

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for March 28, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/86789030753>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Chair Trevor Shuman, Vice Chair, Jeff Barber, Jared Montgomery, Justin Torman, and Janet Wampler.

Absent/Excused: Commissioner Jeff Burton, Dayson Johnson

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; June Nelson, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:**

1. **Minutes: February 7, 2022 and January 24, 2023.** – *Minutes approved with some requested changes from Commissioner Wampler*

Petitions, Applications, and Public Hearings:

2. Administrative Items:

2.1 UVT112822: Request for a recommendation of final approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310. Planner: Tammy Aydelotte

Planner Aydelotte provided a brief history of approvals relating to the subject property, dating back to 2013, after which she noted the Planning Division recommends final subdivision approval for The Ridge Townhomes PRUD Phase 5. The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for final subdivision. The final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff’s evaluation of the request, including compliance with the General Plan and zoning regulations; lot area, frontage/width, and yard regulations; culinary water, irrigation water, and sanitary sewer disposal; and compliance with the requirements of review agencies. She concluded staff recommends final subdivision approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A cost estimate for the improvements and a draft copy of any CC&R’s will be required prior to receiving final approval from the County Commission.
2. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County Planning Division prior to forwarding the application for approval by the County Commission

The recommendation is also based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision conforms to the approved Zoning Development Agreement.
3. The proposed subdivision conforms to the approved PRUD.
4. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Chair Shuman invited input from the applicant; the applicant indicated he did not have anything to add.

Chair Shuman invited questions or comments from the Commissioner. There were no additional questions or comments.

Commissioner Barber moved to approve application UVT112822, final approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E. Moose Hollow Drive, Eden.

Chair Shuman offered a friendly amendment to the motion to include the statement that approval is based on the findings and subject to the conditions listed in the staff report. Commissioner Barber accepted the friendly amendment.

Commissioner Burton seconded the motion. Commissioners Barber, Burton, Torman, and Shuman all voted aye. Commissioner Wampler abstained. (Motion carried 4-1).

2.2 DR 2023-01: Request for design review approval Request for approval of a design review application for Sky Lodge Hotel, located at approximately 7500 North Powder Ridge Rd, Eden, UT, 84310. This proposal consists of 66 guest rooms/cabins, and associated amenities that include a café and bar, meeting space, pool and spa, dog park, amphitheater, fire pits, and children’s play structure/area. Planner: Tammy Aydelotte

Planner Aydelotte explained the applicant is requesting design review approval of a hotel with 36 guest rooms and 30 stand-alone cabins. The applicant is proposing two types of cabins. Each has a single bedroom with a bathroom and gear storage area. The Type B, two-story cabins have a loft/sitting area on the 2nd floor. Square footage for the 17 Type A cabins are 420 square feet. The 13 type B cabins have 696 square feet. This proposal is located on the same site as the existing Sky lodge at the top of Powder Mountain Road and she provided an aerial image of the property to orient the Commission to the location of existing improvements and the areas in which the new improvements would be located. This proposal includes 30 stand-alone cabins and 36 hotel guestrooms within a new main lodge building. Proposed amenities include a café and bar, meeting/conference space, pool and spa, a greenhouse for events, amphitheater, dog park, fire pits, a children’s play area, and a gear rental space for guests and visitors to the mountain. The applicant’s engineered traffic study and site plan shows 55 spaces dedicated for the hotel and cabins. She summarized staff’s design review, which included attention to the following:

- Considerations relating to traffic safety and traffic congestion. Since the application was initially reviewed, staff has heard from the Engineering Division that they do not want any access points along Summit Pass Road and they have asked that the developer work with the Fire District to identify an alternative emergency access point.
- Considerations relating to outdoor advertising.
- Considerations relating to building and site layout.
- Considerations relating to landscaping.
- Considerations relating to prior development concept plan approvals associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.
- Considerations relating to utility easements, drainage, and other engineering questions.

Staff finds the proposal conforms to the Ogden Valley General Plan by continuing commercial development within existing resort areas. The Planning Division recommends approval of file# DR 2023-01, subject to all review agency requirements, including those requirements from Weber Fire District, and Weber County Engineering, and the following conditions:

1. Any proposed lighting must comply with the Ogden Valley Lighting requirements, as outlined in LUC§ 108-16.
2. Any proposed signage must comply with the Ogden Valley Sign Ordinance in LUC § 110-2.
3. Unless otherwise allowed by the Planning Commission, the entirety of the sky lodge parking lot will be required to be hard surface paved.

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project complies with the applicable Zoning Development Agreement and approved Powder Mountain/Master Plan.
3. The proposed project conforms to the Ogden Valley General Plan.

Chair Shuman referenced condition number three and asked if the LUC requires hard surface parking lots. Planning Director Grover stated the Planning Commission does have the authority to provide an exception to a requirement for hard surface parking in this area. Legal Counsel Erickson added that LUC Section 108-8-7 states “the land use authority may modify the applicability of any provision of this chapter by approving a parking plan created by the developer if the land use authority determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will

provide a mechanism for revocation where the plan is not operating as presented.” Chair Shuman asked if the Commission truly has flexibility to provide an exemption to the hard surface parking requirement. Mr. Erickson stated the LUC does state that the Commission can deviate from the LUC if there is a master plan in place that addresses parking provisions. Mr. Grover stated that the County has provided exemptions in certain mountain resort areas if a certain compaction level can be provided as determined by the Fire District. Commissioner Torman inquired as to the recommendation of Planning staff regarding the hard surface parking issue. Ms. Aydelotte stated Planning staff recommends adherence to all review agency requirements and the Engineering Division has asked that the parking area be paved/hard surface. The area is currently being used as a parking lot, but it is not paved. Commissioner Torman added there are two other existing parking areas that are also not paved. Ms. Aydelotte stated that is correct. This led to high level discussion and debate of whether to consider an exemption to the ordinance to waive the hard surface requirement for the new lot as well as the existing lots. Mr. Grover reiterated the Engineering Division has recommended hard surface paving of the parking area as well as the access roads that serve the parking area and Planning staff recommends that the approval be conditioned upon that requirement. Chair Shuman stated that it is difficult for the Planning Commission to take action conditioned upon meeting the requirements of Engineering and the Fire District without having a full understanding of what those requirements are. Mr. Grover indicated the Commission has the option of tabling an action on this application until they have more information; they can request for the Engineering Division’s recommendation to be fully spelled out.

Chair Shuman invited input from the applicant.

Laron Turley, representing LOGE Camps, stated there are a few parties to the application and LOGE Camps will be the developer and operator of the hotel. Relative to the parking lot referenced by the Commission, the Master Development Agreement does make reference to the issue, but that should be addressed by Powder Mountain. The LOGE Camps application is specifically for the expansion adjacent to the Sky Lodge, which is the homeowners lounge area, and that includes the cabins and the hotel. He emphasized Powder Mountain will need to respond to concerns about the parking area because it serves other parts of the resort, including the Hidden Lakes lodges and day skier traffic. Chair Shuman noted that LOGE Camps is proposing to use the parking area. Mr. Turley stated that is correct, but Powder Mountain owns the parking area and is proposing to allocate a number of stalls to the hotel use. He cannot speak for Powder Mountain relating to the matter of paving the parking area. He noted Ms. Aydelotte has mentioned the potential of reducing the size of the hotel use, but he would like to proceed with approval of the cabins this evening. He could come back to the Commission next month with a final plan for the main hotel and it may be possible to address the parking area at the same time.

Commissioner Barber asked Mr. Turley if he has been to the property in the summer months, to which Mr. Turley answered yes. Commissioner Barber stated there is a great deal of raw ground that has been disturbed, but not restored. He asked how the County should be expected to have any confidence that areas that will now be disturbed with this new project will be restored. Mr. Turley stated that he cannot speak to what Powder Mountain has done in the past, but going forward it is LOGE Camp’s intention to operate the resort on a year-round basis and it will benefit them to have an attractive landscape. Commissioner Barber stated that Powder Mountain already operates year-round, and they have not been successful at improving the landscaping. Mr. Turley stated that it will benefit LOGE to be able to see what have been disturbed and the landscaping efforts that have not been successful in order to modify plans to achieve successful landscaping improvements. This led to high level discussion of the elements included in the landscape plan, with Mr. Turley noting most trees included in those plans are existing and the cabins will be placed in a manner that will allow for preservation of the existing trees. New trees would be located near the hotel and LOGE will ensure that trees that can survive in this environment are selected.

Commissioner Wampler asked if Mr. Turley is asking for approval of just the cabin area of the site plan this evening and if that does not include any new landscaping. Mr. Turley answered yes; he referred to this request as phase one of the application and noted phase two would include changes to the hotel and landscaping plans.

Chair Shuman stated he feels it would be very difficult to separate the cabins from the hotel for purposes of phasing approval of the project this evening. Mr. Grover agreed; it would be difficult to modify the application during tonight’s meeting. Chair Shuman suggested that the entire application be tabled until next month, but he invited feedback from the Commission to the applicant.

Commissioner Wampler stated she is very concerned about the parking accommodations and whether the amount of parking being allocated to the hotel is sufficient given that it will be included in the areas that are shared with the ski resort. This concern is based upon the fact that the popularity of the resort increases each year, and the current parking is not sufficient; the hotel will need its own parking and the ski resort actually needs additional parking. Chair Shuman agreed and added that he feels the parking area should be paved. Commissioner Barber asked how someone staying in the cabin area of the resort will access to furthest

parking lot, ski lift, or main road that serves the resort. Mr. Turley stated that the intention is for the cabins to be 'back country' accommodations that are ski-in and ski-out access, or hiking access. There will be a snow cat service that can take visitors to the cabin on their arrival, but most access will be handled by skiing or hiking to the units.

Commissioner Barber moved to table application DR 2023-01, design review application for Sky Lodge Hotel, located at approximately 7500 North Powder Ridge Rd, Eden, UT, 84310. This proposal consists of 66 guest rooms/cabins, and associated amenities that include a café and bar, meeting space, pool and spa, dog park, amphitheater, fire pits, and children's play structure/area; the purpose of tabling the application is to solicit additional information from Engineering and Fire District regarding their recommended conditions of approval and for the applicant to finalize their design requests. Commissioner Wampler seconded the motion. Commissioners Barber, Burton, Torman, Shuman, and Wampler all voted aye. (Motion carried 5-0.)

3. Legislative Items:

There were no legislative items.

4. Public Comment for Items not on the Agenda.

Jan Fullmer referenced the information she has provided in the past regarding the number of short-term rentals (STRs) being operated in the Ogden Valley; plans have recently been approved for another 500 STRs in various projects in the Valley and she asked that the Commission seriously consider restricting or approving additional STRs in the Valley.

Talia Matheson, Eden, stated she is concerned about a few development projects, one which will be discussed in tonight's work session and another that will be discussed in a future work session. She lives within a quarter mile of both of the developments and while she is not opposed to residential or commercial development, she is opposed to 'unwise' development. She noted a week and a half ago the County's drainage ditch near her home overflowed and the outcome was a river running into her home, which will cost her thousands of dollars to recover from. She stated the Sunny Field Farm development involves the transfer of some development rights to the Froerer subdivision, which she calls Eden Acres. She asked what will be done with storm water drainage in that area to protect existing and new residences. She is a bit embarrassed that her neighborhood, Sandhill Crane, got approved because it essentially pushed the water issues down the road and flooded other homes. Now the developments upstream from her are doing the same to her property and the problems will only worsen as the snowpack thaws with upcoming warm temperatures. The area is already very wet and further development, and the increase of hardscape will make water drainage issues worse. She has spoken with the developer before tonight's meeting and they commented on their efforts to transfer development rights in order to preserve the farm, but she wondered if that will be a permanent fix and prevent the property from ever being developed. She then referenced the commercial property near Carlos and Harley's, which will be discussed tonight; she noted if the Commission took a survey about the subject or allowing taller buildings in the area, most will be opposed because they moved to the Valley because of the open space and views, and she is concerned about that issue even being discussed along with high density development. She concluded her final question about Sunny Field Farms relates to the total number of building lots; there was some discussion with the County Commission about allowing more low-income, high-density housing and she would like to have something memorialized in writing about the total number of lots that will be allowed on the property.

Rich Love, Eden, also referenced the flooding issues cited by Ms. Matheson; he agrees with everything she said about that issue. He also agreed with her on the issue of increasing building heights for the multi-family housing proposed near Carlos and Harley's; he knows there is a desire for that type of housing and commercial uses, but he does not think enough attention has been paid to the demand the new development will place on County services and how it will worsen the storm water issues.

Katherine Ilgeth shared the same concerns expressed by Ms. Matheson and Mr. Love; there is already a great deal of water in Eden Acres, and she does not think the property should be developed. Additionally, roads that serve the Valley cannot handle the existing traffic levels as well as any additional increase in traffic associated with new growth.

Teresa Bramwell stated she owns a property in Ogden Canyon and has been reviewing Wasatch Front Regional Council's (WFRC) plans for growth along the Wasatch Front; this includes a trail that will be built through Ogden Canyon, but she cannot find official plans for the project even though it has been funded. She is concerned about the number of people that will use the trail and whether there will be adequate bathroom facilities for them.

5. Remarks from Planning Commissioners.

Commissioner Wampler asked if the Commission adopted adjusted Rules of Procedure at the last meeting. Planning Director Grover answered yes and noted he will provide the entire Commission with the updated document.

Chair Shuman asked Mr. Grover to address the questions about TDRs as part of his report.

6. Planning Director Report.

Planning Director Grover stated that in the last meeting there was a discussion about form-based code options and mechanisms for addressing moderate income housing needs. Issues such as storm water drainage are more carefully examined when a subdivision application is submitted, rather than when the rezone application is submitted. Any project will need to address those issues as the application moves further along the subdivision process and water issues are taken very seriously by the Planning Division. He added that some modifications are being made to the Western Weber General Plan, such as form-based code for certain village areas and staff felt it would be a good idea to address form-based areas in the Ogden Valley at the same time. The makeup of the County and the presence of two different Planning Commissions is very unique and can contribute to confusion when both bodies are required to act upon matters that only pertain to one area of the Valley. The County Commission has chosen to have a shared land use code, but two different Planning Commissions; any time the code is amended, both Planning Commissions must act on those amendments. This led to high level discussion among the Commission and staff regarding changes to the land use code that only pertain to one area of the County and the need to more clearly communicate those issues to the public.

7. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session at 6:25 p.m.**WS1 Osprey Ranch to Wolf Creek Water/Sewer Infrastructure Update. Applicant: Eric Householder.**

Eric Householder presented a map to orient the Commission to the location of Osprey Ranch and the point at which they connect to the sewer system in the area; he also identified the route that the sewer infrastructure follows and its connection to the Wolf Creek area. One condition of approval for Osprey Ranch was for the wastewater to be delivered to the Wolf Creek area. He has worked with private property owners and other government agencies to secure easements for the infrastructure improvements. He identified the areas for which infrastructure has been installed and discussed the timeframe for continued construction.

John Lewis then presented a rendering of the Ogden Valley to illustrate full build out of the Valley based upon the directives of the General Plan; this includes development of villages with the intention of condensing density into certain areas of the Valley in order to preserve open spaces. He discussed the zoning of Osprey Ranch and development rights for the property as well as his efforts to work with Wolf Creek to complete water and sewer connectivity in the area. This was a massive undertaking and cost a great deal of private money, but he feels it is what is best for the entire Valley. Chair Shuman stated that the County actually dedicated some funding to the project. Mr. Lewis stated that is not correct and Planning staff stated they will work to confirm that no County money was used for this project.

Mr. Lewis then presented the village overlay zoning map from the General Plan and indicated he is working to implement the overlay as he continues to develop designs and sketches for actual development of the area. He will also continue to work with the residents in the area and the community at large to develop a reasonable plan for the entire Osprey Ranch area.

The Commission engaged in high level discussion with Mr. Lewis about the opportunities that the infrastructure improvements will create for other properties in the area; the Commission also heard brief comments from Miranda Menzies, Chairman of Wolf Creek Water and Sewer, regarding the impact that the Osprey Ranch project will have on infrastructure in the area and improvements that the District has completed responsive to past and ongoing development in this area of the Valley.

WS2: Discussion regarding updated Ogden Valley zoning buildout calculations. Planner: Bill Cobabe

Planner Cobabe reviewed a staff memo he drafted regarding buildout projections; as part of the requirement to implement the water conservation requirements set forth in State statute, the County must update our population figures and projections to demonstrate anticipated water usage and identify potential savings. Staff has created a summary of current available data and projections that help show current buildout and expected growth. Using this data, we can make informed decisions and shape policy to reflect actual, real-world conditions and implement strategies that will help us conserve water. He provided two tables that included 2017 population projections and estimates for 2024 to show how the anticipated growth numbers are compared to actual growth numbers. The 2017 projections were well short of what was realized, and it is interesting to see how growth occurred. Data has been updated to reflect the actual numbers and percentages reflected in 2017 and the most recent numbers available (mostly from 2021). He then presented three tables that show the amount of developable acres and units in each zone. The overall acreage is shown in the first table. The second table shows how many units might be built out with current lot configurations (rounding DOWN the number of units – that is, if a lot is 5.75 acres in the AV-3 zone, it may only have one unit, while a 6.25-acre lot would have two). The last table shows the maximum potential number of units given the amount of acreage in each zone. Using the prior example, if the person were to combine the 6.25 and the 5.75, that would give that person a total of 12 acres, which would be four units (one each on a three-acre lot). This is one additional unit more than the three that would be allowed if the existing lots were not combined.

Planner Cobabe and other members of Planning staff engaged in high level discussion with the Commission regarding topics such as the amount of the population that are considered permanent residents rather than short term residents; median income levels and median home values in the Valley; the potential additional units that could be built in Ogden Valley; and demand for increased services responsive to increased growth and development in the Valley. Planning staff provided the following policy implications for the Planning Commission to consider, noting that ultimate policy decisions will be made by the County Commission:

- The Ogden Valley continues to see dramatic growth, both within established communities and in other parts of the planning area.
- Careful growth is desirable, but natural constraints demonstrate the need for consideration of the location and nature of development.
- Water use and conservation continues to be pressing issues, having both local and regional implications.
- Planning for wise use of the invaluable resources in the Ogden Valley will maintain a quality of life and strong community resilience for generations.
- Implementation of reasonable planning strategies will provide guidance for developers, landowners, households, and commercial uses.

The Commission again heard from Ms. Menzies about the current demand for water and sewer service and the ability of the service providers in the Valley to continue to respond to increased growth.

The group then engaged in philosophical discussion and debate regarding the authority of the Planning Commission to adjust buildout projections for the Ogden Valley; buildout projections inform zoning and density recommendations included in the General Plan, but the Planning Commission has the authority to recommend denial of any zone change application so long as they can provide findings that support the recommendation of denial. This led to a renewed focus on the appropriateness of transfer of development rights (TDR) policies for Ogden Valley and the potential for increased density in some areas to cause dramatic traffic issues and overwhelm infrastructure in those areas.

Planner Ewert concluded the discussion by noting that staff will use the feedback provided tonight to update population projections and bring that updated information back to the Commission for continued discussion and review. Mr. Cobabe will also continue to work on a water conservation plan that will ultimately need to be delivered to the State of Utah.

WS3: Review and discussion regarding proposed ordinances to implement the Western Weber General Plan, pertaining to lot area, design standards, dark sky lighting, block lengths, pathway and street connectivity, and related amendments. Planner: Charlie Ewert; and

WS4: Review and discussion regarding the proposed Form-Based zone for West Weber Village area, and related amendments. Planner: Charlie Ewert

Planner Ewert noted that he has updated proposed ordinance regarding the Webern Weber General Plan as well as the form based ordinance document for the West Weber Village area responsive to feedback Planning staff has received over the course of several meetings with the Ogden Valley Planning Commission and the Western Weber Planning Commission; he identified adjustments that have been made to the document and engaged in discussion with the Commission regarding additional adjustments that are desired relating to workforce housing and the manner in which building heights are measured. Specific to the proposed development near Carlos and Harley's, the Commission communicated they do not want to allow a maximum building height above 35 feet near the road and 40 feet in the area setback from the roadway.

Meeting Adjourned: The meeting adjourned at 9:14 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission.