

Minutes of the Ogden Valley Planning Commission Regular meeting October 27, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Greg Graves, John Howell; Kevin Parson; Will Haymond; Stephen Waldrip, Jami Taylor

Absent/Excused:

Staff Present: Scott Mendoza, Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner
Ronda Kippen, Planner I; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

1. **Minutes:** Approval of the October 06, 2015 meeting minutes

MOTION: Chair Warburton approved the meeting minutes as written.

2. **Consent Agenda:**

- 2.1. **UVS100515:** Consideration and action on final approval of the Summit at Ski Lake No. 13, (5 Lots) in the Forest Valley 3 (FV-3) Zone located at 6740 Via Cortina Street. (Valley Enterprise Investment Company, LLC, Applicant)

- 2.2. **CUP 2014-22:** Consideration and action on a request for a 6-month time extension for an approved accessory apartment conditional use permit located at 3778 North Willowbrook Lane Eden, UT (Rachel Nielsen, Applicant)

MOTION: Commissioner Parson moved to approve Items 2.1. UVS100515 and 2.2. CUP 2014-22. Commissioner Howell seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting aye. Motion Carried (7-0).

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

- 3.1. **Legislative Items**

- a. **Old Business: None**

- b. **New Business:**

1. **ZTA 2015-05:** Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub - John Lewis, Applicant

Jim Gentry said they have a petition to amend the Commercial Valley Recreation (CVR-1) Zone, to add a couple of uses to that zone. The first one is a brewpub as part of the restaurant and included is the new definition what is brewpub that comes from the Planner's dictionary that states, "A restaurant that prepares handcrafted natural beer, ale, distilled spirits, etc. as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than 5,000 barrels (One barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed 30% of the total floor area of the restaurant's space. Wholesaling shall be permitted, but is limited to 30% of the total sales of the restaurant." This is the definition that they are looking to add and the use into the CVR-1 and the other use is to add reception/banquet facilities.

Chair Warburton asked if he looked into state code to see if this definition fits state code. Mr. Gentry replied that he could not find it in state code but he called several other restaurants and Rooster's does more than what is being proposed here.

Eric Householder, Householder Group, representing Wolf Creek, said this is the follow-up that they did this past summer, and this is a use that they wanted to add to the zone they went to.

Miranda Menzies, resident of Wolf Creek, connected to HOA's but was speaking as a private citizen. She supported having this in commercial activities within their resort, and she had seven guests visited this weekend. Just having a place where they could enjoy a variety of beverages in conjunction with the resort was welcomed.

Jan Fullmer, resident of Wolf Creek, said that what is being requested was consistent with the information they collected from 14 communities last September; in terms of establishing small commercial establishments as part of the input by the

communities. They had a meeting on September 17, 2014 with approximately 220 valley residents, and they collected the data from that meeting, and is consistent with what the communities would like to see.

Closed for public hearing.

MOTION: Commissioner Parson moved to recommend to the County Commission for approval of ZTA 2015-05, consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub. Commissioner Hammond seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting "aye." Motion Carried (7-0).

2. ZTA 2015-06: Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101) Definitions (Section 1-7) Subdivisions (Title 106), General Provisions (Chapter 1), Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the subdivision code and related to the names of the Planning Commissions and the planning areas.

Charles Ewert said that they have an administrative clerical error when the County Code was codified by the Codifiers Unicode. At the same time this was being codified, they had adopted a new subdivision code. That code didn't get into the codified version; and what is online is not the codified adopted version. This has to go back through the process to make sure that due process is preserved and readopted. Prior to codification, a lot of different chapters and land use code had their own definitions; some of those definition sections had the same terms with the different definitions. These were significant enough to cause the codifiers to go through and rectify those. The codifiers created a new definition section at the beginning of the Land Use Code Section 101-7; that has all the definitions from the Land Use Code and they connected all the terminologies. Without having the definitions of the 2012 Code; they couldn't see the whole picture. As they went through the definition sections; it's important to note that it was mostly clerical edits, to ensure that it says what they mean it to say. He asked if they wanted to precede page by page to see if there were any issues.

Chair Warburton said that she didn't want to go page by page, but if the Planning Commission had specific questions, they could ask staff and this is a cleanup. Mr. Ewert replied there is one item that was not a cleanup that was a change in state code that they can no longer use the term "township."

Commissioner Parson referred to Page 7, Line 191, Protection Strip. He read the definition and said being this is in blue that has been added; and they are just tightening up the definition. His question was on the last line and asked if somebody had to come in separately and record the agreement? Mr. Ewert replied that this wasn't new even through this was underlined, they had a different term for that, and this deleted the 2012 term, and replaced that 2012 term. If there is a protection strip, and there is an agreement that runs with that protection strip, in that agreement that shall expire after ten years. For example; if someone was to subdivide a piece of property, build a road, and they kept a protection strip off to the side, keeping whoever the adjacent landowner from accessing their new road. Even though it's a public road, they built it, put the money into it, and so the protection strip keeps them from developing their land, getting access from the road without paying. They have provided some protection here, to get some return on their investment.

Commissioner Waldrip asked changing the word township to planning area, is that going to have to be done retroactively to the entire code, or is that going to be done piecemeal as they go forward. Mr. Ewert replied said this is everything and he searched through the whole code for township and this should be it.

Opened for public hearing, and there were no public comments. Chair Warburton closed for public hearing.

MOTION: Commissioner Waldrip moved to recommend to the County Commission approval of ZTA2015-06 on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101) Definitions (Section 1-7) Subdivisions (Title 106), General Provisions (Chapter 1), Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the subdivision code and related to the names of the Planning Commissions and the planning areas. Commissioner Parson

seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting aye. Motion Carried (7-0).

3. ZTA 2015-03: Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code - Paul Strange, Summit Mountain Holding Group, Applicant

Director Mendoza said on June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during the work sessions. Based on the input received from the Planning Commission, the applicant has prepared a final version of the proposal with the exception of one. He would like to bring to their attention to Item #8 on page 4 of the staff report, Requested Amendment to Title 108 (Standards), Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards). This is the only one of the 12 proposed amendments that they haven't seen yet. He asked for guidance on how this commission would like to proceed with the presentation. He could go item by item or summarize everything; there are several pages that are being amended, but those amendments are fairly simple.

Chair Warburton said that everyone has read through the packet and she knew that some of the commissioner's had questions.

Commissioner Taylor said she wasn't there for the two meetings; and she read through everything. She would like a bit of review because she was not familiar with the discussions; if staff could recap as to what was recommended by the Planning Commission, and have adjustments as indicated in the staff report. Director Mendoza replied that everything that has been presented reflects the Planning Commission input to date. He has a lot of notes on what was being proposed, and between him and Mr. Strange, they provided enough information on where they ended up. Commissioner Taylor said that she just wanted a generalized idea; there are a lot of changes to the general plan that she was not familiar with.

Chair Warburton asked if there is one that she looked through that she had more issues with or does she have issues with every single one. Commissioner Taylor replied that she didn't have issues with every single one.

Commissioner Taylor said she had issue with on Item #1 and the other issue was with the second kitchen. It seemed that both of those seem to allow for a lot of additional people renting units and increasing the density overall. Director Mendoza replied that they could get with the planning staff recommendation; and staff was in support of the majority of these proposed changes. It would provide a lot of flexibility for resorts as they start their development beyond their master planning and move into the development phase. This would streamline a lot of their process and provide a certainty to act as an incentive in some cases; if they had somebody out there considering rezoning a thousand acres minimum, more to the resort zone, and they are willing to follow the County standards. This would not just affect Powder Mountain; this included Snow Basin and what they need to consider with the information in the past with the GIS and the Traffic Impact Study. These items that do not have staff's recommendations are tied to impacts that they haven't had a chance to consider prior to approving a Master Plan Community.

Director Mendoza referred to Item #8, and said this is within Chapter 2, Ogden Valley Landscaping Code, and this ended up creating a new subsection that exempts resort zones developments located above 6,200 ft. The attached map in the packet showed those areas in the Ogden Valley that were above that 6,200 foot level. If it didn't have a Planning Commission review, or if it's exempt from some landscaping standards, it may alleviate a concern when they are thinking about landscaping or commercial project that doesn't have landscaping to an existing project. A new subsection within this chapter, it would exempt the resorts from certain standards related to general landscaping, and all standards related to landscaping, screening, and buffering parking areas. On Page 3-7 Exhibit E, is the specific language that is being proposed that has been highlighted so they can see the subsection that the applicant is looking to be exempt from and the overall section within that chapter and staff has no serious concerns with what was proposed here.

Commissioner Parson asked on Page 3 of 8, line 98 and those are those the ones with exemption? Director Mendoza replied yes within that Section 108-2-5, the request is to be exempt from a, b, d, e, f, and h from that subsection there.

Within Section 108-2-6, on Page 5 of 8, Line 198, the request is to be exempt from all standards within that section, and that continues on Page 6 of 8 and Page 7 of 8.

Commissioner Graves said on Page 3 of 8, Line 121h Plant Materials; that section talked about general standards of stuff that were normally purchased, installed in any kind of commercial venture and it doesn't matter whether low or high elevations. They had several conditions that talks about plant material, so what was the reasoning for being exempt from that. They still have to purchase something that would come from some kind of nursery to be installed. These are standard things come from some kind of nursery to be installed. These are standard things that guarantee that there is some kind of quality in the stuff that is planted. Director Mendoza replied there is not a guarantee that there will be a purchase. Any of these items above the 6,200 feet would not apply. It will apply if they were less than 6,200 ft.; the plant materials section would apply because everything else would apply. The reason for being exempt from Line 121h, had to do with the fact that that it added to some clarity, if the resort does nothing, there would not be any requirement for doing landscaping. But there would be a requirement because of storm water standards, and they will have to do something to retain soils on the site.

Commissioner Taylor said that Commissioner Graves brought up a good point that it is possible; that these standards are set in place for below 6,200 ft. for a reason. She wondered if there was a possible way to have a different set of standards for above 6,200 ft. so that these sensitive lands were not becoming completely demolished.

Commissioner Graves said one possible suggestion; for them to be required to develop and submit their own landscape plan, and at least there will be something in place being submitted. A lot of this was because they felt too restrictive, they should use their freedom to develop their plan, bring in their landscaping plan and present it to this commission. They have all the freedom they want to develop their plan; put enough thought and effort into it, to convince this commission that this appropriate for what they want to do.

Commissioner Waldrip asked for clarification; as to these areas in red would be encompassed by this proposed ordinance, as far as that particular section removing those restrictions. Director Mendoza replied that the areas in red are above 6,200 ft. and when it comes to the site plan; they would have to confirm and verify that they are.

Commissioner Graves said the other question has to do with a complete exemption from any screening and buffering; Section 108-2-7, Line 264, and is that correct. He assumed that there was no landscaping or buffering, because on Item F, Line 258, Page 7 of 8, it talked about screening of trash dumpsters, and if that went away then there was no standard regarding that, and they would have to make that choice. Director Mendoza replied that was no real standard.

Commissioner Haymond asked to go through staff recommendations with the five items? Director Mendoza replied based on the proposal conformance to the general plan section; and they have pointed out two areas where they feel that the proposal did comply, and one that didn't comply. The one that didn't comply had to do with density, and what could be more of an impact due to hotel rooms, or overall more opportunities for nightly rentals. The General Plan speaks to these proposals; based on its compliance and the general plan speaks to this. Based on the compliance and non-compliance, the Planning Division suggested that this commission support the proposal, Items 1 through 12 except for proposed amendment #1, the definition of a lockout sleeping room. The reason is this amendment would allow for an attached lockout sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any residential accommodations in the resort zone, but it would allow a detached lockout.

Director Mendoza said that lockout sleeping room is limited to only condominium unit with a limit of two. This amendment has the ability to increase the number of residential types of units and other nightly accommodation units, without diminishing any of the units that they have approved as part of the zoning development agreement. An increase to the number of units a hotel rooms could certainly have an impact on public services or transportation. On #2 what staff suggests is to not support the removal of the existing limitation of the two lockouts. Today there is a limit on condominium units only, and a condo can have a lockout but it is limited to two. On #3 the proposed addition of the use accessory dwelling unit; this would be in the land use table of the resort zone. The applicant suggested adding accessory dwelling unit to the list of permitted uses. Accessory dwelling unit is exactly that, where some can stay nightly, but they can live long term and that hadn't been presented to the Planning Commission, County Commission, or the public in terms of public traffic. On #4 this is the proposed addition to use additional kitchen, and not use as a additional kitchen. The county subdivision code says that there can only one dwelling on one lot. Sometimes a building plan will be submitted that may

have 1 or 1-1/2 or in some cases 2 full kitchens. When these plans are reviewed, they could see that a home could actually function as two homes.

Director Mendoza said where it could qualify by definition. For example upstairs has everything needed to be a home, and downstairs because of all the kitchen amenities qualifies as a single family dwelling. What the county has done as a policy for decades, has allowed the landowner to build the home they want to. However; there is a second kitchen covenant, where the applicant signs, promise, and acknowledge that their home has two full kitchens, and they promise that it will function as one for their family. It is just as one. On #5 it further addresses second kitchen that has been clarified with this proposed use section. This would be numbered Section 104-29-10, Second Kitchens, and Page 23 Exhibit C, that a new short section has been proposed there. Staff is recommending supporting all the proposals except for these five.

Paul Strange, Summit Mountain Holding Group, applicant said there are a couple of items that he would like to clarify; one of the concepts that they talked about extensively during the work sessions, in the DRR-1 Zone is trying to give some discretion to the developer. The county and the developer would be able to react more quickly; to do it in a market sense that the developer is not going to do anything stupid just because the market forces him to do it. For example; the issue with the dumpster, is that something that needs to be reviewed by planning staff, or is that something that gets left with the developer to make sure they develop in a way that the results is sales. That also applies in concept of landscape where there is more of an issue in the context that they own the entire area, and 20% of it must be landscaped. That may be the size of the lot that could have another building next to the lot, there may not be frontage with more of a main street feel, or it may be against the sidewalk. With regards to the plant materials; it seemed to flow from the rest and their goal is to use local natural materials and have things grow back to be natural. Their goal is not to have trees in a planter box every 50 feet that will take away from feeling like they are in the mountain.

Paul Strange said that the area that is covered by this is Snow Basin and Powder Mountain; Nordic Valley is not in the DRR-1 Zone, nor do they have anything above 6,200 ft. The county has some challenges in enforcement, once someone buys a lot they are restricted on that home they can build on that lot. They are limited to 5,500 sq. ft. total, 4,500 sq. ft. above grade; so anything that is being done whether it's lockouts inside or outside, that all comes down to their square footage. One of the things that changed is the detached lockouts prior to work session; it did not account for density, and it was clear that was an issue. He felt like he came to a middle ground; that anything that is detached would have a density consequence, and that changed from before. The second kitchen does not have a code supporting the covenant; it also states that they are going to use their home as a single family home, but they are in a recreational resort zone which is a place that they can rent.

Commissioner Waldrip asked what reason this commission would recommend approval; on a broad revision to standards that had been in place for some amount of time, that has been in place for a long period of time. They are dealing with the implications that go beyond their plan and property today. They are dealing with the potential for something to happen many years from now, and many miles from where they currently are. Chair Warburton replied that is what a petitioner does, he brings his ideas and works it through, then makes it public, and if Snow Basin had an issue, they could have been here to comment. This started back in June, and this is a legislative process; there is a recommendation, there are comments from the public, and then they move forward. Mr. Strange said they have worked long and hard with staff with that concept. That is why they strictly limited this to above 6,200 feet as a precedent to limit that; and from a professional planning perspective that was not a great way to do things. They did try to make an attempt to limit it as much as they could and how these were going to impact, and what the impacts would be.

Commissioner Waldrip said that while they control a significant portion of that area up there, there are areas outside of their control. Having participated in development activities and seen others that aren't as restrained or conscientious, the removal of standards potentially has a negative impact on the efforts that they are making. They go up the road and there are areas up there that has no limits and they don't have to be rational economic actors. Mr. Strange replied those areas are not zoned DRR-1; the only area that was zoned DRR-1 is the area that they own.

Commissioner Waldrip asked if Powder Mountain were to sell a portion of this property at some point in the future, the zoning would continue. Director Mendoza replied yes.

Opened for Public Comments

Jan Fullmer, who resides in Eden UT, asked what defines a kitchen; and based on their definition of a kitchen, are kitchens allowed in lockouts? The reason for her question is that Nordic Valley has lockouts associated with the units, if they have a kitchen. Based on what the definition of kitchen, can lockouts have that definition of a kitchen? Director Mendoza replied that they refer to the Building Code IBC or the residential IRC, and that code tells us the types of amenities that need to be in a kitchen but in general it will have a list of those amenities to be able to prepare food adequately. The term lockout sleeping rooms in the current language; means a sleeping room in a condominium dwelling unit, or a condominium rental hotel with separate common areas and toilet facilities, but no cooking facilities except a hotplate.

Miranda Menzies, 3807 N Ridge Trail in Eden, said that she believes that staff's overall recommendation sounds very reasonable. The overall process they have gone through the last two years, the master plan for the entire resort was discussed at length, and there were opportunities for public comment. Under the Land Use Code that was in place at that time, the rules under which people were thinking about that master plan at that time; had a set of restrictions that would be applied when this master plan was put in place. Now what they have is a proposal to change many of those restrictions, and one is the concept of a detached lockout, but this sounds like multiple cabins in the woods on the property. Is there water connection for each individual cabin; how is the Division of Drinking Water going to assess the demands for water from this development, versus if they have one house with one family, or they have a condominium unit that has two lockout rooms. There is a defined amount that they know the sort of impact that would occur to the public facilities, so how does that work. In the proposal the Planning Director can approve a dwelling up to 7,500 sq. ft.; is that not a rather large building, that it would be appropriate to have some Planning Commission discussion of that proposed use, and consider making any large building that is being proposed be changed to a conditional use in order to protect the owners of the adjacent property.

Gary Fulmer, who resides in Eden, said that he agreed with Miranda Menzies and in the past work sessions they have discussed concepts that the developer is allowing a certain size square foot on every lot. A question was raised what if you build a lodge concept, the main building being 1,000 sq. ft. and the detached is lockouts. His concern was what happened with that concept because it was some concern about that. The question was raised that in fact detached lockouts like that, and it is within 5,500 sq. ft, do they require separate water and sewer utilities, and that is a valid point to consider. He thinks that Commissioner Graves raised a good point in that there needs to be some consideration to have some sort of plan.

Kimble Wheatley, 394 S 10000 E in Huntsville, said that he is not speaking to the proposal part but to the process. He attended the work session and meetings along with a couple of other people; and it seems to him that the petitioner has a process where a lot of changes to the ordinance that was proposed in a bundle. They had two or three good solid discussions, and tonight there is no way for the public to understand what is going on here. He will just have to trust staff and the commission, because no one else understands how big these changes are.

Close for public comments.

Paul Strange said the issue of the kitchen comes down to the stove, and they could have a fridge. The difference with a lockout, it doesn't have a kitchen. If it has a kitchen then it becomes an accessory dwelling unit under the code and requires to density point. If it does become a standalone home, that kitchen standard is applied to that point. As for what would be required for the water perspective, the Division of Drinking Water looks at the issues; the number of bedrooms, toilets, and all these things will add up together for their determination. As for their lot size, not all the lots are 5,500 sq. ft., there are some that are down to 1,050 sq. ft., and there's a section of lots that are 3,500 sq. ft. above grade. There are not rows and rows of 5,500 sq. ft. of homes and each one of those takes up one density point to build a home.

Chair Warburton said for clarification, if they have a 5,500 sq. ft. home and they want to put a 500 foot separate attachment, then they would only be able to build a 5,000 sq. ft. home, and that would take away from the square footage, so they would never be able to build the original square footage. Mr. Strange added it would also cost them 1.33 in density point if it were detached lockout under this proposal. One density point if they built 5,500 sq. ft. house; if they built a 50,000 sq. ft. house its one density point. If they were to do a detached lockouts, and there is a compromise between the attached lockouts and detached lockouts. If they build two of those they are limiting the size of their above ground above grade; so their home is going to be 3,500 sq. ft. and it's going to be 1.66 units.

Chair Warburton asked to define the setbacks in code that would have to be followed by the director; on a building that is 75,000 sq. ft. Director Mendoza replied they have had this discussion with the same concerns that the public had, so this ended up at 75,000 sq. ft. rather than 100,000 sq. ft. Within the resort zone there is a requirement for example a multi-family dwelling, there is a requirement of 200 feet, so it doesn't have a setback that would normally be on a regular commercial lot in the CV-2 Zone. These resort zones when they have larger buildings, they have a buffer requirement of hundreds of feet. In the resort zone if they go above 35 feet, if it is a multi-family dwelling, it may have some traffic or transient, it is 200 feet for a buffer.

Commissioner Taylor asked why this couldn't be done conditionally specifically to Summit with their recreational area, zoning, and their master plan versus overall changes being recommended. Director Mendoza replied that the Destination Recreation Resort Zone has its own chapter; within the chapter it has a section of allowed uses. Within that allowed uses it has two sections; one is a list of committed uses where the county went through a process and identified uses that the county and public felt were appropriate for that particular zone. They listed them under permitted uses that may have some impact in some way those uses were taken and put in a column of conditional uses. It would take a text amendment to pull something from conditional to make it permitted or visa-versa.

Commissioner Taylor said that she understood that, but is there a possible way for Summit Group to have a change their landscaping master plan as a conditional use, and if there is another option, in case this changes hands and the new owner may not do what is required. Chair Warburton replied that she is correct but they need to look at this as if it is not Summit and anyone that follows them, they would have to go by the exact same rules.

Commissioner Parson said he needed clarification on the lockout sleeping room, so as long as the lockout sleeping room does have a stove, it's not considered a kitchen, then it counts for 3.3 if it's detached, and as soon as it has stove it is an accessory dwelling unit, is that correct. Mr. Strange replied that is correct.

Commissioner Waldrip referred to Section 104-29-8, Exhibit C, Pages 16 through 23, there are number of changes to conditional permitted uses in the list of permitted uses, and on Page 22 of 23, there are number of new permitted uses that have not been discussed, however; his question related to these additional permitted uses, what standards are in code currently for some of these uses. Is there a county statute that would limit or govern the size of a use? Private stables, educational facilities, those are pretty broad categories as far as permitted uses. Mr. Strange replied that one of the rules is if it's not permitted its conditional, and he pulled out everything that were not in the DRR-1 Zone, and he was just trying to make it very clear on this. Director Mendoza said the uses are in other chapters and there are standards to some of these but not all and the same setbacks would apply.

MOTION: Commissioner Waldrip moved to table the public hearing to consider hearing consideration of ZTA 2015-03 to amend Section 101-1-7, the Ogden Valley Destination and Recreation Resort Zone Chapter, the Design Review Chapter, Ogden Valley Architectural Landscape and Screening Design Standards Chapter, the Parking and Loading, Vehicle Traffic, and Access Regulations Chapter, the Accessory Apartments Chapter, and the Ogden Valley Signs Chapter within the Weber County Land Use Code until their next meeting. In the meantime, he would like to have staff and the applicant come together on a staff report that fully supports, or very clearly defines those areas in which there is not an agreement so that staff and the applicant agrees to what is proposed. He hesitates that they approve any part of this separately because it's a comprehensive plan. There are major changes to the code in parts of this, and challenges in other parts. The specific concerns he has are with the discrepancy between the proposed additions of the use of second kitchens to the list of permitted uses, where there is a discrepancy between the applicant and staff. He believes that they have dealt with some of the other issues, but as an overarching viewpoint and this is a comprehensive revision that would bring the DRR-1 Resort Zone in some cases into compliance with other portions of the code. In some cases with new provisions that are not contained in other portions of the code. He does not believe that in total, it is completely clear what the impact of the totality of the changes are, or if he could defend a vote one way or another on any of the provisions. Commissioner Howell seconded.

DISCUSSION: Chair Warburton said that they have discussed many issues, but they need to discuss this as if they could pass it. Scott Mendoza said the applicant is suggesting or may consider moving forward with the staff recommendation as is, and coming back and addressing the items having to do with density or any other items that this commission has concerns with. Chair Warburton said that if staff feels that it's defined, and since this motion already has a second, they could move to deny the motion at this point. Mr. Mendoza said that it's not his recommendation, but wanted to let the

Planning Commission members know that the applicant is more comfortable in proceeding with the staff recommendation as is. Commissioner Waldrip said that he doesn't feel there is enough information on the totality of the changes to proceed with staff's recommendation. Chair Warburton asked if he had studied this issue and did he call the Planning Staff about his concerns and get recommendations. Commissioner Waldrip replied no, and that he didn't have to vote. Chair Warburton replied that he didn't have to vote one way or another, but they have to think about the applicant. Commissioner Waldrip said that his belief is that the applicant and staff could work out these issues and present a clean ordinance. His concern is that if they pass a portion of this; according to staff there are unforeseen impacts. Courtlan Erickson, Legal Counsel, said that he may have misunderstood a comment about not having to vote; by procedure, each member present through the whole discussion must vote.

Commission Taylor said that she disagreed; from her understanding, with the exception of Item #8, she agreed with staff on their opinion. There are some things that are being requested that she does not agree with but neither does staff. This is laid out pretty clearly and it makes sense to her. Chair Warburton asked if she was comfortable with what staff recommends, except for Item #8. She would require a landscape plan, not necessarily landscape standards as mentioned in other parts of the code. Commissioner Taylor replied that it should be something that is conducive with the Ogden Valley General Plan. With the work that's been done and the way it's been laid out, she agrees with what staff is saying, and she thinks it's explainable enough to move forward. Commissioner Haymond said that he agreed with what was just said; however, one thing that was not talked about that was mentioned was the 75,000 sq. ft. Those that attended the meetings negotiated back and forth, and they came up with what they thought was a good compromise, but that is a concern that he has.

Commissioner Parson said that he did have a question on the 75,000 sq. ft, but after Director Mendoza talked to them, he was good with it. He believed there should be a landscape plan. Commissioner Graves said at the least, they need a conceptual plan with a description of the intent. Commissioner Parson said he needed clarity with Item #3 and #1. Paul Strange replied that they are talking about different things; the lockouts do not have a kitchen, and they could be attached or detached. The detached lockouts are 3.3 and staff is recommending supporting for that. In attached lockouts they didn't change anything other than adding a microwave. All they have added is that the lockouts could be in more uses and attached to more things, and they took away the limit. The other is the accessory dwelling, which is detached with a kitchen, and the accessory apartment is not a density requirement. Commissioner Haymond said that staff's recommendation to keep the limit on lockouts. Paul Strange replied that staff's recommendation was that they not to be allowed to be added to any additional building types and keep the limit. Chair Warburton said that they have amended Item #3, including the definition of Item #8. Commissioner Waldrip asked on the setbacks, to change the setbacks to zero; is that something staff was comfortable with? Scott Mendoza replied yes. Commissioner Graves said he could support staff's recommendation if they were not recommending approval of something where there isn't an agreement and there are other things that need to be fixed.

VOTE: A vote was taken and Commissioners Waldrip, Graves, and Howell voted "aye" to table. Commissioners Parson, Haymond, Taylor, and Chair Warburton voted "nay." Motion Failed (4-3).

MOTION: Commissioner Parson moved to recommend approval to the County Commission of ZTA 2015-03 to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code, pending all staff recommendations with the exception of Item #3, the proposed addition of the accessory dwelling unit. The accessory dwelling unit will be accepted; however it needs to count for one density point. Also, to include a change in their ability to Item #8, Page 4 of 6, Request to amend Title 108 Standard, Chapter 2, the Ogden Valley Architectural, Landscape, and Screening Design Standards. Summit needs to provide a conceptual plan for remediation and landscaping above 6,200 feet that goes with the Destination Recreation Resort Zone.

Friendly Amendment: Commissioner Parson added that the conceptual plan for remediation and conceptual landscaping plan with Planning staff approval.

Courtlan Ericson said that he wanted to clarify; Commissioner Parson made reference to Summit submitting something and are they only requiring that in this instance. Chair Warburton replied that this code amendment is not just for Summit and

they are not spot zoning. Mr. Ericson said that the other thing he heard differently was the phrasing and he wanted to make it very clear for the record, on Page 6 of 6, staff made five recommendations for exceptions from what the applicant was asking for, and he heard it stated two different ways and he would appreciate knowing the exact intent.

Friendly Amendment: Commissioner Parson said that Summit needs to provide a conceptual plan for remediation and landscaping above 6,200 feet that goes with the Destination Recreation Resort Zone.

Friendly Amendment: Commissioner Parson said on staff's recommendations with the exception of Item #3, the proposed addition of the accessory dwelling unit will be permitted; however, it needs to count for one density point. They will add to this Item #6, the Landscape Conceptual Plan for the Destination Recreation Resort Zone as it applies to over 6,200 feet and there has to be a landscaping plan. Also, to include staff's recommendation on Items #1, #2, #4, #5 and add #6.

Friendly Amendment: Commissioner Taylor said to require that the landscaping plan be brought to the Planning Commission instead of staff. Commissioner Parson said that he did not accept this friendly amendment.

DISCUSSION: Commissioner Taylor said she would like the landscaping plan to come to the Planning Commission. She would like to see something written up in the ordinances that talks about what landscaping should be buffered and there needs to be more clarity. Commissioner Graves said so far they are just requiring a plan to be written up. Commissioner Taylor replied that there are no specifics in regard to that plan. Commissioner Graves said there is no definition with this plan other than a general description. Commissioner Waldrip asked Commissioner Parson if he was restricting the requirement for only landscaping or was he talking about screening and buffering. Commissioner Parson replied no, he just wanted to have accountability so there is a thought process that goes along with the completion of their design that includes landscaping in some way. Commissioner Graves asked if he wants them to address screening and buffering as well in the brief description that will be in the landscape conceptual plan. Commissioner Parson said if they feel it needs to be further clarified.

Scott Mendoza said it seems that the applicant is comfortable allowing some discretion in adjusting the requirements for landscaping; however, not just open and unregulated. They could consider allowing the Planning Commission to have discretion, as long as a plan is submitted and they could mimic what he has done in the Parking Chapter. Where his is saying that within the resort where the Master Plan has been approved by the Planning Commission; the Planning Commission may modify the provisions of landscape standards.

Chair Warburton said that she was okay that they are asking for a plan, and she likes what's on the table right now. Commissioner Graves said that his original intent was very similar to what the director was describing, which is to have a submittal that basically is what was described in the motion. Commissioner Waldrip said there is a difference between what the commissioner just said and what the Director just said, and what the proposal was for Mr. Strange; to create discretion where currently there is none, to create a plan similar to the parking plan which then becomes submitted and they can decide if they like it or not. If they came in with a landscaping, screening, and buffering plan that came before this body at the same time as the parking plan, it would be a comprehensive document that would come forward, that might meet Commissioner Taylor's concern of what they are reviewing and what standard they are reviewing. Paul Strange said within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Commission may modify any provision of this chapter by approving a Landscape, Screening and Buffering Conceptual Plan, created by the developer as defined in the applicable zoning development agreement, if the Planning Commission determines that the plan is consistent with the approved plot master plan.

Friendly Amendment: Commissioner Graves said to allow the Planning Commission to modify any provision within the Ogden Valley Architectural Landscaping Screening Design Standards Chapter; by approving an overall landscape, screening, and buffering plan prepared by the developer that is consistent with the master plan that has the ability to approve that. Commissioner Parson approved the friendly amendment.

VOTE: A vote was taken with Commissioners Taylor, Howell, Graves, Parson, Haymond, and Chair Warburton voting "aye." Commissioner Waldrip voting "nay." Motion Carried (6-1).

4. Elections: Vice Chair for the remainder of 2015:

Commissioner Waldrip nominated Commissioner Hammond for vice chair. Commissioner Taylor seconded.

A vote was taken with Commissioner Graves, Howell, Parson, Waldrip, Taylor, Chair Warburton voting aye and Commissioner Haymond voted nay. Motion Carried (6-1)

5. **Public Comment for Items not on the Agenda:** None
6. **Remarks from Planning Commissioners:** Chair Warburton said that she would not want to see CUP's on the consent agenda. It was agreed by Commissioner Waldrip and Commissioner Taylor. Commissioner Waldrip congratulated Scott Mendoza on his position.
7. **Planning Director Report:** Director Mendoza said that there are some things going on and there may be some structural changes, so that may not be the case. Staff will update the commission as soon as they have the information.
8. **Remarks from Legal Counsel:** None
9. **Adjournment:** The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission