

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

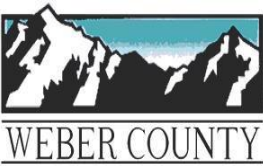
- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

September 24, 2024

Premeeting 4:30pm/Regular Meeting 5:00 pm



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

1. **Minutes:** August 6, 2024 and August 27, 2024

2. **Consent Items:**

2.1 CUP 2024-10: Request for approval of a conditional use permit for a new sewer lift station that will be owned and operated by Powder Mountain Water and Sewer Improvement District. Project is located at 4477 N 4000 E, Eden UT, within the Common Area boundaries of the Sheep Creek Cluster Subdivision.

2.2 CUP 2024-12: Request for approval of a conditional use permit for a new booster pump and well house for water monitoring, located at 3140 E 5300 N, Liberty, UT, 84310.

3. **Administrative items:**

3.3 CUP 2023-07: Request for a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden.

Staff Presenter: Tammy Aydelotte

3.4 Request for approval of changes to a concept area plan for Area F (The Meadows) as shown in the Executed Zoning Development Agreement for Powder Mountain Development. "Proposed changes that the Land Use Authority determines are slight and inconsequential, including the details of road locations, building areas, and product types, shall not require an amendment to the ZDA." This is per the 2nd Amendment to the development agreement, recorded 11/30/2022.

Staff Presenter: Tammy Aydelotte

3.5 UVS082224: Request for preliminary approval of Shelter Hill Subdivision, a 39-lot subdivision located in the DRR-1 zone at approximately 6965 E Powder Mountain Road, Eden, UT, 84310. Accompanying this application is a request to approve a modified concept area plan.

Staff Presenter: Tammy Aydelotte

4. **Public Comment for Items not on the Agenda:**

5. **Remarks from Planning Commissioners:**

6. **Planning Director Report:**

7. **Remarks from Legal Counsel**

Adjourn

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

& Via Zoom Video Conferencing at <https://webercountyutah.zoom.us/j/81804940585> Meeting ID: 818 0494 0585

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Minutes of the Work Session of the Ogden Valley Planning Commission for August 6, 2024. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/81690374943>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Jeff Burton (Vice Chair), Jeff Barber, Bryce Froerer, David Morby, Mark Schweppe, Trevor Shuman, Janet Wampler.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Liam Keogh, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**

- **Roll Call:** Vice Chair Burton conducted roll call and indicated Commissioners Morby and Shuman were excused; all other Commissioners were in attendance.

1. Minutes: June 25, 2024.

Vice Chair Burton noted that he has submitted to Planning staff a few changes to the minutes; he asked if there are any additional corrections to be made to the minutes as presented. Commissioner Wampler stated she did not submit corrections because she did not believe the Commission would be approving minutes during tonight's work session. Vice Chair Burton invited Commissioner Wampler to submit her corrections and indicated approval of the June 25, 2024 minutes will be tabled until the next meeting.

The Commission engaged in discussion with Legal Counsel Erickson regarding the purpose of a work session meeting and whether the body's rules of order and procedure permit the Commission to take action on any matter during a work session meeting. Mr. Erickson noted that so long as the meeting is properly noticed and action items are listed with reasonable specificity, the Commission does have the authority to vote during this meeting.

Commissioner Shuman joined the meeting.

2. Administrative Items:

2.1 CUP: 2024-08: Request for approval of a conditional use permit for a well house located at 3295 Snowbasin Road, Huntsville, UT 84317. Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte explained the applicant is requesting approval of a conditional use permit for the installation of a Well House a "public utility substation" The proposed well house will supply the new water from the Legend well into their current water system. The DRR-1 Zone allows a "public utility substation" as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed. 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. Ms. Aydelotte summarized staff's analysis of the application's compliance with the General Plan, zoning guidelines, and conditional use standards pertaining to traffic safety and congestion, landscaping, and buildings and site layout. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements and is based on the following findings:

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

Commissioner Barber stated that the proposal is to build a structure in a ski area, and he asked if that is concerning from a health and safety perspective. He asked if language would be included in the permit to require the applicant to protect the public from collision with a building that is being located in a dangerous area. Mr. Erickson stated that such language could be included as an additional condition of approval. Commissioner Barber suggested that the County include such a condition in order to limit the Council's liability for any situation that could arise as a result of approving the construction of the building.

Vice Chair Burton called for a vote on approval of CUP 2024-08, conditional use permit for a well house located at 3925 Snowbasin Rd., Huntsville, UT 84317, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report. Commissioners Barber, Burton, Froerer, Morby, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 7-0).

3. Public Comment for Items not on the Agenda:

There were no public comments.

4. Remarks from Planning Commissioners:

Commissioner Barber stated he spent this afternoon watching the July 15, 2024 Weber County Commission work session, during which they discussed the Cowboy Partners zoning change request. It was his impression that what was portrayed to the County Commission was not exactly what this Planning Commission had voted to recommend. The way it was presented was not in the same direction as the unanimous vote the Planning Commission had taken. Vice Chair Burton invited Commissioner Barber to be more detailed in his assessment of the situation. Commissioner Barber stated he did not believe that would provide any direct benefit; the Planning Commission has discussed the application over the course of four different meetings and it was his impression that the motion and recommendation that was ultimately made by this body was not accurately portrayed to the County Commission. Vice Chair Burton asked Commissioner Barber if he had the chance to review the June 25, 2024 Planning Commission meeting minutes that were included in the packet for this meeting. Commissioner Barber answered yes and indicated he feels that the Planning Commission's discussion and motion are accurately reflected in those minutes, however that is not what he is speaking to. He stated he is concerned that the summary of the Planning Commission's recommendation, which was related to the County Commission during their July 15 meeting was not accurate. Vice Chair Burton asked who made the presentation to the County Commission that evening, to which Commissioner Barber answered Principal Planner Charlie Ewert.

Commissioner Shuman echoed Commissioner Barber's concern; he has also watched the recording of the July 15 meeting and the presentation of the Planning Commission's recommendation was not accurate. Vice Chair Burton stated this is not the first time this type of situation has occurred; he is hopeful that Planning staff will endeavor to accurately represent the actions of the Planning Commission given that they spend a great deal of time analyzing and deliberating about the applications that are presented to them for approval or to forward a recommendation to the County Commission.

Vice Chair Burton recognized that Commissioners Morby and Shuman had joined the meeting after the 5:00 p.m. start time.

5. Planning Director Report:

Planning Director Grover indicated he had nothing to report.

6. Remarks from Legal Counsel

Legal Counsel did not provide remarks.

**Commissioner Froerer moved to adjourn. Commissioner Schweppe seconded the motion, all voted in favor.
The meeting adjourned at 5:17 p.m.
Respectfully Submitted,**

Cassie Brown

Weber County Planning Commission

Minutes of the Work Session of the Ogden Valley Planning Commission for August 27, 2024. To join the meeting, please navigate to the following weblink at <https://webercountyutah.zoom.us/j/83537079986>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Jeff Burton (Vice Chair), Jeff Barber, Mark Schweppe, Trevor Shuman, Janet Wampler.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Liam Keogh, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Vice Chair Burton conducted roll call and indicated Commissioners Froerer and Morby; all other Commissioners were in attendance.

Vice Chair Burton then noted that over the weekend he was contacted by one of the applicant's whose application is on tonight's agenda; since the applications are administrative in nature, he forwarded that correspondence on to staff to give them the ability to respond. He reminded the Commission of the appropriate course of action when contacted by an application.

1. **Vote for Chair and Vice Chair**

Legal Counsel Erickson stated he has reviewed the rules of order and procedure for the Planning Commission and has determined Commissioner Shuman is the only member of the body that cannot serve as Chair, but he may be eligible to serve as Vice Chair. He believes any other member of the Commission can serve as Vice Chair or Chair at this time. He added that Vice Chair Burton could continue to serve as Vice Chair until the end of 2024.

Commissioner Wampler recalled the Commission discussed this matter recently and the advice of legal counsel at that time was that Vice Chair Burton's term would end in August and he would not be eligible to serve until the end of 2024. Mr. Erickson stated that Vice Chair Burton was selected to fill a mid-term vacancy in the Vice Chair position; that made him eligible to serve the remainder of that year and then one full year.

The Commission engaged in discussion with Mr. Erickson and Planning Director Grover about the most recent elections of Vice Chair and Chair of the body in order to determine the members eligible to be elected to the positions at this time.

Vice Chair Burton invited nominations for Chair and Vice Chair of the Planning Commission; the individuals elected will serve until January 1, 2025.

Commissioner Shuman nominated Commissioner Barber to serve as Chair of the Ogden Valley Planning Commission. Commissioner Schweppe nominated Commissioner Wampler to serve as Chair of the Ogden Valley Planning Commission.

Commissioner Barber stated he would defer his nomination to Commissioner Wampler. Commissioner Wampler stated she accepts the nomination to serve as Chair.

Commissioner Burton called for a vote on the election of Commissioner Wampler as Chair of the Ogden Valley Planning Commission. All Commissioners present voted in favor.

Commissioner Burton called for nominations to the position of Vice Chair of the Ogden Valley Planning Commission.

Commissioner Schweppe nominated Commissioner Burton to continue to serve as Vice Chair.

Commissioner Shuman nominated Commissioner Barber to serve as Vice Chair.

Commissioner Burton declined the nomination and supported Commissioner Barber as Vice Chair.

Commissioner Burton called for a vote on the election of Commissioner Barber as Vice Chair of the Ogden Valley Planning Commission. All Commissioners present voted in favor.

2. Minutes: July 30, 2024.

Chair Wampler asked if there are any amendments to the July 30, 2024 minutes. Commissioner Burton stated he has submitted corrections in writing and Planning staff has incorporated those changes. Chair Wampler stated she also provided corrections and she provided information regarding those corrections for the record of the meeting. If those changes are made, she supports approval of the minutes. She called for additional corrections or changes and, after hearing none, declared the minutes approved as amended.

3. Administrative Items:

3.1 DR 2024-04 - Consideration and action on a request for design review approval to expand the Hidden Lake parking areas at Powder Mountain Resort, located at approximately 6965 N Powder Mountain Rd, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte explained the applicant is requesting an administrative design review approval to construct an additional parking area at the Hidden Lake Lodge. The proposed expansion will add a total of 178 parking stalls in a new lower parking lot area accessed from Powder Ridge Road off of Summit Pass Road. This will add to the existing stalls in the upper lot. The project will improve the proposed lower lots with compacted road base, landscaped areas consisting of an erosion control blanket, topsoil and seeding. At present, the applicant does not propose any lighting or signage with the project. The memo summarized staff's analysis of the application's compliance with zoning guidelines; design review guidelines pertaining to traffic safety and congestion, outdoor advertising, landscaping, building and site layout, utility easements and drainage, and prior development concept plan approvals; architectural, landscape, and screening design standards; screening and buffering; and parking and loading space, vehicle traffic, and access regulations. The memo indicated the proposal conforms to the Ogden Valley General Plan by continuing development and improvements to the approved Powder Mountain Resort area under the existing Zoning provisions. The Planning Division recommends approval of DR 2024-04, subject to all review agency requirements and based on the following condition of approval:

1. An updated landscaping plan showing screening to the west shall be submitted to the County prior to written approval from Planning.
2. An estimate for the proposed landscaping plan/revegetation is required to be submitted for review. A Development Improvement Agreement and a cash escrow will be required for the approved estimated cost to serve as a financial guarantee. This cash escrow shall be deposited prior the issuance of a land use permit and will be released back to the applicant once the landscaping has been installed.

This recommendation for design review approval is based on the following findings:

1. The proposed project conforms to the Ogden Valley General Plan.
2. The proposed project conforms to the Executed Master Development Agreement recorded 1/14/2015 (as entry # 2717835)
3. The proposed project complies with applicable County codes.
4. The proposed project complies with the applicable Zoning Development Agreement.
5. The proposed project will not negatively affect public health, safety, or welfare.
6. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Chair Wampler stated that LUC 108-1-4(c) requires landscaping to be more than 10 percent of the project area, but the staff report indicates that minimum landscaping be 20 percent of the area. She asked which one is correct. Ms. Aydelotte stated that the 20 percent requirement pertains to a much more intense commercial use and staff recommends the 10 percent requirement for this project. Most landscaping will be native plantings outside of the parking areas and the proposed use.

Chair Wampler invited input from the applicant. The applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Commissioner Barber moved to approve DR 2024-04, design review approval to expand the Hidden Lake parking areas at Powder Mountain Resort, located at approximately 6965 N Powder Mountain Rd, Eden, UT, 84310, subject to all review agency

requirements and conditions of approval and based upon the findings listed in the staff report. Commissioner Schweppe seconded the motion. Commissioners Barber, Burton, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

3.2 CUP: 2024-08: Request for approval of an amendment to a conditional use permit for the Sundown Condominiums PRUD. This amendment proposal realigns a private roadway throughout the development. Located at approximately 6700 N Powder Mountain Road, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte.

A staff memo from Planner Aydelotte reviewed the history of the conditional use permit (CUP) for the Sundown Condominiums PRUD:

- 8/31/1983 – Weber County Commission approved a conditional use permit for Sundown PRUD, consisting of 80 units, and an associated bond for some of the improvements. The PRUD consists of a native landscaping plan, open space, and private roadways, in two phases.
- 4/27/1984 – Sundown Condominiums Phase 1, consisting of 20 units was recorded.
- 1/12/2022 - The Planning Division received an application to plat phase 2 of Sundown Condominiums PRUD Subdivision, consisting of 60 units. The existing conditional use approval for the PRUD is still valid and staff recommends preliminary approval of Phase 2, subject to the conditions outlined in the PRUD approval.
- 1/11/2024 – Preliminary subdivision approval granted, with conditions, approving a revised roadway layout in Phase 2.

This request consists of 60 dwelling units, with square footage per unit ranging between 1079 and 1623 square feet, and widths are proposed to be 28.5 feet. This proposal consists of a proposed private right-of-way and common area located on 6.97 acres. PRUD's were permitted as a conditional use and require approval from the Planning Commission. The memo summarized staff's analysis of the application's compliance with the General Plan; zoning guidelines; lot area, frontage/width and yard regulations; Ogden Valley Sensitive Lands Overlay districts; common area regulations; review agencies conditions of approval; additional design standards and requirements; conditional use review standards; and design review. The memo also summarized the following Planning Commission considerations:

- Does this amendment comply with the applicable PRUD ordinance?
- In considering the proposed Planned Residential Unit Development, the planning commission shall review and consider the following, as applicable:
 - The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
 - The entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
 - The landscaping and screening as related to the use within the development and as a means of its integration into its surroundings.
 - The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
 - The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

Staff recommends approval of an amendment to the conditional use permit for the Sundown Condominiums PRUD (CUP 2024-09). This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

- The road(s) within this proposed development shall be private.
- Any proposed trails shall allow public access, through open spaces. The final plat will need to include language for the common area located within the subdivision in the form of an open space preservation easement.
- UDOT approval for any and all accesses onto Powder Mountain Road/Summit Pass Road shall be submitted prior to scheduling a recommendation for final approval with the Planning Commission.
- All exterior lighting must comply with Title 108, Chapter 16 Outdoor Lighting.

This recommendation is based on the following findings:

1. The proposed conditional use amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed conditional use amendment complies with the applicable County ordinances.

3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conditional use amendment.
4. The proposed conditional use amendment will not be detrimental to the public health, safety, or welfare.
5. The proposed conditional use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Chair Wampler asked why the Planning Director has some approval authority for this project given that it has 60 lots. Planning Director Grover stated that the State Code requires that final approval be at the Director level, not with the Planning Commission. Commissioner Shuman stated that law was changed this year and the Planning Commission has discussed it. Mr. Grover stated that is correct.

Commissioner Burton asked if some of the units are already built. Ms. Aydelotte stated some units have been constructed in phase one, but some are still under construction or are pending construction. Commissioner Burton asked for assurance there will be no connection between Wolf Creek Drive and the project. Ms. Aydelotte stated there will be no connection to Wolf Creek Drive in phase two. This led to discussion of adequate connectivity for the subject property and its surroundings. Engineering and the Fire District have looked closely at this application and are comfortable with what has been proposed; the application will not receive final approval without a second access.

Chair Wampler stated the Planning Commission reviewed this project in January and had many concerns about snow removal, the amount of guest parking, and connectivity. She asked if any of those concerns and the conditions of approval need to be restated tonight as part of the action on the CUP. Ms. Aydelotte stated the approval given in January is still valid and the conditions of approval are still in effect and will apply to final approval as well.

Chair Wampler invited input from the applicant.

Guy Williams stated that he is the Civil Engineer for the project; there is a lawsuit with the Homeowners Association for Phase One related to access; his client originally won that lawsuit, but it is now pending appeal so his client has come to the conclusion that in order to proceed with the project, he will plan for improvements that do not include access through phase one. This application is the end result of those discussions.

Commissioner Burton stated the application materials indicate there will be an access easement recorded across phase three of the project and he asked when that easement will be secured. Mr. Williams stated it will be finalized within the next couple of weeks. Phase three is a separate development owned by a separate entity and the location of the easement is still being negotiated and reviewed by the Utah Department of Transportation (UDOT).

Commissioner Schweppe asked if there will be a renewed request for access onto Wolf Creek Drive in phase three. Mr. Williams stated Wolf Creek Drive actually goes through phase three and there is an easement granted to phase one residents to utilize it, so there will be a connection point.

Commissioner Shuman asked if it would be an issue if the Planning Commission were to include a condition of approval that phase three include a UDOT access. Mr. Williams stated that it is likely that UDOT will approve the access point, but they need justification supporting the request for additional access. They are more concerned with interconnectivity throughout all phases of the project area.

The Commission and applicant reviewed the aerial images of the project area to gain an understanding of where the roads and access points are located.

Commissioner Burton moved to approve CUP 2024-09, amendment to a conditional use permit for the Sundown Condominiums PRUD. This amendment proposal realigns a private roadway throughout the development, located at approximately 6700 N Powder Mountain Road, Eden, UT, 84310, subject to all review agency requirements and conditions of approval and based upon the findings listed in the staff report, changing the approval authority under bullet item #3 to Planning Director, clarifying there shall be a minimum of two UDOT approved connections onto Powder Mountain Road for access to the proposed phase two, and that the proposed access easement across phase three be recorded allowing access for phase two occupants across phase three to the UDOT connection on Powder Mountain Road. Commissioner Shuman seconded the motion. Commissioners Barber, Burton, Schweppe, Shuman, and Wampler voted aye. (Motion carried on a vote of 5-0).

4. Public Comment for Items not on the Agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

There were no remarks from Planning Commissioners.

6. Planning Director Report:

Planning Director Grover indicated he had nothing to report.

7. Remarks from Legal Counsel

Legal Counsel did not provide remarks.

Commissioner Burton moved to adjourn. Commissioner Schweppe seconded the motion, all voted in favor.

The meeting adjourned at 5:55 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for approval of a conditional use permit for a new sewer lift station that will be owned and operated by Powder Mountain Water and Sewer Improvement District. The Project is located at 4477 N 4000 E, Eden UT, within the Common Area boundaries of the Sheep Creek Cluster Subdivision.		
Application Type:	Administrative		
File Number:	CUP 2024-10		
Applicant:	Tyler Seamons-Authorized Representative		
Agenda Date:	Tuesday, September 24, 2024		
Approximate Address:	4477 N 4000 E, Eden UT 84310		
Project Area:	14.36 Acres		
Zoning:	FV-3		
Existing Land Use:	Sheep creek Cluster Subdivision Common Area		
Proposed Land Use:	Sewer Improvement/Sheep Creek Cluster Subdivision Common Area		
Parcel ID:	22-164-0021		
Township, Range, Section:	Township 7 North, Range 1 East, Section 16 SE Qtr		

Adjacent Land Use

North:	Sheep Creek HOA	South:	Residential
East:	4000 East Street/Sheep Creek Drive	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	FL

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 14 (Forest Valley Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 10 (Public Utility Substations)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Background and Summary

The applicant is requesting approval of a conditional use permit for the installation of a sewer lift station a “public utility substation” The proposed new infrastructure will replace an existing lift station and main line through the Sheep Creek Common Area. The FV-3 Zone allows a “public utility substation” as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed.

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.

Analysis

General Plan: As a conditional use, this operation is allowed in the FV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Forest Valley (FV-3) Zone.

The following setbacks apply, to a public utility substation in the FV-3 zone:

-Front: 30 feet

-Side: 20 feet

-Rear: 20 feet

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Thus far, the applicant has received approval from the County Engineering Division, for the proposal.

The following is an analysis of the proposal reviewed against the conditional use standards:

(1) Standards relating to safety for persons and property. The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons.

(2) Standards relating to infrastructure, amenities, and services: The proposal is part of the infrastructure related to adjacent development, and is not anticipated or expected to negatively impact any existing infrastructure, amenities, or services in the area.

(3) Standards relating to the environment. The proposal is not anticipated or expected to negatively impact the environment.

(4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan. The property on which the conditional use permit is sought will support future residential development. The proposal complies with and supports the intent of the general plan.

Design Review: The FV-3 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout, and appearance of the building remain orderly and harmonious with the surrounding neighborhood. The submitted plans show that the exterior finishes and new infrastructure are compatible with the existing infrastructure. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion. The proposal includes a site plan that identifies the location of the proposed building(s) as well as the access to the proposed lift station site.

Considerations relating to landscaping. The applicant has indicated that the landscaping of this site will remain consistent with the surroundings.

Considerations relating to buildings and site layout. The existing buildings meet the site development standards of a public utility substation within the FV-3 Zone.

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements and is based on the following condition:

1. Any work within the ROW will need an excavation permit.

This recommendation is based on the following findings:

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

Exhibits

- A. Project Narrative
- B. Site Plan
- C. Photos of Proposed Pump Station

Map 1





154 EAST 14075 SOUTH • DRAPER, UTAH 84020
TEL: (801) 495-2224 • FAX: (801) 495-2225

August 16th, 2024

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

Subject: Sheep Creek Sewer Lift Station Conditional Use Permit

Dear Weber County Planning Commission:

Powder Mountain Water & Sewer Improvement District is in the process of replacing an existing system of three sewer lift stations with a single, upgraded lift station. The existing lift stations service the Sheep Creek Subdivision in Eden UT. The aging existing lift stations are in need of replacement to ensure consistent and reliable sewer service for the sub-division. The new lift station will be constructed north of the existing lift station within Common Area A(4477 N and 4000 E), a parcel owned by the Homeowners Association of Sheep Creek. The recorded subdivision plat indicates all Common Areas are designated as public utility and drainage easements. The existing lift station is located within this common area and the proposed lift station will be located within this common area as well.

The project includes construction of a CMU equipment building, approximately 23 ft by 23 ft, with a standing seam metal roof, two buried precast vaults (pumps and valves) to be installed at grade, and a buried force main pipe. Access to the future lift station will be via an existing gravel parking lot. The HOA has been involved in selecting many aesthetic aspects of the project, including the color of the CMU block for the building, tree removal, landscape restoration, and approval of the project location. Construction of the force main is currently underway and the lift station construction is planned to begin late summer/fall of 2024.

Requested information:

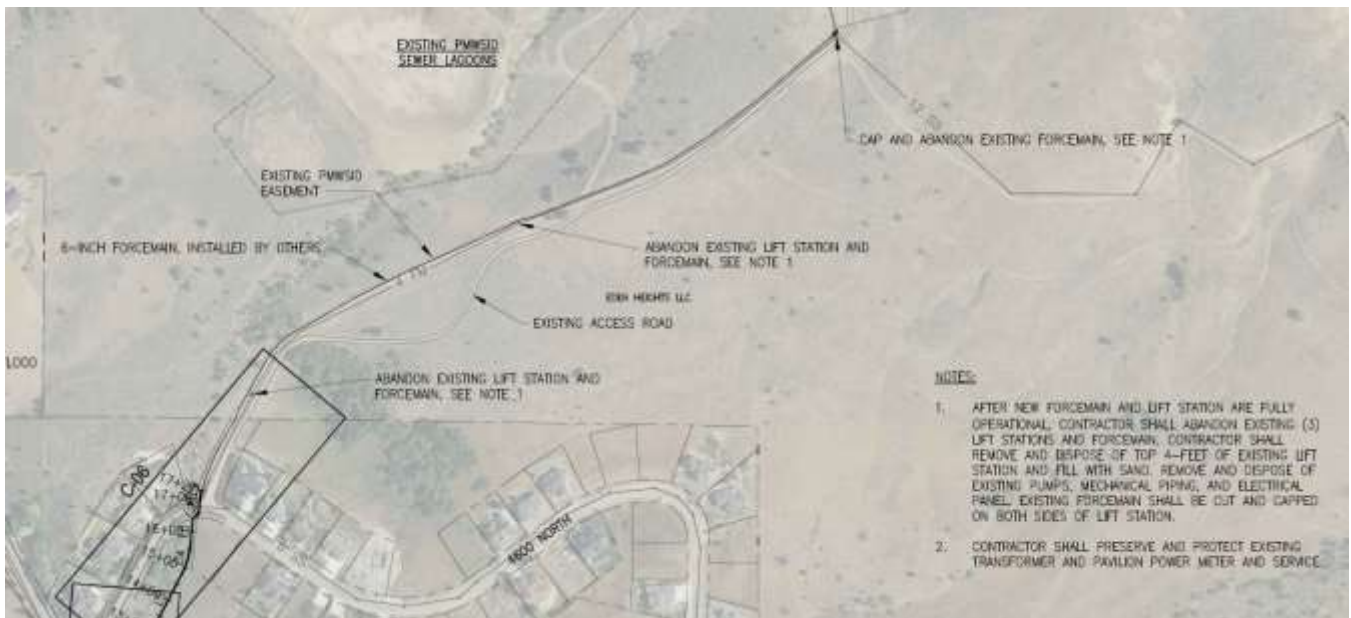
- Site Plan: See Drawing C-02
- Water and Wastewater Plan: There will not be any water or sewer service to this building.
- Landscape Plan: See Drawings G-04 (landscape to be restored to existing conditions)
- Parking Plan: See Drawing C-02. A concrete pad on the south side of the building is available for the District's maintenance personnel. Additional parking is available east of the building between the building and buried vaults.
- Vicinity Map: See Drawing C-01
- Engineering and Architectural Drawings: See Attached drawings
- Exterior Lighting: See Drawing E-05. Exterior lighting is included on all sides of the building. This lighting is Night time friendly and dark ski approved, with full cut off.

For questions, please contact, Design Engineers: Tyler Seamons (tseamons@bowencollins.com) Office Phone 801-495-2224

Sincerely,
Bowen Collins & Associates, Inc.

A handwritten signature in black ink, appearing to read "Tyler Seamons", is written over a faint, illegible printed name.

Exhibit B – Site Plan





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for approval of a conditional use permit for the South Zone Booster Pump Station and Transmission Line. Project is located at 3140 E 5300 N, Liberty UT.
Application Type:	Administrative
File Number:	CUP 2024-12
Applicant:	Jami Hadlock-Authorized Representative
Agenda Date:	Tuesday, September 24, 2024
Approximate Address:	3140 E 5300 N UT 84310
Project Area:	0.25 Acres
Zoning:	AV-3
Existing Land Use:	Public Utility Substation for Liberty Pipeline
Proposed Land Use:	Additional infrastructure and substation for Liberty Pipeline
Parcel ID:	22-164-0021
Township, Range, Section:	Township 7 North, Range 1 East, Section 08 SE Qtr

Adjacent Land Use

North:	Residential	South:	5300 North St
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	FL

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 2 (Agricultural Valley Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 10 (Public Utility Substations)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Background and Summary

The applicant is requesting approval of a conditional use permit for the installation of a booster pump station and water monitoring (SCADA) system, a “public utility substation”. The proposed new infrastructure will replace an existing lift station and main line through the Sheep Creek Common Area. The AV-3 Zone allows a “public utility substation” as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed.

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.

Analysis

General Plan: As a conditional use, this operation is allowed in the FV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

a) **Zoning:** The subject property is located within the Forest Valley (FV-3) Zone.

This parcel is considered legal, non-conforming, and is therefore subject to Weber County LUC 108-12-13 Setbacks for Nonconforming Lots, therefore, the following setbacks apply, to a public utility substation in the FV-3 zone:

-Front: 30 feet

-Side: 8 (left from front)/5 (right from front) feet

-Rear: 10 feet

This parcel is considered legal, non-conforming, and is therefore subject to Weber County LUC 108-12-13 Setbacks for Nonconforming Lots:

A nonconforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

1. *A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)*
2. *The ratio may then be multiplied by the current zone's side yard setback requirement (y) in order to establish a reduced setback (z). (Formula: "x" multiplied by "y" equals "z".)*
3. *The reduced side yard setback is subject to the conditions listed below.*
 1. *Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.*
 2. *Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.*

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects.

The following is an analysis of the proposal reviewed against the conditional use standards:

(1) Standards relating to safety for persons and property. The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons.

(2) Standards relating to infrastructure, amenities, and services: The proposal is part of the infrastructure related to adjacent development, and is not anticipated or expected to negatively impact any existing infrastructure, amenities, or services in the area.

(3) Standards relating to the environment. The proposal is not anticipated or expected to negatively impact the environment.

(4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan. The property on which the conditional use permit currently is sought has existing infrastructure for Liberty pipeline and will support future residential development. The proposal complies with and supports the intent of the general plan.

Design Review: The FV-3 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout, and appearance of the building remain orderly and harmonious with the surrounding neighborhood. The submitted plans show that the exterior finishes and new infrastructure are compatible with the existing infrastructure. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion. The proposal includes a site plan that identifies the location of the proposed building(s) as well as the access to the proposed pump station site.

Considerations relating to landscaping. The applicant has indicated that the landscaping of this site will remain consistent with the surroundings.

Considerations relating to buildings and site layout. The existing buildings meet the site development standards of a public utility substation within the FV-3 Zone, under legal nonconforming lots (Weber County LUC 108-12).

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

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

Exhibits

- A. Project Narrative
- B. Site Plan
- C. Photos of Proposed Pump Station

Map 1



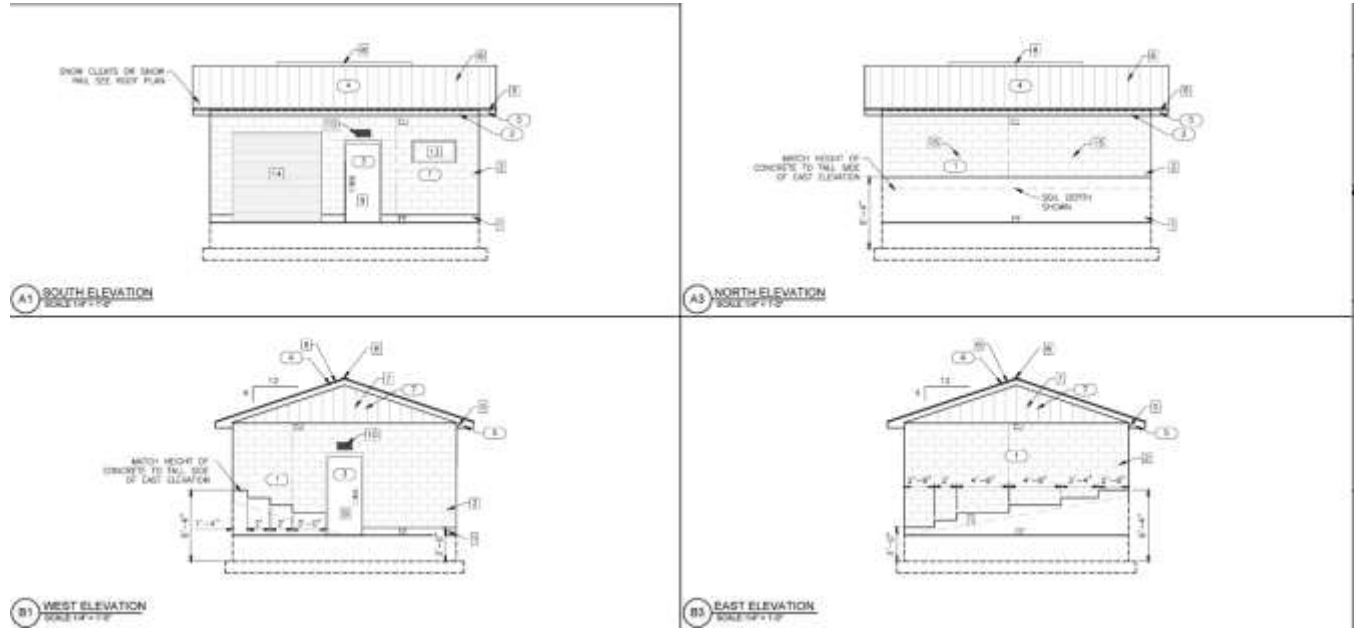
Detailed Site Narrative

Liberty Pipeline Company (LPC) provides potable water for the town of Liberty, Utah. Although the North Zone of LPC's service area is not deficient for source, LPC has had to use restrictions to manage water use during drought years. The construction of the South Zone Booster Pump Station and Transmission Line project provides LPC with the ability to move water up (to the Cutler Tank) from lower pressure zones (Liberty/Sheep Creek Tanks) to combat the pressures of drought years. This project will also help LPC to meet updated fire flow requirements.

The transmission line is currently under construction and will be finished by the end of the year. Upon completion, the proposed South Zone Booster Pump Station will be connected into the new transmission line and into the existing distribution system. The pump station building is a 480 sq-ft building with 2 interior rooms. The west half of the building is accessed via garage door and houses the pumps and VFDs. The east half of the building serves as the controls room and will house the SCADA equipment and controls. The building will be climate controlled to prevent pipes from freezing or electrical equipment from overheating. The building will not feature exterior lighting, so a lighting plan is not provided. The building will also be unoccupied, so no parking or ADA stalls are provided. The contractor is required to restore all disturbed landscape with 6 inches of topsoil and reseed with native grasses.



Exhibit C - Pump Station Elevations



Full set of plans on File with Weber County



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden
Agenda Date:	September 24 th , 2024
Type of Decision:	Administrative
Applicant:	Jason Fuller
File Number:	CUP# 2023-07

Property Information

Approximate Address:	4661 Creek View Drive, Eden
Project Area:	4.61 acres
Zoning:	FV-3, RE-15
Existing Land Use:	Residential, Agricultural
Proposed Land Use:	Agricultural tourism
Parcel ID:	22-218-0001

Adjacent Land Use

North:	Residential	South:	UP&L Corridor
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	FL

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 3, Residential Estates Zones RE-15
- Title 104, Chapter 14, Forest Valley Zone FV-3
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses

Summary and Background

The applicant is requesting approval of an agritourism operation in the FV-3 zone. This application was received under the previous agritourism ordinance, and is therefore bound by the ordinance previously in place before it was amended in December 2023. The applicant's property, at 4.61 acres, falls under the "market garden agricultural operation" which includes an agriculturally productive property consisting of three acres or more but fewer than five acres. The applicant grows produce on the property, in gardens and greenhouses. The proposal includes a glamping cabin, which is a permitted use under a market garden designation of the agritourism operation. Currently, the applicant proposes the following uses under agritourism:

Community Garden/Community supported agriculture, U-pick operation, glamping cabin.

Analysis

General Plan: The "Community Character" chapter of the Ogden Valley General Plan states that "residents generally support the continuation of viable agricultural operations in Ogden Valley as one of the most significant contributions to the rural character of the Valley" (2016 Ogden Valley General Plan, Page 5). If the Planning Commission considers the site a viable agricultural operation, the commission could determine that the proposal is not contrary to the goals and policies of the general plan.

Zoning: The subject property is split by zone boundary between the RE-15 and FV-3 zone. The majority of the property is in the FV-3 zone, and all of the agricultural operations and agritourism activities are in the FV-3 zone. Agritourism is listed as a conditional use in the FV-3 zone. LUC 104-14-1 lists the purpose of the FV-3 zone, as follows:

The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The following is an analysis of the application reviewed against the applicable conditional use standards:

Standards relating to safety for persons and property: The proposal is not anticipated to cause any concerns of safety for persons and property. The Weber Fire District reviewed and approved the project on June 6, 2023 with no conditions of approval. The applicant has voluntarily agreed, in their narrative, to inform emergency services during special events.

The site plan shows designated parking, located several hundred feet from Creekview Drive.

Standards relating to infrastructure, amenities, and services: The property receives irrigation water from a private on-site well. The applicant has submitted proof of irrigation water rights to water 17 acres. Currently, 1.5 acres is dedicated solely for agriculture. The property is currently served by Wolf Creek Water and Sewer Improvement District for sanitary sewer and culinary water services. The applicant has submitted will serve letter addressing additional connection to the District's water and sewer line.

The applicant does not anticipate more than occasional light traffic, and a maximum number of about 8 individuals is expected to be on site during normal operations.

Standards relating to the environment: A seasonal stream runs along the northwest portion of the property. There are no wetlands mapped on the property. The subject property is lot 1 of Raspberry Hills Subdivision. The subdivision plat and proposed site plan shows a nonbuildable area on this lot due to floodplain. The proposal does not include any improvements within the nonbuildable area.

Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan: The Ogden Valley General Plan, as mentioned earlier in this report, promotes the continuation of viable agricultural operations. The proposal, with conditions, can blend in to the surrounding area's qualities and characteristics. There are existing evergreen trees that can provide screening and buffering to adjacent properties for the uses proposed.

Standards generally:

Sec 108-21-3 of the agritourism chapter requires the following:

To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The method, by which measurements are made, shall be based on one agriculturally related use/activity being equal to one non-agriculturally related use/activity.

The following list breaks down the proposed uses to agriculturally related and non-agriculturally related.

Proposed agriculturally related uses	Proposed non-agriculturally related uses
Upick operation	Glamping Cabin
Organic Produce and Flowers grown and sold on site, or delivered from the site	
Community Supported Agriculture - CSA	

Review Agencies: The Weber Fire District, Weber-Morgan Health Department (private well-culinary water) and the county Engineering Division have reviewed and approved the project on the county's review website. Weber County Code Enforcement has reviewed, but not yet approved of this application. Weber-Morgan Health Department will still need to Review the plan for meals on site, as well as proposed restroom facilities for commercial use.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2023-02. The approval is subject to all review agency requirements and the following conditions, prior to issuance of a conditional use permit:

1. A business license shall be obtained through Weber County

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

Exhibits

- A. Narrative and Site plan
- B. Will Serve Letter from Wolf Creek Water and Sewer

Area Map



Exhibit A – Narrative and Site Plan

Proposed uses would only include CSA / community supported agriculture and U pick for vegetables and flowers.

Currently, I operate a CSA in which I pick and deliver fresh organic vegetables and often flowers weekly for my customers. I have been delivering but would like to soon have customers come and pick up their orders. My deliveries are on Saturday and I would keep the pick up time on Saturdays as well from 12 -7 pm. One car would arrive at a time for 2-3 minutes. I currently on a weekly basis have 6-10 orders and would like to increase that to 20-25 orders as the farm grows. IMPORTANT NOTE: I will often take my produce to a market location and have my customers pick up their orders from me there- which means there would be no one picking up from the farm.

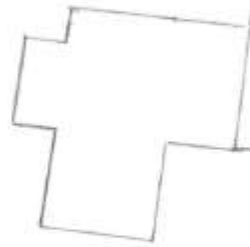
IMPORTANT NOTE:In the winter months and often in the regular market season I grow and provide microgreens for my customers and restaurants as well.

Current acreage solely for agriculture: Approximate 1.5 acres

People and vehicles on site:

- Maximum 2 people (one car) for current cabin
- U pick possibly 2-4 people and 1 or 2 cars in main house parking
- Delivery pick up: 1 or 2 people on Saturdays 1 car at a time for 2-3 minutes

CREEKVIEW DRIVE



Cabin

SOLAR

Deer fenced
gardens

Greenhouse
30' x 96'

Greenhouse
12' x 60'

Exhibit B - Will Serve Letter from Wolf Creek Water and Sewer



August 9, 2024

Weber County

RE: Wolf Creek Water and Sewer Improvement District services to Address(s):

Patio Springs Gardens LLC

4661 E. Creekview Dr.

Eden, UT

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has reviewed the capacity of its resources, and determined it will provide culinary water, and sewer services to the above-referenced address(s). This Can and Will Serve commitment applies to the above-referenced address only and is non-transferable.

Commercial services to be provided:

- Culinary water will be provided under water right E6310, with associated underlying contracts from Weber Basin Conservancy District. Culinary water shall be used for culinary and fire suppression (fire hydrant) uses. ~~The District prohibits the use of culinary water for outdoor uses.~~
- Secondary Water for landscape and outdoor uses will not be provided.
- Sewer services are delivered through connection to the main sewer lines of the District, leading to the Willow Brook Lane MBR Wastewater Treatment Plant and disposal system.

Plans submitted to Weber County for a building permit shall be consistent with developments approved by the Ogden Valley Planning Commission and Weber County Planning Department. The plans must meet all zoning and building requirements for detached Accessory Dwelling Units.

Submission of the plans at the Weber County Building and Inspections Office shall be completed within 12 months from the date of this notice. If the plans have not been submitted and a building permit issued, this Can and Will Serve commitment is considered expired.

Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances.

Water and sewer services will be provided in accordance with applicable federal, state, and local statutes, laws, rules, regulations, ordinances, and standards.

Culinary water and Sewer services to the above address(s) are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time. No secondary water will be provided, due to private well supplies.
2. Natural fluctuations in water supplies.
3. Subsequent decisions and regulations by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
4. Payment of hook-up costs, as specified here, and standard billings for service. Failure to pay these costs and billings will result in temporary suspension and/or permanent cessation of service. 100% Culinary Water Connection Fee \$1,100.00, 50% Sewer Impact Fee \$2,306.50, and 100% Sewer Connection Fee \$915.00.
5. The owner of the property will need to provide through transfer to the District, $\frac{3}{4}$ of a Wolf Creek Irrigation Water Share. (prorated $\frac{1}{2}$ equivalent residential unit - commercial service).
6. Signature of the current District Service Agreement for billing and services.
7. Inspections on all water and sewer lines must be conducted by the District employees prior to completion of laying the lines.

As the recipient of said service, you agree to the above terms and to the terms set forth in the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies may change from time to time.

For any questions regarding the contents of this letter, please contact the office at (801) 745-3435.

Creek Water and Sewer Improvement District

Annette Ames
Annette Ames, Controller

Date: Aug, 8, 2024



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for preliminary subdivision approval of the Shelter Hill Subdivision, a 39-lot subdivision located in the DRR-1 zone at approximately 6965 E Powder Mountain Road, Eden, UT, 84310. Accompanying this application is a request to approve a modified concept area plan.
Type of Decision:	Administrative
Agenda Date:	Tuesday, September 24, 2024
Applicant:	Summit Mountain Holding Group, LLC
File Number:	UVS082224

Property Information

Approximate Address:	6965 East Powder Mountain Road, Eden, UT, 84310
Project Area:	6.31 Acres
Zoning:	Ogden Valley Destination and Recreation Resort Zone DRR-1
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	23-012-0192
Township, Range, Section:	T7N, R2E, Section 9

Adjacent Land Use

North:	Ski Resort/Resort Development	South:	Ski Resort/Resort Development
East:	Ski Resort/Resort Development	West:	Ski Resort/Resort Development

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	CE

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Standards, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

1/14/2015 – Zoning Development Agreement for Summit Group is recorded.

1/12/2019 – First Amendment to Zoning Development Agreement is recorded.

11/30/2022 – Second Amendment to Zoning Development Agreement is recorded.

The Planning Division recommends preliminary subdivision approval of the Shelter Hill Subdivision, conditioned upon the Planning Commission’s determination that the changes to the concept area plan for this portion of the Powder Mountain Development (The Meadow Area) are slight and inconsequential. The proposed subdivision is in the DRR-1 zone and will consist of 39 single-family lots, and 60’ wide private roadways.

As of the date of this staff report, 229 lots have been recorded within the Powder Mountain Development, under the executed development agreement, recorded 1/14/2015.

The Second Amendment to the Zoning Development Agreement allows for approval of a more specific/detailed concept development plan to be approved in conjunction with a subdivision approval within the development area (Area F – The Meadow). The Land Use Authority shall first determine if any proposed changes to this concept development plan are

only slight and inconsequential (See Exhibit A for overlay of current proposed changes vs. existing approved concept plan). Per the Development agreement,

“County approvals for these concept development plans will initially be reviewed and considered by the Land Use Authority. Proposed changes that the Land Use Authority determines are slight and inconsequential, including the details of road locations, building areas, and product types, shall not require amendment of the ZDA, and the Land Use Authority is hereby designated as the approving authority for those changes. Any proposed changes that the Land Use Authority deems are not slight and inconsequential shall be submitted by Developer in the form of a zoning development agreement application and shall be reviewed by the planning commission and the legislative body, following statutory process for legislative amendments to a development agreement.”

These proposed changes include relocation/elimination of roadways, and changes to product type (eliminating multi-family and proposing only single-family lots/dwellings in this application).

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

“The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.”

Lot area, frontage/width and yard regulations: The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential dwelling. This subdivision has been designed for individual ownership of the lots, private roadways maintained by the Powder Mountain Owner’s Association.

Natural Hazards Overlay Zone: The proposed subdivision is located in a geologic hazards study area. A geologic hazard study and geotechnical report, performed by IGES, and dated 8/6/2024 (Project No. 01628-040) has been submitted with this application. Shallow groundwater mitigation and slope stability are current concerns, however, per this report, the parcels are considered to be suitable for development. These are preliminary reports. Final reports will be required prior to final approval of this subdivision. Additionally, site-specific reports shall be required at building permit.

A note on the plat will provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. All site development will need to adhere to the recommendations of any reports and a “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

Additional design standards and requirements: This portion of Summit Pass Road is proposed to be private. These private roadways are not anticipated to interfere with public pathway and ski easements currently in place. Maintenance of these private roadways will be done by an HOA. Parking along these 60’ wide private roadways will be discouraged by Weber Fire District during snow season, however there are no concerns regarding parking when roadways are clear and dry.

There may be additional site preparation in conjunction with each approved building permit. The proposed subdivision requires the realignment of the southernmost portion of the existing Summit Pass Road, as well as the extension/creation of a new street system. This realignment of a portion of Summit Pass Road requires a street vacation application, which has already been submitted by the applicant. The vacation ordinance shall be recorded prior to final approval of this subdivision. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time. The applicant will be required to provide a cash escrow to be held by Weber County for the applicable improvements within the subdivision.

Culinary water and sanitary sewage disposal: A capacity assessment letter has been provided by Powder Mountain Water and Sewer District. Proof of a connect fee from Powder Mountain Water and Sewer District will be required to be submitted prior to receiving a building permit from Weber County.

Review Agencies: The Weber County Engineering has requested information related to a second access off the mountain. While this is not a requirement for approval of this subdivision at this time, the subject of a second access off the mountain will continue to be mentioned with each application submitted by Powder Mountain. The Weber Fire District and the Weber Surveyor's Office have not yet reviewed this proposal. A condition of approval has been included to ensure that all applicable review agencies requirements will be met prior to moving forward for final approval.

Staff Recommendations – Separate Concept Area Plan Changes and Proposed Subdivision

- Staff Recommends approval of the proposed changes to concept area plan for The Meadows (Area F), as the proposed changes fall under 'slight and inconsequential'.

This recommendation is based on the following findings:

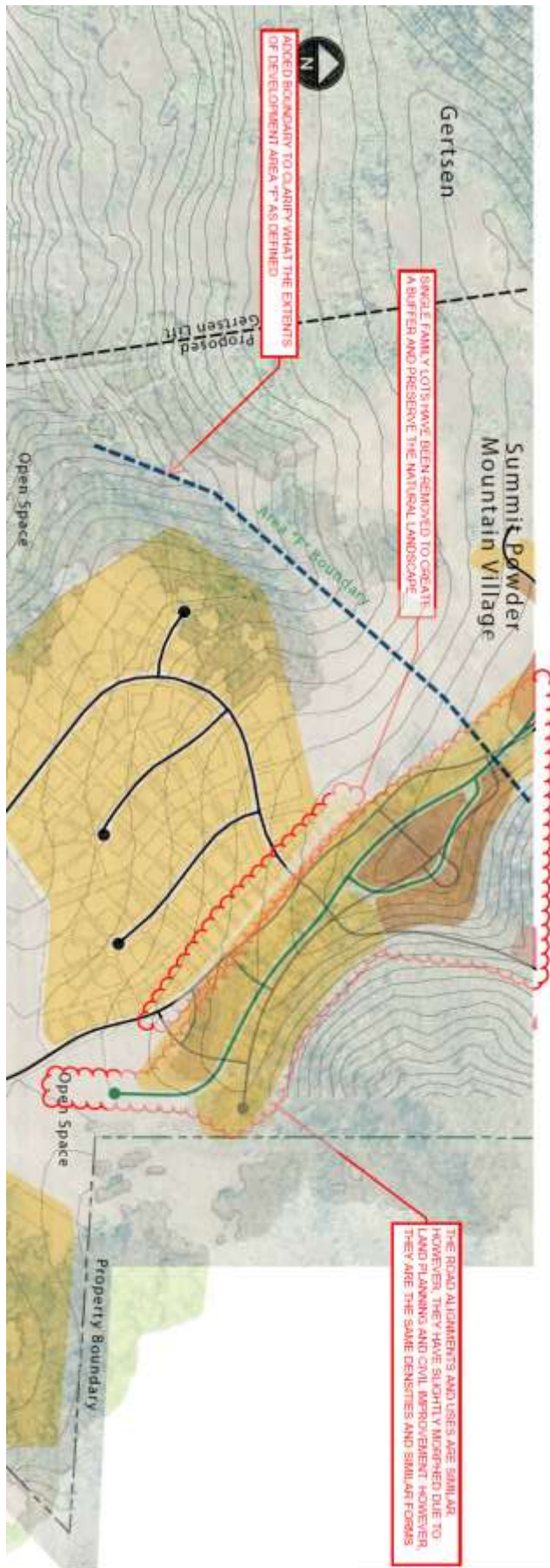
1. The proposed changes comply with the recorded development agreement and subsequent amendments, specifically, the 2nd Amendment to the Development Agreement.
 2. The proposed subdivision conforms to the Ogden Valley General Plan.
 3. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
 4. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
 5. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
- Staff recommends preliminary approval of the Shelter Hill Subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:
 1. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
 2. Approval of the proposed changes to the concept area plan for The Meadow (Area F).
 3. Escrow, installation, or a combination of both for required improvements, shall be submitted to the County prior to scheduling for final approval.

This recommendation is based on the following findings:

6. The proposed subdivision conforms to the Ogden Valley General Plan.
7. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
8. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
9. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Concept Area Plan Proposed Modifications
- B. Copy of 2nd Amendment to Recorded Development Agreement
- C. Shelter Hill Preliminary Subdivision Plat
- D. Powder Mountain Water and Sewer Capacity Assessment Letter





W3265109

**SECOND AMENDMENT
TO
WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT**

E# 3265109 PG 1 OF 39
LEANN H KILTS, WEBER CTY. RECORDER
30-NOV-22 8:42 AM FEE \$ 5.00 TN
REC FOR: WEBER COUNTY PLANNING

THIS SECOND AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT AGREEMENT (this "**Amendment**") is made to be effective as of date this Amendment is approved by the Weber County Commission and is made by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company, ("**Developer**") and Weber County, a body politic in the State of Utah ("**County**") with reference to the following:

RECITALS:

A. Developer and County are parties to that certain Weber county Zoning Development Agreement (the "**ZDA**") dated as of January 13, 2015. A true and correct copy of the ZDA is attached and incorporated into this Amendment as Exhibit A. Any undefined capitalized terms used in this Amendment shall have the same meanings ascribed to such terms in the ZDA.

B. Developer's predecessor-in-interest and the County entered into that certain Weber County Zoning and Development Agreement by and between the County and Western America Holding, LLC a Utah limited liability company recorded in the Office of the Recorder for the County as Entry # 2607988 on November 29, 2012 (the "**Original ZDA**"). The Original ZDA was amended by that certain First Amendment to the Powder Mountain Zoning and Development Agreement made by and between Developer and the County dated as of September 10, 2013 (the "**First Amendment to the Original ZDA**") pursuant to which Developer assumed obligations under the Original ZDA.

C. The ZDA and the Original ZDA, as amended, were further amended by that certain First Amendment to ZDA recorded as of July 12, 2019. A true and correct copy of the First Amendment to ZDA is also attached and incorporated into this Amendment as Exhibit A. The Original ZDA and the ZDA as previously amended as described above are referred to in this Amendment as the Existing ZDA.

D. Developer and the County desire to amend Sections 1.4, 3.2, 4.1, and 4.2 of the Existing ZDA to allow the Land Use Authority to approve changes to some of the conceptual Master Plan exhibits without a public hearing or presentation to the legislative body. Such changes would be considered by the Land Use Authority to be slight and inconsequential or for clarifying purposes, and would not be considered amendments to the ZDA.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants set forth below, and other good and valuable consideration, the receipt and adequacy of which are acknowledged, Developer and the County agree as follows:

AGREEMENT:

1. Recitals. The above recitals are an integral part of the agreement and understanding of Developer and County and are incorporated into this Amendment by this reference.

2. Effect of Slight and Inconsequential Changes to Master Plan.

2.1 Section 1.4 of the Existing ZDA shall be amended by adding the following sentence to the end of section 1.4:

“Notwithstanding the foregoing, slight and inconsequential changes made to the Master Plan pursuant to Section 3.2 are contemplated as part of this Agreement and shall not be considered amendments or modifications to the Agreement.”

2.2 Section 4.1 of the Existing ZDA shall be amended by replacing the first sentence with the following:

“Subject to Section 3.2, Developer shall develop the subject property based upon representations made in the Rezone Application and the approved Master Plan (Exhibit B).”

2.2 Section 4.2 of the Existing ZDA shall be amended by replacing the second sentence with the following:

“Subject to Section 3.2, Development inconsistent with the Master Plan will not be approved.”

3. Concept Development Plan. Section 3.2 of the Existing ZDA shall be deleted in its entirety and replaced with the following:

“Weber County shall retain the right to approve or deny more specific/detailed concept development plans for Areas A through F. The concept development plans shall be approved prior to or in conjunction with the first application for site plan or subdivision approval within each development Area.

Notwithstanding the foregoing, the Developer and County acknowledge that the “Master Plan” and “Illustrative Plan” maps in the Master Plan document for Areas A through F (i) are conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building area and product types (e.g. multi-family, mixed-use, single family, corporate retreats, etc.) may be moved within the Areas generally depicted as A through F. Unit density for each Area (A through F) is fixed and may not be transferred between Areas. Concept development plans for each Area are expected to evolve and be presented in phases in the context of a more detailed master plan for each Area. County approvals for these concept development plans will initially be reviewed and considered by the Land Use Authority. Proposed changes that the Land Use Authority determines are slight and inconsequential, including the details of road locations, building areas, and product types, shall not require amendment of the ZDA, and the Land Use Authority is hereby designated as the approving authority for those changes. Any proposed changes that the Land Use Authority deems are not slight and inconsequential shall be submitted by Developer in the form of a zoning development agreement application and shall be reviewed by the planning commission and the legislative body, following the statutory process for legislative amendments to a development agreement.”

4. Effect of Second Amendment. Except as expressly modified by this Amendment, all the terms and conditions of the ZDA shall remain in full force and effect. In the event of a conflict between the terms of the ZDA and this Amendment, this Amendment shall control.

5. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties having been duly authorized, have executed this Amendment to be effective as of the date this Amendment is approved by the Weber County Commission.

Approved by the undersigned parties this 1st day of November 2022.

DEVELOPER:

SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a
Utah limited liability company

By Summit Revolution LLC, its sole member

By: _____
Anne C. Winston
Authorized Signatory

COUNTY:

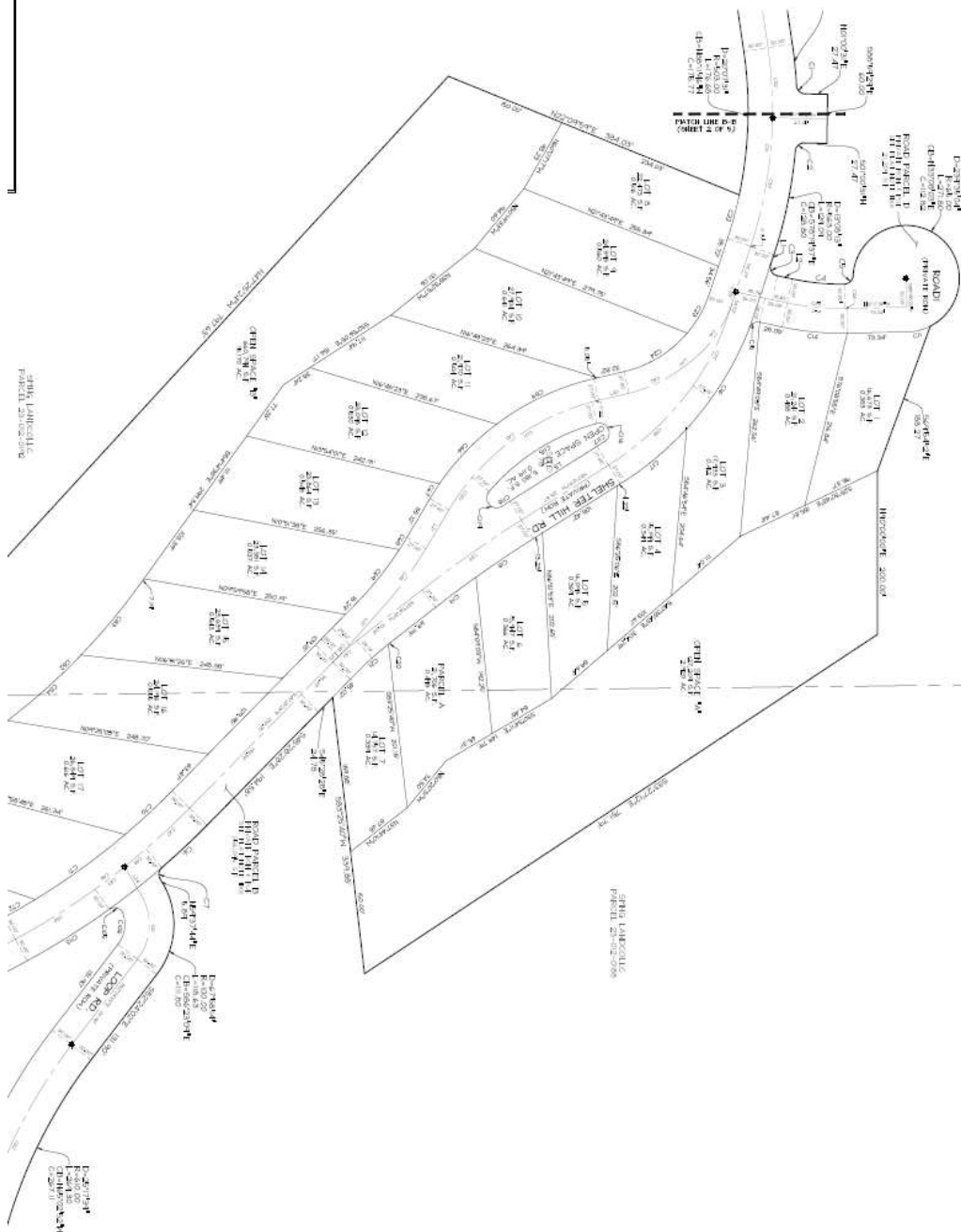
WEBER COUNTY CORPORATION

By: Scott K. Jenkins
Name: Scott K. Jenkins
Title: Weber County Commissioner, Chair

ATTEST:

By: Ricky D. Hatch
Name: Ricky D. Hatch
Title: Weber County Clerk/Auditor

Exhibit C-Shelter Hill Preliminary Subdivision Plat



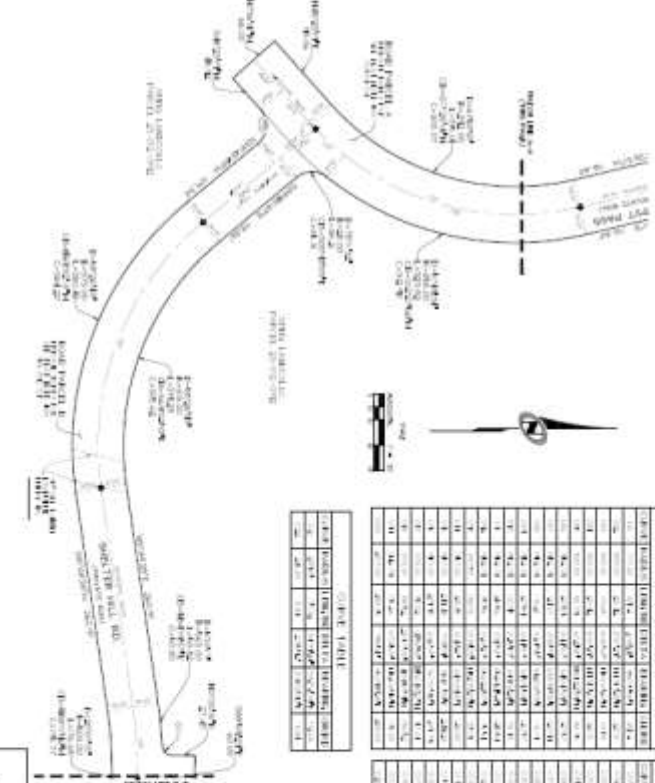
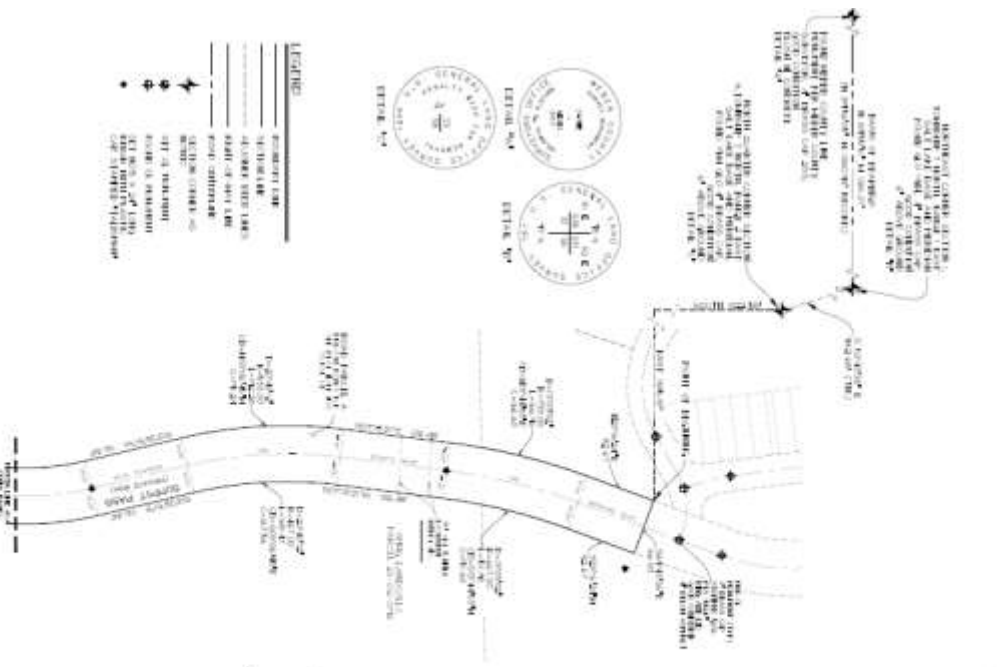
SHELTER HILL AT POWDER MOUNTAIN
 LOCATED IN THE EAST HALF OF SECTION 36, T10N, R10E, 100W
 WEST HALF OF SECTION 36, T10N, R10E, 100W
 SHERB COUNTY, WYOMING
 August 2024

Sheet 3 of 5

REVISION 1
DATE: _____
BY: _____
FOR: _____
PROJECT: _____
DATE: _____
BY: _____
FOR: _____



SHELTER HILL AT POWDER MOUNTAIN



POINT	STATION	Bearing	Distance	Point Description
1	0+00	N 0° 0' 0" E	0.00	START OF CURVE
2	0+10	N 10° 0' 0" E	10.00	POINT ON CURVE
3	0+20	N 20° 0' 0" E	20.00	POINT ON CURVE
4	0+30	N 30° 0' 0" E	30.00	POINT ON CURVE
5	0+40	N 40° 0' 0" E	40.00	POINT ON CURVE
6	0+50	N 50° 0' 0" E	50.00	POINT ON CURVE
7	0+60	N 60° 0' 0" E	60.00	POINT ON CURVE
8	0+70	N 70° 0' 0" E	70.00	POINT ON CURVE
9	0+80	N 80° 0' 0" E	80.00	POINT ON CURVE
10	0+90	N 90° 0' 0" E	90.00	END OF CURVE

Sheet 2 of 5

DATE: _____

SCALE: _____

PROJECT: _____

DESIGNER: _____

CHECKER: _____

APPROVER: _____



**POWDER MOUNTAIN WATER AND
SEWER IMPROVEMENT DISTRICT**

Date July 11, 2024

Powder Mountain Resort

Ogden Valley Township Planning Commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

*Re: Commitment to provide culinary water and sanitary sewer services for the Shelter Hill
Subdivision Parcel #230120188 & 230120192*

CAPACITY ASSESSMENT LETTER

This capacity assessment letter is issued by the Powder Mountain Water and Sewer Improvement District (the "District"), in connection to a certain real estate project proposed to be developed by Powder Mountain Resort

The District confirms that it has adequate capacity to provide water and sewer services to serve 39 Equivalent Residential Units ("ERUs") in connection with the Shelter Hill plat, requested by Powder Mountain Resort.

Building permits shall not be issued without final approval by the district. Final approval is subject to Annexation of parcel #230120192, District Engineering requirements and payment of all applicable fees.

The district's commitment set forth in this letter is effective as of the date of this letter.

**POWDER MOUNTAIN WATER AND
SEWER IMPROVEMENT DISTRICT**

By: Robert Behrendt

Robert Behrendt-Chairman