the appropriate township planning commission, and a final approval/acceptance by the Board of Weber County Commissioners. An application related to preliminary, final, and County Commission approval/acceptance shall meet all applicable standards including, but not limited to, those outlined in this chapter, Title 106 (Subdivisions), and others found within the Weber County Code. An application, related to a conceptual sketch plan endorsement, shall meet the standards and consist of the following as provided below:

1. Payment of a fee, as required by Title 16, Chapter 2 of the Weber County Code of Ordinances, and submittal of a complete Sketch Plan Endorsement Application at least 14 calendar days prior to the planning commission meeting at which the landowner and/or authorized representative wishes to be heard.
2. One (8.5"×11") vicinity map, underlain by an aerial photo, showing the subject property, surrounding streets, and relevant landmarks.
3. One (11"×17") conceptual plan that is drawn at a reasonable scale and, to the best of its ability, demonstrates compliance with all applicable codes. The plan shall include, but not be limited to, a north arrow and scale, subdivision boundary according to Weber County records, approximate location(s) of proposed streets, lots (with approximate area calculations), common areas and/or open space parcels (with approximate area calculations), easements, waterways, suspected wetlands, flood plain, existing structures, and contour lines. Information related to topography and contour lines may be submitted on a separate map. Contour information may not be required if the Planning Director determines that the subject property lacks topographic characteristics that warrant representation.
4. An electronic copy of all forms, documents, and information required above.

