

Minutes of the Ogden Valley Township Planning Commission meeting held August 28, 2007, in the Weber County Commission Chambers, commencing at 4:30 p.m.

**Members Present:**

Louis Cooper, Chair  
Greg Graves  
Gary Allen  
Jamie Lythgoe  
Keith Rounkles  
William Siegel

**Members Excused:**

Jim Banks

**Staff Present:**

Jim Gentry, Director  
Scott Mendoza, Planner  
Sean Wilkinson, Planner  
Ben Hatfield, Planner  
Chris Allred, Legal Counsel  
Sherri Sillitoe, Secretary

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Pledge of Allegiance

**Consent Agenda Items**

- A. Final Approval of Country Gardens Subdivision located at approximately 5700 E 2300 N, 10 Lots
- B. Commercial Site Plan CSP #01-07 by Diamond Peak Mountain Sports at approximately 2426 N. Hwy. 158
- C. Preliminary Approval for Basin View Estates Cluster Subdivision 1<sup>st</sup> Amendment located at approximately 5530 Snow Basin Road, 8 Lots
- D. Preliminary/Final Approval of the Saddleback Range Subdivision located at approximately 3325 E and 5400 N, 1 Lot.

**Regular Agenda Items**

- 1. Approval of Minutes for the June 26, 2007
  - 2. Preliminary Approval for Eden Valley Ranch Cluster Subdivision located at approximately 5100 E. 2800 N., Eden, 25 Lots
  - 3. Preliminary Approval of Elk Shadow Subdivision located at approximately 5700 E 2500 N., 5 Lots
  - 4. Preliminary Approval of Moose Mountain Estates Cluster Subdivision Phase 1 located at approximately 2400 N & 4500 E, 47 Lots
  - 5. Preliminary Approval for Sage Glen Cluster Subdivision in Five Phase located at approximately 3100 E 5500 N, in Liberty, 85 Lots
  - 6. Zoning Petition ZP #10-07 by Scott Best to rezone property located at approximately 2145 N & 5500 East
  - 7. Zoning Petition ZP #09-07 by Scott Best to rezone property located at approximately 4022 N. & 3500 E.
  - 8. Zoning Petition ZP #11-07 To Amend the Approved Residential and Commercial Area Requirements for Parcel #20-036-0035 located in a CVR-1 Zone located on the SW Corner of Old Snow Basin Road
  - 9. Design Review for Eden Park Service Area Bowery Extension located at approximately 2200 N. 5500 E., Eden Ut
  - 10. Preliminary Approval of the Deer Run Cluster Subdivision located at approximately 3350 N. 2900 E., 15 Lots
  - 11. Zoning Petition ZP #08-07 by Staff to Amend Agricultural Chapters 5, 5B, 6 and 7(A-1, AV-3, A-2, and A-3 respectively) of the Weber County Zoning Ordinance
  - 12. Adjourned
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Chair Cooper let the pledge of Allegiance at this time

**Consent Agenda Items**

Chair Cooper said Consent Agenda Item A will be moved to the regular agenda.

**B. Commercial Site Plan CSP #01-07 by Diamond Peak Mountain Sports at approximately 2426 N. Hwy. 158**

**Findings of fact:**

The applicant is requesting approval of a site plan and landscape plan for Diamond Peak Mountain Sports located at 2429 North & Highway 158 in the Eden area. The project has been proposed as an expansion of an existing and previously approved commercial site that occupies a 1.0 acre lot (lot 2) in the Copyak Subdivision. It lies in the Commercial Valley-2 (CV-2) Zone which has no minimum lot area or width requirements, however, the lot is limited to a maximum lot coverage of 60%.

The intent of the project is to enlarge Diamond Peak's existing retail space from approximately 1,600 sq.ft. to 2,548 sq.ft. and provide 4 additional commercial spaces for future leasing. The proposed building will be about 30 feet tall at the highest roof line, have a total square footage of 8,256 feet and will have an exterior constructed of a cultured stone (Chief Joseph Brown), Hardiplank "Board & Batten" (Colonial and Monterey Gray), rustic timbers and asphalt shingles (Brown/Gray Prestique Cool Barkwood and Weatheredwood).

The Design Review and Ogden Valley Architectural, Landscape and Screening Design Standard Ordinances do apply to this project and have been satisfied due to adequate site layout, parking, landscaping and the fact that the proposed building materials are predominantly natural, muted earth tone colors. Lighting on the exterior of the building will consist of low-watt, shielded, wall sconce light fixtures that comply with the Ogden Valley Lighting Ordinance. No parking lot or landscape lighting has been proposed.

The Weber County Engineer's Office, Weber Fire District, Weber County Building Official and Weber County Environmental Health Department have reviewed the proposal and have responded with no significant concerns.

**Questions to ask:**

1. When will the existing building be remodeled to match the new addition? (See attached Phase 1 and Phase 2 drawings)
2. What materials will be used for screening the dumpster?

**Conformance to General Plan:**

The site plan conforms to the General Plan by meeting the requirements for the zone in which it is located and is consistent with the general objectives of the design review ordinance.

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber-Morgan Health Department.
3. Requirements and recommendations of the Weber County Building Official.
4. Requirements and recommendations of the Weber Fire District.

**Staff Recommendations:**

Staff recommends approval subject to staff and other agency comments.

**C. Preliminary and Final Approval for Basin View Estates Cluster Subdivision 1<sup>st</sup> Amendment located at approximately 5530 Snow Basin Road, 8 Lots**

Staff report:

The applicant is requesting final approval of the Basin View Estates Cluster Subdivision 1<sup>st</sup> Amendment located at approximately 5530 East Snow Basin Road. The subdivision was approved and subsequently recorded on August 22, 2006.

The intent of the amendment is to remove "buildable areas" that were originally shown and recorded within the lots. These areas are typically used to restrict construction to a certain area for a variety of reasons including slope mitigation and vegetation or view corridor preservation. Weber County did not require the areas to be depicted on the plat, therefore, the County has no issue with an amendment that removes the areas.

**Staff Recommendations:**

Staff recommends approval of the Basin View Estates Cluster Subdivision 1<sup>st</sup> Amendment subject to staff and other agency comments and requirements.

**D. Preliminary/Final Approval of the Saddleback Range Subdivision located at approximately 3325 E and 5400 N, 1 Lot.**

Staff report:

The applicant is requesting preliminary/final approval of the Saddleback Range Subdivision located at approximately 3325 East and 5400 North Liberty, UT. It lies within the Agricultural Valley-3 (AV-3) and the Forest-5 (F-5) Zones which requires 3 acres per dwelling and a minimum lot width of 150 feet. The proposed project will occupy 9.12 acres and consist of 1 Residential 3.42 acre lot and 1 agricultural 5.7 acre lot. It will be serviced by approximately 340ft of public road.

**Culinary Water** will be provided by an existing private well as well will the Secondary Water.

**Waste Water Treatment** will be on a septic system.

The **Weber Fire District** will be requiring no new fire hydrants.

Trails conforming to the **Weber County Pathways Ordinance** will have an easement shown on the final plat.

**Conformance to General Plan:**

The subdivision conforms to the General Plan by meeting the requirements of the Zone in which it is located. The subdivision also conforms to the General Plan by protecting open space and sensitive lands, preserving wildlife habitat, promoting agricultural land.

**Questions that could be asked:**

1. Will a trail easement be given instead of a sidewalk?
2. Is the main access on the true frontage on the west side of the property?

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements and recommendations of the Weber County Health Department.
4. Requirements and recommendations of the Weber County Surveyor's Office.
5. Requirements and recommendations of the State of Utah Division of Water Rights.
6. Requirements and recommendations of the culinary water provider.

**Staff Recommendations:**

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

**MOTION:** Commissioner Rounkles moved to approve the Consent Agenda items B, C, D, subject to the staff and other agency recommendations, and that the originally recorded Basin View Subdivision is to be vacated. Commissioner Lythgoe seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**Regular Agenda**

**A. Final Approval of Country Gardens Subdivision located at approximately 5700 E 2300 N, 10 Lots**

Staff presented the following report:

The petitioner is requesting final approval of Country Gardens Subdivision (10 lots) located at approximately 5700 East 2300 North in Eden. The property is zoned Agricultural Valley (AV-3) which requires a minimum of three acres and 150 feet of frontage. Due to past flooding from sheet flow, the County Engineers Office is requiring each lot to have an 18 inch raised building pad that extends at least 10 feet around the home and provides adequate area for a septic drainfield. No basements will be allowed in the subdivision. A Detention basin will be built on the east side of Lot 8. The Eden Waterworks Company will provide culinary water and the petitioner has irrigation shares in the Wilbur and Lindsay ditch.

A stub street to the North will be built between Lots 4 and 5 and will tie into the road proposed for the Elk Shadow Subdivision. A turnaround will be built in front of Lot 7 and a temporary turnaround will be required at the end of the stub road. All of the roads must meet the requirements and specifications of the Weber County Engineers Office. A side path is shown along the south side of 2300 N. and the east side of the proposed stub road. The proposed paths are acceptable as long as the connection is made between the two subdivisions.

The proposed extension of 2300 North is currently used as access to a single family dwelling. During any construction of the subdivision the access must remain in a state that is easily passable and maintained in good condition.

**Conformance to General Plan:**

The proposed subdivision conforms to the General Plan by meeting the requirements for the AV-3 Zone in which it is located.

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office
2. Requirements and recommendations of the Weber Fire District
3. Requirements and recommendations of the Weber County Health Department
4. Requirements and recommendations of Ogden Valley Pathways
5. Requirements of the Eden Waterworks Company
6. Requirements of the Utah State Division of Drinking Water

**Staff Recommendations:**

Staff recommends that the Planning Commission grant final approval, subject to staff and other agency requirements.

Kirk Langford thanked staff for addressing the access to his lot in the staff report. He asked what happens when the retention pond fill up? Curtis Christensen, Weber County Engineer, said the detention basin fills up like a glass of water. The road is graded so it can continue flowing to the east to an opening in the ditch.

Commissioner Rounkles asked if there will be pipe underneath the pond where it sits down? Mr. Christensen said obviously there needs to have some pipe to direct the water where you want it to go. Commissioner Rounkles said it crosses to Lot 7 right before the bridge.

John Reeve said the reason why it crosses where he says it crosses the road is that the road is higher at one point. They have a control box and the low spot is at the detention basin. It will flow to the natural place. It can handle anything less than the 100 year storm. Anything greater than that will flow to the ditch.

Commissioner Rounkles said the driveways also could restrict the flow and there is a possibility that they cannot do that. Curtis Christensen said the water has to get to either one side or the other and they can pipe underneath the driveways. Commissioner Rounkles asked if the developer could require that in their CC&R's, and Mr. Christensen said if that event happens again, the road can act as a water overflow. It probably will be a rare occurrence. There is a place for the water to go and the home would be protected. The lower flows will be handled in the culverts and drainage outlets.

**MOTION:** Commissioner Lythgoe moved to recommend to the County Commission that final approval is given to Country Gardens Subdivision located at approximately 5700 E 2300 N, 10 Lots, subject to staff and other agency comments. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**1. Approval of Minutes for the June 26, 2007**

Commissioner Siegel moved to approve the June 26, 2007, meeting minutes. Commissioner Rounkles seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**2. Preliminary Approval for Eden Valley Ranch Cluster Subdivision located at approximately 5100 E. 2800 N., Eden, 25 Lots**

Staff presented the following report:

The petitioner is requesting Preliminary Approval for Eden Valley Ranch Cluster Subdivision located at approximately 5100 E. 2800 N. in Liberty. The subdivision contains 64.8 acres, consists of 25 lots, and lies in an AV-3 Zone. This subdivision is designed as a cluster subdivision so lot sizes and frontage requirements will differ from the normal requirements of these zones. The smallest lots in this subdivision contain approximately 30,000 square feet and frontage requirements may be reduced to a minimum of 100 feet.

A cluster subdivision in the AV-3 Zone requires a minimum of 60% of the subdivision to be preserved as permanent open space and allows for a maximum bonus of 30%. The petitioner is requesting the maximum bonus and has shown how a 40% bonus could be achieved, in case one or more of the proposed bonus items are reduced or not approved. The number of lots allowed by right is 19.57. The proposed 30% bonus raises the total to the 25 requested. The proposed bonus comes from the following:

- **5% for providing public access to the open space and amenities**
- **10% for providing two road stubs**
- **10% for developing a cluster subdivision**
- **10% for providing an agricultural preservation parcel**
- **5% for locating open space next to existing open space in Eagle's Landing**

This subdivision is required to have 38.8 acres of open space, which is 60% of the total area for the AV-3 Zone. The total open space provided is 39.02 acres. The open space will contain a public trail, large areas of natural landscape, and a small landscaped park area where the trail also runs. A subdivision monument sign concept has also been provided. The sign must conform to the Ogden Valley Sign and Lighting Ordinances.

Ogden Valley Pathways reviewed the pathway system and stated that "there is a future major pathway planned along 5100 East Street. Ogden Valley Pathways requires a paved side path be provided on the west side of the subdivision as a portion of the pathway along 5100 East Street. Ogden Valley Pathways also requests that the pathway in the 15.69 acre open space in the NW corner of the subdivision meander through more of the open space." With these additional requirements staff agrees that a 5% bonus for providing public access to the open space is acceptable.

The petitioner is providing two road stubs to adjacent properties and one of the stubs will connect with the Eagles Landing Subdivision to the north. Staff agrees that a 10% bonus for two road stubs is acceptable. Staff also agrees that a 10% bonus for developing a cluster subdivision which meets the intent of the Weber County Zoning Ordinance Chapter 22B is acceptable. A 15.29 acre agricultural preservation parcel is provided and a letter from the USU Agricultural Extension Office is forthcoming. If the letter states that the area is viable and the plan for the agricultural parcel meets the definition of "agriculture" in the Weber County Zoning Ordinance, staff agrees with granting a 10% bonus. A 5% bonus is also requested for locating open space next to existing open space, if needed.

The entry for this subdivision will be off of 5100 East and new public roads will be built as a part of this subdivision. All roads must meet the requirements of the Weber County Engineers Office. It is recommended that rolled curb/gutter be installed throughout the subdivision. A portion of the agricultural preservation area between 5100 East and Lots 1 and 2 has experienced sheet flow flooding in the past. None of the lots appear to be affected but precautions may need to be taken to protect Lots 1 and 2. The recommendations of the Weber County Engineers Office regarding sheet flow and detention areas must be followed. A wetland delineation study has been completed for the subdivision and the requirements of the Army Corps of Engineers must be met prior to final approval.

Culinary water will be provided by the Eden Waterworks Company but a letter from the Utah State Division of Drinking Water approving the additions to the water system and the design of the water system will be required before final approval. A secondary water system will be required. Wastewater treatment will be provided by individual septic systems.

**Conformance to General Plan:**

This subdivision conforms to the General Plan by:

- Meeting the requirements for the AV-3 Zone
- Preserving areas for agricultural preservation
- Meeting the requirements for Chapter 22B of the Weber County Zoning Ordinance
- Meeting the objectives of the General Plan Section 3.01 to "Identify and promote the preservation of open space" and "Establish mechanisms to preserve open space in the Valley" and Section 10.02 to "Provide incentives for developers to preserve open space and cluster development"

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office
2. Requirements and recommendations of the Weber Fire District
3. Requirements and recommendations of the Weber County Health Department

4. Requirements of the Eden Waterworks Company
5. Requirements of the Utah State Division of Drinking Water
6. Requirements of Ogden Valley Pathways
7. Requirements of the Army Corps of Engineers

**Staff Recommendations:**

Staff recommends preliminary approval subject to staff and other agency requirements and recommendations.

Staff said they just received copies of the agricultural parcel letter in this meeting and they have not had a chance to review it. The Board members can approve the subdivision in abeyance subject to that letter's information. The developer may be able to get the 30% bonus without that agricultural parcel.

Chair Cooper asked if they could change the words "may" to "must." Staff said that would be up to the County Engineer. It could change to "must" before final approval. As they grant bonus densities, the remaining 40%, the lots get smaller and is an increased in density. Any building has to take place in the 40%. Chair Cooper said If they are talking about special bonus densities, does that require a zoning ordinance change.

In answer to a question by Chair Cooper, Curtis Christensen, Weber County Engineer, said they had the same questions regarding the detention basin. Some of the lots are somewhat removed and elevated from the detention basins. They are looking at the entire area to enlarge or enhance the storm drains. They have been meeting with the engineer on this project. They are looking at revising other basins as well.

Commissioner Siegel asked if there is a definition of an agricultural parcel. Staff read the definition of an agricultural parcel as defined in the zoning ordinance Chapter 1:

**AGRICULTURAL PARCEL:** A parcel of land, at least 5.0 acres in area if vacant, or 5.26 acres with a residential dwelling unit.

Chris Allred, Legal Counsel, said that they asked for a letter from the Utah State Extension Service for direction regarding the agricultural parcel.

Chair Cooper said the developer can readjust their bonus.

John Reeve said he is the engineer's developer. They have been working with Curtis Christensen and did not have the wetlands map until a week ago. They thought about putting one or two culverts in the open space area. The road will have to be permitted by the Army Corps. Of Engineers. They will have to have the detention basins outside of the wetlands. They are in deliberation regarding a regional basin to collect water above and release it below. They are agreeing that it has to happen, they just need to work out the details.

Commissioner Rounkles asked if the agricultural parcel is anticipated to be shared with the lots? John Reeve said it is not shown as an estate lot, but they anticipate doing that, but pasturing is not anticipated. They have to conform to the agricultural ordinance.

Commissioner Graves asked where the small park is located. Mr. Reeve showed the location on a map. Commissioner Rounkles asked where would the public park? Mr. Reeve said it is located in the back of the bowery.

Jay Dee Bachman gave the members a handout of his family's concerns and area photographs and said his family does not have a unified position yet. Their primary concern has to do with drainage and sheet flow. They currently have a open drainage between 2500 N and 2200 N, east of 5600 E. They assume the pipe is attached to the open drainage system and appears to be 3-4 ft. in diameter. There is also a shallow outlet ditch and he is concerned that any water drained from this development or any other project that might follow this ditch would affect their acreage. They do not want to have water to drain onto their property.

Kirk Langford, Eden Planning Committee, said their committee share the same views of what happens further downstream. The sheet water happens every year. They ask the Planning Commission to correct the project to the open drainage system. They are still concerned about the 5% bonus granted for giving open space (the small park with the bowery). They do not know how large the park will be but the Planning Commission should review this bonus carefully if it is to be given. Obviously, they will have a meandering path through the open space, but if they are going to grant the 10% bonus, shouldn't they be required to farm it? A lot of the open space is wetlands. They believe that is the normal place the open space would be anyway in the project. Why give them a 10% bonus for something that would already occur.

Carolyn Gavin said she know nothing about this property, but is concerned about lot sizes with septic tank issues which will affect others downstream.

Chair Cooper closed this issue to public comment at this time. In answer to a comment by Chair Cooper, staff said a developer needs to submit a plan for the property and how it will be used. Wetlands can be mitigated so you can build. Chair Cooper asked if there has been any consideration to try to negotiate connecting to the Wolf Creek Sewer System? John Reeve said there is a lift station at the top of their boundary but they will not allow them connection until the treatment plant is built. The Health Department is aware the lots will be on septic.

In answer to a question by Chair Cooper, Chris Allred said he does not believe they can put a stipulation at this time that would exceed the subdivision ordinance requirements. Sometimes there is a technical issue regarding treatment systems.

Curtis Christensen said the water does go there. In looking at the lay of the land, it is the natural drainage at that point. They want to control the water and the rate that gets down to that area that is what takes place with the individual systems.

Chair Cooper asked if it is in their calculations for the water to be retained on site? Mr. Christensen replied yes and that detention basins control the rate of discharge from an area. There will be detention basins here as well.

Commissioner Rounkles referred to Mr. Bachman's point that the water is heading down to the Bachman property. They have doubled the water there. Curtis Christensen said he understands what he is saying. There is a large box piped culvert on 5600 E. that is not being used now. The ditches were filled in over the years. Commissioner Rounkles said that is causing a problem for the people that are south of this ditch. The sheet flow happens every year. Mr. Christensen said he would suggest they look at if they want all of the ditches piped.

Chair Cooper said as the population increases there will be more and more needed to be done off site and the question is how does that happen? Curtis Christensen said in the last couple of weeks the County adopted an impact fee ordinance and part of the intent for the fee will help in this process of regional operations and it may possibly help with the piping of open ditches.

In answer to a comment by Commissioner Lythgoe regarding dry systems, Chair Cooper said the system would require the lot owner to stub to the front of the lots. Staff said in other cases they have required dry pipes to be in place with control valves to regulate. John Reeve said they can put in the road with the lateral on top of it so it could connect to a sewer system later.

**MOTION:** Commissioner Lythgoe moved to grant Preliminary Approval to the Eden Valley Ranch Cluster Subdivision located at approximately 5100 E. 2800 N., Eden, 25 Lots, subject to staff and other agency requirements, and is also subject to review of the bonus densities and any requirements dealing with wetlands, sheet flow evaluations and the recommendation that dry sewer lines be placed in the subdivision when an appropriate sewer is available. Commissioner Graves seconded the motion

**DISCUSSION:**

Commissioner Siegel said there is a real question with the agricultural parcel bonus whether they turn it into an estate lot. The other densities spelled out in the staff report is more than adequate for the project to meet the 30% bonus. Commissioner Allen said he agrees. Commissioner Graves said it is agricultural preservation not agricultural creation.

**AMENDED MOTION:**

Commissioner Graves moved to amend the motion to include the suggested bonuses except for the 10% bonus for agricultural preservation. Commissioner Allen seconded the motion.

**VOTE:** A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

Chair Cooper urged Mr. Bachman to contact the County Engineer regarding the drainage plan required before Final Approval is given.

**3. Preliminary Approval of Elk Shadow Subdivision located at approximately 5700 E 2500 N., 5 Lots**

Staff presented the following report:

The petitioner is requesting preliminary approval of Elk Shadow Subdivision (5 lots) located at approximately 5700 East 2500 North in Eden. The property is zoned Agricultural Valley (AV-3) which requires a minimum of three acres and 150 feet of frontage. A stub street to the south is provided between Lots 3 and 4 which will tie into the Country Gardens Subdivision to provide for traffic circulation. A gravel side path will be provided along the south side of 2500 N. The new road must meet the requirements of the Weber County Engineers Office.

Due to past flooding from sheet flow, the County Engineer's office is requiring that a building pad of at least 18 inches be provided for each home. The raised pad will extend at least 10 feet from the location of the home and no basements will be allowed. The Weber County Health Department has approved conventional septic systems for each of the lots, but each lot will have requirements to keep any potential sheet flow away from the septic drain fields.

The Eden Waterworks Company will provide culinary water but a letter from the Utah State Division of Drinking Water approving the additions to the water system will be required before final approval. The petitioner has irrigation shares with the Eden Irrigation Company.

**Conformance to General Plan:**

The proposed subdivision conforms to the General Plan by meeting the requirements for the AV-3 Zone in which it is located.

**Conditions for Approval:**

1. Requirements and Recommendations of the Weber County Engineers Office
2. Requirements and Recommendations of the Weber Fire District
3. Requirements of Ogden Valley Pathways
4. Requirements and Recommendations of the Weber County Health Department
5. Requirements of the Eden Water Company
6. Requirements of the Utah State Division of Drinking Water

**Staff Recommendations:**

Staff recommends that the Planning Commission grant preliminary approval, subject to staff and other agency requirements and recommendations.

Staff said that Brian Cowan of the Health Department said that each lot owner will have to address the sheet flow at the time they apply for a septic tank permit.

Commissioner Allen asked how many lots in the valley right now have restrictions of no basements or raised building pads? He believes it would be prime land for open space. Chair Cooper said conventional septic tank systems are proposed for this development. Commissioner Allen said along River Drive any homes along there has to have above-grade septic systems. Chair Cooper said that is up to the Health Department. Commissioner Rounkles said the Health Department has been monitoring the area.



Commissioner Allen said he believes there is a lot of buildable ground without the sheet flow problems so it does not make sense. Chair Cooper said property owners have rights. If they meet the development requirements, he believes they cannot deny it.

Curtis Christensen said they have some of the same concerns. What happens here is the ditch overflows. It is a recognized problem. In this particular site it could help to repair the ditch. However, it is on another owner's property. Commissioner Allen asked how could it be a ditch problem because it involves hundreds of acres? Mr. Christensen said there is no sheet flow above the ditch but there is below. The ditch company typically would oversee improvements to the ditch bank.

John Reeve said this irrigation ditch is the same ditch that runs below it but is between part of the other project. This will probably help Elk Shadow and Country Garden's sheet flow. They do not have the ability to regulate the flows above. These are short-term events fortunately. Chair Cooper asked if they could control or regulate by diverting around the lots? Mr. Reeve said the best thing is to try to capture the drainage before it gets to the proposed lots. In the western part of the county a lot of the drainages are also irrigation ditches.

Commissioner Allen asked what formula do they use to calculate the 100 year storm? John Reeve said he does not know off hand right now.

Commissioner Rounkles asked if they will have to take out the wetland for the basin?

Commissioner Lythgoe said her family owns property adjacent to this parcel. She does not believe this subdivision has any impact on it and he does not received economic value from it.

Kirk Langford related the concern they had in the Eden Planning Committee for the sheet flow water. They believe an 18" line may not be enough. There has been over 36" of water in this area.

In answer to a question by Chair Cooper, John Reeve said he understands they use the 36" line. It's the rate of how quickly the snow packed mountains drain. If that sheet flow is that big of an issue, it might not help by just raising the foundation.

Ben Toone said this particular piece of ground is on the high side of the Lyndsay Ditch and the county drain they put in on the south side of that ditch. It has had water occasionally, but he does not believe it will every get 18" of sheet flow.

Kirk Langford clarified that the sheet flow flows in the spring for two to three weeks. They want to be on the record that to berm the west edges and push all of the water down on their property is not a solution. They would not be fine with that. He submitted a copy of the FEMA floodplain map for this area.

Rod Anderson said this is water that was almost taking homes out. This was water going across 5600 E. two feet high. It is not a one or two time occurrence. All the developments being proposed just diverts around the lots and pushing it down below.

Chair Cooper said they need to look at the sheet flow globally. If water is developed and concentrate sheet flow is a problem. They should take a hard look at it.

Commissioner Lythgoe asked about the process is for a SID for storm water runoff.

Chris allred said he does not know if an SID would be the right thing for this issue. One of the things they will look at is with the impact fees they are looking at some ways to use that funding to deal with that.

Chair Cooper said if they approve things where the water is diverted, and it affected the down stream user, would this be a potential county liability. Chris Allred said they rely on their County Engineer to a great extent in these types of cases.

Commissioner Rounkles said there are a lot of witnesses that the water is there and they know it will be there again. He has a big problem with it. The last year it crossed past 2300 N. and he does not believe they know where the water is going. They need to deal with it globally.

Commissioner Graves said it is part of the County Engineer's job to determine this. They need to trust the agencies that have the expertise. The concerns have been amply voiced and recorded.

**MOTION:** Commissioner Siegel said he does not see anything in the ordinance that would keep them from approving this and therefore he moved to grant Preliminary Approval of Elk Shadow Subdivision located at approximately 5700 E 2500 N., 5 Lots. The Planning Commission members have grave concerns about sheet flow and what is required to divert sheet flow away from buildings. The motion is subject to staff and other agency requirements. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**4. Preliminary Approval of Moose Mountain Estates Cluster Subdivision Phase 1 located at approximately 2400 N & 4500 E, 47 Lots**

Staff presented the following report:

The applicant is requesting preliminary approval of the Moose Mountain Estates Cluster Subdivision Phase 1 located at approximately 2400 North and 4500 East. The proposed project will occupy 80.50 acres and consist of 47 lots (26 of the 47 lots will be "Restricted" lots), 28.26 acres (35%) of open space and will be serviced by approximately one mile of private road improvements. It lies within the Forest Valley-3 (FV-3) Zone which requires 3 acres per dwelling and a minimum lot width of 150 feet. The subdivision however, has been proposed as a "Cluster Subdivision" which allows minimum lot areas of 15,000 sq.ft. (due to a State of Utah approved community waste water system) and minimum lot widths of 100 feet. This subdivision application was received December 27, 2005 which was prior to the adoption of the current cluster subdivision ordinance which explains the amount of open space preserved in this project. Also, densities for this project have been calculated using the "net developable area" divided by 1.5 acres per unit rather than the 3.0 acres per unit ordinarily used for the FV-3 Zone. This is due to a legal agreement (between Weber County and the land owner) which explains that densities will be calculated at 1.5 acres per unit because the owner had made application for subdivision prior to a zoning change in the Ogden Valley. This Consent Agreement is available for review in the Weber County Planning Office.

This project was originally presented and tabled on October 24, 2006 because of several concerns that were identified during the preliminary review. Also, the subdivision was originally proposed as a 151 lot subdivision covering 276.98 acres. The following is a list of those concerns as well as the applicant's responses which enabled the project to return to the Planning Commission for preliminary approval on July 25, 2007 (This project was tabled by the Ogden Valley Township Planning Commission due to the meeting running out of time):

1. **Concern:** A slope analysis for the entire project was needed due to mountainous terrain and slope stability issues.  
**Applicant Response:** A slope analysis was submitted and reviewed to confirm buildable areas and densities. This analysis warranted a hillside review for the project.
2. **Concern:** The plat needed to be drawn at a more appropriate scale and include lot sizes and contour information.  
**Applicant Response:** The plat was resubmitted with appropriate information. This information warranted a hillside review for the project.
3. **Concern:** A complete area calculation table was needed.  
**Applicant Response:** The revised plat included a complete area calculation table that correlated with the slope analysis and right-of-way areas.
4. **Concern:** Landscape plans and renderings for proposed park area and gazebos were required.  
**Applicant Response:** The open space has been revised to not include a park area or gazebos. The open space will be left natural and undeveloped with the exception of a private trail system.
5. **Concern:** Stream locations and the community drain field area needed to be shown on the plat.

**Applicant Response:** Streams and drain field areas were shown on the revised plat.

6. **Concern:** Agreements were needed to tie into an existing private road system (Big Sky Estates) and develop land for a road which was outside of the original boundary.

**Applicant Response:** The applicant has revised the preliminary plat by reducing the size of the project by about 2/3's, therefore the agreement to access the private road will be required in a future phase. The land outside of the original boundary has now been included in the subdivision and has been authorized to be developed by the land owner.

7. **Concern:** Further review the geo-technical study that was submitted with the preliminary plat was needed.

**Applicant Response:** A further review was performed and a field trip was taken which resulted in the subdivision going through a complete hillside review. The hillside review cited concerns with the public road design, utility locations and some challenging accesses to 9 proposed lots. The hillside review was complete and concerns with the road were addressed by changing the road design and eliminating large cuts and fills through the use of MSE (Mechanically Stabilize Earth) retaining walls and by making it a private road. The utility companies have agreed on locations within the private right-of-way and driveway access to lots 5, 16, 28, 29, 32, 37, 45, 46 and 47 have been designed and shown as feasible. Also, lots 1, 14, 15, 24 and 26 through 47 will be designated as "R" or "Restricted" lots due to the geo-technical report identifying these lots as having been located within a large landslide deposit area. These lots will be required to undergo individual geo-technical reviews that will determine structural requirements for homes prior to building permits being issued.

The Weber County Engineer's Office has had an opportunity to review the preliminary plat and has responded with a letter of concerns dated March '07. The Engineers feel that these concerns can be adequately addressed in-between preliminary and final approval. The Engineers have also reviewed a variance request for reduced asphalt widths and rolled gutter. The asphalt width has been proposed as 30 feet wide on the main road and 26 feet wide on the side roads. The Engineers support the request to vary the 36 foot asphalt width and high-back gutter standards.

The **Weber Fire District** will be requiring 13 new fire hydrants and that all homes be equipped with residential fire sprinklers. Also, each home will be required to maintain a defensible space.

**Culinary Water** will be provided by Nordic Mountain Water dated October 18, 2005. This letter will need to be updated prior to final approval.

**Waste Water Treatment** will be provided by a State of Utah approved community waste water system that has received a feasibility letter dated May 24, 2006. A construct permit for this system will be required prior to final approval.

Trails conforming to the **Weber County Pathways Ordinance** have been shown on the preliminary plat and have been proposed to be "Side Path" and "Unpaved Trail" designs. The gravel "Side Path" is located along the first 1400 feet of 2650 North Street. The "Unpaved Trail" is located within the proposed open space.

Staff is recommending that the pathway along 2650 North Street be extended to and beyond the intersection of 2650 North & Moose Mountain Drive and also run along Moose Mountain Drive from this intersection, south to the southern end of Phase 1. Staff also recommends that the trails within the open space be redesigned and relocated so that the trails do not exceed grades steeper than 15% or terminate at the top of road retaining walls. The trails on the preliminary plat have been shown as steep as 26% and ending at the top of retaining walls. Were steep grades cannot be avoided, plans for erosion control (water-bars, grading dips etc.) will be required.

Elementary students only are eligible for bussing from designated bus stops.

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**Conformance to General Plan:**

The subdivision conforms to the General Plan by protecting open space and by using a development approach that reduces infrastructure costs. The subdivision further conforms by meeting the requirements of the Cluster Subdivision Ordinance and the Zone in which it is located.

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements and recommendations of the Weber County Health Department.
4. Requirements and recommendations of the Weber County Surveyor's Office.
5. Requirements and recommendations of the State of Utah, Division of Water Quality.
6. Requirements and recommendations of the culinary water provider.

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**Staff Recommendations:**

Staff recommends preliminary approval subject to staff and other agency comments and recommendations. This recommendation for approval includes the variation to asphalt and gutter standards, a change to the subdivision boundary so that the required detention basins are located inside of the subdivision boundary as well as the construction of pathways as described above.

Staff said at the July 25, 2007 meeting they were half way through the discussion and ran out of time. Since that meeting staff received updated plats and found that some of the pathways were realigned.

Commissioner Siegel said the only thing he remembers talking about is the detention basin and the trails. The developer submitted a concept to the members at the pre-meeting. This includes variation to the subdivision standards. It will be rolled gutter instead of the regular curb and gutter.

Commissioner Rounkles said in this case he believes that they are only looking at Phase 1 instead of the whole picture. Chair Cooper said he agrees. Staff said the original project was huge and they were provided an overall picture. Commissioner Rounkles said they also talked about the road stubs to other private areas.

Staff said as they proceed they will get to a certain level of approvals or progress in the project before they come in with Phase 2. They have not developed all the way up to that point with Phase 2 so it is not something they need to deal with right now. Commissioner Rounkles said he would like to know the overall plans. Staff said there is no guarantee there will be Phase 2 or other phases. They are looking at traffic circulation to the future. They wanted the detention basin in this phase because they want every phase to stand on its own.

Commissioner Siegel asked if they went through the community fire plan, and staff said they just received that plan tonight and have not had a chance to review it.

Bart Karam and Gary Maxwell are the developers. They have been working with staff and the County Engineer. They have an agreement in place for connecting to Big Sky. They have three stubs into different properties in the future phases when they get to be adjacent, they will allow them to hook onto them and make the traffic flow well. Their first subdivision submittal was almost two years ago.

Commissioner Lythgoe asked the developers to review the geotechnical requirements. Gary Maxwell said there are some R-lots where individual geotechnical reports will be needed. Those reports will be done at the time of acquiring a building permit. The geotechnical report stipulation will be part of any purchase contract, it is not on the plat. His opinion is any lot in any subdivision should have a geotechnical study done. The reports have a minor cost of \$2,000.

Chair Cooper recognized a troop of Boy Scouts in the audience at this time.

Susan Hansen, 2420 N. Valley Drive, said she is the realtor for this project and also the CERT Captain. They have been working with the state and county to produce the wildfire community protection plan. These developers wanted to be included in this study for the area of Viking Drive and above. There is an existing pond that will be dredged. The Fire District was delighted for this study and that it provides a fire break for those living above this subdivision. When this development comes in, it will give the owners above escape routes should there ever be a fire. They were pleased to work with Wolf Mountain and Nordic Valley in this wildfire protection plan.

Kirk Langford, Eden Planning Committee, said the subdivision goes all the way across the mountain and also further north. The County recently talked about not allowing the public special roads. The County had an opportunity to create a special improvement district to pay back the County for improvements made for any damage.

Chair Cooper said in the last meeting they discussed the private verses public roads. Staff said they want to point out that there are methods in place to solve such situation if something goes awry. The County approved the MSE walls. As previously stated, the County has the ability to create a special improvement district to pay back the County for any road improvements made to private roads.

Chair Cooper closed this agenda item to public comment.

Commissioner Rounkles said where the road cuts are it is going to be pretty intense so he is wondering what color the retaining walls will be. He believes they should camouflage the walls. Staff explained the retaining wall system at this time.

Commissioner Graves said he would like to see the entire plan but they are only showing Phase 1. It appears that the subdivision plan meets all of the requirements. Commissioner Siegel noted for Ms. Hansen the number of lots now proposed (151) and said the wildfire protection study should include the new subdivision proposal.

**MOTION:** Commissioner Rounkles moved to grant Preliminary Approval of Moose Mountain Estates Cluster Subdivision Phase 1 located at approximately 2400 N & 4500 E, 47 Lots, subject to staff and other agency recommendations. Commissioner Lythgoe seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

5. **Preliminary Approval for Sage Glen Cluster Subdivision in Five Phase located at approximately 3100 E 5500 N, in Liberty, 85 Lots**

Staff presented the following report:

At the July 25, 2007 Ogden Valley Township Planning Commission meeting the Sage Glen Cluster Subdivision was tabled until the petitioner was able to receive a letter from the Division of Wildlife Resources (DWR) regarding the preservation of open space areas for wildlife habitat. The petitioner has received the letter and has modified the Subdivision according to recommendations from DWR. An open space parcel of 48.71 acres is now provided in the eastern half of the lower portion of the subdivision. This required the removal of two 10 acre agricultural estate lots which have been replaced with a 3 and a 4 acre lot. DWR describes this area as "crucial and high value winter habitat for deer and elk populations," and Staff recommends that the full 10% bonus be given for providing this wildlife preservation area.

Staff has some additional comments relating to the trails in the subdivision. The portion of the trail running through the Agricultural Preservation Parcel in Estate Lot 9 should be located along the outside border of the parcel with a public access easement for the trail, or the parcel should be slightly reduced in size to allow a public open space corridor outside of it. In addition, some of the previous trail locations have been modified or removed based on the recommendations of DWR. The trail will no longer run through the middle of the wildlife preservation area, nor along the north border of the lower portion of the subdivision. Other small changes have been made, but the majority of the trail remains in place and satisfies the intent of the pathways ordinance.

The petitioner is requesting bonuses based on the following:

- 10% for providing public open space and trails
- 5% for providing a road stub to adjacent property
- 10% for developing a cluster subdivision
- 10% for providing open space for critical wildlife habitat
- 10% for providing agricultural preservation areas

Staff recommends that the full 30% bonus be given based on the following:

- 5 - 10% for providing public open space and trails
- 5% for providing a road stub to adjacent property
- 10% for developing a cluster subdivision
- 10% for providing open space for critical wildlife habitat

**The staff report for the July 25<sup>th</sup> meeting is shown below (with current changes):**

The petitioner is requesting Preliminary Approval for Sage Glen Cluster Subdivision located at approximately 3100 E. 5500 N. in Liberty. The subdivision contains 341.1 acres, consists of 85 lots in five phases, and lies mostly in the F-5 Zone (307.5 acres) with a small portion in the AV-3 Zone (33.6 acres). This subdivision is designed as a cluster subdivision so lot sizes and frontage requirements will differ from the normal requirements of these zones. The smallest lots in this subdivision could be a minimum of 10,000 square feet and frontage requirements may be reduced to a minimum of 100 feet. The lots range from approximately 15,000 square feet to over an acre in size. Each phase of the subdivision stands on its own as far as open space provided for the area shown except for Phases 2 and 4. However, Phase 1 provides excess open space that can be counted toward these phases.

A cluster subdivision in the AV-3 Zone requires a minimum of 60% of the subdivision to be preserved as permanent open space and a minimum of 80% in the F-5 Zone, but both zones allow for a bonus density of up to 30%. The

petitioner has shown how a 35% bonus could be achieved, in case one or more of the proposed bonus items are reduced or not approved. The number of lots allowed by right is 65.7. The proposed 30% bonus raises the total to the 85 requested.

This subdivision is required to have 258.08 acres of open space, which is 60% of the net area for the AV-3 Zone and 80% for the net area for the F-5 Zone, after subtracting areas for non-developable lands. The total open space provided is 268.2 acres. The open space will contain a public trail system which runs throughout the entire subdivision, and a private clubhouse, kids cabin, pool area, basketball, volleyball, and tennis courts, and a pitch-putt area. Lighting for the clubhouses and amenities must meet the requirements of Chapter 39 of the Weber County Zoning Ordinance (Ogden Valley Lighting).

Ogden Valley Pathways reviewed the pathway system and stated that three additional stubs were needed to adjacent property. These stubs have been added and the trail runs throughout the subdivision and connects to adjacent properties (except as noted previously).

A 10% bonus is requested for providing a public trail through the common open space. The petitioner is also requesting a 5% bonus for providing a road stub to adjacent property, a 10% bonus for developing a cluster subdivision which meets the intent of the Weber County Zoning Ordinance Chapter 22B, and a 10% bonus for providing agricultural preservation areas (also 10% for wildlife preservation areas as noted previously)

The entries for this subdivision will be off of 3100 East and 3500 East Streets. Entry features will include landscaped islands which will require a recommendation from the Planning Commission to the County Commission for approval, and if approved a maintenance agreement between the HOA and the County will be required. The subdivision entry sign must meet the requirements of Chapter 32B of the Weber County Zoning Ordinance (Ogden Valley Signs).

New public roads will be built as a part of this subdivision and all roads must meet the requirements of the Weber County Engineers Office. It is recommended that rolled curb be installed throughout the subdivision.

A wetland delineation study for this project has been completed. A small .86 acre area has been identified as wetlands. The area is included in the wildlife preservation area in Phase 5. The requirements of the Army Corps of Engineers must be met before final approval.

Culinary water will be provided by the Liberty Pipeline Company and a secondary water system must also be provided. Wastewater treatment will be provided by the Powder Mountain Sewer Improvement District in the form of a common drain field. The proposed drain field must be approved by the State Division of Water Quality prior to final approval.

**Conformance to General Plan:**

This subdivision conforms to the General Plan by:

- Meeting the requirements for the AV-3 and F-5 Zones
- Preserving open space for wildlife habitat
- Meeting the requirements for Chapter 22B of the Weber County Zoning Ordinance
- Meeting the objectives of the General Plan Section 3.01 to "Identify and promote the preservation of open space" and "Establish mechanisms to preserve open space in the Valley" and Section 10.02 to "Provide incentives for developers to preserve open space and cluster development"

**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office
2. Requirements and recommendations of the Weber Fire District
3. Requirements of the Army Corps of Engineers
4. Requirements of the Powder Mountain Sewer District
5. Requirements of the State Division of Water Quality
6. Requirements of the Liberty Pipeline Company
7. Requirements of Ogden Valley Pathways

**Staff Recommendations:**

Staff recommends preliminary approval subject to staff and other agency requirements and recommendations.

**\* If a motion to approve is made please include bonus percentages and a recommendation on the proposed street islands.**

Staff clarified for Chair Cooper that there is a large substantial percentage of open space. Staff is satisfied on how this is defined. The feeling is they do not meet the 10% if the other bonuses are given. Based on the size of the subdivision, there is more open space that you would normally get. If approved, they need to include the bonuses given and also a recommendation on the proposed street islands. There would be an agreement between the petitioner and the County is not responsible for any damage that would occur with snow removal. The Road Department is not happy with road islands because snow removal will cause some damage.

Gavin Rosgrans stated that there are over four miles of trails in this plan. They took some out where the DWR said it would impact wildlife habitat. There are three areas that have great potential to become wildlife preservation area for the community. There will primarily be open space above that road. Mr. Rosgrans said the islands are very nice on occasion and they can and should be maintained well. He does not believe they will have a problem with maintenance. The islands will primarily will be at the west entrance at the top. Commissioner Siegel said if they are installed at the south, will they affect the feasibility of the road? Mr. Rosgrans said he does not believe so. The agricultural area was historically farmed. They had tests done on the south east corner and there is an area to place a large drainfield, but they have committed to abandon that system if a better system becomes available.

Commissioner Rounkles asked what phase will the amenities be put in? Mr. Rosgrans said primarily the buildings will be part of Phase 1. The wildlife preservation area is Phase 4, but they could if the Planning Commission desires to bring it on line sooner. The one estate lot left of the triangle also seems to be a perfect fit for a wildlife preservation area if there was a big fence or no fence. With the requirement of 10 acres of open space, they would either have to do nothing or all of it. They can recommend wildlife approved fencing. All the farm outbuildings are designated next to the home sites.

Commissioner Siegel asked if the wildlife areas ban ATV's, etc., and Mr. Rosgrans replied yes.

Carolyn Gavin said she lives adjacent to this property for over 25 years. Rulon Jones has a 12-18 ft. fence around his property. She believes if there is fencing on this property, the wildlife would have to walk down the road. Commissioner Siegel said this plan is a little different from the first plan. Ms. Gavin said there is considerable distance but they are building higher and she would not be able to see any wildlife. Commissioner Siegel said with the present height restriction on houses and the lot size proposed, it will be open area to view. Ms. Gavin said Commissioner Siegel does not understand the lay of the land. None of the property was ever cultivated. Ms. Gaven showed the property on the Soil Conservation Services map.

Commissioner Siegel said they need to look at the FEMA floodplain map. Ms. Gavin said she feels bad because it is a pretty ugly river bed. Commissioner Siegel said there are no roads right against the river bed or the high water mark.

Commissioner Graves asked if the 15 ft. fence run across the top of the property? It was clarified that it goes east for several miles. Ms. Gavins and this means any Elk or wildlife going north will be blocked and they would go around the fence. This land sits up quite high and with 35 ft. tall buildings, they won't see wildlife.

Gavin Rosgrans said there are 1500 acres owned by Eden Heights LLC. East of the property is also undeveloped. The open space goes go up all the way to the top of the hill and this is the best place they have got to preserve wildlife habitat area. They will address the estate lots before final approval.

Chair Cooper said it seems like a good plan but he believes they should attach the wildlife protection area to this phase. They have had two hearings on this issue so they won't allow additional public input.

Commissioner Lythgoe asked if they could make a requirement that to get the 10% bonus, it would be conditional on getting a wildlife flow where the two areas come together? Commissioner Rounkles said there is a flow there if you look.

Chair Cooper said if the estate lot is big enough, and if they move the other two, would that be a large enough wildlife preservation area? They could move two lots up and they could have the wildlife corridor.

Commissioner Graves said the deer, etc. will not move there because there is no cover. Staff said cluster subdivisions require at least 5 lots for a cluster. Commissioner Graves said there was one recommended with Rulon’s property but not with this one. The wildlife would have to go on the highway to the shooting range. There is quite a bit of open space in that slough.

Gavin Rosgrans said the issue is the waterways. He cannot move the roads up because of the pressure line. He is limited in what he can do. Commissioner Graves said the only thing that he could do is put a pathway. Mr. Rosgrans said he can look again at that. Even if it is narrow, if it has some cover the wildlife could feel comfortable. Curtis Christensen, County Engineer, said there is a large estate lot there. It may be a possibility to install some type of fencing.

Commissioner Graves said if they cover through the open draw and either have some gaps in the fence, etc. it could be done. Mr. Christensen said it might happen in the future where the Elk may not even come down.

Commissioner Graves said he agrees with staff that the 10% bonus for agriculture preservation should be taken out. Commissioner Siegel said 23d.11 referred to a 15% bonus density that could be given for creating a critical wildlife habitat. He believes they are more willing to grant bonuses upon DWR’s recommendations.

**MOTION:** Commissioner Siegel moved to grant Preliminary Approval for Sage Glen Cluster Subdivision in Five Phase located at approximately 3100 E 5500 N, in Liberty, 85 Lots, with the 15% bonus granted for critical wildlife as defined by DWR, 5% for providing a road stub to adjacent property, and 10% for clustering. The developer is to provide a more hospitable way for wildlife flow, and that the wildlife preservation areas are attached Phase 1, the trail recommendations, and that the amenities are also included in this phase. Commissioner Lythgoe seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**6. Zoning Petition ZP #10-07 by Scott Best to rezone property located at approximately 2145 N & 5500 East**

Staff presented the following report:

**Findings of Fact:**

The petitioner is requesting an amendment to the Weber County Zoning Map for property located at approximately 2145 North and 5500 East in the Eden area. The proposed amendment covers an area of approximately 1.31 acres and would change its current zoning from Agricultural Valley-3 (AV-3) and Commercial Valley-1 (CV-1) to Commercial Valley-2 (CV-2). The areas located within the AV-3 and CV-1 Zones consist of approximately 1.10 and 0.21 acres respectively.

The property was zoned entirely AV-3 until October of 2000 which was when a previous petition was approved and an ordinance created the 0.21 acre CV-1 Zone. This previous re-zone was bound by a Zoning Development Agreement that described the original petitioner’s commitments and specifically limited the site to the following uses:

- 1) Blacksmith Shop
- 2) Museum-type display of antique blacksmith shop
- 3) Gift Shop
- 4) Antique Shop

The existing Zoning Development Agreement (see attached) states that the intent of the previous re-zone was to “protect a historic site known as the Blacksmith Shop”. By re-zoning this 0.21 acre site to CV-1 and limiting its uses, the Blacksmith Shop became a “conforming” use and did not stand to significantly impact the Eden park area and surrounding neighborhood because the above uses would not draw patrons on a regional scale. Uses in the attached proposal, such as a bank, clinic, school, convenience store and lawn mower sales & service shop could change the characteristics of the surrounding area.

Any decision made regarding this proposal would be a policy decision that would reflect the substantial amount of discretion that the Planning Commission has in regards to this type of proposal. It is the goal of Weber County to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the County, therefore, the Planning Commission will need to determine whether or not the proposed re-zoning furthers that purpose.



The Blacksmith Shop has been identified by the General Plan as a historical site/resource that contributes to Ogden Valley's charm, character and rich cultural heritage. The Planning Commission will need to determine, to what level, support should be given in order to preserve this historical resource.

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**Conformance to General Plan:**

The proposed re-zone does not conform to the General Plan because this area has not been identified as a future commercial growth area, however, if development of the site guaranteed that the Blacksmith Shop would be preserved it would conform because the General Plan states that preserving historical and cultural resources is an important County objective.

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**Staff Recommendations:**

Staff recommends denial of the petition to re-zone property located at approximately 2145 North and 5500 East from AV-3 and CV-1 to CV-2, however, Staff would support a modest expansion of the CV-1 (neighborhood commercial) Zone and the uses in the existing Zoning Development Agreement. This support would be conditioned on the Blacksmith Shop being placed on a local or national historic register and that development of the building's interior and exterior be consistent with historic register requirements.

If the Planning Commission supports a modest expansion, Staff would recommend that the proposal be tabled in order to allow the petitioner time to prepare and updated concept layout showing the CV-1 Zone expansion and prepare a draft Zoning Development Agreement that lists uses that are more consistent with neighborhood commercial uses and addresses phasing that explains when restoration would take place to the Blacksmith Shop.

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**Attachments:**

Location Map  
Petitioner Summary/Proposal and Response to Petition Form Questions  
Concept Development Site Plan  
Comments Relating to Land Use and Architectural Enhancements  
Concept Architectural Photos  
Existing Zoning Development Agreement

Staff said they have received several comments regarding this issue. The Planning Commission members have received copies of the submitted letters of concern. Staff believes the valley residents hold this property dear to their hearts. Commissioner Lythgoe asked if staff is aware of how other communities handle preservation of historic property. Staff said this stands as an opportunity to guarantee this ends up on a historical register.

Commissioner Allen said there are other buildings in the valley that could also be added to the register. Staff said they spoke with a representative from the Utah Historical Society who said the property is not on the historical register, but they found a request 35 years ago, but nothing happened.

Commissioner Rounkles asked staff to clarify staff's intent of their recommendation regarding a commercial node or neighborhood type commercial. Staff said it would be something that doesn't draw people on a regional scale or something that could fit in a commercial node area. Commissioner Rounkles said he believes it would be an asset to leave the blacksmith's shop as the use.

Bill Flanders, representing the property owner, said part of the reason why they wanted the CV-2 Zone was that some of the uses they would like was not allowed in the CV-1 Zone such as an antique shop, selling of china, piecing of leather goods, remnants, etc. He met several times with the planning staff discussing the idea that some of the uses would be useful here. The client is very interested in restoring the Blacksmith's shop, but it takes money. The other uses will allow him to create a revenue stream to be able to restore the Blacksmith's shop. There has been some discussion on transfer of development rights, but such ordinance has not been adopted, but the proposed ordinance specifically states that this area is a commercial historic node. That is what his client would like on this site. He would like to have a work session to discuss other uses.

Commissioner Rounkles asked how does a dentist fit in? Mr. Flanders said his client would like a small dentist office allowed in the building.

Steve Bowden, an adjacent property owner, said his biggest concern is if they approve the rezone to CV-2, "the sky is the limit." He is in favor of historic preservation but concerned about the heavier uses and additional drainfields needed or required and the increased traffic. He believes there is plenty of CV-2 zoning in the valley for professional buildings or uses. Chair Cooper asked Mr. Bowden if he could see a compromise? Mr. Bowden said he was quite surprised that some of the uses have not been allowed such as the selling of china, remnants, leather, etc.

Kirk Langford, Eden Planning Committee, commended staff for their recommendation. They believe it was a good recommendation. There are houses that sit back in there that are wonderful buildings as well. He would like them to be careful when they consider heavier commercial uses. Some uses that are in the CV-2 Zone are really not right for this area. The road is very busy and there is not a lot of parking. On Saturdays there are a lot of kids who overload the park. He would recommend denial and that they keep it the way it is now, but if it is expanded maybe they could allow a coffee shop type area or allow remnants or other similar items to be sold in the gift shop.

Commissioner Allen said people in that area have to decide what they wanted in that area.

Kim Wheatley, an East Huntsville resident, said he is concerned with traffic flow. There will be a lot more traffic than what they have now. They have to be careful of where they place all the development. He recognizes that this is a unique historic area. Do they leave it as it is and let the buildings deteriorate until they are asked to demolish them?

Commissioner Rounkles said there is also soccer games at the park.

Kirk Langford said they asked what the people there wanted. He doesn't believe that the Eden Planning Committee represents everybody but the answer is 14 uses they have will and maybe expansion for a little coffee shop and gift shop. There are people who live there as a residential area. Chair Cooper said he believes the way they are leaning is to stay with the current zoning. There community's input was the previous owner had an agreement when the property was rezoned.

Commissioner Graves said his opinion is that staff's recommendation is right on regarding how they should approach. If the petitioner wants to expand a little bit on what is presented, he believes they should not open the door. He believes they should follow staff's recommendation.

**MOTION:** Commissioner Graves moved to table Zoning Petition ZP #10-07 by Scott Best to rezone property located at approximately 2145 N & 5500 East in order to give the petitioner time to prepare an updated concept layout showing the CV-1 Zone expansion and prepare a zoning development agreement that lists uses in line with the present historic nature. Commissioner Rounkles seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**7. Zoning Petition ZP #09-07 by Scott Best to rezone property located at approximately 4022 N. & 3500 E.**

**Findings of Fact:**

The petitioner is requesting an amendment to the Weber County Zoning Map for property located at approximately 4022 North and 3500 East in the Eden area. The proposed amendment covers an area of approximately 1.0 acre and would change its current zoning from Agricultural Valley-3 (AV-3) to Commercial Valley-2 (CV-2). The area located within the AV-3, if approved, would combine with a previously re-zoned area to form one complete CV-2 parcel consisting of approximately 1.21 acres. The previously re-zoned area on the parcel is the garage area only of the existing home.

Any decision made regarding this proposal would be a policy decision that would reflect the substantial amount of discretion that the Planning Commission has in regards to this type of proposal. It is the goal of Weber County to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the County, therefore, the Planning Commission will need to determine whether or not the proposed re-zoning furthers that purpose.

**Conformance to General Plan:**

The General Plan has identified the area, in which the re-zone has been proposed, as a future commercial growth area that can provide an alternative commercial site for an increasing population in the Liberty area.

**Staff Recommendations:**

Staff recommends approval of the petition to re-zone property located at approximately 4022 North and 3500 East.

Staff said this property is at the T-intersection where the historic church used to be. There is a small repair area on this site and the property is currently zoned CV-2. Staff believes the original intent was to allow an engine repair shop in the garage.

Commissioner Allen asked when was that rezoning done, and staff replied it was sometime in the 1980's. In general, the intent is to allow a commercial "node" growth area. Several subdivisions have been proposed recently that would support the commercial uses.

Commissioner Siegel asked the zoning of the church property and staff replied that it was AV-3. Staff said across the street there was an architect business and across the street and down a little, there was a dentist office.

Staff said this use would allow the parking to be close to the rear. If it is expanded southwest of the park boundary, there could be parking in the middle.

Commissioner Lythgoe said if it is on the highway, is there a larger setback requirement? Staff clarified that it is not on a State highway any more. They exchanged that for Powder Mountain Road.

Commissioner Rounkles said this is different than the lawn mower business and there could be cars coming in and out. He asked how close will this repair shop be to someone's window? Staff said to the east there is an open parcel with a subdivision submitted but idle at this time. The original proposal included the church parcel but it was withdrawn.

Commissioner Allen asked if the same owner owned the church property? Mr. Platt still owns the church property and the portion that burned down. Commissioner Allen asked how close is the nearest house? Commissioner Lythgoe said she believes it is less than 100 ft.

**MOTION:** Commissioner Lythgoe moved to table this issue until the next meeting due to this meeting's time constraint. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

After talking with the Planning Commission members, staff said the Sensitive Lands Ordinance public hearing will be held on September 17<sup>th</sup>. A special regular meeting will be held on September 13<sup>th</sup> to hear the remaining items on this agenda. On September 10, 2007, they will hold a work session for the Recreation Ordinance. The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Sherri L. Sillitoe, Secretary  
Weber County Planning Commission