

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for September 26, 2023, 5:00 p.m. (No Zoom link for this meeting.)

Ogden Valley Planning Commissioners Present: Jeff Burton (Vice Chair), Jeff Barber, Dayson Johnson, Jared Montgomery, Justin Torman, and Janet Wampler.

Absent/Excused: Trevor Shuman.

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; Marta Borchert, Office Specialist.

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

Vice Chair Burton conducted roll call and indicated Chair Shuman was excused.

1. Minutes: July 18, 2023.

Vice Chair Burton asked if there are any corrections to be made to the minutes as presented. No corrections were made, and Vice Chair Burton declared the minutes approved as presented.

Petitions, Applications, and Public Hearings:

2. Administrative Items:

2.1 UVV071123: Consideration and action on a request for preliminary approval of the Village Nests Retreat at Powder Mountain, located at 5780 N Daybreak Ridge, Eden. Planner: Steve Burton

Planner Burton explained this application was accepted for review on July 11, 2023. The proposal is a twenty-lot subdivision amending the original twenty lot subdivision called Village Nests East at Powder Mountain. The purpose for the amendment is to take in additional property and change the building envelopes to larger building lots. The proposal complies with the county land use code. He summarized staff's analysis of the application to determine compliance with the General Plan and zoning ordinances; utility connections; the relation of the subject property to adjoining street systems and Ogden Valley pathways; and input from the review agencies. He concluded staff recommends preliminary approval of UVV071123. This recommendation for approval is subject to all review agency requirements. This recommendation is based on the following findings:

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

Vice Chair Burton invited input from the applicant. There was no input.

Commissioner Torman moved to approve application UVV071123, preliminary approval of the Village Nests Retreat at Powder Mountain, located at 5780 N. Daybreak Ridge, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Wampler seconded the motion. Commissioners Barber, Burton, Johnson, Montgomery, Torman, and Wampler all voted aye. (Motion carried on a failed on a 6-0 vote).

2.2 CUP2023-12: Request for approval of a conditional use permit for the Osprey sewer lift station located at approximately 1900 N Highway 158, Eden. Planner: Tammy Aydelotte

Planner Aydelotte explained the applicant is requesting a conditional use permit for a sewer lift station for Osprey Ranch Subdivision, to service Osprey Ranch subdivision, a proposed 61-lot subdivision. This proposed lift station will provide sewer services to two phases of Osprey Ranch Subdivision (Phase 2 is currently under subdivision review), and will be owned, operated, and maintained by Wolf Creek Water and Sewer Improvement District. The lift station is considered a public utility substation.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews. She summarized staff's analysis of the application to determine compliance with the General Plan and zoning ordinances; conditional use review; design review; considerations relating to traffic safety and traffic congestion; landscaping; and buildings and site layout. She concluded Staff recommends approval of this conditional use application subject to the applicant meeting the review agency requirements and the following conditions:

1. Any outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).
2. All architectural requirements shall be followed, and shown in the final engineered plans, prior to issuance of a building conditional use permit.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Wampler addressed common concerns from the public regarding lift stations, including noise generated by the stations, smells, and ground disturbance, such as vibrations. Ms. Aydelotte deferred to the applicant to address those concerns.

Vice Chair Burton invited input from the applicant.

Eric Householder stated that the design of the station incorporates noise reducing equipment; the generator will be enclosed inside of a building. He does not anticipate any odors from the lift station, but if odors are present in the future, he can use a scrubber to help with that issue. He then noted that he has not been made aware of any ground vibration issues. He then referenced renderings of the project and noted that he is proposing to use a metal roof on the building, which will be owned and operated by the Wolf Creek Water and Sewer District.

Commissioner Johnson acknowledged the fact that CMU is not a permitted building material. He received a call from the Wolf Creek Water and Sewer District, and they communicated that it is a preferred building material because it is easier to maintain than other materials. Ms. Aydelotte stated that the code does allow a CMU material with a tumbled or weathered look so that it looks like stone with regard to color and texture. She clarified that just smooth face cinderblock, or CMU, is not permitted.

Commissioner Johnson moved to approve application CUP2023-12, Conditional Use Permit for the Osprey sewer lift station located at approximately 1900 N. Highway 158, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded the motion. Commissioners Barber, Burton, Johnson, Montgomery, Torman, and Wampler all voted aye. (Motion carried on a failed on a 6-0 vote).

2.3 CUP2023-11: Request for approval of a conditional use permit for the Brown sewer lift station located at approximately 5204 E Highway 166, Eden. Planner: Tammy Aydelotte

Planner Aydelotte explained the applicant is requesting a conditional use permit for a sewer lift station to service the future developments of Eden Crossing and Cobabe Ranch. This proposed lift station will be owned, operated, and maintained by Wolf Creek Water and Sewer Improvement District. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. She summarized staff's analysis of the application to determine compliance with the General Plan and zoning ordinances; conditional use review; design review; considerations relating to traffic safety and traffic congestion; landscaping; and buildings and site layout; and input from review agencies. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the review agency requirements and the following conditions:

1. Any outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).
2. All architectural requirements shall be followed, and shown in the final engineered plans, prior to issuance of a building conditional use permit.

This recommendation is based on the following findings:

1. The proposed use is allowed in the AV-3 zone and meets the appropriate site development standards.

2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Wampler asked that Ms. Aydelotte identify the location of the lift station on a map, which Ms. Aydelotte did. Commissioner Wampler asked if the applicant owns the lot next to the property where the station will be located, to which Ms. Aydelotte answered no. Commissioner Wampler asked how the site will be landscaped, to which Ms. Aydelotte answered hydroseed and a native grass mix, but not necessarily turf.

Commissioner Montgomery asked if the applicant will be required to install a fence around the site. Ms. Aydelotte stated fencing is typically not required, but it can be a recommended condition of approval.

Vice Chair Burton invited input from the applicant.

Commissioner Wampler asked why 60 percent of the overall site area of the Osprey lift station is being seeded, but just 22 percent at this site.

Eric Householder stated that the idea is to seed the area of the site that is being disturbed and there is less disturbance of this area than of the Osprey site.

Vice Chair Burton asked Mr. Householder if he has considered fencing or screening. Mr. Householder answered no and indicated he would defer to the Water and Sewer District on that issue as none of their other lift stations are screened.

Commissioner Wampler asked Mr. Householder if he has spoken with the owner of the abutting property to determine their feelings about the site. Mr. Householder answered no.

Vice Chair Burton asked if the pump unit will be located underground and be sealed, to which Mr. Householder answered yes. Minor venting to the outside is required. Vice Chair Burton asked what will be done to prevent odors from coming out of those vents. Mr. Householder stated that he is building lift stations that comply with the Water and Sewer District standards and those questions would be better answered by them.

Vice Chair Burton recognized a representative of the Wolf Creek Water and Sewer District and asked if they are comfortable answering the questions about this project. The representative stated that materials are collected and discharged by the pumps to the treatment plant. This station will be close to 20 feet deep and as long as the equipment is functioning properly, there will be no smell. There are three or four of these types of lift stations currently in operation and someone could stand right on top of them and not experience any smell. Vice Chair Burton asked what can be done to eliminate any smell if necessary. The representative stated that there are products that can be used to eliminate odors, but that has not been necessary thus far and the District has not received any complaints from residents living around the lift stations.

Commissioner Wampler asked the representative to address sound mitigation. The representative stated that the pumps are in the bottom of a 20-foot vault, and they are not heard when they are operating; generators that are required for back-up power sit include of a building and the District has not heard complaints from residents who live near those facilities.

Discussion among the Commission and staff centered on the setbacks for the lift station to determine how far the buildings will be from structures on adjacent lots. Ms. Aydelotte stated that staff will be sure to determine that the structure complies with all setback requirements when the site plan application is received.

Commissioner Johnson moved to approve application CUP2023-11, Conditional Use Permit for the Brown sewer lift station located at approximately 5204 E. Highway 166, Eden, based on the findings and subject to the conditions listed in the staff report and also based upon the condition that any noise or smell noticed at the site will be addressed by the operating entity.

Commissioner Torman offered a friendly amendment to also require screening, such as a vegetation barrier or fence, around the site.

Commissioner Johnson stated he is open to screening that does not burden the operation. Planning Director Grover suggested that the condition be that Planning staff be allowed to work with the Wolf Creek Water and Sewer District staff to determine appropriate screening. Commissioners Johnson and Torman indicated they are comfortable with that language.

Commissioner Torman seconded the amended motion.

Commissioner Wampler addressed the public and explained that if an application meets the standards of the County's Land Use Code, or if conditions can be imposed to mitigate any problems with the use applied for, the Planning Commission must approve the Conditional Use Permit (CUP). What gives her pause is that she would have liked to have seen the applicant reach out to the neighboring property owners and discuss opportunities for addressing any concerns they may have had about this use being located next to their property. She is most concerned with the visual appearance of the building and that is why she is supportive of screening.

Vice Chair Burton called for a vote on the motion. Commissioners Barber, Burton, Johnson, Montgomery, Torman, and Wampler all voted aye. (Motion carried on a failed on a 6-0 vote).

3. Training from Legal Counsel:

Legal Counsel Erickson provided the Commission with training regarding the duties and roles of the Planning Commission, County Commission, and County staff; and the differences between legislative and administrative applications.

Adjourn to Public Open House at 6:00 p.m.

Before separating and commencing the open house, Kirk Nigro of Rocky Mountain Power, used the aid of a PowerPoint presentation to discuss service expansion and equipment upgrades in the Ogden Valley intended to reduce the wildfire risk in the area. Mr. Nigro entertained questions from Commissioners and a few meeting attendees regarding changes in operations during the summer and winter seasons; increased staffing to be able to respond to needs of the Ogden Valley; funding for Rocky Mountain Power investments, which are largely subsidized by rate payers; and proceeding with projects that will place power infrastructure underground.

Planning Director Grover then used the aid of a PowerPoint presentation to discuss the Ogden Valley General Plan, which was approved in 2016, and the Valley's future buildout projections.

The break-out portion of the open house began at 6:50 p.m.

Meeting Adjourned: The meeting adjourned at 8.30p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission