



**REGULAR PLANNING BOARD MEETING AGENDA**

**January 25, 2011  
5:00 p.m.**

*Pledge of Allegiance  
Roll Call*

- 1. Minutes:**
  - 1-1.** Approval of the January 04, 2011 meeting minutes
- 2. Consent Calendar:**
  - 2-1. UVA 113010** Consideration and action on a request for Final Approval of the Argyle Acres Subdivision, 2 lots, located at approximately 7948 E 100 S (Dell and Sheila Argyle, Applicants)
  - 2-2. ZO 2010-12** Consideration and action on a recommendation to the County Commission on the definition of Complete Street
  - 2-3. CUP 2010-25** Consideration and action on a Conditional Use Permit for a night watchman's dwelling in the High Altitude Fitness Building at 4776 E 2600 N (Michael Greenwood, Applicant)
  - 2-4. CUP 2011-01** Consideration and action on a request for approval of a temporary park and ride lot in Eden to provide shuttle service to Powder Mountain Ski Resort located at approximately 2628 N Highway 162 (Powder Mountain Resort Management LLC)
- 3. Regular Agenda Items:**
  - Old Business
  - 3-2. CUP 2010-04** Consideration and action on a request for a Conditional Use Permit for a private heliport located at the Red Moose Lodge in Eden (Red Moose Lodge, Applicant; Ron Rueben, Agent)
  - New Business
  - 3-3. ZO 2010-15** Consideration and action on a recommendation to the County Commission on a request to amend the Weber County Zoning Ordinance by adding certain ancillary uses, under the overall term of "Agri-tourism," to the list of Conditional Uses found in Chapter 5B; Agricultural Valley-3 (AV-3) Zone (Patricia Dickens, Kelly Creek Farm, Applicant)
  - 3-4. CUP 2010-23** Consideration and action on a request for approval of a Conditional Use Permit to establish a location for a short term vendor located at 2612 N Highway 162, Eden (Pat Brennan, Applicant)
  - 3-5. DR 2010-09** Consideration and action on a request for Design Review approval of the Green Valley Academy a private Educational Institution located at approximately 9091 E 100 S on 8 acres (Green Valley Academy, Applicant; Jared Balmer, Agent)
  - 3-6.** Election of Chair and Vice Chair for 2011
  - 3-7.** Information Item - 2011 Meeting Schedule and Member Information List
  - 3-8.** Annual Consideration and action of Planning Commission Rules of Order

**4. Public Comments:**

**5. Planning Commissioner's Remarks:**

**6. Staff Communications:**

- 6-1.** Planning Director's Report
- 6-2.** Legal Counsel's Remarks

**7. Adjournment**

**NOTICE:** The Planning Commission members will have a field trip in lieu of the pre-meeting. The field trip will leave the Weber Center at **3:30 p.m.** and travel to the Ogden Valley. No decisions will be made during this trip.

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

*A field trip will be held in lieu of a pre-meeting (See NOTICE above).*



*In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for Final Approval of the Argyle Acres Subdivision (2 lot).

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Dell and Sheila Argyle

**File Number:** UVA 113010

#### Property Information

**Approximate Address:** 7948 East 100 South Huntsville, Utah

**Project Area:** 12.98 Acres

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

**Existing Land Use:** Agriculture

**Proposed Land Use:** Residential

**Parcel ID:** 21-007-0001

**Township, Range, Section:** T6N, R2E, Sections 7,8,17 and 18

#### Adjacent Land Use

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

#### Staff Information

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

**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Subdivision Ordinance
- Weber County Zoning Ordinance Chapter 5B (AV-3 Zone)

### Background

The applicant is requesting final approval of the Argyle Acres Subdivision located at 7948 East 100 South. The proposed project occupies 12.98 acres and consists of 2 lots. The subdivision lies within the Agricultural Valley - 3 (AV-3) Zone, which requires 3 acres per dwelling and a minimum lot width of 150 feet.

#### Lot Compliance to Applicable Ordinances:

This subdivision does comply with all requirements of the AV-3 zone by providing a minimum of 3 acres and 150 feet of frontage for each lot.

**Other Agency Comments and Recommendations:** Culinary Water will be provided by private wells for each lot. Waste water treatment will be provided by a private septic system.

### Summary of Planning Commission Considerations

Does this Subdivision meet the applicable County Ordinance requirements?

### Conformance to the General Plan

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

## Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Survey Department
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District

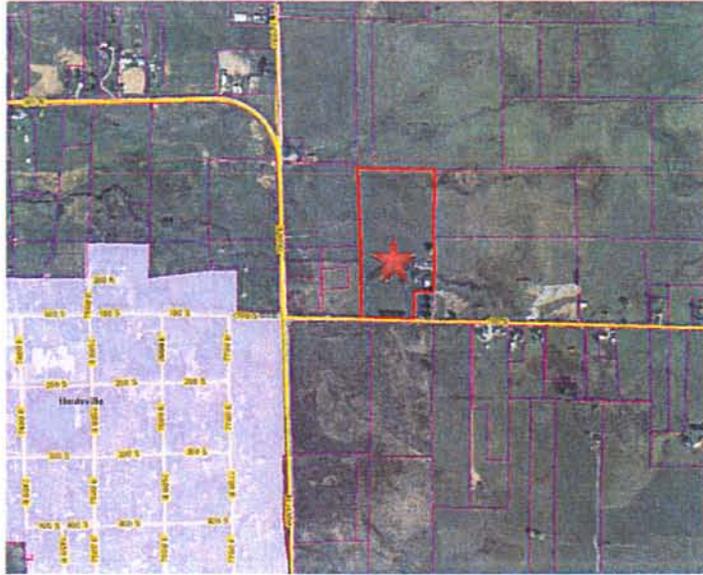
## Staff Recommendation

Staff recommends final approval subject to staff and other agency comments and recommendations.

## Exhibits

- A. Subdivision plat
- B. Review agency letters

Map 1



Map 2







# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

Zoning Ordinance Chapter 18-B

**Application Request:** Consideration and action on the definition of Complete Street.

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Delaney Stephens

**File Number:** ORD 12-10

### Land Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Commercial Valley Zones (CV-1 and CV-2)

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel Identification Number:** Not Applicable

**Township, Range, Section:** Not Applicable

### Staff Information

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

**Report Reviewer:** RS

### Adjacent Land Use

**North:** Not Applicable      **South:** Not Applicable

**East:** Not Applicable      **West:** Not Applicable

## Applicable Ordinance

Weber County Zoning Ordinance Chapter 18-B Commercial Valley Zones (CV-1 and CV-2)

## Background

The Planning Commission on December 7, 2010 recommended approval of the petition to allow a zero foot front yard setback in the Ogden Valley commercial zones, with the condition that a definition is added for "Complete Street". The Planning Commission requested the definition be presented for their approval. The definition and requirement for a Complete Street is to be added to Chapter 18-B Commercial Valley Zones Section **18-B4 Special Regulations** number 3 as follows: *A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.*

*A complete street design is required when the front yard setback is less than 20 feet, and may include a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the Planning Commission.*

## Summary of Planning Commission Considerations

Do the changes that have been proposed make sense?

## Conformance to the General Plan

Not applicable

## Conditions of Approval

Not applicable

## Staff Recommendation

Staff recommendation is to add the definition and requirement for a Complete Street to Chapter 18-B Commercial Valley Zones Section **18-B4 Special Regulations** number 3 as stated below.

## Proposed Changes

### 18B-2. Site Development Standards

	<u>CV-1</u>	<u>CV-2</u>
1. Minimum Lot Area	none	none
2. Minimum Lot Width	none	none
3. Minimum Yard Setbacks		
a. Front	<u>20 ft. unless the requirements listed in (B-4) Special Regulations number 3 are met.</u> <del>on streets of less than 80 ft. in width;</del>	
b. Side	50 ft. <del>on streets and highways of 80 ft. or more in width-</del> None, except 10 feet adjacent to residential zone boundary	
c. Side facing street on corner lot	20 feet <u>unless the requirements listed in (B-4) Special Regulations number 3 are met.</u> <del>20 feet</del>	
d. Rear	None, except 10 feet where building rears on a residential zone	
4. Building Height		
a. Minimum	one story	one story
b. Maximum	35 feet	Conditional Use required if over 35 feet
5. Maximum Lot Coverage	Not over 60% of lot area by buildings or accessory buildings	

### 18-B4. Special Regulations

1. Hereinafter specified Permitted and Conditional uses shall be allowed only when the following conditions are complied with:
  - A. All uses shall be free from excessive odor, dust, smoke, or noise.
  - B. In the CV-1 (neighborhood) Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.
2. A car wash shall be permitted subject to the following restrictions:
  - A. Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1 Zones only.
  - B. There shall not be more than four washing bays for a manual spray car wash in CV-1 Zones only.
  - C. Off-street vehicle storage required as follows:
    1. One bay car wash, four spaces in the approach lane
    2. Two bay car wash, three spaces in the approach lane for each wash bay
    3. Three or more bay car wash, two spaces in the approach lane for each wash bay
3. A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.  
A complete street design is required when the front yard setback is less than 20 feet, and may include a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the Planning Commission.



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a Conditional Use Permit for a night watchman's dwelling in the High Altitude Fitness building

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Michael Greenwood

**File Number:** CUP 2010-25

### Property Information

**Approximate Address:** 4776 East 2600 North

**Project Area:** 1.97 acres

**Zoning:** Ogden Valley Manufacturing Zone (MV-1)

**Existing Land Use:** High Altitude Fitness building

**Proposed Land Use:** Night watchman's dwelling in High Altitude Fitness building

**Parcel ID:** 22-159-0004

**Township, Range, Section:** T7N, R1E, Section 34

### Adjacent Land Use

<b>North:</b>	Commercial/Industrial	<b>South:</b>	Agriculture
<b>East:</b>	Commercial/Industrial	<b>West:</b>	Agriculture

### Staff Information

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

**Report Reviewer:** JG

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 21B (MV-1 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)

## Background

The applicant is requesting approval of a conditional use permit to allow a night watchman's dwelling in the High Altitude Fitness building. The MV-1 Zone allows a "dwelling unit for proprietor or employee who also serves as night watchman and his/her immediate family," as a conditional use. The owner of High Altitude Fitness and his family will occupy the second floor of the existing building. A building permit is required for any remodeling that is done for the living area.

This building was previously owned by In Hot Water Heating and Power and the associated site and landscaping plans were previously approved. However, the MV-1 Zone requires an additional 3,000 square feet of "landscaped area" for the residential use. The western portion of this lot already has existing natural landscaping which easily meets and exceeds the 3,000 square foot requirement (see Map 1). With the addition of the natural landscaping to the site plan, the requirements of the MV-1 Zone have been met. The Weber County Engineering Division is requiring the restoration of the existing detention/retention pond to its original condition.

## Summary of Planning Commission Considerations

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

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

## 22C-4. Criteria for Issuance of Conditional Use Permit

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

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

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

1. The addition of a family living in the High Altitude Fitness building for night security purposes does not require the imposition of any conditions to mitigate potential detrimental effects. There will not be a noticeable increase in traffic or any negative impacts from light, noise, dust, etc.
2. The MV-1 Zone allows a night watchman's dwelling as a conditional use. The site has natural landscaping to meet the requirement for 3,000 square feet of additional landscaping for the residential use. There are no exterior changes to the building or modifications to the landscaping or site plans. The criteria for this use have been met.

### Conformance to the General Plan

The goals and policies of the Ogden Valley General Plan discuss the establishment of commercial businesses in appropriate areas, but not the addition of night watchman dwellings in commercial businesses. This use does not negatively impact any of the goals and policies of the General Plan.

### Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- At least 3,000 square feet of natural landscaping is retained for the residential use

### Staff Recommendation

Staff recommends approval of a night watchman's dwelling for High Altitude Fitness, subject to review agency requirements, based on the following:

- The proposed use is allowed in the MV-1 Zone
- The requirements of the MV-1 Zone have been met
- The criteria for issuance of a Conditional Use Permit have been met

### Exhibits

- A. Applicant's response to criteria
- B. Applicant's proposal regarding additional landscaping
- C. Review agency responses
- D. Site plan
- E. Architectural drawing for second floor residence

Map 1



Map 2



# Exhibit A

## Weber County Conditional Use Permit Application

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

Date Submitted / Completed 12/28/10	Fees (Office Use) \$225. <sup>00</sup>	Receipt Number (Office Use) 20287	File Number (Office Use) CUP2010-25
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### Property Owner Contact Information

Name of Property Owner(s) Michael (Mike) Greenwood		Mailing Address of Property Owner(s) Mike Greenwood 3785 Harrison Blvd. #4 Ogden, UT 84403	
Phone (801) 473-3333	Fax (801) 778-0080		
Email Address 		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

### Authorized Representative Contact Information

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

### Property Information

Project Name High Altitude Fitness	Total Acreage 1.9 Ac.	Current Zoning MV-1
Approximate Address 4776 E 2600 No. Eden, UT <del>8440</del> 84310	Land Serial Number(s) 22-159-0004	

Proposed Use: ~~Add~~ 2 Owner to move into Bldg. w/ Family - an allowed Cond. use in MV-1

**Project Narrative**

The High Altitude Fitness Gym has been located in its current location for about the last yr. We have had notes from the sheriff about locking the doors due to burglaries in the area - we have brass railings that could be taken. Also, we have decided that living on site should improve the up keep of the gym and improve the services to the public by having on site management to answer questions, teach classes and give tours/sign ups to prospective new members. The gym needs this onsite mgmt. to ~~improve~~ improve our services as several members have pointed out in various ways. Onsite mgmt. is a conditional use in the MV-1.

### Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Overall N/A - Will provide security & improved management @ the gym

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

No external changes nor zoning changes are being requested. Only to live in the building that is already built w/ a 2 bedroom Apt. upstairs. Request that natural landscape on the non-used 1.9 AC be accepted in stead of the 3000 sq. feet of Landscape - we have lived on a farm the last 2 yrs. & are comfortable w/ natural landscape

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

Proprietor & immed. family are allowed as a conditional use.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

Yes, we are only applying to live on site & the Building already has a 2 Bd. Apt in it. No external changes are being made to the Bldg.

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

Proposed use will improve the safety of members as well as improve the services that the gym has to offer

**Property Owner Affidavit**

I (We), Michael Greenwood, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Michael Greenwood  
(Property Owner)

KCS  
(Property Owner)

Subscribed and sworn to me this 28 day of Dec, 20 10.



Kary C Serrano  
(Notary)

**Authorized Representative Affidavit**

I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)

# Exhibit B

Wilkinson, Sean

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**From:** Gentry, Jimmy K.  
**Sent:** Thursday, December 30, 2010 8:26 AM  
**To:** Wilkinson, Sean  
**Subject:** FW: Mike Greenwood conditional use permit

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**From:** MICHAEL GREENWOOD [mailto:[arcphysicaltherapy@msn.com](mailto:arcphysicaltherapy@msn.com)]  
**Sent:** Wednesday, December 29, 2010 7:14 PM  
**To:** Gentry, Jimmy K.  
**Subject:** Mike Greenwood conditional use permit

Hello Jim,

Thank you for meeting with me today. This e-mail is to explain why I would like to keep a natural landscape at the 4776 East 2600 North building in Eden and not have to plant 3000 sq. feet of grass as the conditional use application requests for onsite management.

- 1) the only area left to land scape is the back of the building (mostly west facing) and a little to the south. Both of these sides are up against other property that is in a natural state so the look is consistent.
- 2) My family lives on property with natural landscape now and we all enjoy it and are use to playing in it. 3000 square feet of grass would not enhance my families experience/lifestyle...other than to let my kids learn to mow lawns more.
- 3) The existing landscape has a stone picnic table built in on the north side of the building. If needed this would be a good area for my family to eat outside on occasion.
- 4) Our secondary water pressure is very low and I doubt that it would do a good job watering the extra landscape. Last summer (2010) I had to hand water all of the existing landscape with culinary water for several summer months to keep it alive. Watering 3000 extra feet would be cumbersome and use up extra water without much benefit to my family.

In conclusion, my family is use to natural landscaping and adding 3000 sq. ft. of grass would burden our water use, not significantly improve the looks or function of the building and likely never be used as intended for family use.

Please let me know if you have any questions and again, thank you,

Mike Greenwood  
801 473-3333



PUBLIC WORKS /ENGINEERING  
(801) 399-8374  
FAX: (801) 399-8862  
*Curtis Christensen, P.E.*  
County Engineer

January 03, 2011

Sean Wilkinson  
Weber County Planning Dept.  
2380 Washington Blvd. Ste. 240  
Ogden, Utah 84401-3113

RE: High Altitude Fitness January 2011

Mr. Wilkinson,

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): **Written responses to the following comments are required.**

1. The only concern from the Engineering Dept. would be to insure that the detention/retention basin is still in the same condition or better than it was when the original site plan was approved. This would include proper capacity of the pond for the site and that the outlet structure is in with the proper orifice and emergency overflow. It is tough to see what state the pond is in currently with all the snow on the ground, but it does not appear to meet what is shown in the site plan submitted.

I have tried to address all items of concern from the engineering department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer  
Weber County Engineering Dept.  
Phone: (801) 399-8004  
e-mail: cmeyerho@co.weber.ut.us



Weber County Planning Division

AGENCY REVIEW  
OF A CONDITIONAL USE PERMIT

1. Agency Weber County Building Inspection Date December 29, 2010

2. Agency Address \_\_\_\_\_

3. Checked by: Craig Browne Position \_\_\_\_\_

4. Under existing conditions, the development of this subdivision:

- Is feasible as shown
- Is not feasible
- Is feasible with requirements shown on returned plan

5. Comments: \_\_\_\_\_

Project Name & Address: <u>HIGH ALTITUDE FITNESS, 4776 E 2600 N, EDEN UT 84310</u>	
Developer's Name & Address <u>MIKE GREENWOOD, 3785 HARRISON BLVD #4, OGDEN UT 84403</u>	
Phone: <u>(801) 473-3333</u>	Property I.D.: <u># 22-159-0004</u>

Please review the attached proposed subdivision plan for:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>___ Future development of the area</li> <li>___ Dedication of streets legal description, Property ownership</li> <li>___ Availability of culinary water system</li> <li>___ Availability of secondary water</li> <li>___ Water Source (Well)</li> <li>___ Septic system approval</li> <li>___ Other</li> </ul> | <ul style="list-style-type: none"> <li>___ Fire hydrant locations (existing and proposed)</li> <li>___ Future school requirements</li> <li>___ Engineering related special problems</li> <li>___ Availability of utility and right-of-ways</li> <li>___ Soils Information (S.C.S)</li> <li>___ Sewer District Approval</li> </ul> |
|---|---|

--Please respond to this review request by returning this form and the attached plan within 5 days to:

*Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473*

--If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You, KARY SERRANO



Weber County Planning Division

AGENCY REVIEW OF A CONDITIONAL USE PERMIT

1. Agency Weber County Health Department Date December 29, 2010

2. Agency Address \_\_\_\_\_

3. Checked by: Brian or Michelle Position \_\_\_\_\_

4. Under existing conditions, the development of this subdivision:

- Is feasible as shown Is not feasible Is feasible with requirements shown on returned plan

5. Comments: \_\_\_\_\_

Project Name & Address: HIGH ALTITUDE FITNESS, 4776 E 2600 N, EDEN UT 84310

Developer's Name & Address MIKE GREENWOOD, 3785 HARRISON BLVD #4, OGDEN UT 84403

Phone: (801) 473-3333

Property I.D.: # 22-159-0004

Please review the attached proposed subdivision plan for:

- Future development of the area Fire hydrant locations (existing and proposed)
Dedication of streets legal description, Property ownership Future school requirements
Availability of culinary water system Engineering related special problems
Availability of secondary water Availability of utility and right-of-ways
Water Source (Well) Soils Information (S.C.S)
Septic system approval Sewer District Approval
Other

Handwritten notes: Unknown, Evaluation completed 1-11-2011, OK, RE

--Please respond to this review request by returning this form and the attached plan within 5 days to:

Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473

--If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You, KARY SERRANO



Weber County Planning Division

AGENCY REVIEW  
OF A CONDITIONAL USE PERMIT

1. Agency Weber County Fire Department Date December 29, 2010

2. Agency Address \_\_\_\_\_

3. Checked by: Ted Black Position \_\_\_\_\_

4. Under existing conditions, the development of this subdivision:

- Is feasible as shown
- Is not feasible
- Is feasible with requirements shown on returned plan

5. Comments: No FEE

Project Name & Address: <u>HIGH ALTITUDE FITNESS, 4776 E 2600 N, EDEN UT 84310</u>	
Developer's Name & Address <u>MIKE GREENWOOD, 3785 HARRISON BLVD #4, OGDEN UT 84403</u>	
Phone: <u>(801) 473-3333</u>	Property I.D.: <u># 22-159-0004</u>

Please review the attached proposed subdivision plan for:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>___ Future development of the area</li> <li>___ Dedication of streets legal description, Property ownership</li> <li>___ Availability of culinary water system</li> <li>___ Availability of secondary water</li> <li>___ Water Source (Well)</li> <li>___ Septic system approval</li> <li>___ Other</li> </ul> | <ul style="list-style-type: none"> <li>___ Fire hydrant locations (existing and proposed)</li> <li>___ Future school requirements</li> <li>___ Engineering related special problems</li> <li>___ Availability of utility and right-of-ways</li> <li>___ Soils Information (S.C.S)</li> <li>___ Sewer District Approval</li> </ul> |
|---|---|

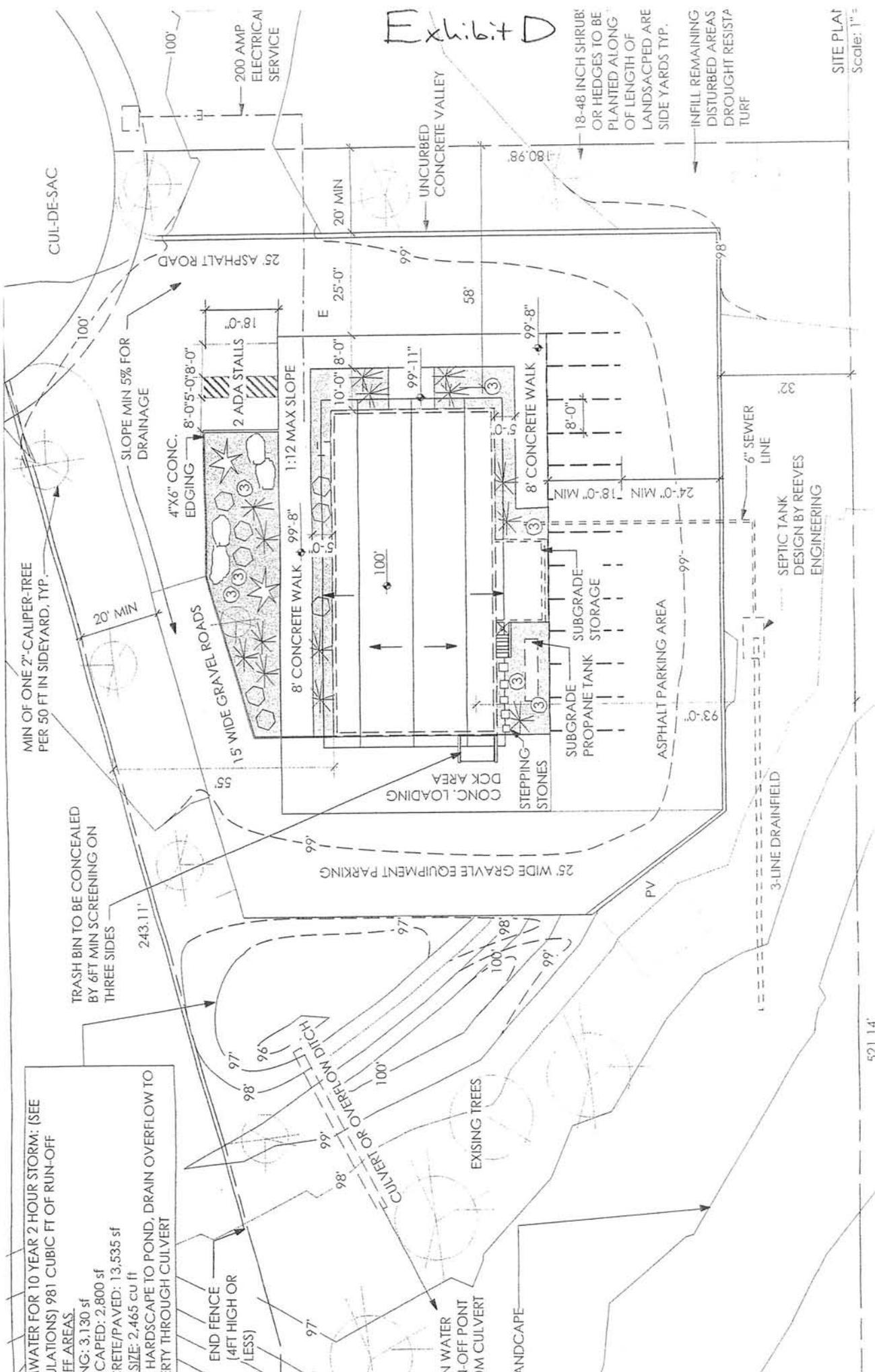
--Please respond to this review request by returning this form and the attached plan within 5 days to:

*Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473*

--If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You: KARY SERRANO

# Exhibit D



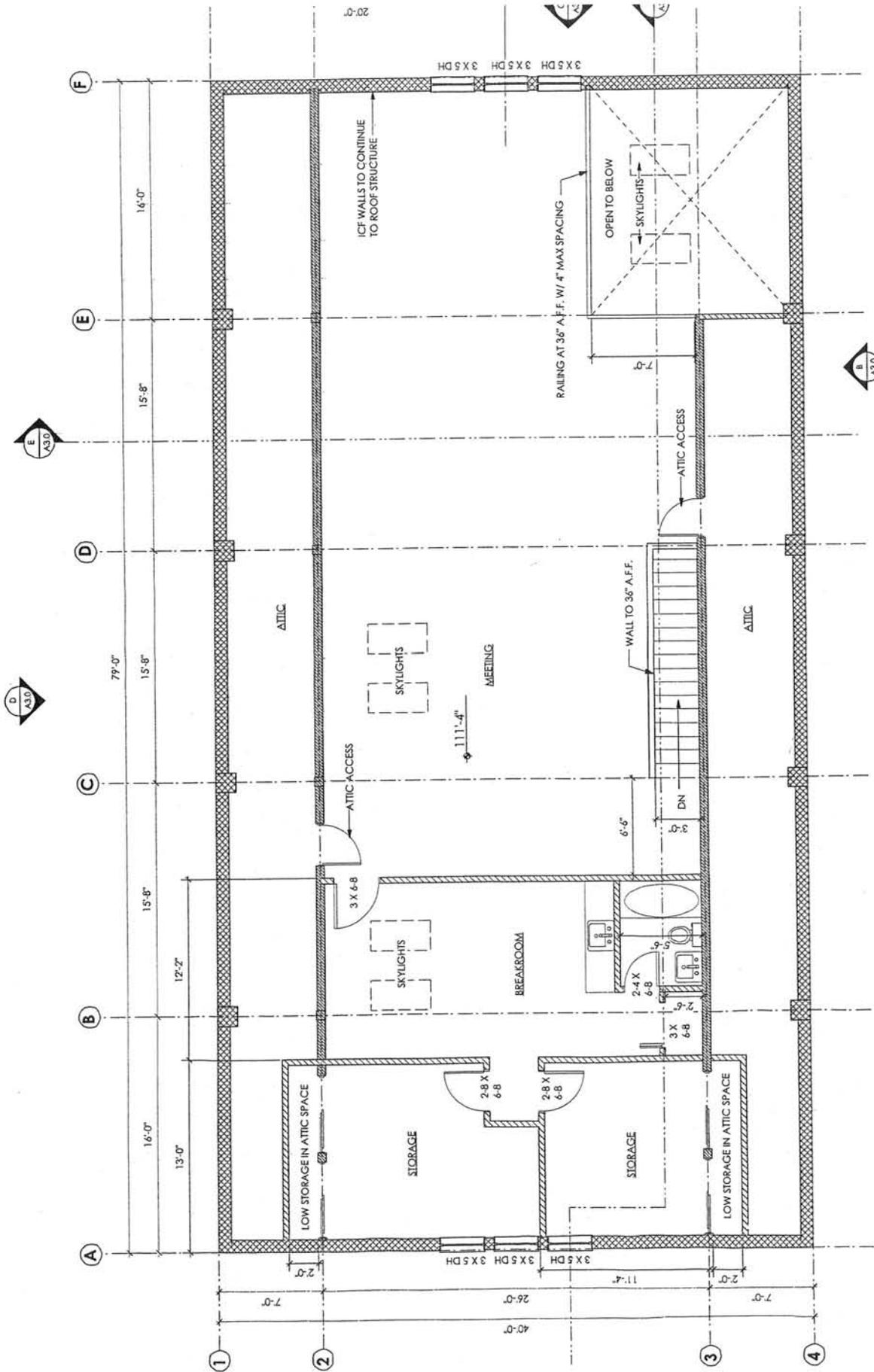
SITE PLAN  
Scale: 1" = 10'

WATER FOR 10 YEAR 2 HOUR STORM: (SEE  
CALCULATIONS) 981 CUBIC FT OF RUN-OFF  
IN THESE AREAS.  
VOLUME: 3,130 sf  
SCAPED: 2,800 sf  
CRETE/PAVED: 13,535 sf  
SIZE: 2,465 cu ft  
HARDSCAPE TO POND, DRAIN OVERFLOW TO  
ERTY THROUGH CULVERT

SEPTIC TANK  
DESIGN BY REEVES  
ENGINEERING

521 14'

# Exhibit E



1 FLOOR PLAN  
Scale: 1/4" = 1'-0"

A2



and ride lots, etc.” The Weber County Zoning Ordinance defines “Temporary Use” as “A prospective use, not to exceed 6 months, and not continuing a nonconforming use or building.” Powder Mountain currently has a lease on the park and ride lot for the 2010-2011 ski season, which runs from November 15, 2010 to April 15, 2011 (5 months).

If the park and ride lot was intended for year round use, it would require hard surface paving and appropriate landscaping. As a temporary use, compacted gravel and road base satisfy the ordinance requirement. The Weber County Engineering Division agrees that the proposed lot surface design is adequate, but a grading and drainage plan is required. The park and ride operation must be discontinued after April 15, 2011, including removal of the signs and restoration of the parking surface to prevent potential dust problems when the lot is not in use.

When the park and ride was discussed in 2009 and 2010 the Planning Commission asked Powder Mountain to start planning for a future permanent location. Powder Mountain has stated that they are still in discussion with UDOT about a park and ride location on Powder Mountain Road at Mile Marker 7.

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

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

In order for a conditional use permit to be approved it must meet the requirements listed under “Criteria for Issuance of Conditional Use Permit.” The Planning Commission needs to determine if the park and ride lot meets these requirements.

#### **22C-4. Criteria for Issuance of Conditional Use Permit**

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

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

The applicant has provided a response to the criteria which is attached as Exhibit B.

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

1. Compliance with the parking surface design standards will mitigate and reduce the potential for tracking mud onto the highway and for dust when the lot is not being used. There are no other detrimental effects that have been observed in the previous two years of operation. Powder Mountain has reported that approximately 30,000 customers and 30-40% of employees used the shuttle service last year, which helped to reduce traffic on Powder Mountain Road.
2. The CV-2 Zone allows a parking lot as a conditional use. A pending amendment to Chapter 24 (Parking Regulations) allows temporary park and ride lots to be exempt from hard surface paving requirements. The criteria for this use have been met. However, the Planning Commission can ask Powder Mountain to continue working on a permanent location for the lot.

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

The proposed use conforms to the General Plan by promoting safety and a reduction in traffic on roads, promoting safe and responsible recreation conduct in the Valley, and working to ensure that recreational activities do not harm the natural resources within the Valley.

### **Conditions of Approval**

- Improving the parking surface to meet the design standards
- Requirements of the Weber County Engineering Division

## Staff Recommendation

Staff recommends approval of the temporary park and ride lot for Powder Mountain Ski Resort through the 2012-2013 ski season. This recommendation includes a progress report from Powder Mountain in October 2011 regarding a permanent park and ride location and the condition of the parking surface relative to the design standards. The Conditional Use Permit will be reviewed by staff in October 2013 to determine if the approval should be renewed for an additional time period.

## Exhibits

- A. Site plan information
- B. Applicant's narrative
- C. Weber County Engineering Division response

## Map 1



# Exhibit A

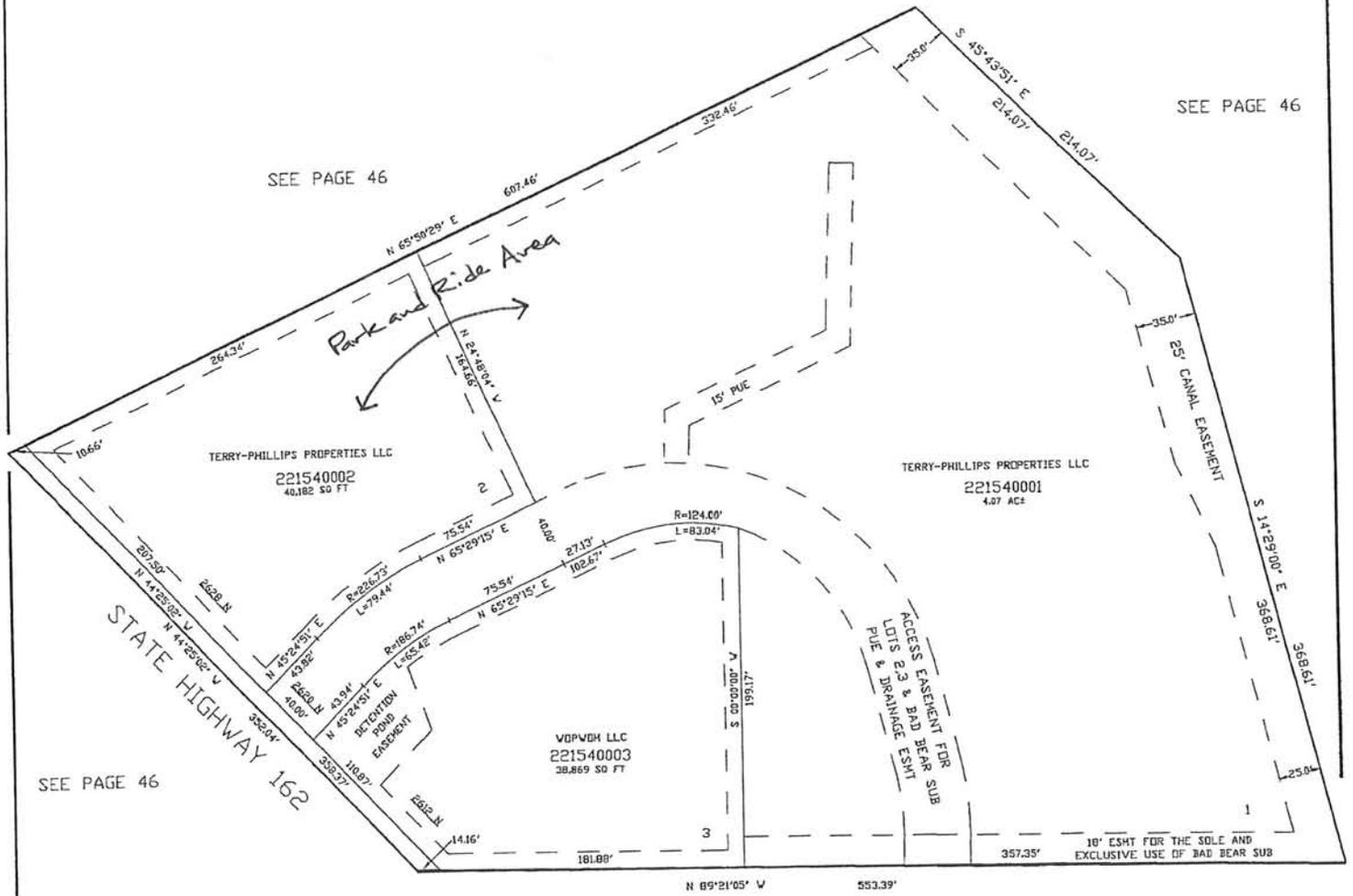
154

PART OF THE N.W. 1/4 OF SECTION 34, T.7N., R. 1E., S.L.B. & M.  
**LITTLE BEAR SUBDIVISION**

IN WEBER COUNTY

SCALE 1" = 50'

TAXING UNIT: 317



SEE PAGE 46

SEE PAGE 46

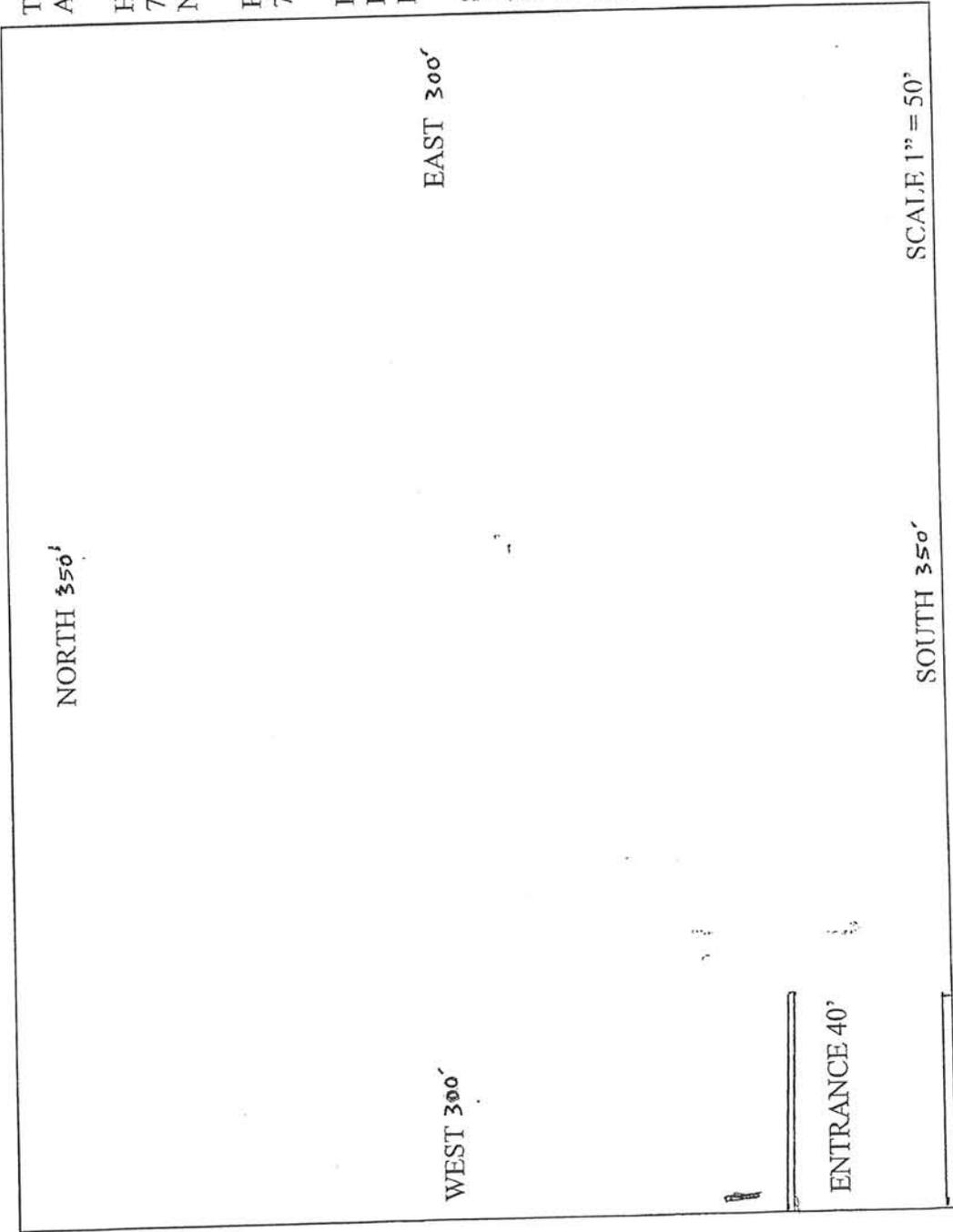
SEE PAGE 46

SEE PAGE 46

10' UTILITY & DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES AS INDICATED BY DASHED LINES EXCEPT AS OTHERWISE SHOWN.

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 50, PAGE 4 OF RECORDS.

POWDER MOUNTAIN PARK AND RIDE LOT  
 OWNER: TERY-PHILLIPS PROPERTIES LLC PO BOX 42 MORGAN UTAH 84050  
 LESSEE: POWDER MOUNTAIN RESORT MANAGEMENT LLC PO BOX 450 EDEN UTAH 84310  
 PARKING LOT WITH A 200 CAR CAPACITY WHOSE MAIN PURPOSE IS TO PROVIDE POWDER MOUNTAIN GUESTS AND  
 EMPLOYEES FREE SHUTTLE SERVICE TO AND FROM THE RESORT CENTER REDUCING TRAFFIC ON HIGHWAY 158 .  
 LOT WILL BE BUILT WITH 3" MINUS GRAVEL 5" DEEP TOPPED WITH ROAD BASE THEN ROLLED AND PACKED



TOTAL PARCEL AREA  
 APPROX 100,000 SQ. FEET

HOURS OF OPERATION  
 7:30 AM TO 9:30 PM DAILY  
 Nov.15 - April 15

PARKING ATTENDANT  
 7:00 AM TO 3:00 PM DAILY

LIGHTING: NONE  
 LANDSCAPING: NONE  
 BUILDINGS: NONE

SIGNAGE: ONE UDOT  
 APPROVED PARK AND RIDE  
 SIGN, ONE 3' X 6' POWDER  
 MOUNTAIN SHUTTLE SIGN,  
 AND ONE 2' X 3'  
 INFORMATIONAL SIGN

SCALE 1" = 50'

SOUTH 350'

EAST 300'

NORTH 350'

WEST 300'

ENTRANCE 40'

HIGHWAY 162

Information Sign  
2' W x 3' H with Milled Timber Post



# Powder Mountain

## FREE SHUTTLE TIMES

**7:30 AM**

**8:00 AM**

**9:00 AM**

**9:30 AM**

**12:00 PM**

**3:00 PM**

**4:00 PM**

**5:00 PM**

**9:30 PM**

ENTRANCE SIGN  
6' W X 4' H MONUMENT SIGN WITH 6' MILLED TIMBER FRAME



**Powder Mountain**

**SHUTTLE PARKING LOT**

# Shuttle Service



## Powder Mountain

Powder Mountain shuttle service **from Eden** is \$2 round trip for individuals. Please contact our group sales department for reservations if you have a group of 20 or more. Please use the Powder Mountain shuttle parking lot unless you are a guest at one of the following lodging establishments that are on our route:

**Red Moose Lodge  
Moose Hollow  
Wolf Lodge  
WorldMark by Wyndham**

### **EDEN PARKING LOT AND LODGING DEPARTURES**

8:00 AM  
9:00 AM  
12:30 PM  
3:30 PM  
4:30 PM  
5:30 PM

### **POWDER MOUNTAIN RESORT DEPARTURES**

Noon  
3:00 PM  
4:15 PM  
5:00 PM  
9:30 PM

*\*Times may vary due to weather and road conditions.*

The shuttle lot is north of Valley Market. If you are coming from Pineview Dam, turn left at the four-way stop between the Valley Market and the Maverick. The parking lot is 1/8 of mile on your right.

AIRPORT SHUTTLE SERVICE  
801-745-3772 Ext 130 or [shuttle@powdermountain.com](mailto:shuttle@powdermountain.com)

Please visit [www.Powdermountain.Com](http://www.Powdermountain.Com) for more info

## Exhibit B

Basis for renewal of Temporary Use Permit for Powder Mountain Park and Ride Lot.

1. This is the third year for the Powder Mtn Park & Ride lot. Over the last two years we have been able to provide shuttle service to approx. 25,000 customers the first year and in our second year 30,000 customers. This year the shuttle service will have a small fee associated with it. We will be charging \$2 roundtrip.
2. The park & ride lot continues to be an asset to the resort and we feel to the community. 30-40% of Powder Mtn employees used the lot on a daily basis. We have had no complaints, reports of accidents, theft, and or vandalism. Powder Mountain provides a parking lot attendant, to help with security and parking.
3. Powder Mountain has had the lot graded to ensure that the parking area is flat, is easily plowed and that no debris from the lot would be carried over onto the state hwy.
4. Powder Mountain has secured a one year lease with the property owner and has the option to renew the lease at the end of the 2010-2011 ski season. We have been in discussion with UDOT to provide a permanent location for the park & ride. We are still in discussion with them regarding the possibility of a permanent park & ride lot at mile marker 7 on hwy 158. We hope to be able to further our discussions as the master plan for the resort continues.
5. We are open to discussions with Ogden city as well as property owners at the mouth of Ogden canyon to provide a park & ride lot in the Ogden area.

## Basis for issuance of conditional use permit answers

1. The proposed park and ride lot will reduce traffic on Highway 158 leading to Powder Mountain by up to 200 vehicles per day.
2. This reduction in traffic will make the resort access road and the residential areas adjacent to the highway safer and quieter.
3. The seasonal lot will have visually appealing signage, properly compacted gravel and road base surface.
4. The park and ride lot will set a precedent for free public transportation in Ogden Valley and Weber County. Success of this project will lead to other public transportation options such as a park and ride lot at the base of Ogden Canyon involving all three of the local resorts.
5. The average new vehicle in the United States gets 20 MPG and emits approximately 19.5 pounds of carbon monoxide per gallon of fuel burned. When the lot is fully utilized, eliminating 200 cars from the 8-mile stretch of Highway 158 will save approximately 160 gallons of fuel and eliminate over 1,500 pounds of CO<sub>2</sub> emissions per day. Over the course of the ski season, this project will save thousands of gallons of fuel and eliminate tens of thousands of pounds of CO<sub>2</sub> emissions.

Exhibit C



PUBLIC WORKS /ENGINEERING  
(801) 399-8374  
FAX: (801) 399-8862  
Curtis Christensen, P.E.  
County Engineer

January 06, 2011

Sean Wilkinson  
Weber County Planning Dept.  
2380 Washington Blvd. Ste. 240  
Ogden, Utah 84401-3113

RE: Powder Mountain Park & Ride January 2011

Mr. Wilkinson,

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): **Written responses to the following comments are required.**

1. We need to see a grading and drainage plan, showing where the storm water is going with the proper detention or retention.
2. All signs should be replaced outside the Right of Way, or an excavation permit is required for placement within the Right of Way.
3. The plat shows an access easement for these lots. We would like to see only the one access onto the HWY 162 from this subdivision. If the access to this lot is not in this location then in the future when the area develops we will want to see it located at this access point.

I have tried to address all items of concern from the engineering department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer  
Weber County Engineering Dept.  
Phone: (801) 399-8004  
e-mail: cmeyerho@co.weber.ut.us



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for approval of CUP 2010-04 for a private heliport located at the Red Moose Lodge in Eden.

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Ron Rueben (Red Moose Lodge Owner)

**File Number:** CUP 2010-04

#### Property Information

**Approximate Address:** 2547 North Valley Junction Drive

**Project Area:** 4.39 acres

**Zoning:** Commercial Valley Zone (CV-2)

**Existing Land Use:** Red Moose Lodge

**Proposed Land Use:** Private heliport at the Red Moose Lodge

**Parcel ID:** 22-158-0011

**Township, Range, Section:** T7N, R1E, NW ¼ of Section 34

#### Adjacent Land Use

<b>North:</b> Commercial	<b>South:</b> Agricultural
<b>East:</b> Commercial	<b>West:</b> Manufacturing

#### Staff Information

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

**Report Reviewer:** SW

### Applicable Ordinances

- Zoning Ordinance Chapter 18B Commercial Valley Zone (CV-2)
- Zoning Ordinance Chapter 18C Ogden Valley Architectural, Landscape and Screening Standards
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 36 Design Review

### Background

The Red Moose Lodge in conjunction with Diamond Peaks Heli Ski Adventures, are requesting approval of a private heliport located at the Red Moose Lodge. The proposed use is located in a CV-2 Zone, which lists "heliport" as a conditional use. The proposed heliport location is on the southeast side of the Red Moose Lodge, on a concrete pad that was once a basketball court. The basketball standards have been removed and there are no other obstructions in the area. The CV-2 Zone requires a 20 foot front yard setback, and the landing area on the concrete pad meets the setback requirement. However, Valley Junction Drive is located within 30 feet of the heliport landing area, and it must be assured that the flights do not block, render unsafe, or otherwise disturb the right-of-way and pedestrian or vehicular traffic traveling thereon. The Red Moose Lodge already has an approved site plan with adequate landscaping and parking to meet the requirements of the Zoning Ordinance. No additional signs or lighting are being proposed for the Red Moose Lodge or the heliport area.

The Ogden Valley Planning Commission first reviewed this application On February 23, 2010. After reviewing the criteria listed as "the basis of issuance for a conditional use permit" (see Exhibit A Page 3) the Planning Commission tabled the application to allow the applicant time to provide additional information on the following issues:

1. Refueling on the public road.
2. Comments from the Division of Wildlife Resources (DWR) regarding wildlife impacts.
3. Evaluating flight paths for wildlife, safety, and noise.
4. The effect of week-long flight operations (instead of once or twice a week).

On April 20, 2010, staff wrote a memo (Exhibit C) to provide the Planning Commission with updated information regarding the four issues. A summary of the memo is provided below:

1. The refueling operations no longer take place from the public road. All refueling is now conducted on private property. Appropriate safety regulations are required for refueling operations.
2. Staff has sent appropriate application information to the State Resource Development Coordinating Committee (RDCC). The RDCC passes the information to various state agencies (including the DWR) for review and response. Any responses are then sent from the RDCC back to staff. No responses have been received.
3. Staff has discussed alternate flight paths with the applicant, but nothing has been officially proposed. In addition to alternate flight paths, the applicant has discussed other locations for a heliport in the Ogden Valley.
4. This item has not yet been addressed by the applicant.

The applicant has now submitted additional information (Exhibit D), which is intended to address the four issues listed previously. The applicant has also requested to be placed back on the Planning Commission agenda. Staff has reviewed this information and has the following comments for each of the four issues:

1. The refueling operation is now conducted on private property at the Red Moose Lodge. The fuel truck is stored in the parking lot and driven to the refueling location when it is needed. Appropriate safety regulations are in place. Staff believes that this issue has been adequately addressed.
2. Staff sent this application for review to the RDCC (Exhibit F) on March 29, 2010. The RDCC did not receive responses from the DWR or any other state agencies regarding this application. The applicant has provided staff with information on how the DWR uses helicopters in managing, studying, and counting wildlife, but the information is not specific to Ogden Valley. It is difficult for staff to determine wildlife impacts when there is no response from the DWR.
3. The procedure manual provided by the applicant leaves the flight path open to the discretion of the pilot. The applicant has changed the approach and takeoff zones from their original locations, but inevitably, the flight path still affects homes. However, the applicant believes that the current flight path has the least impact on homes. As mentioned above, the flight path impacts on wildlife cannot be determined by staff without input from the DWR. Other areas for takeoffs and landings have been discussed, but no official plans have been submitted. The only zone currently allowing heliports is the CV-2 Zone.
4. The applicant has not provided staff with additional information addressing the impacts of operating on multiple days every week. One way for the Planning Commission to address this issue is to restrict the number of flights per day or per week to a number that mitigates the issues associated with noise. This could be done as a condition of approval to mitigate the detrimental effects of sustained noise.

### Summary of Planning Commission Considerations

- Has the applicant provided adequate information to address the Planning Commission's four issues?
- Does the proposed use (heliport) meet the requirements of applicable County Ordinances?

Previous Considerations:

- Has the applicant provided an adequate plan for noise mitigation, and if not, what else should be considered?
- Are the proposed safety and site plan standards for the heliport operation adequate?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

### Conformance to the General Plan

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of

resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is another option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

### **Conditions of Approval**

Previous conditions of approval:

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- The heliport is used by Diamond Peaks and appropriate medical, government, or other emergency helicopters only
- Other conditions deemed necessary by the Planning Commission

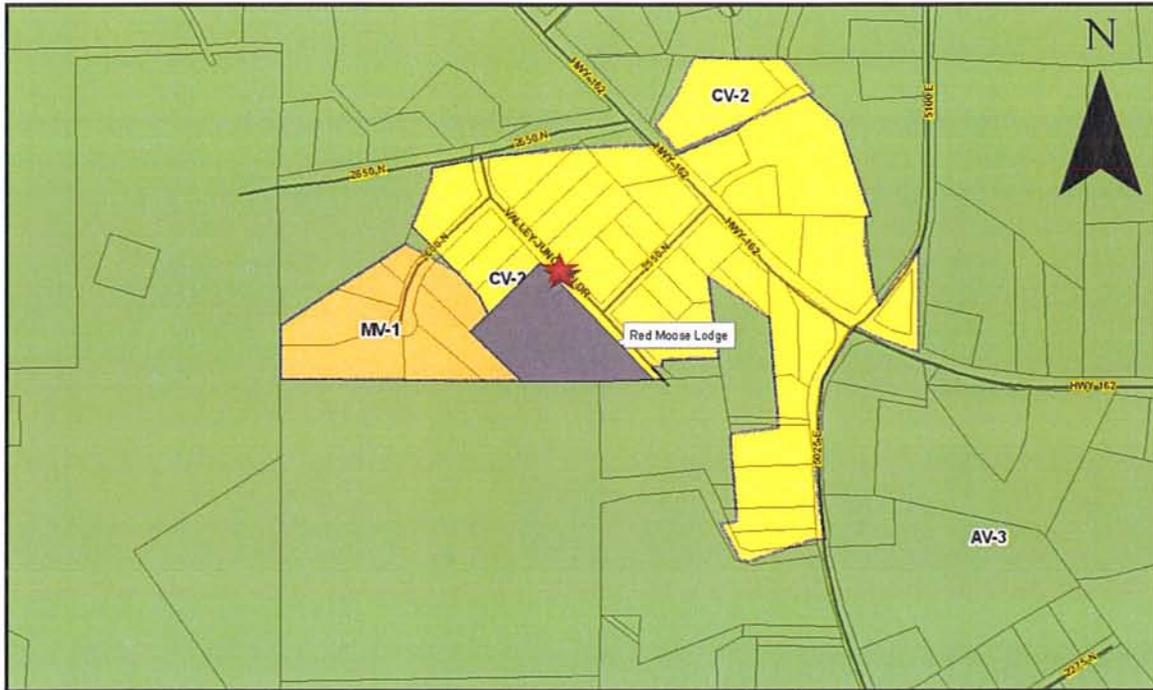
### **Staff Recommendation**

The Planning Commission needs to determine if the applicant has provided sufficient information to address the four issues raised by the Planning Commission in February 2010. If the Planning Commission determines that the issues have been adequately addressed, then approval should be granted with appropriate conditions. If the Planning Commission determines that the issues have not been adequately addressed, then approval should be denied.

### **Exhibits**

- A. Staff report from 2-23-2010
- B. Exhibits from 2-23-2010 staff report
- C. Memo from 4-20-2010
- D. Comments from the applicant
- E. Flight operations manual
- F. Materials sent in to the RDCC for review

Map 1



Map 2





# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Approval of CUP 2010-04 for a private heliport located at the Red Moose Lodge in Eden  
**Agenda Date:** Tuesday, February 23, 2010  
**Applicant:** Eric Householder for RLR Properties LLC / JCA Properties LLC  
**File Number:** CUP 2010-04

### Land Information

**Approximate Address:** 2547 North Valley Junction Drive  
**Project Area:** 4.39 Acres  
**Zoning:** Commercial Valley (CV-2)  
**Existing Land Use:** Red Moose Lodge  
**Proposed Land Use:** Private heliport located at Red Moose Lodge  
**Parcel Identification Number:** 22-158-0011  
**Township, Range, Section:** T7N, R1E, NW ¼ of Section 34

### Staff Information

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

CUP 2010-04 Red Moose Lodge Heliport



### Adjacent Land Use

**North:** Commercial      **South:** Agriculture  
**East:** Commercial      **West:** Manufacturing

## Applicable Ordinances

- Zoning Ordinance Chapter 18B (CV-2 Zone)
- Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape and Screening Standards)
- Zoning Ordinance Chapter 22C (Conditional Uses)
- Zoning Ordinance Chapter 36 (Design Review)

## Background

The Red Moose Lodge and Wolf Creek Resort, in conjunction with Diamond Peaks Heli Ski Adventures, are requesting approval of a private heliport located at the Red Moose Lodge. The proposed use is located in a CV-2 Zone, which lists "heliport" as a conditional use. This use has been allowed in the C-2 Zone since at least 1982, and it was retained when the CV-2 Zone was established in 1998. However, the Zoning Ordinance does not define or establish specific regulations for heliports. The Federal Aviation Administration (FAA) defines heliport as, "The area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities."

The proposed heliport location is on the southeast side of the Red Moose Lodge, on a concrete pad that was once a basketball court. The basketball standards have been removed and there are no other obstructions in the area. The CV-2 Zone requires a 20 foot front yard setback, and the landing area on the concrete pad meets the setback requirement. However, Valley Junction Drive is located within 30 feet of the heliport landing area, and it must be assured that the flights do not block, render unsafe, or otherwise disturb the right-of-way and pedestrian or vehicular traffic traveling thereon. The Red Moose Lodge already has an approved site plan with adequate landscaping and parking to meet the requirements of the Zoning Ordinance. No additional signs or lighting are being proposed for the Red Moose Lodge or the heliport area.

In this case, there are no structures associated with the heliport, but a fuel truck is parked at the Red Moose Lodge during the operating season. The FAA states that fueling is typically done through the use of a fuel truck or stationary fuel tanks in a specified fueling area, and systems for storing and dispensing fuel must conform to federal, state, and local requirements for petroleum handling facilities. The Weber Fire District reviewed this application and responded with the requirement that the heliport shall comply with the International Fire Code (IFC) Chapter 11. It is the applicant's responsibility to show the Planning Commission how compliance has been achieved.

*Exhibit A-1*

The applicant has submitted operation standards that address the selection of a heliport location, land owner approval, landing areas, approach/departure paths, and safety. These standards resemble what is listed in the FAA Advisory Circular for heliports. These standards should be applied to this heliport operation as a condition of approval. Staff has contacted the Utah State Aeronautics Division and the FAA regarding other regulations that should be applied to heliports. The FAA Regional Office in Denver responded with the requirement for a Notice of Landing Area Proposal to be submitted to their office. The Notice of Landing Area Proposal culminates in a site visit and a determination letter to approve or deny the heliport site. Other standard requirements for small, private heliports include obtaining land owner approval, meeting zoning requirements, and for commercial operations, obtaining a commercial air carrier certificate. The applicant has already met two of these requirements and this application, if approved, will bring the heliport into compliance with zoning regulations. Approval of the Notice of Landing Area Proposal is a condition of approval for this use.

The proposed use is not for a general aviation heliport. The conditional use application is specified for Diamond Peaks Heli Ski Adventures only, with the exception that medical, government, or other emergency use helicopters can also use the heliport. This stipulation should be a condition of approval. Diamond Peaks will use the heliport only when they have confirmed tour reservations and the weather is adequate for flying. The application states that on average the operation runs five days per month with seven round trips per day (the helicopter carries up to four passengers at a time). The drop off location for skiing is on private land in Cache County, which is approximately a 15 to 20 minute round trip flight. So, even for large groups, the total time for landing and taking off should not be more than a few hours total during the day. Flights do not begin before 9:00 AM and they return in the late afternoon, before dark. The majority of the use is during the ski season, but filming and contracted utility work may be conducted during other times. The helicopter is stored nightly in a hangar in Woods Cross.

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

Chapter 22C-4 states: "The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted by the use regulations of that zone. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare." Likewise, the Utah State Code states, "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order for a conditional use permit to be approved, it must meet the criteria listed in Chapter 22C-5 (Basis for Issuance of Conditional Use Permit).

#### **22C-5 Basis for Issuance of Conditional Use Permit**

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

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community, and
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County
5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

*Exhibit A-2*

The applicant has submitted a narrative that addresses the criteria listed under Basis for Issuance of Conditional use Permit (see Exhibit C). Staff's analysis of the applicant's narrative and application based on the applicable criteria is listed below.

1. The heli ski operation, which has been ongoing in the Ogden Valley for many years, provides an additional recreational opportunity for ski resorts and valley residents and visitors. It seems appropriate to have this use adjacent to a hotel, which has the potential to attract more overnight visitors to the major commercial area in Eden.
2. Noise appears to be the biggest potential impact on surrounding parcels and staff has received calls and a letter from concerned Valley residents. The applicant's narrative addresses potential mitigation measures including using different flight paths, limiting operations to an average of five days per month, and beginning operations after 9:00 AM. The Planning Commission should consider whether or not these mitigation measures are sufficient, or whether additional conditions are needed. One example of a condition is the heliport should be used only by Diamond Peaks. Other conditions could limit the number of days per month that the heliport could operate, limit the number of helicopters operating per day to one, etc.

Health and safety concerns appear to be adequately addressed. The area surrounding the heliport is mostly vacant with commercial and manufacturing uses on three sides, and a vacant agricultural parcel on one side. This area is a good choice due to the land vacancies and the low housing density. This use should not generate additional traffic that cannot be handled by the existing parking lot. No additional structures, landscaping, signs, or lights are proposed.

3. The proposed use is allowed as a conditional use in the CV-2 Zone and does meet the requirements of applicable ordinances as mentioned in the staff report. The Planning Commission may place conditions on this use to mitigate potential negative impacts.
4. One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is one option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.
5. There is no FAA requirement for an environmental impact study to be done for a private heliport. The environmental concerns associated with this use include onsite refueling and noise generation. Fuel is stored in a tanker truck parked at Red Moose Lodge. The operation should follow all of the necessary safety procedures for storage of fuel and during refueling. There is an expectation that noise will be generated as part of this use, but noise is not regulated by the FAA or by Weber County. The staff report describes how the operation works, with periods of noise during the morning pickup and afternoon return, approximately five days per month. As mentioned in number 2 above, the Planning Commission should consider whether or not the noise mitigation plan is adequate.

The following list is a summary of the main issues that need to be considered by the Planning Commission:

- Does the heliport meet the requirements of County Ordinances?
- Has the applicant provided an adequate plan for noise mitigation, and if not, what else should be considered?
- Are the proposed safety and site plan standards for the heliport operation adequate?
- Have applicable FAA regulations been followed?
- What other conditions, if any, are necessary for this use?

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

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is one option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

Exhibit A-3

## Conditions of Approval

- Requirements of the Weber County Engineering Department
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- The heliport is used by Diamond Peaks and appropriate medical, government, or other emergency helicopters only
- Other conditions deemed necessary by the Planning Commission

## Staff Recommendation

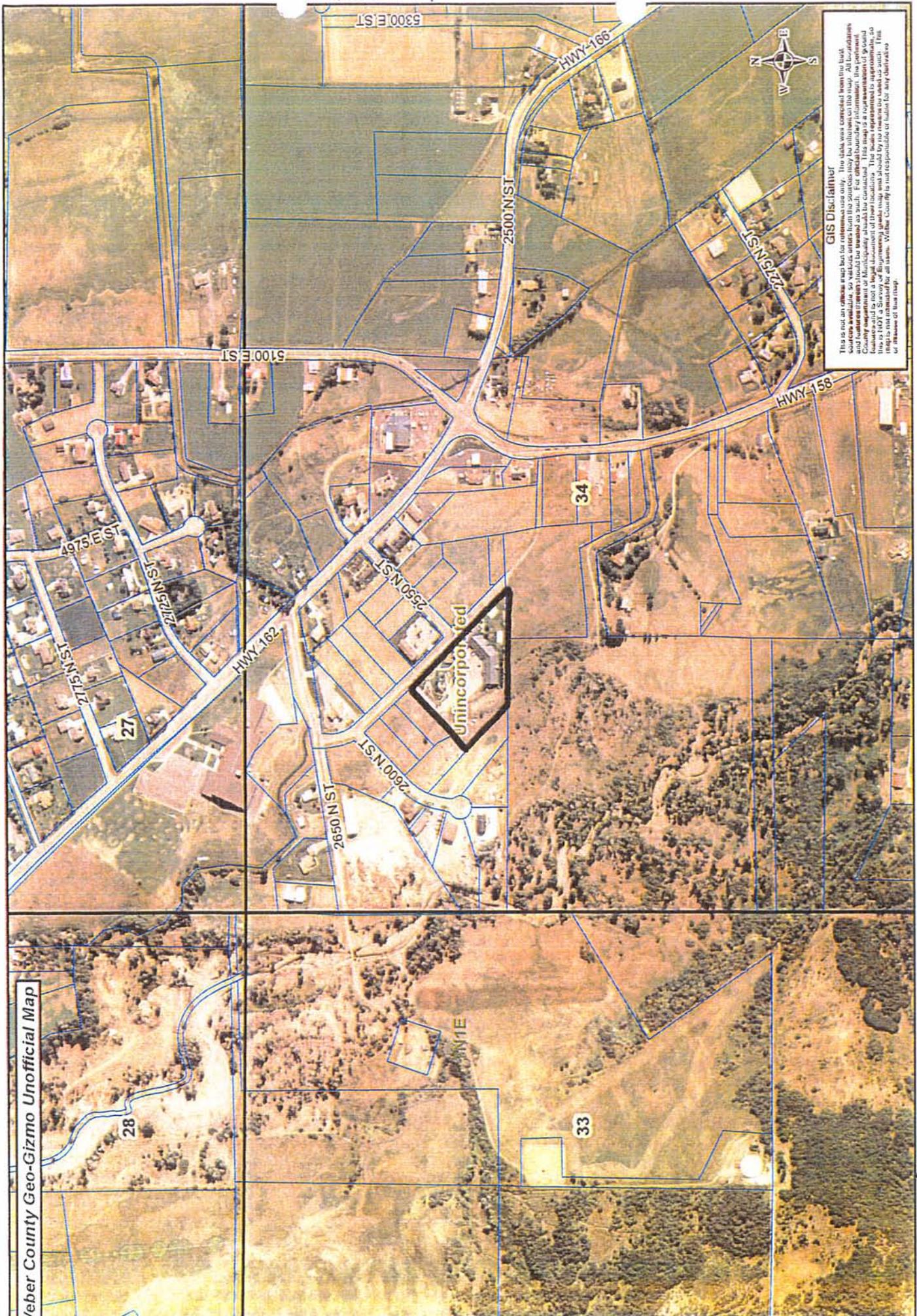
Staff recommends approval of CUP 2010-14 subject to staff and review agency requirements, the conditions listed in this staff report, and other conditions deemed necessary by the Planning Commission. The recommendation is based on the following:

- The proposed use is allowed as a conditional use in the CV-2 Zone and it meets the applicable design criteria of Chapters 18C and 36.
- The proposed use meets the criteria listed in Chapter 22C-5 "Basis for Issuance of Conditional Use Permit," with the stipulation that the Planning Commission determines whether or not the applicant's noise mitigation proposal is satisfactory.
- The applicant is aware of the FAA requirements including:
  - Basic compliance with safety, site plan, and other standards listed in the Advisory Circular for heliports
  - Filing Form 7480-1 Notice of Landing Area Proposal
  - Receiving a satisfactory determination letter
- The applicant has submitted and shall follow operation standards, as identified in Exhibit B, that address the selection of a heliport location, land owner approval, landing areas, approach/departure paths, and safety.

## Exhibits

- A. Location map
- B. Site plan
- C. Applicant's narrative
- D. Heliport standards provided by applicant
- E. Review agency responses
- F. FAA Notice of Landing Area Proposal form
- G. Public comments

Exhibit A-4



**GIS Disclaimer**  
 This is not an official map but for reference use only. The data was collected from the best sources available, so various areas from the source may be included in the map. The information is provided as a representation of the County's best estimate of the information and is not intended to be a representation of the County's official position. The County is not responsible for any errors, omissions, or delays in providing the information, or for any actions taken in reliance on the information. The County is not responsible for any damages or losses of any kind, including consequential, special, or punitive damages, arising from the use of this information.

Weber County Geo-Gizmo Unofficial Map

Exhibit B-1

Exhibit B



Exhibit  
B-2

<p>G. Gardner &amp; Engineering, Inc. 2025 S. Perry, Box 666 Pocatello, Utah 83201 (307) 476-0202</p>	WOLF CREEK UTAH	REVISION	SCALE: 1/2"=1'
	WOLF CREEK	DESCRIPTION	DATE: 8/15/18
	RED MOOSE LODGE		DRAWN: ec
	WEBER COUNTY, UTAH		CHECKED: mv
	<small>THESE PLANS SHALL BE USED ONLY FOR THE PROJECT AND LOCATION SHOWN HEREON.</small>		

# Weber County Conditional Use Application

02.09.2010

Exhibit C

Parcel Number:  
22-158-0011

## Legal Description:

ALL OF LOT 11, VALLEY JUNCTION SUBDIVISION PHASE 1, WEBER COUNTY, UTAH.

## Project Description:

To have a heliport at Red Moose Lodge to be used by Diamond Peaks Heli Ski Adventures. With over 20 years of ski tour experience, this partnership between Diamond Peaks and Wolf Creek Utah will provide a great amenity to the local community and resort guests. The frequency of use is limited by weather and reservations. On average, the operation runs 5 days a month which would consist of 7 round trips a day. Each trip would use a different flight path and no flying would commence prior to 9 am. All ski tours are performed on private property in Cache County. While the majority of the use would be in the winter months, there may be times in the summer when the heliport could be used for filming or contracted utility work. Diamond Peaks would have an onsite office for the guests staying at the hotel and all parking would be provided at the hotel as well. The helicopter is stored nightly in a hanger in Woods Cross (North Salt Lake).

In addition to ski adventures, the Diamond Peaks crew also provides assistance with both the County and State on avalanche control. The helicopter also is available for emergency services and search and rescue operations.

With no fulltime residents at Red Moose Lodge, along with being located in a commercial area, we felt that this location was a better fit than on another piece of CV-2 zoned property at Wolf Creek. The heliport would consist of a hard surface area with diameter of 100 feet. There will be a fuel truck onsite to service the helicopter. The heliport operation and setup will meet and/or exceed all Federal Aviation Administration (FAA) requirements.

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

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community, and  
The proposed use in the CV-2 zone would support the recreational activities and resorts in the Ogden Valley. In addition to the ski tours, Diamond Peaks works with both the County and State on avalanche control and search and rescue.
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and  
Other than the Red Moose Lodge, the heliport will be located on flat, treeless land surrounded by undeveloped commercial property. Parking for the operation will be provided at the hotel.
3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and Chapter 18-B lists a "heliport" as a conditional use in the CV-2 zone. The Red Moose Lodge property is zoned CV-2.
4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County  
The general plan, along with the recreation element of the general plan, both support recreational resorts. This arrangement with Diamond Peaks and Wolf Creek Utah would provide a valuable service to both community and resort guests in Ogden Valley.
5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole  
The Diamond Peaks helicopter operation will meet the all Federal Aviation Administration requirements. Again, the heliport will be located on flat, treeless land surrounded by undeveloped commercial property.

## Contact Information:

Eric Householder - Wolf Creek Utah (801.430.1859)  
Craig Olsen - Diamond Peaks Heli Ski Adventures (801.721.8262)

Exhibit  
B-3

Hatfield, Ben

---

**From:** Wilkinson, Sean  
**Sent:** Monday, January 03, 2011 8:20 AM  
**To:** Ben Hatfield  
**Subject:** FW: Diamond Peaks Heli-Ski Adventures / Helicopters-Wildlife  
**Attachments:** WPG Heli-Ski Golden Eagle.pdf; image001.jpg

---

**From:** Diamond Peaks Heli-Ski [<mailto:heliski@diamondpeaks.com>]  
**Sent:** Thursday, December 30, 2010 4:12 PM  
**To:** Wilkinson, Sean  
**Subject:** Diamond Peaks Heli-Ski Adventures / Helicopters-Wildlife



Sean,

The packets of material given to you are actual accounts of past, present and future use of helicopters by the Utah Division of Wildlife Resources. The Utah Division of Wildlife Resources is charged to manage the state's wildlife resources and to assure the future of protected wildlife for its intrinsic, scientific, educational and recreational values. It is apparent that the use of a helicopter to survey many types of animals for a variety reasons is the safest method and presents the least impact upon the wildlife and the people involved. I have also included a 2007 study (attachment) done specifically for the effects of helicopter skiing and golden eagles. This study was completed for our counterparts in Salt Lake, Wasatch Powder Guides. That particular study was done on the National Forest Service property that WPG leases. However, given that we operate on private property the general results and findings would be similar. It should also be noted that one of the pilot's, Mario Nichol, and some of the same aircraft's used in this study are also the same that we use in our operation.

Exhibit D-1

The flight operations manual will help explain flight paths, refueling procedures and other helicopter safety protocols used.

Regards,

Craig Olsen

*Lead Guide*

801-721-8262

Exhibit D-2

DIAMOND PEAKS  
HELI-SKI ADVENTURES



HELIBASE - HELIPORT  
OPERATIONS STANDARDS

*Exhibit E-1*

**CLASSIC HELICOPTERS LIMITED, L.C.**  
**HELIBASE – HELIPORT OPERATIONS STANDARDS**

1. Introduction:

The proper selection and construction of landing areas is essential to both the safety and efficiency of helicopter operations. Landing areas that are poorly located or constructed may contribute to or be the cause of an accident. At a minimum, inadequate areas heighten risk, increase pilot workload, and result in inefficient operations.

The purpose of this document is to establish the requirements and specifications for heli-bases, heli-ports and heli-spots that are intended to be used frequently.

2. Planning:

The selection of an area or areas on which to land the helicopter(s) is an important factor in the planning activity. When possible the pilot(s) should have input. The following general requirements should always be considered:

- The types of activity and volume of traffic will affect selection.
- The site should lend itself to economic and environmentally sensitive development to the size which will accommodate the type of helicopters and volume of traffic expected.
- Site planning and construction shall be in accordance with local, state and federal regulations.

3. Site Ownership and Approval:

Assure that the land under consideration, whether a meadow, field, airport, or airstrip, is owned by an individual or entity that supports the operation being conducted.

- Private Ownership: If the land is owned by an individual or corporation, contact must be established prior to landing in order to request permission.
- Public Ownership: If the land is owned by a federal, state, or local land management agency, permission must be granted by that agency, prior to use of that property for helicopter operations.
- Use of Private Airports and Airstrips: The use of such facilities requires the permission of the owner(s), Airport Manager or responsible agency, such as the Federal Aviation Administration.

4. Landings at Unimproved Sites:

The Pilot in Command is responsible for making the decision to utilize unimproved landing sites. Prior to landing for the first time at an unimproved site, the pilot shall make a high-level reconnaissance of the area to determine suitability of the area, the location of any aerial hazards in the approach or departure corridors, the location of

Exhibit  
E-2

emergency landing areas and escape routes, wind conditions, ground slope and stability, rotor clearances, ground hazards and size of landing zone.

5. Specifications for Landing Zones:

- **Fuselage Clearance:** Ensure that the Touch Down Zone (TDZ) is free of brush or other obstructions and large enough to accommodate both skids. There must be adequate clearance under the fuselage to clear antennas, cargo hook, or externally supported accessories.
- TDZs must be as level as possible and firm enough to support the type of helicopter being used. For most helicopters a 5 – 8 degree lateral slope is the maximum allowable slope limit.
- The Landing Zone (LZ) must be able to safely accommodate the aircraft being used. The typical formula used for determining the size of the LZ is to take the overall length of the aircraft and multiply it by 2.

6. Approach and Departure Path:

Ideally, site selection should provide for approaches and departures in several directions. If the site is not located on a ridge top, an approach-departure path aligned with the prevailing wind would be preferred. If possible, avoid one-way Landing Zones, although these landing sites are not inherently unsafe, provided correct pilot techniques are utilized.

- **Wind Direction:** Always attempt to locate landing areas so that take-offs and landings may be made into the prevailing winds.
- **Almost Vertical (Max. Performance) Take-Offs and Approaches:** Maximum performance take offs are not inherently unsafe, but should be avoided if possible, especially on an extended-use basis. Most small helicopters must be at approximately 400 feet above ground level at zero forward airspeed to execute a safe autorotation in the event of engine failure.
- **Minimum Width:** An adequate minimum width for an approach-departure path is the diameter of the Landing Zone. Safety is increased if the path can be wider.
- **Approach:** The approach should be free of obstructions which would prevent a normal approach profile. However, due to terrain features and other obstacles in the approach path, if the only option is a steep approach, the pilot shall adjust his/her payload and fuel loading accordingly to be able to descend with adequate power so that a go-around could be accomplished.
- **Departure:** There should be enough level running space to permit normal acceleration from hover to translational lift and initial climb. If environmental considerations restrict this from being accomplished, a maximum performance take off will be required. The pilot shall adjust his/her payload and fuel loading accordingly, so that there is adequate power reserve when leaving ground effect.

7. Public Safety:

It is of utmost importance to ensure that bystanders or others who happen to come upon the landing site be kept from harm and danger, as a result of helicopter operations. The pilot in command will ensure that all available precautions are taken and that the area will be secured with cones, caution tape, vehicles that block access, etc... It is understood that not all these tools may be available at all sites, but it is the intent to utilize all available resources.

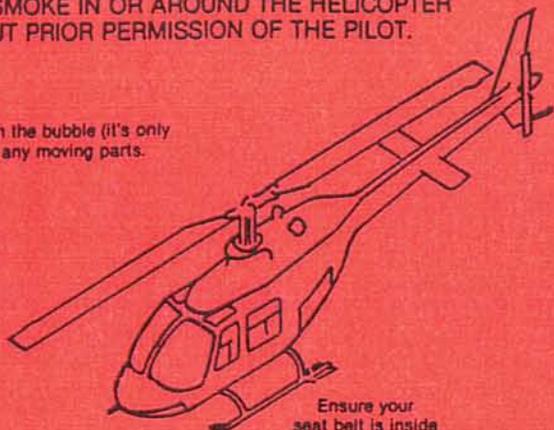
Exhibit  
E-4

# BE ALERT AND

# LIVE

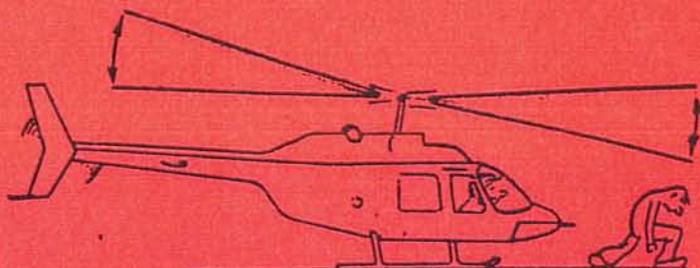
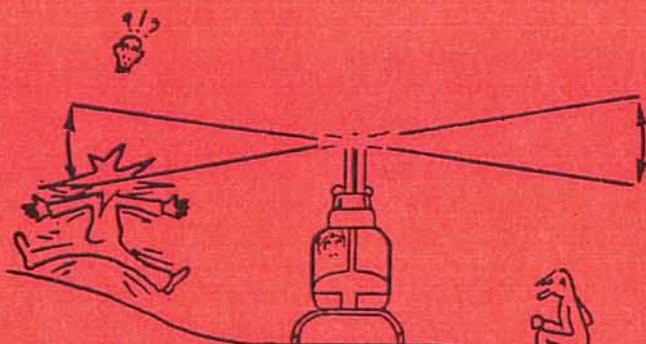
DON'T SMOKE IN OR AROUND THE HELICOPTER WITHOUT PRIOR PERMISSION OF THE PILOT.

Don't touch the bubble (it's only plastic), or any moving parts.



## PROTECT YOURSELF

1. FASTEN SEATBELT on entering helicopter and leave it done up until the pilot signals to get out.
2. ASK THE PILOT about emergency exits and escape procedures.
3. DRESS for the operating environment.
4. KEEP WELL CLEAR of landing areas when the helicopter is landing or taking off, especially with external loads.
5. SHIELD YOUR EYES near a helicopter when it is landing or taking off.



When directing the helicopter, stand with your back to the wind, arms outstretched in the direction of the pad.

NEVER APPROACH OR LEAVE UPHILL (Rotor blades are expensive)

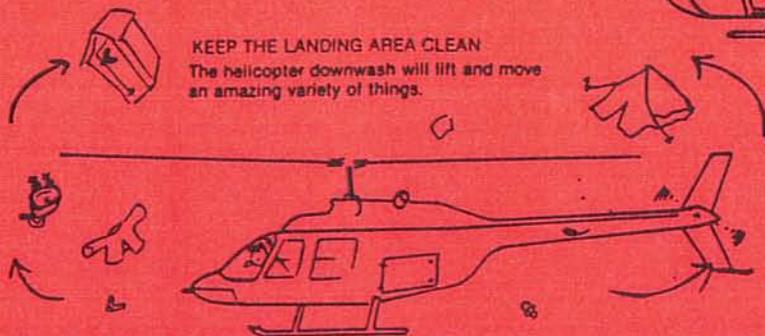
ALWAYS Approach from the downhill side.

ALWAYS AVOID THIS BLIND AREA: THE PILOT CAN'T SEE YOU.



DON'T EVEN GET CLOSE TO THE TAIL ROTOR (It bites hard)

KEEP THE LANDING AREA CLEAN The helicopter downwash will lift and move an amazing variety of things.



NEVER throw any object in the vicinity of the helicopter.



DON'T SLAM THE DOORS but close them gently and don't let them swing in the wind.

Carry tools and other long objects horizontally below waist level, not upright or over the shoulder.

Hold on to your hat. Don't make campfires near the pad. — she makes great winds.

RP  
Exhibit E-5

# HOT/RAPID REFUELING PROCEDURES AND PRECAUTIONS

The goal of refueling operations and procedures is to deliver the proper amount of clean, bright and dry fuel in a safe and efficient manner. Refueling for field locations is the responsibility of the assigned mechanic, pilot, or other authorized personnel to each aircraft.

1. Use hot/rapid refueling only when necessary for field operations.
2. Conduct only with trained personnel and support personnel. A briefing will be conducted between the pilot and the support personnel involved, reviewing these procedures and individual responsibilities prior to conducting hot/rapid refueling operations.
3. Pilot to remain at flight controls throughout the procedure, engine at idle.
4. No other passenger or crew members may be on board the aircraft, unless it is a critical EMS patient, in which case a medical crew member must be standing by to rapidly extract the patient if necessary.
5. Fire extinguishers must be readily available. (Not the installed aircraft fire extinguisher). It is the fuel truck driver's responsibility to insure that a fire extinguisher of an approved type and capacity is available and serviceable, prior to commencing hot/rapid refueling operations.
6. Aircraft radios will not be used for transmitting during refueling.
7. UDOT approved refueling units/trucks will be positioned to ensure adequate rotor blade clearance. No truck will be allowed to drive under the rotor disc while blades are in motion. The units/trucks will be located off of a public road whenever possible.
8. Smoking or open flames is prohibited within 50' of the area during ALL refueling operations.
9. Hot/rapid refueling shall not be conducted with active electrical storms within the area.
10. Persons not directly involved with the refueling will be required to remain at a safe distance from the operation.
11. If an aircraft is equipped with a strobe light on the belly, the light will be turned off during refueling operations.
12. Aircraft and refueling units/trucks will be properly bonded.

Exhibit  
E-7

13. Extreme caution should be taken by the service personnel to prevent spillage of fuel from the nozzle, until it has been properly positioned inside the open filler port or range extender port. Rotor wash could possibly disperse fuel droplets and vapors to an area susceptible to ignition sources.
14. All aircraft doors and windows will remain closed except to signal the servicing personnel that the proper quantity of fuel has been received. This signal will be a "thumbs up" given by the pilot to the servicing personnel. In the event that a critical EMS patient is aboard during this procedure, the medical attendant may be standing by the patient at the left side of the aircraft, (opposite side of refueling operations on the Bell 206/407 series aircraft), with the passenger and litter doors open to facilitate rapid extrication if necessary.
15. When the refueling is complete, the aircraft fuel filter cap will be secured, the refueling unit/truck secured and moved to a safe distance. Other crew members and passengers may be loaded and the flight continued.

Exhibit  
E-8

**Wilkinson, Sean**

---

**From:** Wilkinson, Sean  
**Sent:** Monday, March 29, 2010 10:53 AM  
**To:** 'rdcc@utah.gov'  
**Subject:** Eden Heliport Information for RDCC Review  
**Attachments:** Overall Location Map.docx; Eden Heliport.pdf

To Whom It May Concern,

A private heliport has been proposed at the Red Moose Lodge in Eden, Utah (Ogden Valley). This use is allowed in the area as a conditional use, but the Ogden Valley Planning Commission tabled this item on February 23, 2010 to obtain additional information. The issues that the Planning Commission wanted more information about include:

1. The use of a private fuel truck to dispense jet fuel on site
2. The mitigation of noise associated with helicopter operations
3. The effects of helicopter flight paths, noise, etc. on wildlife in the area

I don't know if any of the State Agencies want to comment, but I believe that the RDCC is the proper place to obtain some of this information, especially concerning impacts to wildlife. I have attached a location map, site plan, and the applicant's explanation of the proposed heliport operation. Please let me know if more information is needed.

Sincerely,

Sean Wilkinson, Planner  
Weber County Planning Division  
2380 Washington Blvd, Suite 240  
Ogden, Utah, 84401-1473  
801-399-8765 (office)  
801-399-8862 (fax)



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Request to amend the Weber County Zoning Ordinance by adding certain ancillary uses, under the overall term of "Agri-tourism", to the list of Conditional Uses found in Chapter 5-B; Agricultural Valley-3 (AV-3) Zone.
<b>Agenda Date:</b>	Tuesday, January 25, 2011
<b>Applicant:</b>	Patricia Dickens, Kelly Creek Farm
<b>File Number:</b>	ZO 15-2010

#### Property Information

<b>Approximate Address:</b>	NA
<b>Project Area:</b>	NA
<b>Zoning:</b>	NA
<b>Existing Land Use:</b>	NA
<b>Proposed Land Use:</b>	NA
<b>Parcel ID:</b>	NA
<b>Township, Range, Section:</b>	NA

#### Staff Information

<b>Report Presenter:</b>	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
<b>Report Reviewer:</b>	RS

### Background

The petitioner is requesting an approval to amend the Weber County Zoning Ordinance, by adding certain ancillary uses, under the overall term of "Agri-tourism", to the list of Conditional Uses found in Chapter 5-B; Agricultural Valley-3 (AV-3). See page 1 of Exhibit A for the petitioner's letter to the Ogden Valley Planning Commission, and pages 2-3 for the petitioner's proposed ordinance language addressing "Agri-tourism".

Agri-tourism is defined by many sources; however, the most general definitions describe agri-tourism as a growing industry that can supplement a farmer's income by diversifying what the farm can offer the general public. In addition to producing fruits, grains, vegetables, and providing grazing land for livestock, farms that are participating in agri-tourism are combining a wide variety of (nontraditional but somewhat related) activities with those customarily found on working farms. For example, it is becoming more common for farmers to offer public access to a farm as a venue for activities such as farmer's markets, petting zoos, and community gardens, farm stays, cooking classes, corporate retreats, family events, corn mazes and other seasonal activities. See Exhibit B for additional agri-tourism information provided by the petitioner. See Exhibit C for examples of existing Utah farms that are participating in agri-tourism. See Exhibit D for an existing Davis County "Ancillary Agricultural Activities" Ordinance.

The intent of this proposed amendment is to allow agri-tourism as a conditional use in the AV-3 Zone. According to the petitioner, the rationale behind the request is that, "it is becoming increasingly more difficult for local farmers to maintain a profitable or 'break-even' operation which forces many to sell to land developers and investors." Also, "by providing alternatives to farm land use, while preserving farming operations, farmers can retain their lands and protect against overdevelopment and enhance sustainable land use." See the petitioner's letter attached as Exhibit A.

Planning Staff research, performed to date, shows that by offering land use alternatives to farms, the farms can become more financially stable and in turn remain as an agricultural operation which is the preferred use in agricultural zones.

## Summary of Planning Commission Considerations

The request has been made that Weber County make a policy decision; therefore, the Ogden Valley Planning Commission should consider the following:

- The Ogden Valley General Plan states that Valley residents are proud of the Valley's agricultural lands and that they are a "unique characteristic". Due to this resident opinion should Weber County utilize agri-tourism as an agricultural preservation tool?
- Should there be a minimum acreage requirement?
- Should there be vehicular access requirements i.e., should a farm that participates in agri-tourism, be required to have vehicular access off of certain types of roads? For example, a collector or arterial.
- What type(s) of impacts could result from amending the AV-3 Zone to allow agri-tourism?
- As a requirement, should "ancillary activities" be related to a farm's customary activities?
- Do the benefits of preserving agriculture outweigh potential impacts?
- Should a farm owner be allowed to manufacture and sale retail goods made from products grown and/or raised on the farm? For example, if a farmer grows pumpkins, should the farmer be allowed to manufacture and sale pumpkin pies? If yes, should there be a graduating scale implemented that ensures that the level of manufacturing is proportionate with the size/acreage of the farm?
- Should retail sales be limited strictly to products grown or raised on the farm?

## Conformance to the General Plan

- The Ogden Valley General Plan states that Valley residents are proud of the Valley's agricultural lands and that they are a "unique characteristic" that should be promoted.
- The General Plan also states that Weber County should promote working farms as an integral part of the Valley's cultural heritage.
- The Recreation Element of the Ogden Valley General Plan states that Weber County should adopt an open space program that includes the use of various policies and tools. It further states that "the objective is to protect as much open space as possible while maintaining the right for every property owner to receive a fair return on their real estate investment."

## Staff Recommendation

Based on the information submitted and the guidance found in the Ogden Valley General Plan, the Planning Division Staff is recommending that the Ogden Valley Planning Commission table the request to amend the Weber County Zoning Ordinance by adding "Agri-tourism" to the uses listed in Chapter 5B (Agricultural Valley – 3, AV-3 Zone). The Planning Staff is also recommending that the Planning Commission consider scheduling this item for the February 1<sup>st</sup>, 2011 work-session.

## Exhibits

- A. Petitioner's request letter and proposed ordinance language addressing Agri-tourism.
- B. Agri-tourism information provided by the petitioner.
- C. Information describing existing Agri-tourism farms in Utah.
- D. Davis County's existing Ancillary Agricultural Activities Ordinance.
- E. Weber County's existing Agricultural Valley – 3 (AV-3) Ordinance.

December 1, 2010

Weber County Planning Division  
2380 Washington Blvd., Ste. 240  
Ogden, UT 84401

Dear Planning Commission and Staff:

Thank you for accepting my application to amend text for AV-3 zoning. Attached is my application and supporting documents along the application fee of \$300.00.

In this economy, it is becoming increasingly more difficult for local farmers to maintain a profitable or "break even" operation, forcing many to sell to land developers and investors. By providing alternatives to farm land use, while preserving farming operations, farmers can retain their lands and protect against overdevelopment and enhance sustainable land use.

New concepts for alternative use, such as "agri-tourism" and "agri-entertainment" are already being utilized in this country as well as by some of our foreign neighbors. From "farm stays" to "farmers markets" and "corn maize's" to "special events", farmers are finding new ways to supplement their production.

Care should be taken in regulating this use to protect the surrounding communities and insure continued agriculture use of the land. Weber County already has a "Special Events" permit requirement and application that can apply to some of the mixed uses proposed. Minimum acreage, off-site parking, liability and neighborhood sensitivity should all be addressed and considered when amending the AV-3 text. The attached application and amendment suggestions address these concerns.

If you have questions or wish to discuss this application further, I am at your disposal.

Sincerely,



Patricia Dickens



P. O. Box 100, Huntsville, UT 84317 - 465 N. 9000 E., Huntsville, UT  
801-745-2535 or 415-577-5655 [www.kelleycreekfarm.com](http://www.kelleycreekfarm.com)

## PROPOSED TEXT AMENDMENT FOR AV-3 ZONING

The purpose of the text amendment to AV3, and its ordinance, is to establish the standards and criteria by which ancillary agricultural activities may be conducted in the agricultural zones of Weber County. Recognizing that agricultural land is rapidly being developed to meet population growth coupled with farmers struggle to economically maintains their land for farming, the County intends through this section to preserve the farming heritage of the community and encourage ancillary agricultural activities.

For the purpose of the amendment,

1. "Activity" shall mean:
  - a. Any activity or event which is open to the general public and for which a fee is charged; or
  - b. The operation of a produce stand or conduct of other similar business.
2. "Ancillary agricultural activity" means an activity as defined below in an agricultural zone.

A. **Ancillary activities** such as, but not limited to, corn mazes, harvest festivals, receptions, weddings, tour groups, farm stays, field trips, petting zoos, entertainments, produce stands or other similar activities which are open to the general public and for which a fee is being charged may be permitted as conditional uses in any agricultural zone subject to at least the following conditions:

1. The activity must be on a parcel or combination of contiguous parcels totaling thirty or more acres;
2. Singular events may not extend beyond eight consecutive weeks;
3. No property may be used to host events for more than an accumulative total of 150 days during any calendar year, and
4. The property must maintain its agricultural integrity at all times, meaning it must be able to continue agricultural production in the same way it would without the activity being held.
5. Produce stands for the sale of produce and related products and other similar business operations may be permitted as a conditional use in any agricultural zone subject to at least the following conditions:
  - a. The activity must be on a parcel or combination of contiguous parcels totaling five or more acres;
  - b. At least 50% of the products sold must be agricultural products grown on the property for which the permit is issued;
  - c. Operations of the produce stands or other business activities shall be allowed either once during a calendar year for a period not exceeding six consecutive months or twice during a calendar year for a maximum period of three months each.

B. **Conditions of operation:**

1. *For events exceeding 100 participants* at any given singular event or on going event, open to the public and lasting one or more consecutive days, the applicant must apply for and is subject to the conditions of a Weber County "Special Events Permit", providing a plan of operation including but not limited to off site parking, insurance

coverage, security, fire protection, crowd control, guest comforts, health certificates and all requirements and regulations defined in the Weber County "Special Events" permit application.

2. *Temporary structures*, tents, canopies, or other protective structure may be erected provided they are removed within the allotted use period.

3. *Parking*: The applicant must provide adequate off-street parking.

4. *Noise/nuisance abatement*: Applicant must agree to cease any and all audible activities before 10 pm Sundays through Thursdays and before midnight on Friday's and Saturdays.

# Agritourism

From Wikipedia, the free encyclopedia

**Agritourism**, as it is defined most broadly, involves any agriculturally-based operation or activity that brings visitors to a farm or ranch. Agritourism has different definitions in different parts of the world, and sometimes refers specifically to farm stays, as in Italy. Elsewhere, agritourism includes a wide variety of activities, including buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, or staying at a B&B on a farm.

Agritourism is a form of niche tourism that is considered a growth industry in many parts of the world, including Australia, Canada, the United States, and the Philippines. Agritourism overlaps with geotourism, ecotourism, and culinary tourism. Other terms associated with agritourism are "agritainment", "value added products," "farm direct marketing", and "sustainable agriculture".

## ***Agritourism in the United States***

Agritourism is widespread in America. Agritourists can choose from a wide range of activities that include picking fruits and vegetables, riding horses, tasting honey, learning about wine and cheesemaking, or shopping in farm gift shops and farm stands for local and regional produce or hand-crafted gifts.

According the USDA, Cooperative State, Education and Extension Service, "Tourism is becoming increasingly important to the U.S. economy. A conservative estimate from the Federal Reserve Board in Kansas, based on 2000 data, shows that basic travel and tourism industries accounted for 3.6 percent of all U.S. employment. Even more telling, data from the Travel Industry Association of America indicate that 1 out of every 18 people in the U.S. has a job directly resulting from travel expenditures. "Agritourism" has become particularly important.

Through the Small Farm Center at the University of California, "Agricultural tourism or agritourism, is one alternative for improving the incomes and potential economic viability of small farms and rural communities. Some forms of agritourism enterprises are well developed in California, including fairs and festivals. Other possibilities still offer potential for development." The UC Small Farm Center has developed a California Agritourism Database that "provides visitors and potential entrepreneurs with information about existing agritourism locations throughout the state."

In Western North Carolina, the organization HandMade in America is using agritourism to develop their local economy and craft trades, and to educate visitors about agriculture practices. On the web site, *Hand Made in America*, they look at agritourism as a "... niche market [that] not only assists communities with solutions to help diversify their

economic base, but it also helps our regional urban centers and increasingly suburban populations to understand the important role that farming and rural life plays in our history, by highlighting the need for it in our contemporary society. Agri-tourism projects reinforce the need to support local growers and sources and allow the visitor to experience what it is to be part of the land..."

The publication *Promoting Tourism in Rural America* explains the need for planning and marketing your rural community and weighing the pros and cons of tourism. According to the publication, local citizen participation is helpful and should be included in starting any kind of a tourism program. Citizen participation in planning tourism can contribute to building a successful program that enhances the community.

Additional websites that promote and publicize agritourism in the United States include Rural Bounty, founded by agritourism consultant Jane Eckert, Sleep in the Hay, a nationwide directory of farm stays, and Farm Stay USA, a blog that profiles farm stays and tracks agritourism news.

### ***Public awareness***

People have become more interested in how their food is produced. They want to meet farmers and processors and talk with them about what goes into food production. For many people who visit farms, especially children, the visit marks the first time they see the source of their food, be it a dairy cow, an ear of corn growing in a field, or an apple they can pick right off a tree.

## EXAMPLES OF CURRENT "AGRI-TOURISM" USE:

*Staheli Family Farm – Washington City, Utah*

Excerpt from [www.stahelifamilyfarm.com](http://www.stahelifamilyfarm.com)

*"We're a fifth-generation working farm in beautiful Washington, Utah. Our roots are deep in agriculture and family heritage! In the Spring and Summer, we have a Farm Market for fresh fruits and vegetables, and we host Community Garden plots. In the Fall, we have a large cornfield maze, pumpkin patch, farm hayrides, and Halloween Haunted events. Don't miss our annual Field of Screams -- a haunted cornfield! It's farm fresh fun for all ages!"*

**Sample Attractions (seasonal)**

- Cow Train
- Giant Worm Slide into Corn box
- Giddy-up and Go! Horsie-Go-Round
- Corn Clubhouse (ya gotta see it!)
- Rubber Duck Races
- Pig Races
- Pumpkin Slingshot
- Corn Cannon
- Red Neck Trampoline (it's a hoot!)
- Rope Swing Hay Jump
- Roping Dummies
- Rocking Horses
- Stick Horses
- Wagon Wheel Seesaw

**Fun for all ...**

- Kids playground
- Toddler corral
- Covered picnic area
- Rocking chairs



**Black Island Farm – Syracuse, UT**

Excerpts from [www.blackislandfarms.com](http://www.blackislandfarms.com)

*"We are a working vegetable farm, with about 400 acres in cultivation! We grow carrots, onions, cabbage, corn, pumpkins, squash and gourds. Black Island Farms has been in the same family for more than 45 years, and we're proud of our heritage here in Davis County.*

*Each Fall, we host a Harvest Festival and Cornfield MAiZE — Utah agri-tourism at it's best, with hayrides, bonfires, and a haunted maze. We offer school field trips in September and October. And ... we have a Farmers Market where you can get flowers, gifts and produce."*

**Come out for a visit...**

We welcome individuals, families and/or special groups to Black Island Farms. Everyone must purchase a ticket, except children 2 and under who are free. No reservations are required for individuals or families.

We are a working farm, open to the public for tours and events during the months of September and October. We recommend that you come to the farm prepared for cool weather! We recommend wearing closed-toe shoes or sneakers. Be comfy and dress appropriately for the best farm experience.

Farm activities (Hayrides, Bonfires, Cornfield MAiZE, Nightmare Acres) are grouped according to admission tickets. No ticket is required for shopping in the Farmers Market.

The farm is open for School Field Trips and group events or parties only during September and October of each year. Reservations are required for field trips and groups.



## Box C Ranch – Grouse Creek, UT

Excerpts from [www.boxcranch.com](http://www.boxcranch.com)

*"Our working cattle ranch is located in the sleepy town of Grouse Creek. This incredible place is like turning back the clock a decade or two. The hustle and bustle of the city is left far behind as you turn off the highway and hit the dirt road. The Box C Guest Ranch is the perfect place to get away from it all. Whether you call us a Dude ranch, Guest ranch, Working cattle ranch vacation, Ranch vacation or just plain fun, you will have an authentic working cattle ranch experience of a life time.*

*The Box C Ranch is truly a real-life working cattle ranch. This is not a tourist trap. The Tanner family are all, expert horsemen, cattlemen, and naturalists. They are a wealth of knowledge about their surroundings from a historical perspective as well as environmental. They will never give you more than you want in a day... but just enough for you to stretch the limits of your ability. At the end of your stay you may have begun to understand how much is required to run a cattle ranch both intellectually and physically. The Tanners are professional and flexible hosts; they will tailor your trip to be exactly what you want. You can see the magnificent City of Rocks or perhaps a cattle auction in Idaho, you might take a breathtaking ride in the canyons and hills of Utah, or chase cattle thorough the Pinion pines on a well-trained horses that match your ability to ride them. This has been one of the most rewarding and exciting vacations I have ever had, and I whole-heartedly recommend the Tanner family and the Box C Ranch to people of all ages."*

### **Sample Events:**

There are many activities on our working cattle ranch such as cattle drives, branding, preg checking, birding, hiking, hunting and climbing the nearby City of Rocks. You may decide to ride our well-trained saddle horses as you explore the sage covered hills of northern Utah. Or maybe you'd rather try roping calves in one of our indoor/outdoor arenas. The Box C Ranch a fabulous place for family reunions. We can work with you to create a heck of a time. We'd love to share with you our little bit of Heaven.

**Ancillary Agricultural Activities**Section 15.20.640 - Purpose.

The purpose of this section is to establish the standards and criteria by which ancillary agricultural activities may be conducted in the agricultural zones of Davis County. Recognizing that agricultural land is rapidly being developed to meet population growth, the County intends through this section to preserve the farming heritage of the community and encourage ancillary agricultural activities such as certain events and sale of locally grown products.

Section 15.20.650 - Definition.

For the purpose of the article,

1. "Activity" shall mean:

- a. Any activity or event which is open to the general public and for which a fee is charged; or
- b. The operation of a produce stand or conduct of other similar business.

2. "Ancillary agricultural activity" means an activity as defined in Section 15.20.660 in an agricultural zone.

Section 15.20.660 - Public Activities and Gatherings in Agricultural Zones.

- A. Ancillary activities such as, but not limited to, corn mazes, harvest festivals, receptions, entertainments, or other similar activities which are open to the general public and for which a fee is being charged may be permitted as conditional uses in any agricultural zone subject to at least the following conditions:
  1. The activity must be on a parcel or combination of contiguous parcels totaling three or more acres;
  2. Events may not extend beyond eight consecutive weeks;
  3. No property may be used to host events for more than an accumulative total of 90 days during any calendar year, and
  4. The property must maintain its agricultural integrity at all times, meaning it must be able to continue agricultural production in the same way it would without the activity being held.

Section 15.20.670 - Produce Stands and Other Business Activities.

Produce stands for the sale of produce and related products and other similar business operations may be permitted as a conditional use in any agricultural zone subject to at least the following conditions:

- A. The activity must be on a parcel or combination of contiguous parcels totaling three or more acres;
- B. At least 50% of the products sold must be agricultural products grown on the property for which the permit is issued;
- C. Operations of the produce stands or other business activities shall be allowed either once during a calendar year for a period not exceeding six consecutive months or twice during a calendar year for a maximum period of three months each.

#### Section 15.20.680 - Application and Plan Requirements.

All applicants must submit a completed conditional use application, site plan, and other documentation as follows and consistent with Sections 15.20.420 and 15.20.490;

- A. **Plan Requirements:** The applicant must submit a legible and sufficiently detailed site plan which includes any existing or proposed structures which will be used in connection with the activity, a plan of operations, and any other pertinent information as may be requested or required by the Davis County Planning Department staff.
- B. **Parking and Access:** The applicant must provide adequate off-street parking. Due to the uniqueness of each use, Davis County Planning Department staff may apply County or other generally accepted standards for determining the amount, size, and location of parking spaces. All spaces must be at least 10 feet from any public right-of-way or street. Access from any State road must have the written approval of the Utah Department of Transportation.
- C. **Safety Review:** Davis County Planning Department staff may require the approval of the Fire Department, Health Department, Sheriff's Office, Building Inspector or any other governmental or public safety officer, agency, or organization.
- D. **Application Process:** The application process shall be as specified in Sections 15.20.420 and 15.20.490. However, applications should be submitted at least 3 months before the anticipated activity to allow for adequate review and any adjustments or information which may be required by the Planning Commission.

#### Section 15.20.700 - Business Licenses.

The applicant and operator of all activities, produce stands, or other business approved and conducted under this article shall obtain and maintain a business license from Davis County proper to commencing and at all times during the conduct of the activity. However, a business license is not required if the produce and products sold are grown or produced exclusively on the site.

## CHAPTER 5-B

<b>AGRICULTURAL VALLEY AV-3 ZONE</b>
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**5B-1. Purpose and Intent****5B-1a. Agriculture Preferred Use****5B-2. Permitted Uses****5B-3. Permitted Uses Requiring Five (5) Acres Minimum Lot Area****5B-4. Conditional Uses****5B-5. Site Development Standards****5B-6. Sign Regulations****5B-1. Purpose and Intent**

The purpose of the AV-3 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment.

**5B-1a. Agriculture Preferred Use**

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

**5B-2. Permitted Uses**

1. Accessory building or use customarily incidental to any permitted or conditional use
2. Agriculture, agricultural experiment station; apiary; aviary; aquarium
3. Animals or fowl kept for family food production as an accessory use
4. Cemetery; chinchilla raising, convalescent or rest home
5. Church, synagogue or similar building used for regular religious worship
6. Cluster subdivision in accordance with Chapter 22B of this Zoning Ordinance
7. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any rear or side lot line
8. Fruit or vegetable stand for produce grown on the premises only
9. Golf course, except miniature golf course
10. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation
11. Home occupations - with no visiting clientele
12. Household pets which do not constitute a kennel
13. Parking lot accessory to uses allowed in this zone
14. Private park, playground or recreation area, but not including privately owned commercial amusement business
15. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each twenty thousand (20,000) square feet of area devoted exclusively to the keeping of the horses.

16. Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools
17. Residential Facility for Handicapped Persons meeting the requirements of Chapter 23-13 of this Ordinance
18. Residential Facility for Elderly Persons meeting the requirements of Chapter 23-15 of this Ordinance
- 19 Single Family Dwelling
20. Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work

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**5B-3. Permitted Uses Requiring Five (5) Ares Minimum Lot Area**

2008-31

1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises
2. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver
3. Fruit and vegetable storage and packing plant for produce grown on premises.
4. The keeping and raising of not more than ten (10) hogs more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises
5. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:
  - A. not exceed a density of twenty-five (25) head per acre of used and;
  - B. be carried on during the period of September 15 through April 15 only;
  - C. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
  - D. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation

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**5B-4. Conditional Uses**

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
  - 1a. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line
  - 1b. Dog breeding and dog kennels on a minimum of two (2) acres, on a legal non-conforming lot, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence
2. Child day care
3. Circus or transient amusement
4. Educational/Institutional identification sign

5. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod
6. Home occupations - with visiting clientele
7. Laboratory facility for agricultural products and soils testing 99-9
8. Petting Zoo where accessed by a collector road as shown on the County road plan 2007-2
9. Planned Residential Unit Development in accordance with Chapter 22C of this Zoning Ordinance
10. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business
11. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses
12. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre
13. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance
14. Public Utility Substations
15. Radio or television station or tower
16. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time
17. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14
18. School bus parking, provided the vehicle is parked at least 30 feet from a public street
19. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres
20. Sugar beet loading or collection station
21. The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street
22. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income 2008-31
23. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations
24. Small Wind Energy System 2008-8

**5B-5. Site Development Standards.**

	<u>Permitted &amp; Conditional Uses</u>	<u>Permitted Uses Requiring Five Acres Minimum</u>
1. Minimum lot area		
A. Single Family Dwelling	Three Acres	-----
B. Other	Three Acres	Five Acres
2. Minimum lot width	150 feet	300 feet
3. Minimum yard setbacks		
A. Front	30 feet	30 feet
B. Side		
1. dwelling	10 feet with total width of two side yards not less than 24 feet	
2. other main building	20 feet each side	20 feet each side
3. accessory building	10 feet except one foot if located at least six (6) feet in rear of main building	
4. accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials -		
	See Chapter 23-16	

C.	Side; facing street	20 feet	20 feet
D.	Rear		
	1. main building	30 feet	30 feet
	2. accessory building	one ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	
4.	Main Building Height		
	A. Minimum	one story	one story
	B. Maximum	35 feet	35 feet
5.	Accessory Building Height	25 feet unless meeting requirements of Chapter 23-16, Large Accessory Buildings 8-2002, 2009-14	

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**5B-6. Permitted Signs**

The height, size and location of permitted Commercial signs shall be in accordance with the regulations set forth in Chapter 32-B, Valley Signs, of this Ordinance.

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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for approval of a Conditional Use Permit to establish a location for a short term vendor.

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Pat Brennan

**File Number:** CUP 2010-23

### Property Information

**Approximate Address:** 2612 N Hwy 162

**Project Area:** 0.89 acres

**Zoning:** Commercial Valley Zone (CV-2)

**Existing Land Use:** Vacant commercial

**Proposed Land Use:** Short term vendor

**Parcel ID:** 22-154-0003

**Township, Range, Section:** T7N, R1E, Section 34

### Adjacent Land Use

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

### Staff Information

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

**Report Reviewer:** SW

## Applicable Ordinances

- Zoning Ordinance Chapter 1 General Provisions & Definitions
- Zoning Ordinance Chapter 18B Commercial Valley Zone (CV-2)
- Zoning Ordinance Chapter 18C Ogden Valley Architectural, Landscape and Screening Standards
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 24 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Zoning Ordinance Chapter 32B Ogden Valley Signs
- Zoning Ordinance Chapter 36 Design Review

## Background

The applicant is requesting approval of a Conditional Use Permit to establish a location for a short term vendor. A short term vendor is listed as a conditional use in the CV-2 Zone. The proposed site area contains 0.89 acres and is located at 2612 North Highway 162 in Eden. The definition and requirements for a short term vendor from chapter 1 are as follows:

### VENDOR, SHORT TERM

The sale of goods and/or services from a trailer, mobile store or kiosk. A short term vendor is subject to the following requirements:

1. A short term vendor must be located on an approved site that includes, but may not limited to, the following improvements: fire protection, parking surface and drainage. Additional improvements may be required and shall be determined at the time of a Design Review approval. The Planning Administrator may, at his/her discretion, approve an application for a short term vendor.
2. A short term vendor cannot use the same parcel for the same business for more than one hundred-twenty (120) consecutive days beginning from the date of approval.
3. A short term vendor is allowed one business license per parcel per year.
4. Any short term vendor offering food service is required to have Weber County Health Department approval.

5. All short term vendor signs shall comply with the applicable Weber County sign ordinances.

This site was the former location of a dwelling and later the Eden Fire House daycare, although the main building, some parking and some landscaping has been removed. The owners have future plans for the property but at this time would like to prepare the site to allow for short term vendors. Utilities are still functional on the property. Most of the previous landscaping is present and the applicant has installed temporary gravel parking area for ten spaces meeting the requirements of the Weber County Engineering Division.

The short term vendor for this site is proposing to place a mobile trailer to sell sandwiches, pastries and food items for breakfast and lunch from 7:00 am until 4:00 pm. This use will only run for 120 days as required for short term vendors. The 12 foot by 28 foot trailer has wood slab siding. As has been required with other temporary uses, an escrow deposit for the removal of the trailer after the expiration of the 120 day short term vendor permit occurs should be made with the Weber County Engineering Division.

There are no concerns from the Weber County Health Department, Building Inspection Department, Engineering Division, or the Weber Fire District.

### Summary of Planning Commission Considerations

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

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

#### Chapter 22C-4

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

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

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

1. Any reasonably anticipated detrimental effects have been mitigated. Sufficient landscaping has continued to be provided on the site. The additional temporary parking area will be enough to meet the parking needs for the proposed temporary use. At the time that a permanent building or business were to occupy this lot then appropriate parking standards will need to take place.
2. The proposed use meets the use, area, lot width, and setback requirements of the CV-2 Zone.

### Conformance to the General Plan

This use does not affect the Ogden Valley General Plan.

### Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Escrow deposit for removal of the trailer

## Staff Recommendation

Staff recommends approval of CUP 2010-23 for a Short Term Vendor location at 2612 N Highway 162 with one additional condition, that a deposit be made for the removal of the trailer. This recommendation is subject to the requirements of staff and other review agencies. This recommendation is based on:

- The proposed use being permitted in and meeting the requirements of the CV-2 zone,
- The proposed use and site plan, being in compliance with applicable County Ordinances as listed in the staff report.

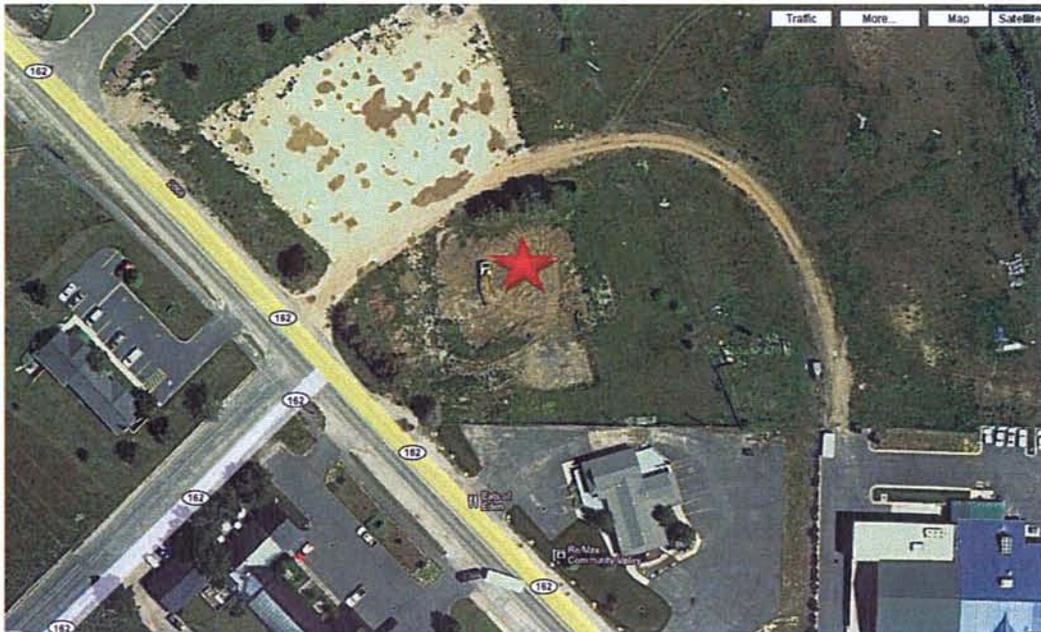
## Exhibits

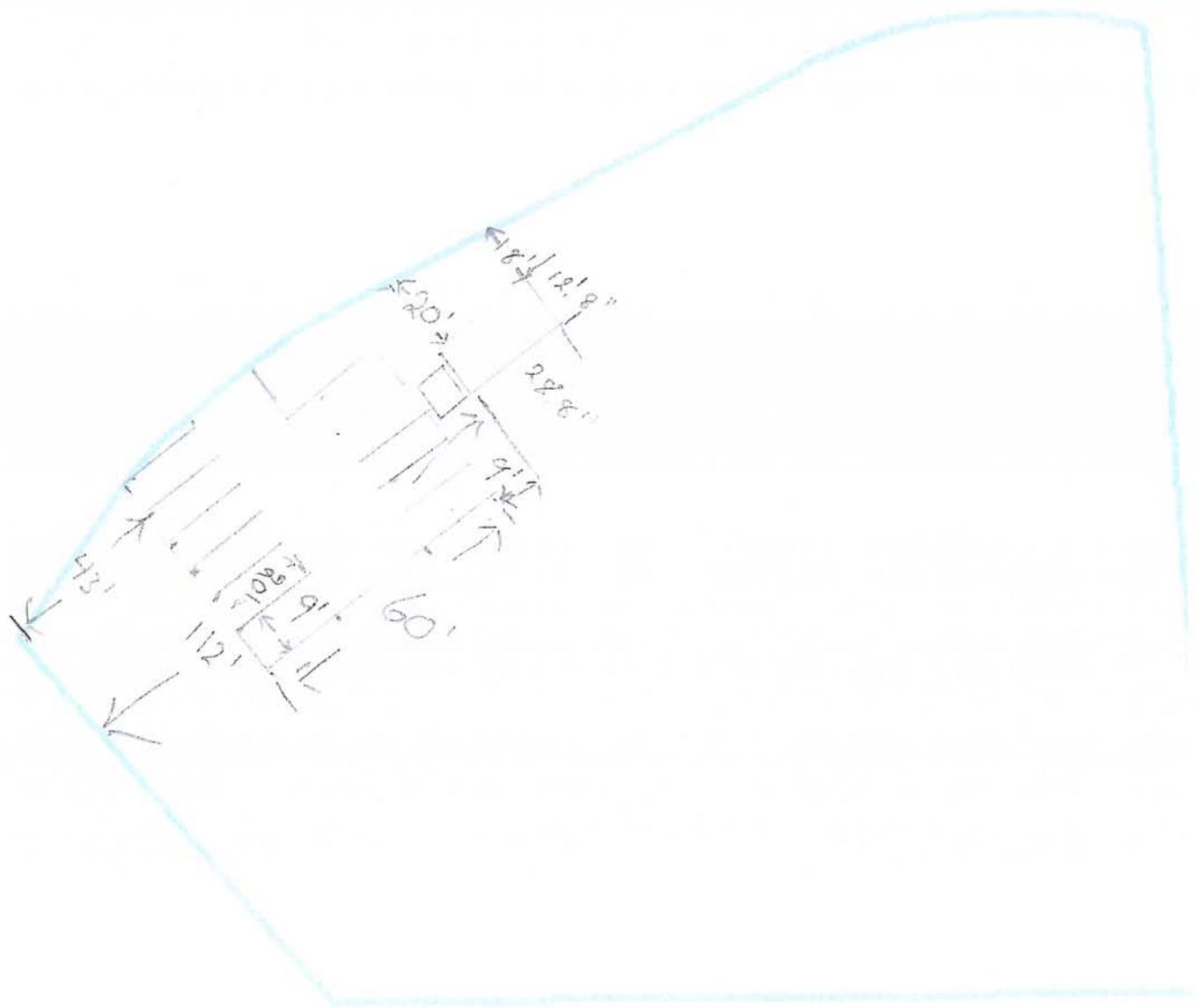
- A. Site plan
- B. Applicant's narrative and application

Map 1



Map 2





HWY 102

Site Plan

1" = 40'



M 00,00.00 S

19,17

100.00

27.13'  
102.67'

Bldg

Deck

N 65°29'15" E  
75.54'

Shope

Parking

WDPWDM LLC  
221540003  
38,869 SQ FT

Gravel Parking Slops  
to Detention Pond.

181.88'

N 65°29'13"

R=226.73'  
L=79.44'

R=186.74'  
L=65.42'

EASEMENT  
POND  
DETENTION

N 45°24'51" E  
43.94'

N 45°24'51" E  
43.82'

2620  
40.00'

352.04'

WAY 162

110.87'  
358.37'

N 2192'

14.16'

Grading  
Plan

M 00.00.00 S

L1'661

Natural Vegetation

WDPWDM LLC  
221540003  
38,869 SQ FT

Wooden Fence

181.88'

6' High Fence

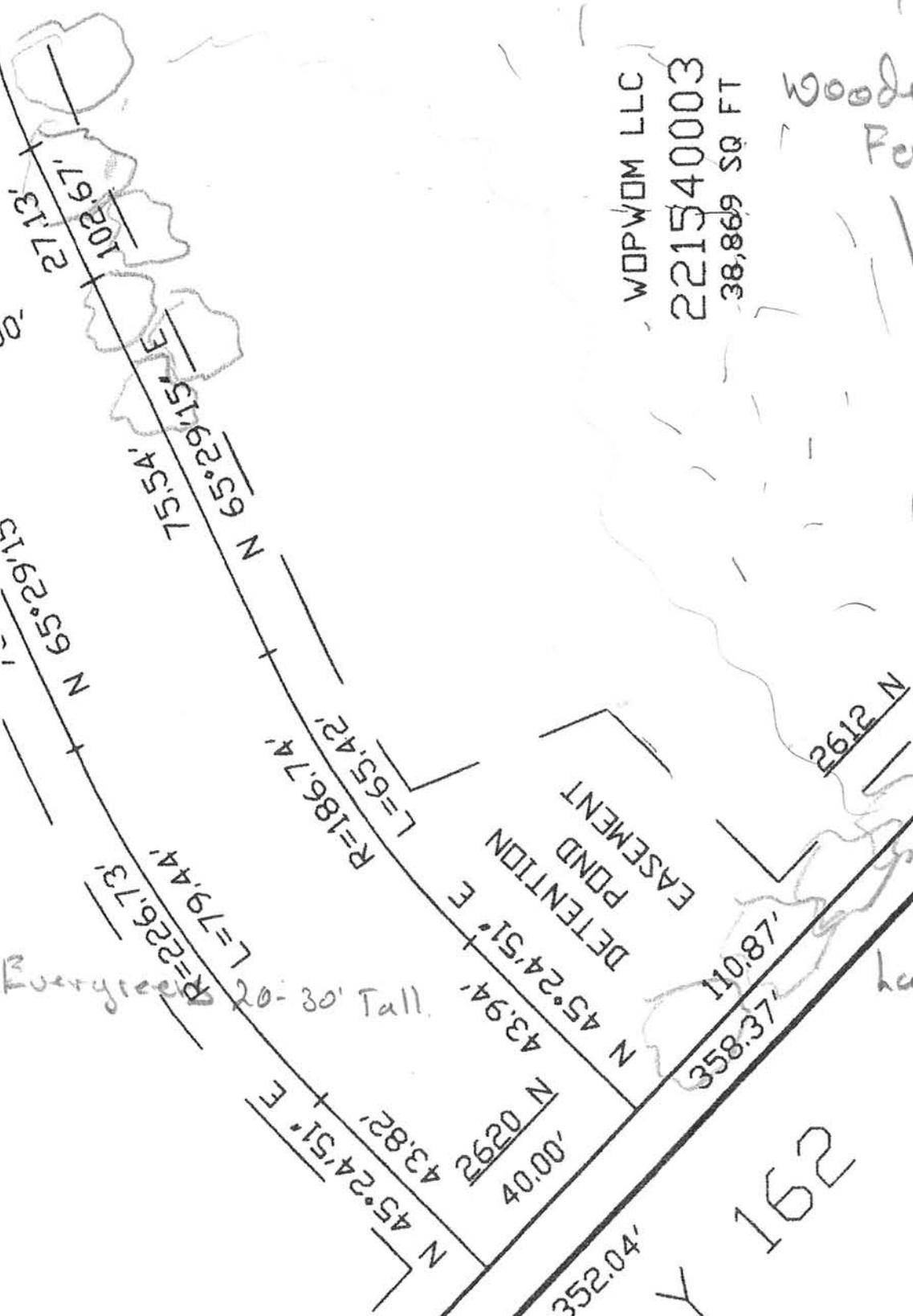
5' Fence High

2' Fence High

landscaping Plan

291 162

ARC-01



Evergreen 20-30' Tall

M 00,00.00 S

L1'661

100.00

wooden sign Black letters

WDPWDM LLC  
221540003  
38,869 SQ FT

Open  
18" oval  
lighted

Fats Place  
13" x 24"  
Attached to  
Bldg.

Fats Place  
wooden sign Black letters  
2' x 3'  
2612 N

181.88'

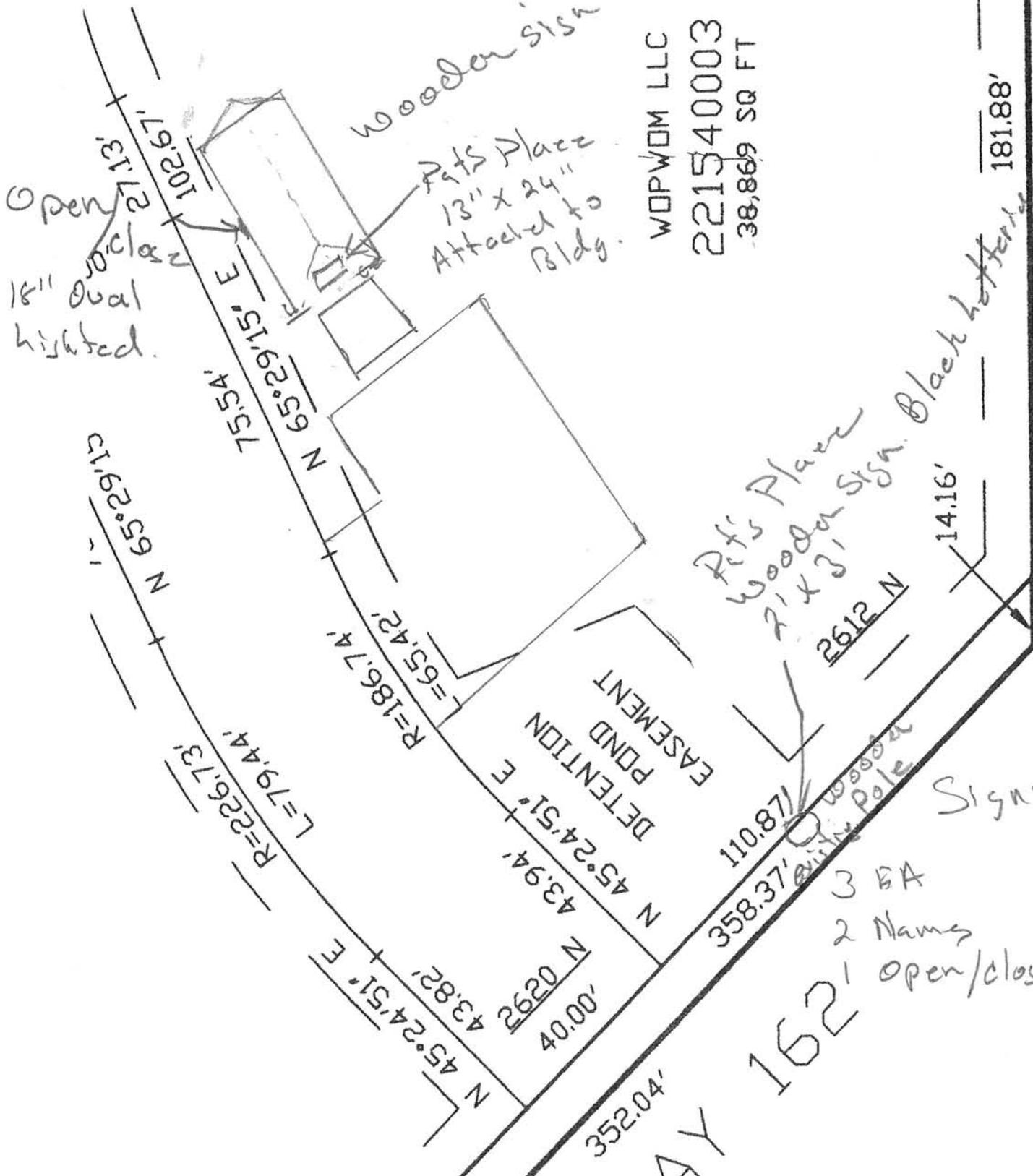
14.16'

Signs

3 BA

2 Names

open/closed



352.04'

162'

R=226.73'  
L=79.44'

R=186.74'  
L=65.42'

N 45°24'51" E  
43.94'

N 45°24'51" E  
2620'

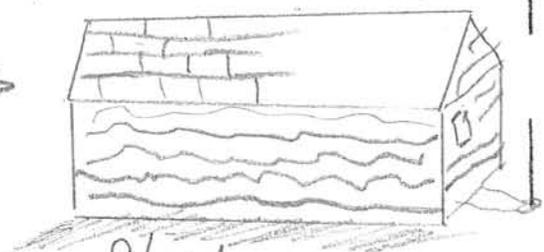
40.00'

358.37'  
18.01'

wooden pole

M .00,00.00 S

L1' b1  
Asphalt  
Shingles



R/side



WDPWOM LLC  
221540003  
38,869 SQ FT

Bldg Floor Ground  
Level  
See pictures ATT

181.88'

FRONT

27.13'  
102.67'  
Frnt Deck

75.54'  
N 65°29'15" E

N 65°29'15" E

R=186.74'  
L=65.42'

L=79.44'  
R=226.73'

N 45°24'51" E  
43.82'  
2620  
40.00'

N 45°24'51" E  
43.94'  
DETENTION  
POND  
EASEMENT

110.87'  
358.37'  
2612 N  
14.16'

352.04'

Elevations  
Front  
R/side

AY 162

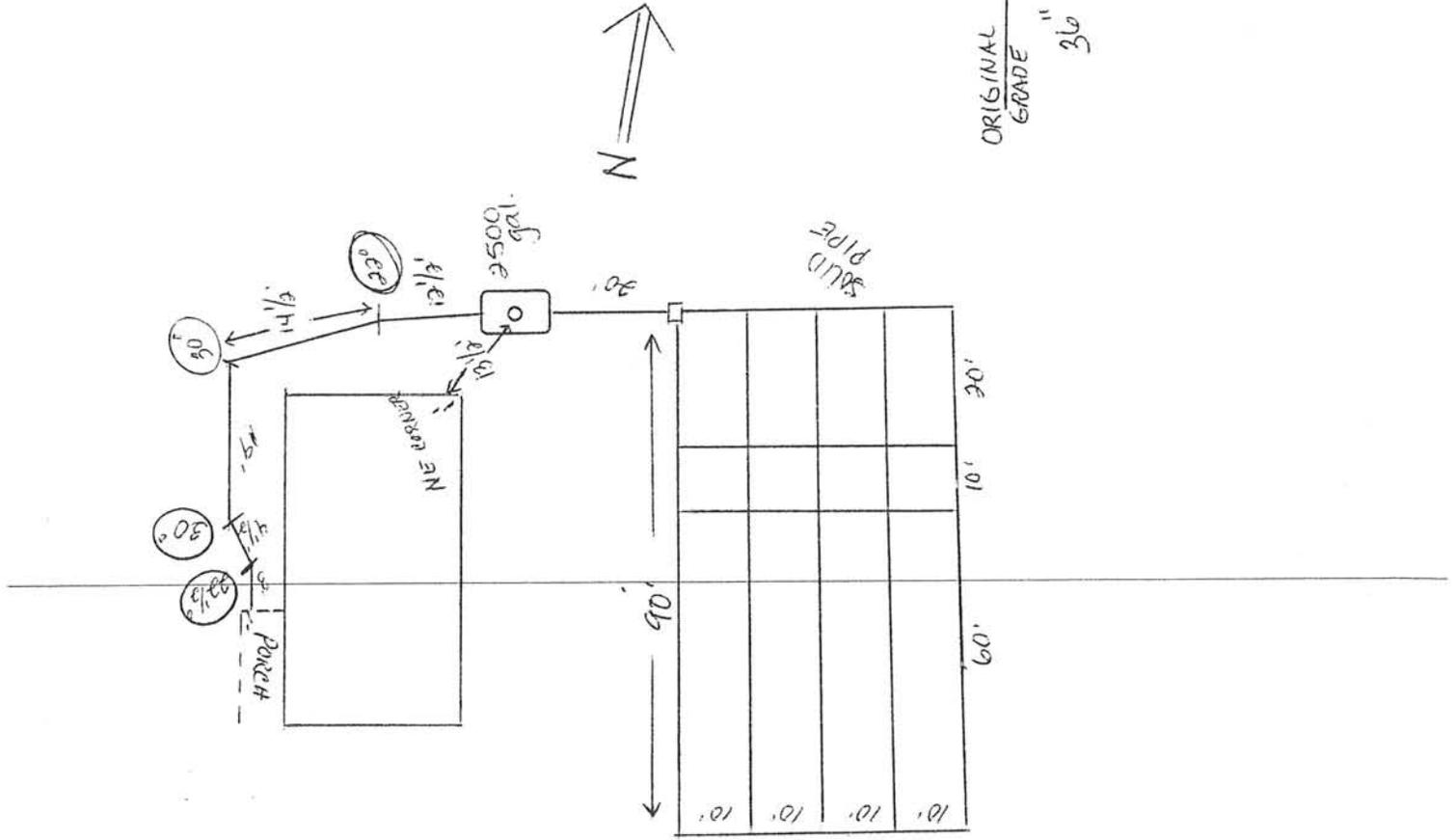
Permit # W99680

FINALED -- 7-5-02

By Richard Worley

1710 58 ft absorption

INSTALLER: WASATCH VALLEY EXC.



The ditch must be piped.





# Weber County Conditional Use Permit Application

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

Date Submitted / Completed 12/16/10	Fees (Office Use) \$85 <sup>00</sup>	Receipt Number (Office Use) 20269	File Number (Office Use) CUP 2010-23
--	---	--------------------------------------	---

### Property Owner Contact Information

Name of Property Owner(s) WOPWOM LLC		Mailing Address of Property Owner(s) Wopwom LLC 212 Merchant St. Suite 330 Honolulu, Hawaii 96813	
Phone 808-524-3551	Fax 808-524-8803		
Email Address erika@wopwom.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Pat Brennan		Mailing Address of Authorized Person P.O. Box 972 Eden, Utah 84310	
Phone 801-430-7217	Fax 801-745-3147		
Email Address DIG-IT@OValley.net		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name Pat's Place	Current Zoning
Approximate Address 2612 N 1440162 Eden, Utah 84310	Land Serial Number(s) 221540003

Proposed Use  
Sandwich trailer/Bldg.

### Project Narrative

Intent is to place mobile trailer on property for use in selling sandwiches, pastries and Food Items For Breakfast and lunch. Hours of operation are from 11:00 AM to 3:00/4:00 p.m. Seven days a week.

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

The sandwisk tracter will not Deteriorat or  
Produce and conditions to be Detrimental to the  
Public

**Property Owner Affidavit**

I (We), Woploom LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 16 day of December, 20 10.



  
\_\_\_\_\_  
(Notary)

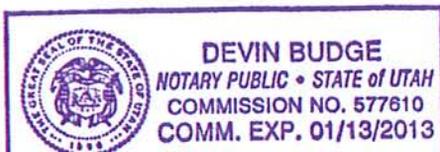
**Authorized Representative Affidavit**

I (We), Woploom LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Pat Brennan, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 10 day of December, 20 10, personally appeared before me Eric Smith, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



  
\_\_\_\_\_  
(Notary)

To whom it may concerns

The intent of this petition is to locate a trailer on the lot 2612 n hwy 162 in eden for the purpose of selling breakfast sandwiches and fresh lunch sandwiches with soups. The building is next to the park and ride lot of powder mtns. intent is to service the skiers on their way up the hill. With good food and warm drinks. Landscaping around the lot is large pine trees 20'-30' tall some in front for screening with wooden fence on side of lot between existing bldgs. the site will include parking spaces for 10 vehicles water is provided by eden water and sewer is septic install on the lot in 2005. Hours of operation are from 7:00 a.m to 3:00/4:00 p.m. Six /seven days a week.

January 29, 2010

To whom it may concern

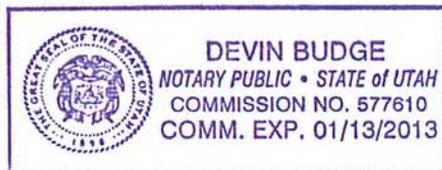
Dear Sir or Madam:

This letter is to give permission to pat brennan to place a sandwich snack trailer on property at 2612 north hwy 162 eden, utah 84310.

Sincerely,



Eric Smith  
President Wop Wom LLC





## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Action on a request for Design Review approval of the Green Valley Academy a private Educational Institution.  
**Agenda Date:** Tuesday, January 25, 2011  
**Applicant:** Jared Balmer; Agent, representing the Green Valley Academy  
**File Number:** DR 2010-09

#### Property Information

**Approximate Address:** 9091 East 100 South  
**Project Area:** 8 acres  
**Zoning:** Agricultural Valley-3 (AV-3)  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Educational Institution (private)  
**Parcel ID:** 21-025-0012  
**Township, Range, Section:** T6N R2E Section 16

#### Staff Information

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

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 5B (AV-3 Zone)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 36 (Design Review)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)

### Background

The applicant is requesting approval of a site plan for the Green Valley Academy on property located at 9091 East 100 South on Highway 39 east of Huntsville. This 8 acre property is located in the Agricultural Valley – 3 (AV-3) zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet. The AV-3 zone lists a private education institution having a curriculum similar to that ordinarily given in public schools as a permitted use.

Chapter 1 of the Zoning Ordinance defines a private education institution as:

**SCHOOL:** A public elementary or secondary school, charter, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term "education institution" for the purpose of this Ordinance does not include post high school educational facilities.

Other definitions in chapter 1 that the Planning Commission may find relevant with this application are:

**USE:** An activity conducted on a parcel.

**USE, PERMITTED:** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.

**USE, MAIN:** The principal use of land or structures, as distinguished from an accessory use. Dwellings on parcels meeting the definition of an "Agricultural Parcel" shall be the main use.

**USE, ACCESSORY:** A use incidental to and on the same lot as a main use; customarily found in connection with a main building or use; is subordinate in area, extent or purpose to the main building or main use served.

The Green Valley Academy is a private specialty school which will serve students with specific needs in the areas of learning, depression, anxiety, and pervasive developmental problems. The applicant has provided a narrative (exhibit C) describing different aspects of the school. A letter from the Utah State Office of Education addressing the school's academic curriculum and accreditation (exhibit A) and a letter from the Utah Department of Human Services Office of Licensing addressing licensing requirements (exhibit B) has also been provided. Staff has determined that the main activity which will occur on this property will be the education and instruction of students, as indicated in the applicant's narrative. Although additional training, therapy, and counseling may also be provided to students, this training is ancillary and subordinate to the main use served. Staff also has determined that the proposed use meets the qualifications as a private educational institution as defined in the Weber County Zoning Ordinance.

The school site consists of three buildings. The main building is 6,090 square feet and will have the classrooms for instruction and administrative offices. The second building is 6,040 square feet and will be the dormitory for up to 36 students. The third building in the rear will be a storage/maintenance building to store equipment needed for the school and the site. The exterior of the buildings will be cultured stone and cedar siding. All materials including window trim, roofing, and finishes will be of a natural brown or black color as shown in image 2 and the materials list in exhibit H, D and F. The architectural style, colors, and materials are in conformance with Chapter 18C.

- **Parking:** The school has proposed five parking areas consisting of 44 parking spaces which surround the grass field on the front portion of the lot. A parking area for two handicapped parking spaces closer to the building is also provided. Since students attending this school typically will not have their own vehicles it is anticipated that these 44 parking spaces will be more than sufficient. Additional area is available if in the future more parking is needed. 4 light poles meeting the requirements of the Ogden Valley Lighting ordinance (chapter 39) are shown on sheet 3 of exhibit E.
- **Landscaping:** The landscape plan is attached as exhibit G. This plan covers 82% of the project area and meets the requirements of Chapter 18C. The plan also provides over 85 trees (evergreens and aspens) along the east, west, and north boundary of the property to help screen the project from adjacent residences and the road. Bedding plants and shrubs surround the dormitory and administration buildings, while a decorative pond will be placed between them. West of the site is a home which will have adequate screening from the school from the various trees to be planted along the property line. A 2 foot by 5 foot landscaping berm will be built down the property line and into the retention pond to prevent storm runoff to the adjacent property. A berm installed along the front property line within the landscaping will help screen the school from traffic on the highway.
- **Signs:** A sign near the entrance has been shown in the landscaping plan consisting of boulders in which the school's name will be engraved which meet the requirements of Chapter 32B.
- **Water and Wastewater:** The Weber Morgan Health Department has provided a letter of feasibility for a conventional septic system. Prior to land use and building permits being issued, the septic system design for the project must be approved by the Weber Morgan Health Department for a Wastewater Disposal permit. The applicant is working with the State Division of Drinking Water and the Weber Morgan Health Department to develop a public water company for culinary and irrigation water for this site.
- **Building Inspections and Weber Fire District:** The Weber County Building Division still will need to review all building plans. The Weber Fire District requires that fire sprinkles are installed in lieu of fire hydrants.

### Summary of Planning Commission Considerations

- Is the project layout and building design consistent with applicable Weber County Ordinances?
- Is the proposed use consistent with the list of land uses in the Weber County Zoning Ordinances?

### Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outline of permitted land uses and requirements and the requirements of the zone in which it is located.

### Conditions of Approval

- Requirements of the Weber County Engineering Division

- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Requirements of the Utah Department of Transportation
- Construction must follow the approved site plan exactly
- Staff will inspect the site to ensure compliance to approvals prior to the issuance of occupancy

### **Staff Recommendation**

Staff recommends approval of the site plan for the Green Valley Academy subject to staff and other review agency requirements. This recommendation is based on the project being in compliance with applicable County Ordinances.

### **Exhibits**

- A. Letter regarding accreditation from the Utah Office of Education
- B. Letter regarding licensing from the Utah Department of Human Services Division of Licensure
- C. Applicant's Narrative describing the Green Valley Academy
- D. Rendering of the main building and dormitory
- E. Site Plan Sheets
- F. Building elevations
- G. Landscape plan
- H. Materials list

## Map

### Adjacent Land Use

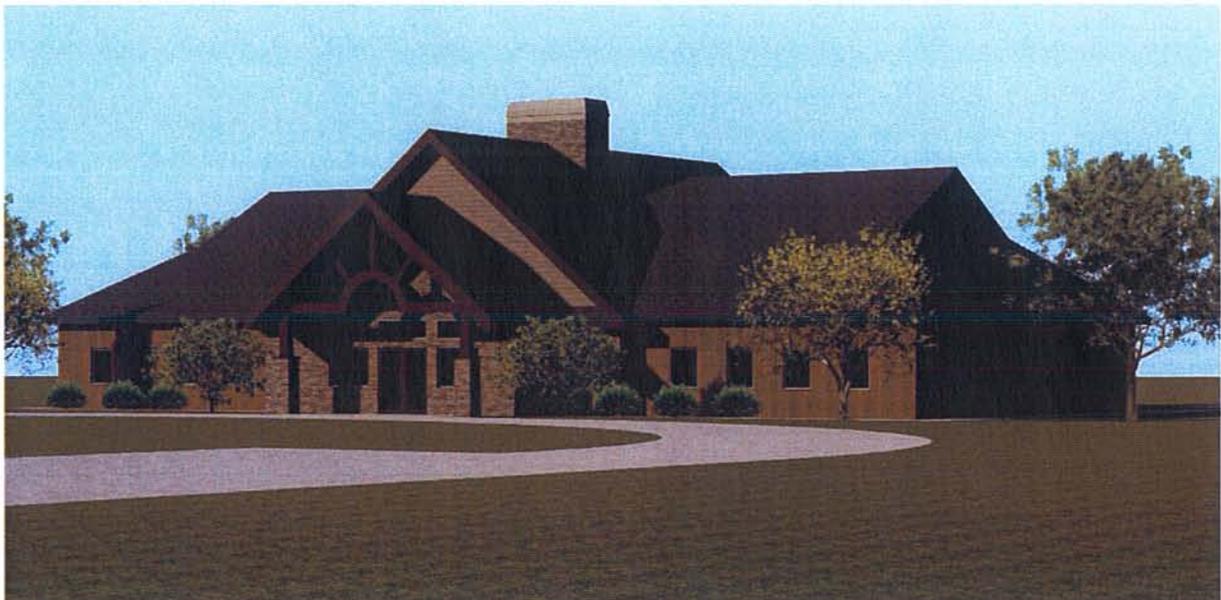
**North:** Residential  
**East:** Agricultural

**South:** Agricultural  
**West:** Residential/Agricultural

**Image 1: Approximate location of the Green Valley Academy located at 9091 East & 100 South**



**Image 2: Proposed Administrative Building for the Green Valley Academy**





**State of Utah**

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant Governor*

**Department of Human Services**

PALMER DePAULIS  
*Executive Director*

**Office of Licensing**

KENNETH D. STETTLER  
*Director*

Weber County Planning Division  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401

August 23, 2010

To Whom It May Concern:

I am writing at the request of the owners of a newly proposed residential school going by the name of Green Valley Academy, which is planned to be located in the Ogden Valley near Huntsville. The purpose of this letter is to simply inform you that because this school will be serving students with anxiety and depressive disorders that it will need to be licensed by the Utah Department of Human Services, Office of Licensing.

This office has had experience working with these owners in the past, and finds them to be persons of integrity and citizens in good standing within the communities where they have previously operated. We have known them to be responsive to the requirements set forth in both the Utah Code and the Utah Administrative Code, and anticipate that they will continue to do the same in this case as well. As they make progress toward the licensure of this new facility, we will be working closely with them in ensuring their compliance to all applicable rules and regulations.

In the meantime, if we can be of any assistance to the County during this process, please feel free to contact my office at the number or address listed on our letterhead.

Sincerely,

Ken Stettler, Director

September 1, 2010

Weber County Planning Commission

Re: Green Valley Academy

To Whom It May Concern:

Our office has been asked to respond to concerns regarding private schools, their education program, curriculum and accreditation particularly relating to the proposed Green Valley Academy.

Public high schools in Utah are required by law and State Board of Education rule (R277-410) to be accredited by the Northwest Accreditation Commission (Northwest). Northwest is one of six recognized regional accrediting agencies in the United States. Accreditation requires schools of all types, both public and private, to meet rigorous standards regarding all aspects of their educational program. Most private secondary schools in Utah seek Northwest accreditation to ensure that students' credits and diplomas are accepted by other secondary schools, colleges and universities.

Northwest accreditation requires schools, public and non-public, to "meet or exceed" the requirements of the state in which they are located. In Utah this has been interpreted to mean that an accredited school, public or private, must:

- 1) Offer an educational program that meets or exceeds the requirements of the Utah State Core Curriculum standards as to course offerings, content and assessment.
- 2) Guarantee that all professional personnel hold a valid Utah Educator License and be properly endorse for their assignment(s).
- 3) Are compliant with all other requirements for accreditation by the Northwest Accreditation Commission.

The principals involved with the proposed Green Valley Academy have owned and run successful private schools in the past. These facilities were in compliance with all Utah laws and Northwest accreditation.

If additional information is necessary, please contact our office.

Sincerely,



Georgia Loutensock  
Education Specialist, Accreditation  
Utah State Director, Northwest Accreditation Commission  
Phone: (801) 538-7789, Fax: (801) 538-7769  
Email: georgia.loutensock@schools.utah.gov

# Green Valley Academy

Green Valley Academy is a private, non-public Specialty School serving students with specific needs in the areas of learning, depression, anxiety, and pervasive developmental problems.

## 1. Accreditation

Green Valley Academy will be fully accredited as a non-public school through the Utah Department of Education (see Exhibit A).

In addition, the Academy will be accredited by the North-West Association of Schools and Colleges (this accreditation allows for the transfer of credits to any public schools within the U.S.).

## 2. Curriculum

The curriculum will meet the guidelines for public high-school graduation requirements (i.e. students will have the ability to obtain a high school diploma and graduate from the Academy).

## 3. Staff

Green Valley Academy will provide its own Faculty staff consisting of:

- Principal
- Registrar
- Teachers, Artists
- Learning Specialist
- Teacher's aide
- Librarian
- Counselors (see Counseling/Therapy)
- Secretary and other Support Staff

## 4. Time Spend in Curriculum Activities

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Classroom	5.5	5.5	5.5	5.5	5.5		
Adaptive. P.E.	1	1	1	1	1	4	4
Study Hall	1	1	1	1	1		1

Total Hours of Formal Credit Seeking Academics (not including Study Hall)	40.5
---	------

## **5. Adaptive Physical Education**

An important part of the education provided at GVA will be the experiential P.E. program. We believe that simply talking about problems is not enough to bring about lasting change. Physical education provides students with opportunities to develop new skills and challenge themselves in healthy ways. Students will be given instruction in a variety of activities to promote good health, self esteem, positive relationships, and confidence.

Those activities include, but are not limited to the following:

- Mountain Biking
- Hiking/Trekking
- Skiing
- Fishing
- Boating
- Canoeing
- Kayaking

## **6. Activities for Daily Living as an Adjunct to the Educational Curriculum**

Students dealing with emotional disabilities are often ill equipped to deal effectively with the demands of the world. Due to the extent of student difficulties, parents have spent significant time adapting the world to meet their child's special needs. However, in order to be successful, these kids must develop skills that allow them to adapt to the demands of the world and become self reliant. To help facilitate this transition, GVA provides a life skills curriculum. Hence, the residential aspect of the Academy is an ideal platform to teach and model such Life skills as:

- Shopping for Food
- Organization
- Cooking and Meal Preparation
- Keeping and maintaining a Bank Account
- Hygiene, self-care, etc.

## **7. Other Schools with a similar Profiles, Missions, and Curriculums**

- a) The Utah School for the Deaf and Blind (USDB) in Ogden.
  - USDB provides specialized services to the disabled not found in traditional schools.
  - USDB Student enrollment is from a large catchment area throughout the state. Out-of-state students may attend, but must pay tuition.
  - As a way of providing additional support and learning opportunities, the USDB also serves as a Boarding School (Independent Residential Life Steps Program) to some of its students.

- The Independent Residential Life Steps Program curriculum includes activities for daily living (ADL) and life skills that are effectively taught and modeled by skilled staff in a residential setting.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.
- b) Alternative Schools: Washington High School in Ogden
- The school provides specialized services not found in traditional schools.
  - Students are often referred to Washington High School due to credit deficiencies. These deficiencies are generally related to behavioral, family, and/or emotional issues.
  - Washington High School (WHS) takes a much broader range of students than the student GVA will serve (i.e. history of aggression, felony, possible drug dependency, pregnancy, etc). However, WHS was included as an example to demonstrate the wide range of issues which prevent students from being able to attend a traditional classroom setting.
  - The curriculum includes Life skill classes such as Project Success, taught by counselors.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.
- c) Daniels Academy in Heber, UT
- Daniels Academy provides specialized services for students dealing with learning disorders.
  - Student enrollment is from a large catchment area.
  - Because of the above factors, many students reside on site.
  - The curriculum includes certain activities for daily living (ADL) that are best taught in residential settings.
  - P.E. credits are given via Adaptive P.E.
  - Open enrollment.

## **BENEFITS OF BOARDING SCHOOLS**

The U.S Dept. of State identified some of the following benefits associated with boarding schools: <http://www.state.gov/m/dghr/flo/c24032.htm>

- The student's self-reliance and independence are bolstered.
- Students are provided with regular supervised study periods.
- The community atmosphere fosters relationships between students and faculty/staff and among students, beyond day school activities.
- Students can be academically challenged through extensive course offerings, high achievement standards, and a favorable faculty/student ratio.

- A variety of extracurricular and athletic programs allow choices which suit individual tastes.
- Rules and regulations provide a defined frame of reference for the student to adapt to away-from-home living before encountering the relative freedom of most college campuses.
- Community and school service programs provide students with volunteer and work opportunities

Additional opportunities for students and families have been identified as: specialized services to meet special needs related to either a physical, emotional or learning disability that can't be as effectively met in the home or social environment, small class sizes, individualized attention, a holistic education, diverse opportunities, and self reliance.

### **8. *Student Population at Green Valley Academy***

- The Academy will provide services to a highly specialized student population (ages 14-18) with Learning and/or emotional/psychological challenges. Many students are credit deficient due to the magnitude of their difficulties. Our enrollment requirements are specific in the type of students who attend our school. We focus exclusively in the areas of learning, mood, anxiety, and developmental disorders. These issues require specialized, multi-disciplinary licensed staff, who provide education, counseling, therapy, and therapeutic recreation.
- Because of the highly specialized care provided by the Academy, students will come from both within and outside the state of Utah. Because of the distances from their homes, students will be housed in a dorm setting, thus making the Academy a boarding school (similar to parents enrolling their child in the Independent Residential Life Steps Program at USDB).
- Students who are inappropriate for GVA enrollment include: felons, aggressive history, drug dependency as a primary problem, sex offenders, fire starters, or having a known diagnosis that poses a threat to students, staff, and community.

### **9. *Counseling/Therapy***

Students with emotional needs or disabilities require specialized therapeutic services by licensed professionals beyond the basic counseling services "conventional" schools provide. Trained support staff will act as mentors, and will assist students in integrating components addressed in weekly therapy, into daily aspects of residential life. These same skills will ultimately transfer to the student's world away from the school, resulting in decreased symptoms, emotional

resiliency, and an improved quality of life. The Academy, in addition to being accredited as a non-public high school, will be dually licensed by the Utah Department of Human Services, Division of Licensure (see Exhibit B).

*Hours Spend per Week in Formal Therapy*

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Individ. Tx		1		1			
Group Tx	1		1		1		
Family Tx		1					
Total hours of formal therapy						6	

**10. Environment**

The Ogden Valley and the proposed property provide a highly desirable environment for a private school and are particularly suited for the emotional healing of adolescents who suffer from anxiety and depressive problems. The location will significantly enhance the Academy's efforts to connect students to the natural beauty and healing environment found in Ogden Valley. Hence, some of the activities incorporated within the curriculum will include:

- Learning to grow and maintain a student garden/green house for enhanced diet
- Bee keeping
- Building a solar panel and conducting "green" experiments
- Learning to preserve fruits and vegetables
- Creating individual and collaborative art
- Mapping and compass orienteering
- Journaling and book making
- Equestrian therapy
- Community Service and volunteerism

Green Valley Academy is committed to serving the specialized needs of our unique student population in the best manner and environment possible. Our mission is to provide these students with opportunities and skills to reach their individual and collective potentials and become productive, compassionate citizens of the world.



 PRW ARCHITECTURE, INC.

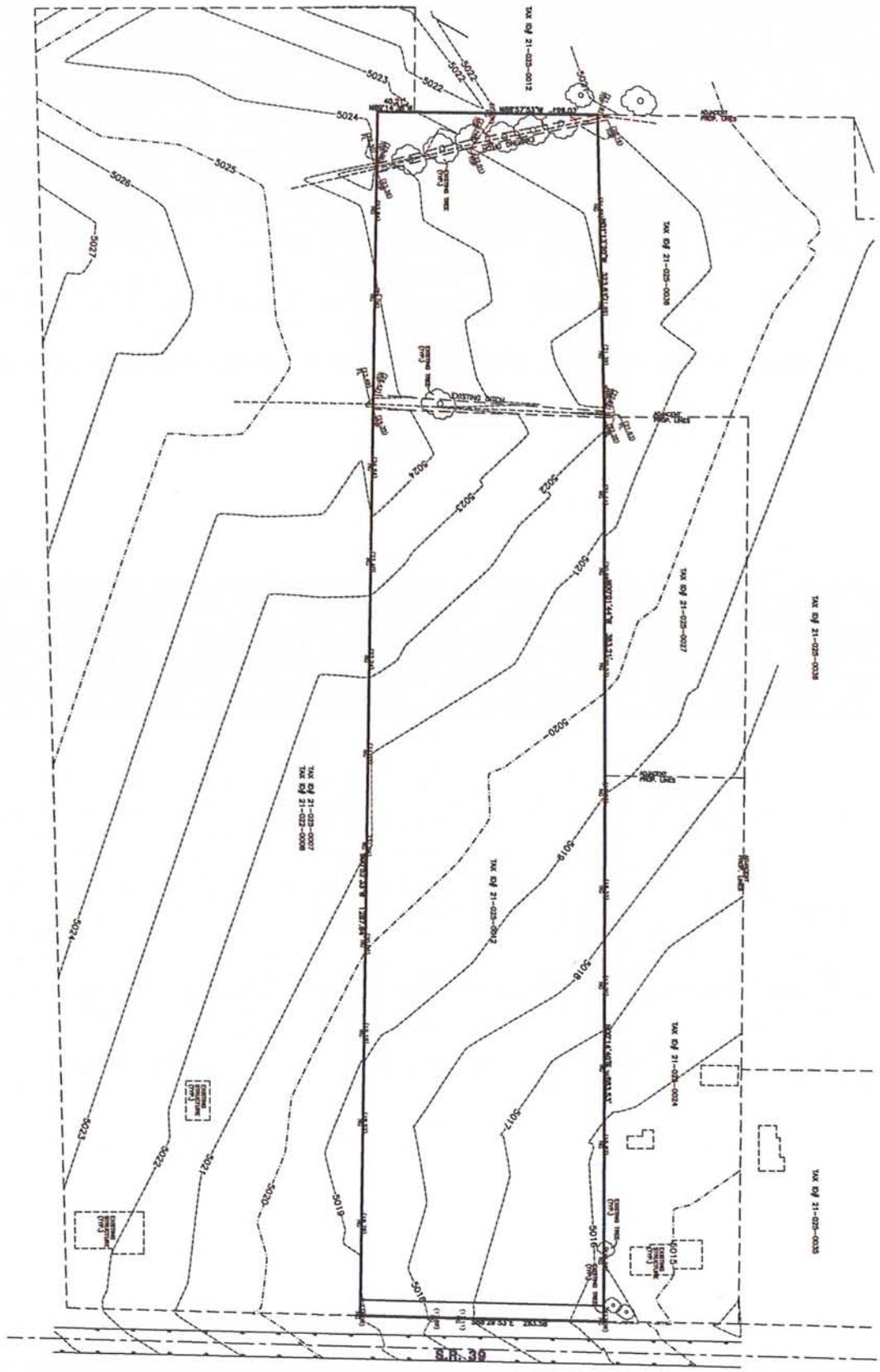
Exhibit D-1





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**Elevation Datum**  
 NORTH QUARTER CORNER OF SECTION 16,  
 T42N R10E S10E, U.S. SURVEY  
 ELEVATION = 5025.45' U.S. SURVEY  
 NOTES: PROVIDED BY OWNER.



Sheet **2** of **10**  
 Sheets

**Contract Info:**  
 Project Name: Green Valley Academy  
 Owner: J. NICK HENK, P.E.  
 Design: JIM HANSEN  
 Issue Date: NOVEMBER 24, 2010  
 Project Location: GREEN VALLEY  
 Number: 0428-2011



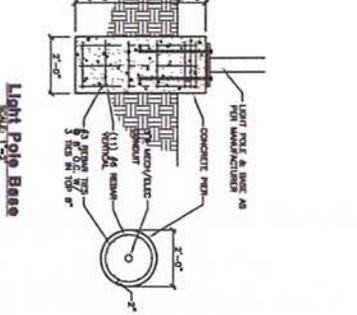
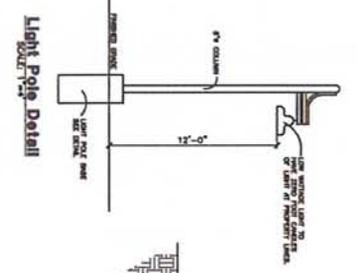
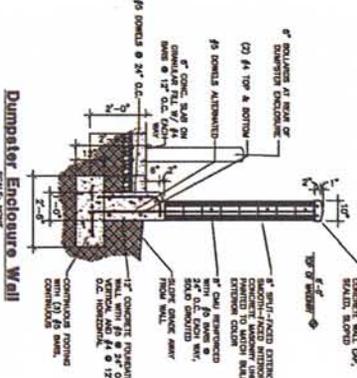
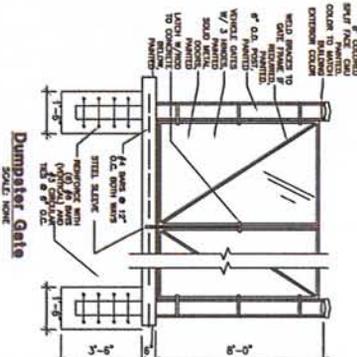
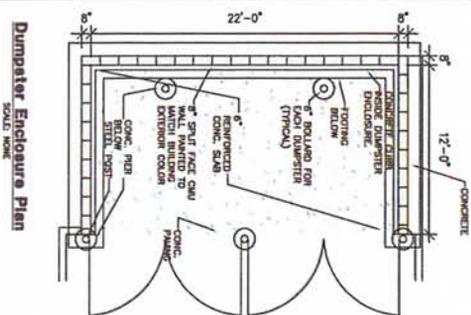
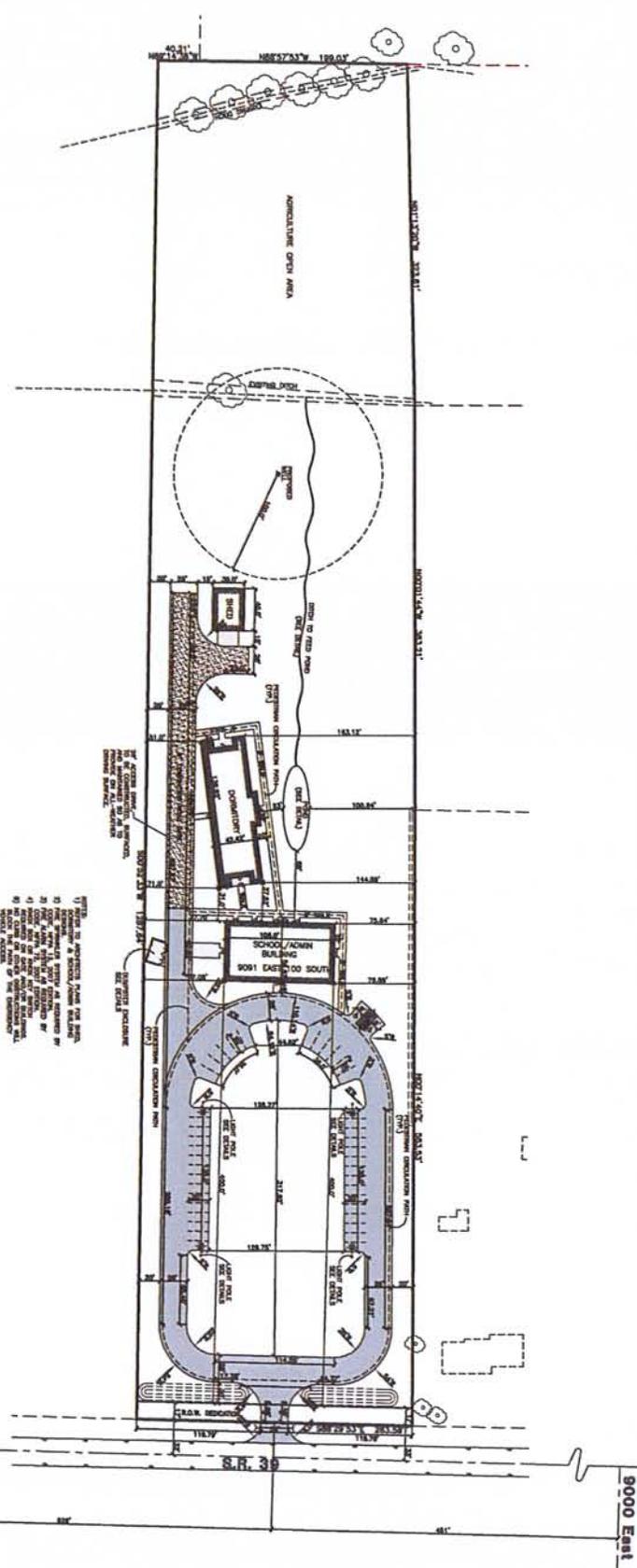
**Green Valley Academy**  
 9091 East 100 South  
 WEBER COUNTY, UTAH

**Existing Site Plan**

DATE	DESCRIPTION
1-11-11 RH	County Comments

**RA** **Reeve & Associates, Inc.**  
 4100 S. HARRISON BLVD., SUITE 200, OGDEN, UTAH 84403  
 TEL: (801) 671-1100 FAX: (801) 671-0088 www.reeve.com  
 1000 WEST FULTON ST. SUITE 1000 OGDEN, UTAH 84403  
 SPECIAL SERVICES • MECHANICAL SERVICES • ELECTRICAL SERVICES

Exhibit  
 E-2

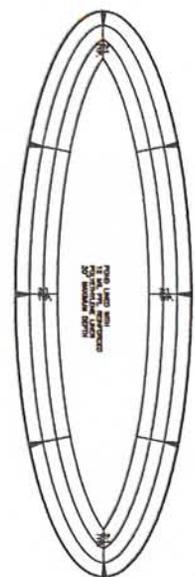
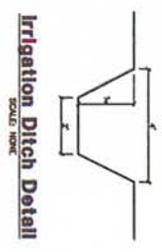
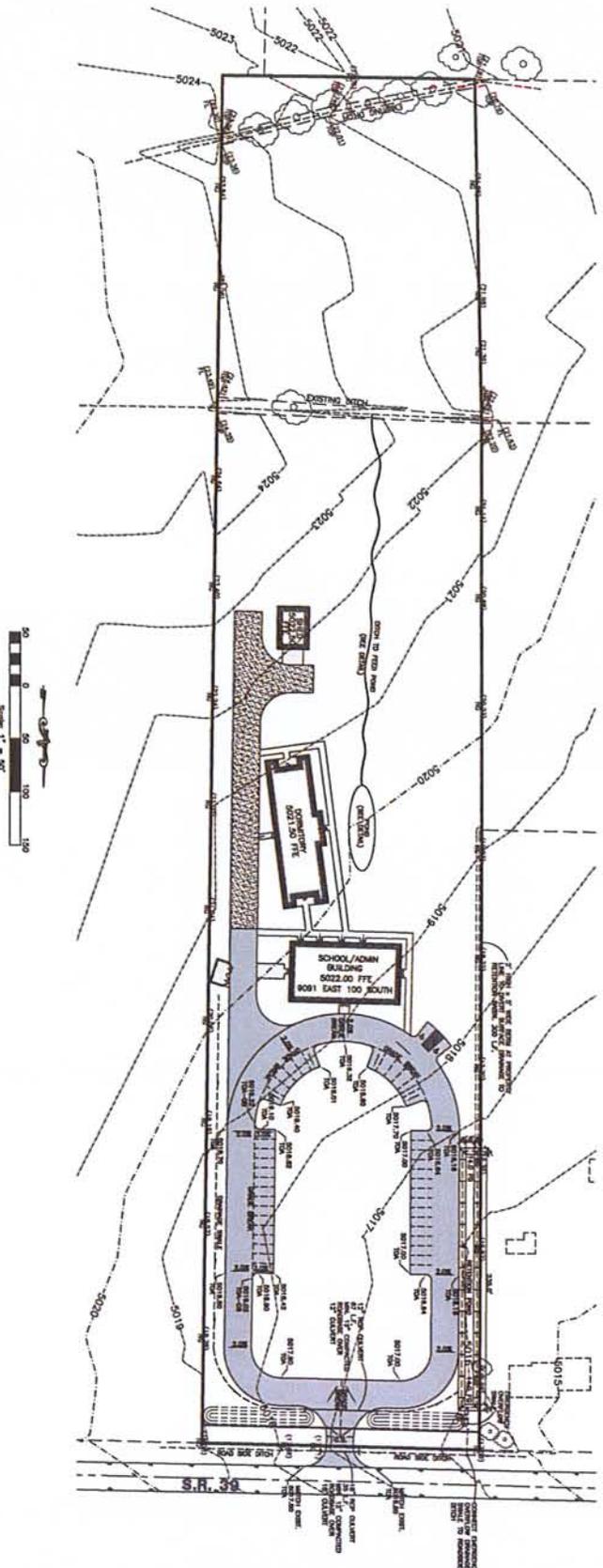


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	<b>Green Valley Academy</b> 9091 East 100 South WEBER COUNTY, UTAH	REVISIONS DATE DESCRIPTION 1-11-11 R.R. County Concrete	
SHEET <b>3</b> OF <b>10</b> SHEETS	<b>Proposed Site Plan</b>		<b>Reeve &amp; Associates, Inc.</b> <small>100 S. 1000 W. SUITE 1000, OGDEN, UTAH 84403          TEL: 435-765-1234 FAX: 435-765-1234          WWW: REEVE-ASSOCIATES.COM</small>

Exhibit  
E-3

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**ADDITIONAL AREA VOLUME CALCULATIONS**

TOTAL VOLUME: 10,120 CU YD  
 TOTAL AREA: 1,000 SQ FT  
 TOTAL VOLUME: 10,120 CU YD  
 TOTAL AREA: 1,000 SQ FT

**Bottom Relief Calculations**

Total Area: 1,000 SQ FT  
 Total Volume: 10,120 CU YD  
 Average Depth: 10.12 FT

**Project Info:**  
 Client: J. MARK REEVE, P.E.  
 Designer: JIMMY JENSEN  
 Date: NOVEMBER 23, 2010  
 Project: GREEN VALLEY ACADEMY

**Sheet 4 of 10**  
 Title: GRADING PLAN

**Green Valley Academy**  
 9091 East 100 South  
 WEBER COUNTY, UTAH

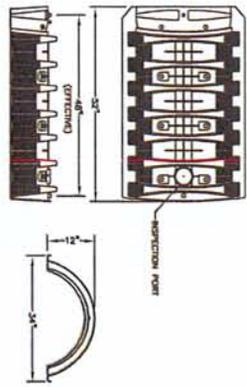
**Grading Plan**

DATE	REVISION	DESCRIPTION
1-11-11	RM	County Comments

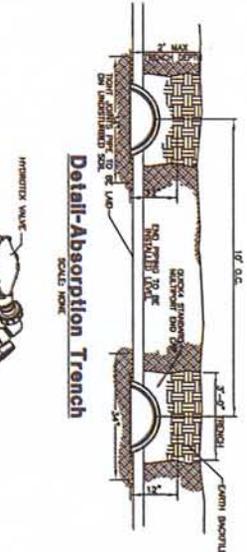
**Reeve & Associates, Inc.**  
 4018 S. UNIVERSITY BLVD., SUITE 200, SALT LAKE CITY, UT 84143  
 TEL: (801) 487-1222 FAX: (801) 487-1223

Exhibit  
 E-4

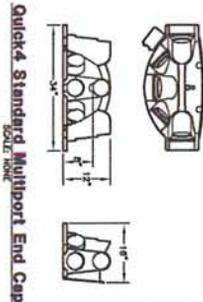




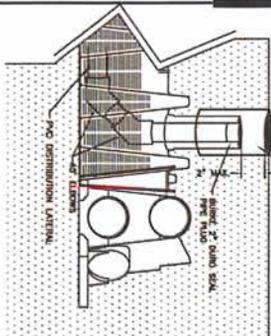
Infiltrator Systems Inc.  
Quick4 Standard Chamber  
SCALE: NONE



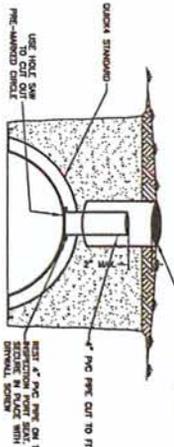
Drain Field  
Distributing Valve Model V6402A  
SCALE: NONE



Quick4 Standard Multiport End Cap  
SCALE: NONE



Distribution Lateral "Turn-Up"  
SCALE: NONE

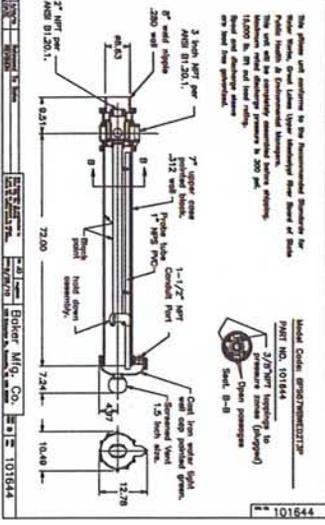
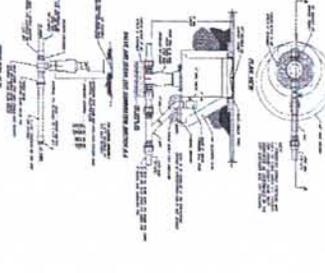


Quick4 Chamber Inspection Port  
Typical Distribution Detail  
SCALE: NONE

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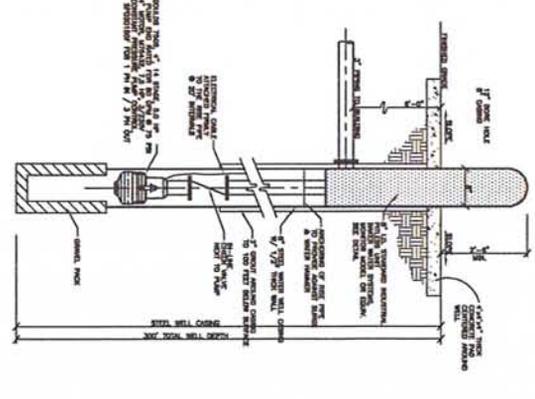
- Notes**
1. THE STONE OR "GRAVEL" FILL USED IN ABSORPTION FIELD TRENCHES SHALL CONSIST OF CRUSHED STONE, GRAVEL OR SLAGGED MATERIAL, RANGED FROM 3/4" TO 1 1/2" IN SIZE. ALL MATERIAL SHALL BE QUANTIFIED AND RESISTANT TO SODDING AND COMPACTION. IT SHALL EXTEND TO THE BOTTOM OF THE DISTRIBUTION PIPES AND SHALL COMPLETELY ENCASE AND COVER THEM AT LEAST 2 INCHES ABOVE THE TOP OF THE DISTRIBUTION TRENCH.
  2. THE EXTENSION PIPES SHALL BE CENTERED IN THE ABSORPTION TRENCH AND PLACED AT THE END OF THE TRENCH.
  3. IN LOCATIONS WHERE THE SIZE OF THE GROUND OVER THE ABSORPTION FIELD AREA IS UNUSUAL, THE DISTRIBUTION PIPES SHALL BE SLOPED TO PROVIDE A MINIMUM OF 1% SLOPE TO THE ABSORPTION FIELD.
  4. SLOPES MAY NOT BE INSTALLED ON SLOPING GROUND GREATER THAN 4%.
  5. FOR BACKFILL OF A PIPING CHANNEL, WHICH WILL BE REQUIRED FOR PROTECTION OF THE DISTRIBUTION PIPES FROM THE GROUND SURFACE, FILL SHALL BE PLACED AT THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION.
  6. SLOPES MUST BE MAINTAINED AS SOON AS POSSIBLE AFTER A MAINTENANCE IS DISCOVERED.
  7. NO TREES, CONCRETE, STRUCTURES, UTILITY, OR OBJECTS OVER THE SYSTEM, NOR REPLACEMENTS THEREOF, SHALL BE ALLOWED OVER THE SYSTEM.
  8. SURFACE WATERS TO BE DIRECTED AWAY FROM THE SYSTEM.
  9. SITE SHALL BE CLEARED OF VEGETATION AND COVERED TO A DEPTH OF 4 INCHES WITH FLOORSIDE MULCH OR SIMILAR MATERIAL. MULCH SHALL BE MAINTAINED TO A DEPTH OF 4 INCHES AT ALL TIMES TO PROTECT THE SYSTEM FROM SOIL COMPACTION.
  10. CUT GRASS SHALL BE PLACED TO A DEPTH OF 4 INCHES WITH FLOORSIDE MULCH OR SIMILAR MATERIAL.
  11. CHECK FOR PROPER SOIL MOISTURE PRIOR TO CONSTRUCTION. SOIL IS 100% WET IF IT FORMS INTO A MOUND.
  12. CUT GRASS SHALL BE PLACED TO A DEPTH OF 4 INCHES WITH FLOORSIDE MULCH OR SIMILAR MATERIAL.
  13. TILL THE AREA TO A DEPTH OF 6 INCHES. THE TILLED AREA SHOULD BE AT LEAST THE TOTAL LENGTH AND WIDTH OF THE SYSTEM.
  14. TILL WITH A MEDIUM TO HEAVY DUTY ROTARY TILLAGE OR COMB TILLAGE EQUIPMENT ON A MINIMUM OF 4 INCHES TO A DEPTH OF 6 INCHES. THE TILLED AREA SHOULD BE AT LEAST THE TOTAL LENGTH AND WIDTH OF THE SYSTEM.
  15. CHECK FOR PROPER SOIL MOISTURE PRIOR TO CONSTRUCTION. SOIL IS 100% WET IF IT FORMS INTO A MOUND.
  16. ADD TREATMENT ON TILLED AREA, ESPECIALLY NEARBY THE ABSORPTION AREA.
  17. USE A DISTRIBUTION BOX TO ENCASE THE DISTRIBUTION TO ALL TRENCHES.
  18. PERFORATION OR GRID SCORING DURING CONSTRUCTION, RE-CUT ALL THE TRENCHES.
  19. PERFORATION BOXES SHALL BE INSTALLED AT THE END OF EACH TRENCH.
  20. COVER THE TOP OF THE CHAMBER WITH AN EXTENSIVE PERFORATED MATERIAL. BETWEEN PERFORATED MATERIAL, THIS PERFORATED MATERIAL SHALL BE PLACED TO A DEPTH OF 4 INCHES FROM THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION.
  21. SIGNAL TILL SHALL BE PLACED TO A DEPTH OF 4 INCHES FROM THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION. A MINIMUM OF 1/2" TO 1" OF SIGNAL TILL SHALL BE PLACED TO A DEPTH OF 4 INCHES FROM THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION.
  22. PLACE APPROXIMATELY 10 INCHES OF SOIL OVER FENCE OR BARRIER AND EXTEND IT TO A MINIMUM OF 10 FEET IN ALL DIRECTIONS FROM THE ABSORPTION FIELD. A MINIMUM OF 1/2" TO 1" OF SIGNAL TILL SHALL BE PLACED TO A DEPTH OF 4 INCHES FROM THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION.
  23. TO USE QUARRY FILL WITH AN AT-Least 3% PERCENT FINE SAND, WHICH MUST BE PLACED TO A MINIMUM OF 10 FEET IN ALL DIRECTIONS FROM THE ABSORPTION FIELD. A MINIMUM OF 1/2" TO 1" OF SIGNAL TILL SHALL BE PLACED TO A DEPTH OF 4 INCHES FROM THE TOP OF THE DISTRIBUTION PIPES AND SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION.

Zone or Sub-System	Area	Area (sq. ft.)	Volume (cu. ft.)
Total Area	20	1,500	1,500
Per Unit	1	75	75
Total Volume	20	1,500	1,500



Pitless Unit  
Boiler Mfg. Co. 101844  
SCALE: NONE

Well Detail  
SCALE: NONE



**101844**

Revised 4-11-11

**Green Valley Academy**  
9091 East 100 South  
WEBER COUNTY, UTAH

**Well Pump/Septic Details**

DATE	REVISIONS	DESCRIPTION
1-11-11	SM	County Comments

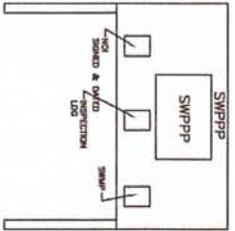
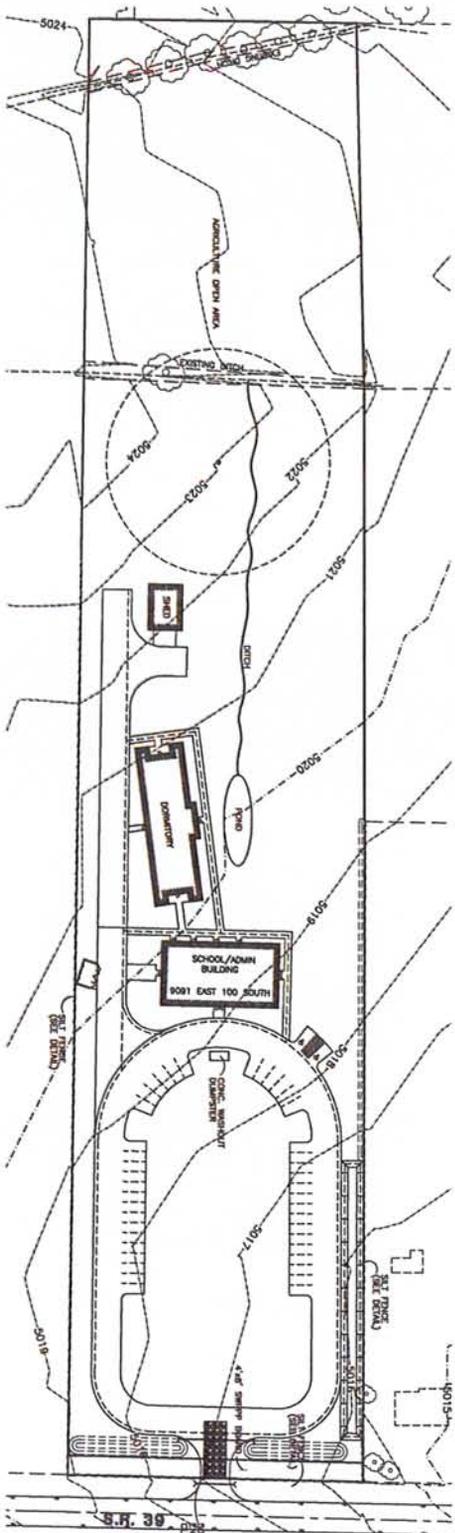
**RA**  
**Reeve & Associates, Inc.**  
240 S. UNIVERSITY AVENUE, SUITE 200, SALT LAKE CITY, UTAH 84143  
TEL: 801.487.4664 FAX: 801.487.4665  
WWW.REEVE-ASSOCIATES.COM

Exhibit  
E-6

# GREEN VALLEY ACADEMY

## Storm Water Pollution Prevention Plan Exhibit

HUNTSVILLE, WEBER COUNTY, UTAH  
DECEMBER, 2010



Sample SWPPP Board  
(4'x8' Sheet of Plywood)

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### Construction Activity Schedule

PROJECT LOCATION:	HUNTSVILLE, WEBER COUNTY, UTAH
PROJECT BEGINNING DATE:	JUNE 2011
PROJECT ENDING DATE:	DECEMBER 2011
STORM WATER MANAGEMENT CONSULTANT / INSPECTOR:	JANE MALDONADO (505) 841-2735
PROJECT OWNER:	GREEN VALLEY ACADEMY
PROJECT MANAGER:	DAVID WALKER
PROJECT ENGINEER:	DAVID WALKER
PROJECT ARCHITECT:	DAVID WALKER
PROJECT CONTRACTOR:	DAVID WALKER

ALL MATERIALS LISTED ARE TO BE INSTALLED IN ACCORDANCE WITH THE UTAH CONSTRUCTION STANDARDS MANUAL (UCSM) AND THE UTAH CONSTRUCTION STANDARDS MANUAL (UCSM) AND THE UTAH CONSTRUCTION STANDARDS MANUAL (UCSM).

Sheet	7
Of	10

Professional Seal  
 J. WALKER, P.E.  
 ENGINEER  
 UTAH  
 LICENSE NO. 24,301  
 EXPIRES 12/31/2011

**Green Valley Academy**  
 9091 East 100 South  
 WEBER COUNTY, UTAH

**Storm Water Pollution Prevention Plan Exhibit**

REVISIONS	DATE	DESCRIPTION
1-11-11	RH	County Comments

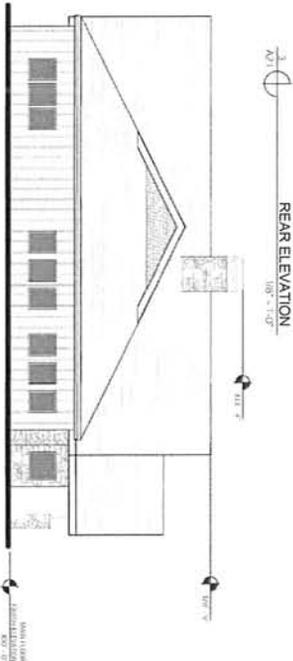
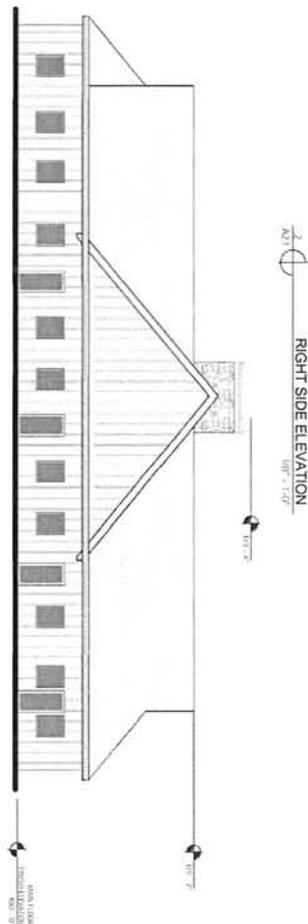
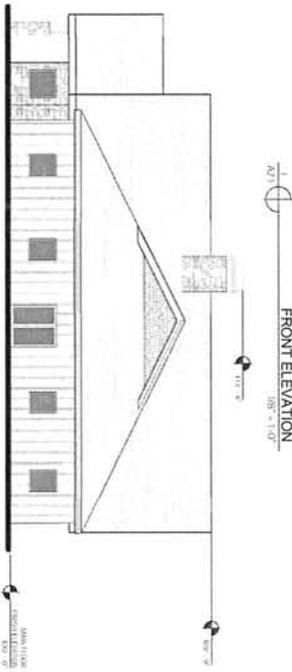
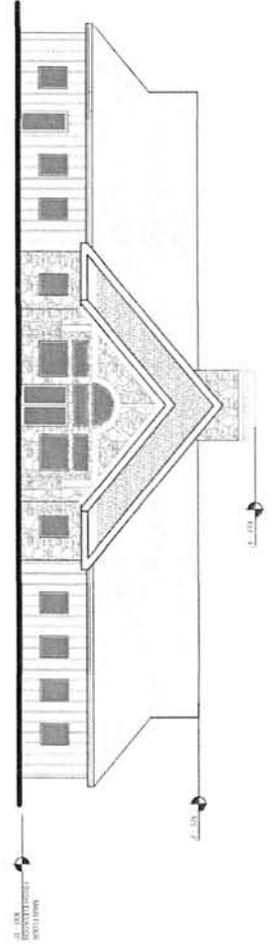
**RA** **Reeve & Associates, Inc.**  
 4105 S. WASHINGTON BLVD. SUITE 204, PHOENIX, ARIZONA 85041  
 TEL: (602) 997-1111 FAX: (602) 997-1112  
 10000 N. CENTRAL EXPRESSWAY, SUITE 100, PHOENIX, ARIZONA 85028  
 WWW.REEVE-ASSOCIATES.COM

Exhibit E-7





Exhibit F-2



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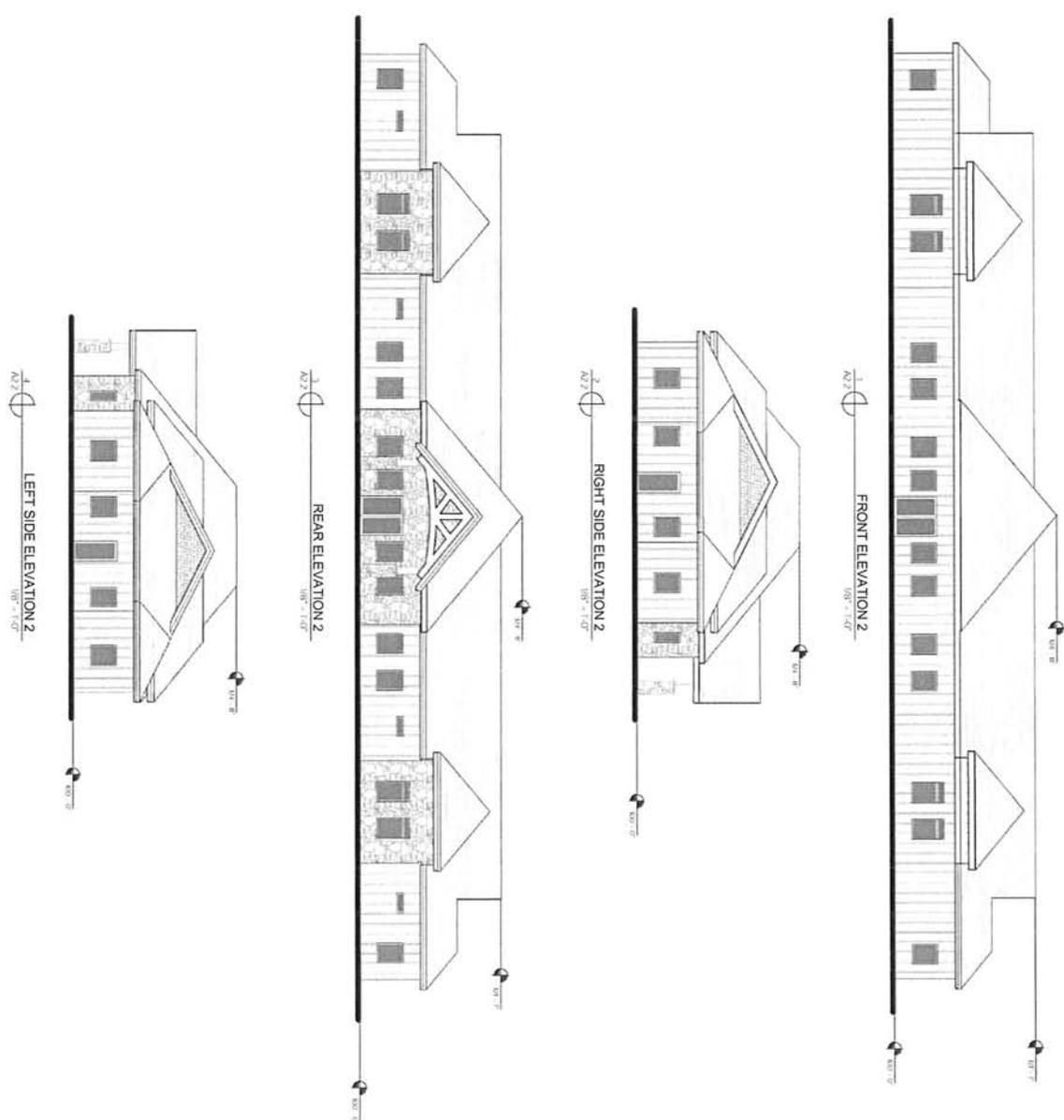
PO BOX 540007, NORTH SALT LAKE, UTAH

PHONE: (801) 936-8444



PROJECT NUMBER <b>10056</b>	ISSUE DATE: JANUARY 12, 2011	REVISIONS: No. Date	GREEN VALLEY ACADEMY HUNTSVILLE, UTAH	OFFICE ELEVATIONS	A2.1
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Exhibit F-3



PROJECT NUMBER  
10056

ISSUE DATE:  
JANUARY 12, 2011

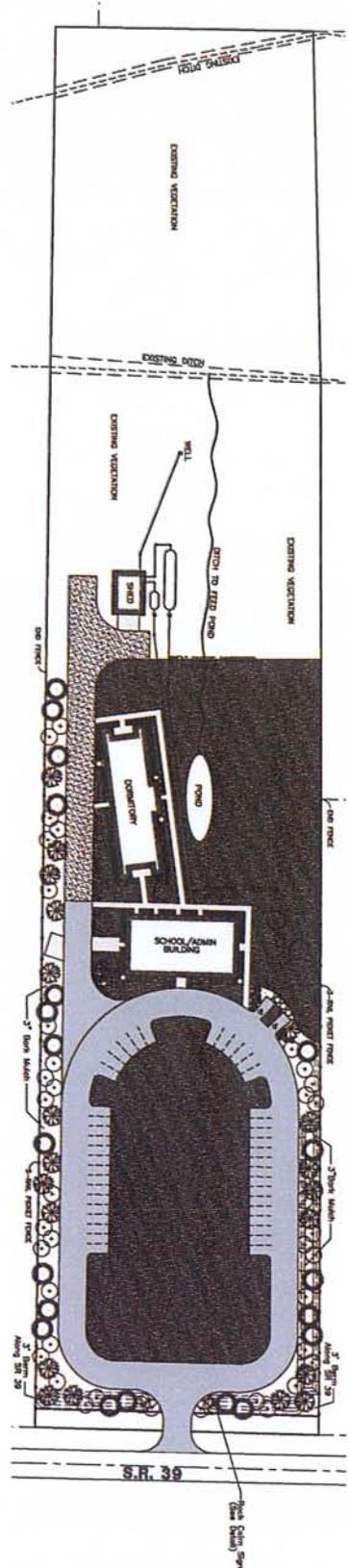
REVISIONS:  
No. Date

GREEN VALLEY ACADEMY  
HUNTSVILLE, UTAH

DORMITORY  
ELEVATIONS

A2.2





### Plant Table

Quantity	Symbol	Scientific Name	Common Name	Planting Size
6	○	Medea "Spring Snow"	Spring Snow Cotyledon	2" cal.
20	○	Prinos purpureus	Blue Spruce	5"-8" B&B
20	○	Prinus nigro	Australian Pine	6"-12" B&B
40	○	Populus tremuloides	Quaking Aspen	1" - 2" cal.

Quantity	Symbol	Scientific Name	Common Name	Planting Size
9	○	Eumonymus alatus "Compacta"	Deer Bunting Bush	5 gal.
16	○	Prinos nigro "Pumila"	Deer! Maple Pine	5 gal.
28	○	Spiraea japonica "Magic Carpet"	Magic Carpet Spiraea	5 gal.

Quantity	Symbol	Scientific Name	Common Name	Planting Size
600	■	Eumonymus fortunei "Cobolus"	Purple Leaf Wintercreeper	1 gal./4"cup/7"flat
40	■	Hemerocallis spp.	Daylily	1 gal.
12	■	Hosta spp.	Hosta	1 gal.
19	■	Lamendula	Lavender	1 gal.

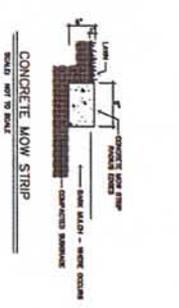
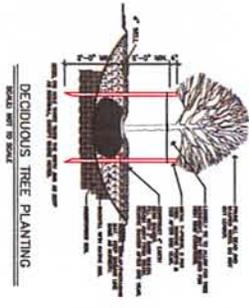
**PERENNIALS**

**Decorative Boulders**

**Turf Grass**

Purple Leaf Wintercreeper - 1" depth of bark mulch in these areas only.  
 Buy this ground cover plant in flats, if available.  
 All other planting beds shall be covered with a 3" depth of shredded bark mulch.  
 Replacement on needed to maintain depth.  
 NOTE: Very heights of evergreen trees for a natural look.  
 NOTE: Irrigation shall be designed by owner's licensed landscape contractor.

### See Planting Bed Details - Sheet 10



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Exhibit  
G-1

**Green Valley Academy**  
9091 East 100 South  
WEBER COUNTY, UTAH

**Landscape Plan**

DATE	REVISIONS	DESCRIPTION
1-11-11	24	County Comments

**Reeve & Associates, Inc.**

4105 S. WILSON BLVD., SUITE 200, WEST VALLEY, UT 84086  
 TEL: 435-333-2000 FAX: 435-333-2001  
 WWW: REEVEANDASSOCIATES.COM

PROJECT: GREEN VALLEY ACADEMY  
 OWNER: J. MICHELE JENSEN  
 DESIGN: J. MICHELE JENSEN  
 DATE: NOVEMBER 23, 2010  
 NAME: JAMES WALKER  
 ADDRESS: [REDACTED]  
 NUMBER: 2383-211

SHEET: **10**  
 OF: 10 SHEETS

Revised 1-11-11

### Plant Table

TREES			
Quantity	Symbol	Scientific Name	Common Name
6	○	Molus 'Spring Snow'	Spring Snow Crabapple
20	○	Picea pungens	Blue Spruce
20	○	Pinus nigra	Austron Pine
40	○	Populus tremuloides (Queen & King)	Quaking Aspen
			Planting Size
			2" col.
			5'-8" B&B
			8'-12" B&B
			1" - 2" col.

SHRUBS			
Quantity	Symbol	Scientific Name	Common Name
9	○	Euroymus alata 'Compact'	Dwarf Burning Bush
16	○	Pinus mugo 'Pumilio'	Dwarf Mugo Pine
28	○	Spiraea japonica 'Magic Carpet'	Magic Carpet Spirea
			Planting Size
			5 gal.
			5 gal.
			5 gal.

PERENNIALS			
Quantity	Symbol	Scientific Name	Common Name
600	■	Euonymus fortunei 'Coloratus'	Purple Leaf Wintercreeper
40	■	Hemerocallis spp.	Daylily
12	■	Heistia spp.	Heistia
19	■	Lovendia	Lovender
			Planting Size
			1 gal./4" cup/flat
			1 gal.
			1 gal.
			1 gal.

- Decorative Boulders
  - Turf Grass
  - Purple Leaf Wintercreeper - 1" depth of bark mulch in these areas only. Buy this ground cover plant in flats. If available.
  - Turf Grass
- NOTE: All other planting beds shall be covered with a 3" depth of shredded bark mulch. Replenish as needed to maintain depth.
- NOTE: Very heights of evergreen trees for a natural look.
- NOTE: Irrigation shall be designed by owner's licensed landscape contractor.

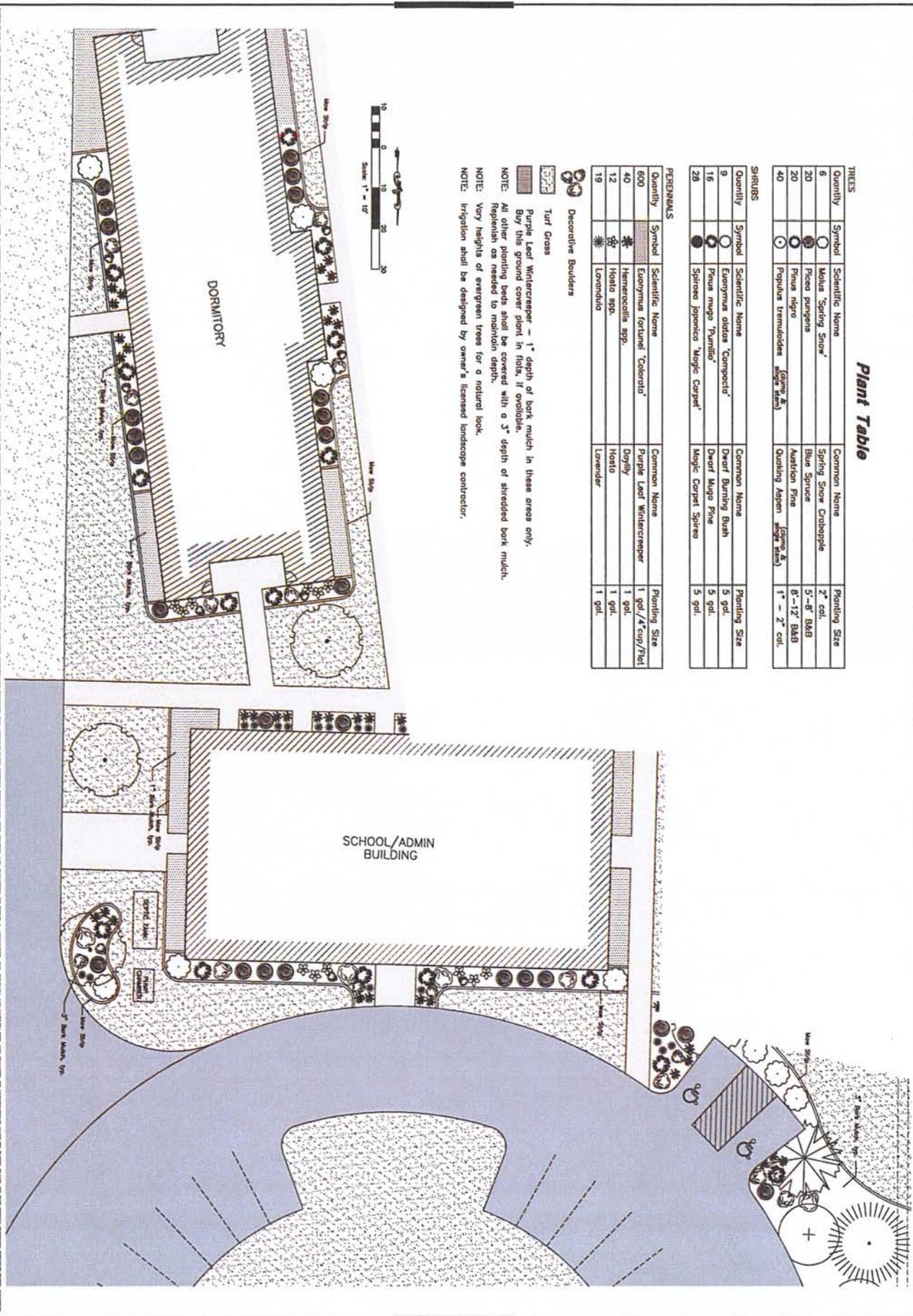


Exhibit  
G-2

	<p><b>Green Valley Academy</b> 9091 East 100 South WEBER COUNTY, UTAH</p> <p><b>Planting Bed Details</b></p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1-11-11</td> <td>RH County Comments</td> </tr> </tbody> </table>	DATE	DESCRIPTION	1-11-11	RH County Comments	<p><b>Reeve &amp; Associates, Inc.</b></p> <p>100 S. UNIVERSITY BLVD., SUITE 200, SALT LAKE CITY, UT 84143 TEL: 313-443-1111 FAX: 313-443-1112 WWW.REEVE-ASSOCIATES.COM</p>
DATE	DESCRIPTION						
1-11-11	RH County Comments						
<p>Project: 10 Sheet: 10</p>	<p>Prepared by: DANIEL M. JONES, P.E. Checked by: DANIEL M. JONES, P.E. Drawing Date: NOVEMBER 20, 2010. Project: GREEN VALLEY ACADEMY Number: 100-201</p>						

**Design Review - Section 36**  
**Preliminary Exterior Building Materials & Color Schemes**

Description	Material	Color
Roofing	Certainteed	Moire Black or equal
Cultured Stone	Harrystone	Uintah Brown or equal
Siding	Vertical Cedar Siding	Olive Brown or equal
Trim	Prefinished metal	Terra Brun or equal

Exhibit H



## OGDEN VALLEY TOWNSHIP PLANNING COMMISSION 2011 SCHEDULE OF MEETINGS

*The meetings are held in the County Commission Chambers, 1<sup>st</sup> Floor, in the Weber Center, 2380 Washington Blvd., Ogden, Utah unless otherwise posted.*

The Ogden Valley Township Planning Commission holds their Regular meetings on the Fourth Tuesday of each month unless otherwise noted.

Pre-meetings will begin at 4:30 p.m. in Room 108  
Regular meeting will begin at 5:00 p.m.

### Regular Meetings

January 25, 2011

February 22, 2011

March 22, 2011

April 26, 2011

May 24, 2011

June 28, 2011

July 26, 2011

August 23, 2011

September 27, 2011

October 25, 2011

November 22, 2011

December 06, 2011

Work Session meetings are held on the 1<sup>st</sup> Tuesday of each month unless otherwise noted.

No Pre-meetings. Work Sessions will begin at 5:00 p.m. in Room 108 unless otherwise posted

### Work Sessions

January 04, 2011

February 01, 2011

March 01, 2011

April 05, 2011

May 03, 2011

June 07, 2011

July 05, 2011

August 02, 2011

September 06, 2011

October 04, 2011

November 01, 2011

\*December 06, 2011

\*Combined w/Regular Mtg.)



## Weber County Planning Division

Date: January 18, 2011  
To: Ogden Valley Planning Commission  
From: Robert O. Scott, AICP *RS*  
Planning Director  
Subject: Annual Rules of Order Adoption

Each year the Planning Commission adopts the Ogden Valley Planning Commission Rules of Order. In December both the Ogden Valley Planning Commission and the Western Weber Planning Commission held a work session to review suggested amendments to the Rules of Order. The following changes were discussed and Staff was given direction to bring these changes back for adoption.

The following amendments have been included in the attached revised Rules of Order.

A clarification to section F. Procedure Motions 3. Motions in Order During Debate (page 9):

(c) To continue, table, or postpone indefinitely or to a specified time; by inserting the word or as shown.

A second change is to clarify section 7 under F. Procedure Motions to insert the word it as shown below. (page 9)

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending measure it shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

A third grammatical change is to clarify section B. Conduct of Members of the Commission subsection 4. Conflict of Interest by adding the word an as shown below. (page 4)

(d) Planning Commission Members Wishing to Give Testimony. A member who desires to give testimony at a meeting may do so only by declaring an intent to testify, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before testifying, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is testifying as an interested member of the public and not in his/her capacity as a member of the Commission; upon testifying the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant he / she can fully participate in the matter.

A fourth change is to modify the work session calendar for the Western Weber Planning Commission to be held on the second Tuesday immediately following the regular meeting agenda under C. Meetings (page 5)

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held on the ~~third~~ second Tuesday of each month ~~at the hour of 5:00 p.m.~~ immediately following the regular meeting agenda.

There have been no other suggested changes.

It is recommended that the Ogden Valley Planning Commission approve the amended Rules of Order.

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
January 11, 2011

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any testimony or comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should

withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

(a) Disqualification. No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) Disclosure of Potential Conflict of Interest. Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

(c) Ex Parte Contacts. Planning Commission members shall reveal any pre-hearing or ex parte contacts with regard to any matter at the commencement of the public meeting on the matter. An ex parte contact is any communication with a party or person. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(d) Planning Commission Members Wishing to Give Testimony. A member who desires to give testimony at a meeting may do so only by declaring intent to testify, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before testifying, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is testifying as an interested member of the public and not in his/her capacity as a member of the Commission; upon testifying the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant he / she can fully participate in the matter.

(e) Gifts and Favors. Gifts and favors standards are found in UCA 67 16 5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.

(g) Political Activity. Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

## C. MEETINGS

### 1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

### 2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held on the third Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Pledge of Allegiance
- (b) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (c) Approval of minutes of prior meetings
- (d) Consent Agenda
- (e) Petitions, Applications and Public Hearings
- (f) Chair reads hearing statement
- (g) Old Business
- (h) New Business
- (i) Public Comment for Items not on the Agenda
- (j) Remarks from Planning Commissioners
- (k) Report of the Planning Director
- (l) Remarks from the County Attorney
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.

3. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and determined that Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

4. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

E. ORDER AND DECORUM

1. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
- (c) Staff makes a presentation on the criteria, standards, and recommendations;
- (d) Applicant or applicant's agent presents evidence for the proposal;
- (e) Any opponents and/or proponents may comment;
- (f) Planning Commission members may question staff, applicant, or opponents on all the above;
- (g) Applicant's rebuttal if requested;
- (h) Closing of the public hearing, if applicable;
- (i) Concluding comments of Staff or Staff summary and recommendations;
- (j) Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should be asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, and rebuttal testimony.
- (d) Question any person appearing, and allow other members to question any such person.
- (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

4. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Testifies without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

**F. PROCEDURE - MOTIONS**

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.

- (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn;
- (b) To adjourn;
- (c) To continue, table, or postpone indefinitely to a specified time;
- (d) To amend; to substitute;
- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by yeases and nos given by members of the Commission individually on roll call, except motions to adjourn, table, common consent, continue, proceed out of order, or receive for study may be done by voice vote. The names of the members on such roll call shall be called alphabetically, in rotation, except that the Chair shall be called last. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

3. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

5. Commission Members Required to Vote - Late Voting  
No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.
6. Tie Votes  
If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.
7. Explaining Vote  
After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
8. Not to Vote Unless Present  
No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

**J. DOCUMENTS OF THE COMMISSION**

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

**K. AMENDMENT**

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

L. **RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

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Greg Graves, Chair  
Ogden Valley Planning Commission

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John Parke, Chair  
Western Weber Planning Commission