

Members Present:

Louis Cooper, Vice Chair
Sharon Holmstrom
Keith Rounkles
Greg Graves
Jim Banks
Verl Creager
Gary Allen

Members Excused:

Staff Present:

Jim Gentry, Director
Kevin Hamilton, Planner
Monette Hurtado, Legal Counsel
Angela Martin, Secretary
Scott Mendoza, Planner
Sean Wilkinson, Planner

Consent Agenda Items

A. Final approval of River Ranch Phase 2 at approximately 8750 E. 1150 S., 1 Lot

Regular Agenda Items

1. Zoning Petition ZP#14-2006 by Dave Lesley to amend Chapter 6, "Agricultural A-2 Zone" to allow employees as part of a home occupation with visiting clientele to have 6 employees
 2. Conditional Use Permit CUP# 23-2006 by Wolf Creek Properties for a Condo-Hotel at approximately 3718 N. Wolf Creek Dr.
 3. Conditional Use Permit CUP#25-2006 by Wolf Creek Properties at approximately 3567 E. Nordic Valley Way for the use of a Yurt Structure as part of Wolf Mountain Resort
 4. Conditional Use Permit CUP#27-2006 by Bill Wangsgard for a Fort Look Out Tower and Gate at Camp Kiesel located at approximately 15510 E. Causey Dr.
 5. Preliminary Approval of Sundance Ridge Subdivision at approximately 5515 E. Snow Basin Road, 4 Lots
 6. Preliminary Approval of Moose Mountain located at approximately 4500 E. 2400 N, 151 Lots
 7. Recommendation to the County Commission to Create a Agricultural Protection Area within Unincorporated Weber County, Utah located in the South Fork Area
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Consent Agenda Items

A. Final approval of River Ranch Phase 2 at approximately 8750 E. 1150 S., 1 Lot

The applicant requests preliminary approval of the River Run Phase II Subdivision located at approximately 8750 East 1150 South Huntsville The proposed subdivision will occupy 6.7 acres.
The Subdivision falls within a FV-3 zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet.

Culinary Water will be provided by a private well with secondary being supplied by the same well. An easement for the well, will need to be shown on the Final Plat.

Waste Water Treatment will be provided by septic system.

Trails conforming to the **Weber County Pathways Ordinance** will be shown on the Final Plat

The Weber Fire District

If the Private road Eagle Way is to be used as access, approval from the Home Owners Association would need to be obtained. This would include joining the Association as maintenance and improvements would be required.

Conformance to General Plan:

This lot conforms to the current General Plan which requires the lot to have a minimum of three acres and a minimum lot width of 150 feet.

Questions to be asked Which road will be used for access?

Conditions for Approval:

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

Staff Recommendations:

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

MOTION: Commissioner Rounkles made the motion to approve Consent Agenda Item A subject to staff and other agency review. Commissioner Allen seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with at 6-1 vote.

Regular Agenda Items

1. Zoning Petition ZP#14-2006 by Dave Lesley to amend Chapter 6, "Agricultural A-2 Zone" to allow employees as part of a home occupation with visiting clientele to have 6 employees

Staff presented the following report:

Home occupations with visiting clientele are allowed as a conditional use in the A-2 zone. Chapter 34 of the Zoning Ordinance regulates home occupations. By Chapter 34, home occupations are restricted to those who reside on the premises. Chapter 34 gives the following Purpose and Intent for home occupations:

It is the purpose and intent of this chapter to allow persons residing in dwellings in residential and agricultural areas to use their mental or physical expertise and talent to a limited extent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the county and guaranteeing to all residents, freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas.

Conformance to General Plan:

The West Central Weber County General Plan sets a policy of directing new commercial uses to the intersection of 1200 South and 4700 West. The Plan does not recommend expanding commercial uses into residential or agricultural areas.

Staff Recommendations:

Staff recommends that the Planning Commission recommend that the County Commission deny Zoning Petition ZP #14-2006 for the following reasons:

1. The petition does not conform to the General Plans policy of directing new commercial uses to the intersection of 1200 South and 4700 West.
2. Because all property owners in the A-2 zone would have to be allowed the same rights to a home occupation with 6 employees, the change would not maintain "the peace, quiet, and domestic tranquility within all residential or agricultural areas of the county and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas."
3. Enforcement of the 6 employee limit would be costly and require additional staff to regularly investigate the businesses activities for compliance.

MOTION: Commissioner Holmstrom made a motion to recommend to the County Commission denial of Zoning Petition ZP#14-2006 by Dave Lesley to amend Chapter 6, "Agricultural A-2 Zone" to allow employees as part of a home occupation with visiting clientele to have 6 employees for the reason that it does not conform to the Ogden Valley General Plan, it would open the entire A-2 zone to commercial development, the enforcement of such change would be costly and almost impossible to enforce. Commissioner Allen seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye.

2. Conditional Use Permit CUP# 23-2006 by Wolf Creek Properties for a Condo-Hotel at approximately 3718 N. Wolf Creek Dr.

Staff presented the following report:

Finding of Facts:

The applicant is requesting approval to construct and operate a Condominium-Hotel (condo-tel) located at approximately 3725 North Wolf Creek Drive. The project has been proposed as part of the Wolf Creek Resort and is situated on an undeveloped parcel within the resort consisting of approximately 114 acres. The project site consists of approximately 5.5 acres and is zoned Commercial Valley Resort Recreation (CVR-1) which conditionally allows such a condo-tel use with no minimum area or frontage requirement.

The intent of the conditional use is to provide condominium type residential opportunities with the flexibility to operate as a hotel. The proposed condo-tel will cover 17% (40,740 sq.ft. footprint) of the overall site with hard surface parking/roads and landscaping covering 26% and 57% respectively. The 161,475 sq. ft. condo-tel structure will house 65 units (121 keys), 36 of which will have one lock-out room and 10 of the remaining 29 units will have two lock-out rooms. These densities have been established by the CVR-1 Zone which requires 7500 square feet for the first 2 units, 2000 square feet for each additional unit and 500 square feet for each lock-out unit. The condo-tel's other main components will include a conference area (4,450 sq.ft.), restaurant (7,200 sq.ft.), retail space (150 sq.ft.), spa (5,450 sq.ft.), underground parking (53 stalls) and an outdoor plaza with pool. To reduce the buildings footprint the applicant is requesting that the Planning Commission vary the maximum height requirement of 35 feet and consider an average height of 51.5 feet (as defined by Weber County Ordinance). This proposal may be the largest and most massive in the Ogden Valley and may require a larger scale to the landscaping to mitigate impacts even though this may be an appropriate project for a resort community. The aesthetics, visual impact and height of the condo-tel is a consideration of the Planning Commission and will require approval.

The building will be constructed of a cultured stone veneer, Hardiplank "Board & Batten" and "Shingle" exterior (weathered brown/grey) and trim (med. brown), accented with heavy timber trusses (med. brown) and a combination of metal (weathered copper) and asphalt shingle (weathered grey/brown) roofing. The Design Review Ordinance and Ogden Valley Architectural, Landscape and Screening Design Standards do apply to this project and have been satisfied due to adequate site layout, parking and landscaping with the exception of the use of 6' evergreens (18C-5J.3) in the landscaping and the intermittent placement of plants against long expanses of building walls to create a softening effect and add variety (18C-5J.4). The project also meets the above ordinance due to the fact that the proposed building materials are predominantly natural, muted earth tone colors. The Planning Commission will need to consider the request to use native grasses to satisfy the landscape requirement. A lighting plan for the project will need to be submitted and approved prior to granting approval unless the Planning Commission feels that staff can review and approve the applicant's lighting.

The Weber Fire District, Weber County Building Inspection and Weber-Morgan County Environmental Health Department have reviewed the proposal and have responded with no significant concerns. The Weber Fire District is aware of the additional height of the structure and has reaffirmed that new fire equipment located in the Ogden Valley can work with taller buildings. The Weber County Engineer's Office has also reviewed the project and has responded with two significant concerns regarding stream setbacks and stream alteration. The plaza (structure) area located at the building's southeasterly most corner appears to be encroaching on the required 50' stream setback. It has also come to the Weber County Engineer's attention that the stream's location or alignment has changed from a site plan previously submitted. The County Engineer's Office may require more information to verify the "high water mark" of the stream. The State of Utah Department of Natural Resources has also reviewed the proposed project and has issued a stream alteration permit. The Utah Department of Transportation has issued a letter stating that they have received plans for the condo-tel and have begun reviewing the access.

Questions to ask:

1. What is the average height of the building when the low and high elevations of Wolf Creek Drive are used in height calculations?
2. Would larger trees and shrubs reduce the impacts of the large mass and the increased height of the building?
3. What stream alteration work will be done?

Weber County Zoning Ordinance States: "The purpose and intent of Conditional Uses is to allow in certain areas, compatible integration of such uses as special exceptions but which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or only if such uses as designed, laid out and constructed on the proposed site in a particular manner."

Weber County Zoning Ordinance further states: **22C-5. Basis for Issuance of Conditional Use Permit.** The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to established:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County
5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

Conformance to General Plan:

Conforms to the General Plan by meeting the requirements of the Commercial Valley Resort Recreation-1 Zone and the Design Review Ordinances but does not meet the landscape requirements of the Ogden Valley Architectural, Landscape and Screening Design Standard.

Conditions for Approval:

1. Requirements and recommendations of the County Engineers Office
2. Requirements and recommendations of the County Fire District
3. Requirements of the Weber County Health Department
4. Requirements of the Weber County Building Inspection
5. Requirements and recommendations of the State of Utah Department of Natural Resources
6. Requirements and recommendations of the State of Utah Department of Transportation
7. Requirements and recommendations of the water and sewer provider

Staff Recommendations:

Staff recommends tabling the Conditional Use Permit proposal to construct and operate a condominium-hotel at approximately 3725 North Wolf Creek Drive. The recommendation to table is based on inadequate landscaping, an uncertainty of the stream location, stream setback encroachment, approval for access from UDOT and the submittal of a lighting plan meeting the requirements of the Ogden Valley Lighting Ordinance.

There was a brief discussion on the condo hotel and Wolf Creek gave a power point presentation.

MOTION: Commissioner Holmstrom made the motion to table Conditional Use Permit CUP# 23-2006 by Wolf Creek Properties for a Condo-Hotel at approximately 3718 N. Wolf Creek Dr. until the regularly scheduled meeting in November, not the special ordinance meeting. This petition is being tabled at the request of staff so they can review the issue due to the several concerns expressed by the public and this body including the concerns about road instability, landscaping, and height variances. Commissioner Rounkles seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye.

3. **Conditional Use Permit CUP#25-2006 by Wolf Creek Properties at approximately 3567 E. Nordic Valley Way for the use of a Yurt Structure as Part of Wolf Mountain Resort**

Staff presented the following report:

Findings of Fact:

The applicant is requesting approval to erect and use a yurt structure at the Wolf Mountain Ski Resort located at 3567 East Nordic Valley Way. The resort lies within the Commercial Valley Resort (CVR-1) Zone which conditionally allows such a yurt structure when used as a Ski School or other accessory building at a ski resort or tubing hill.

The intent of the conditional use is to provide an area for skiers and other resort patrons to gather for various resort activities. The proposed yurt will be 30 feet in diameter and stand 18 feet tall at its cone-like peak. It will be constructed of a weather proof fabric (dark green exterior wall, brown roof and clear plexi skylight) tension band, a lattice wall, radial rafters and a framed door. The Ogden Valley Architectural, Landscape and Screening Design Standards do apply to this project and have been satisfied due to yurt structures being exempted from the architectural requirements of this ordinance and due to adequate parking, landscaping and screening.

The Weber County Engineer's Office has reviewed the proposal and will be working with the applicant to correct some unrelated storm water concerns at the resort, otherwise, they have no significant concerns.

Conformance to General Plan:

Conforms to the General Plan by meeting the requirements for the zone in which it is located by enhancing recreational opportunities.

Conditions for Approval:

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

Staff Recommendations:

Staff recommends approval subject to staff and other agency comments.

Vice Chair Cooper stated the only question he had was regarding the proposed color schemes. Snowbasin looks good in the snow, it's white. This yurt will be brown and green, and unless this looks like a tree, it's going to stand out.

Commissioner Graves stated that the landscaping also helps out a little bit. It seems kind of minimal, trees will make a difference.

Staff stated that from Nordic Valley Way it's going to be very difficult to see until get up toward the subdivision up above. It's a combination of the road being so low, and the screening that they have proposed, it doesn't seem to be too much of a problem. It is a conditional use, so they could add additional landscaping requirements.

Bob Dyer stated that they have done some berming because of the topography there. He showed a photograph east of the barn, which is probably 500 feet away, and it shows the top of the yurt. One of the benefits of this project is it will screen the white barn from the opposite side of the valley. The trees are ten years old. They are proposing a tan and a forest service green color. This building will probably only be there for five years and by then they would have something else there and the yurt will be relocated. That's the life span they have in mind. If you go about 500 feet down the road from below the yurt is, you cannot see it all because of the parking lot. There are very few residents within a mile of this building that will even be able to see it. They prefer the darker color because from across the valley, they have an 8x10 foot lift shack, about half way up the mountain, and you can see it as clear as a bell. In the summer time with a darker color, you wouldn't be able to find it.

MOTION: Commissioner Graves made the motion to approve Conditional Use Permit CUP#25-2006 by Wolf Creek Properties at approximately 3567 E. Nordic Valley Way for the use of a Yurt Structure as Part of Wolf Mountain Resort subject to staff and other agency comments. Commissioner Holmstrom seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye

4. **Conditional Use Permit CUP#27-2006 by Bill Wangsgard for a Fort Look Out Tower and Gate at Camp Kiesel located at approximately 15510 E. Causey Dr.**

Staff presented the following report:

The applicant is requesting conditional use and site plan approval for Camp Kiesel Fort/Gate Entrance located at approximately 15510 E. Causey Drive. The project lies in a Forest (F-40) Zone, where private parks, private recreation grounds, and private campgrounds are listed as conditional uses.

The structure will be approximately 90 feet long and 22 feet tall. It will consist of a steel frame fence and gate with a wood stave veneer, two towers with standing seam metal roofing, and three storage rooms with rough pine lap siding located behind the fence. All materials used will meet the requirements of Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards) of the Weber County Zoning Ordinance and the structure will have a rustic appearance. A painted plywood sign with KIESEL on one side and BSA on the other will be located above the gate. The proposed sign does meet the requirements of the Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs).

The gate on the structure will open to allow delivery trucks to pass through but the parking lot for the camp is located in front of the structure. This structure will not block public access to the Wheatgrass Canyon trail. If the scouts are to be allowed in the towers, there will be ADA requirements that need to be addressed with the Weber County Building Inspection office.

Weber County Zoning Ordinance States "The purpose and intent of Conditional Uses is to allow in certain areas, compatible integration of such uses as special exceptions but which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or only if such uses as designed, laid out and constructed on the proposed site in a particular manner."

Weber County Zoning Ordinance further states: **22C-5. Basis for Issuance of Conditional Use Permit.**

The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to established:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County
5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

Conditions for Approval:

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

Staff Recommendations:

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

Weber County Zoning Ordinance states "The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted by the use regulations of that zone. In authorizing any Conditional Use, **the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.**" Any variance from the Weber County Zoning Ordinance will require a petition, and granting of a variance from the Board of Adjustment.

The Planning Commission can approve the proposed Conditional Use Permit subject to staff and other agency comments.

The Planning Commission can deny the proposed application.

The Planning Commission can table this item if additional information is needed

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the date of the decision of the Planning Commission.

Commissioner Holmstrom asked staff if he would explain where the trail is accessed if all those gates are closed? Staff responded that the trail goes through parking lot. It is not behind the gate.

Bill Wangsgard, Petitioner, stated Camp Kiesel is a Cub Scout Camp. This summer, they had 6,500 cub scouts go through Camp Kiesel. They are upgrading and adding some nice new facilities up there to increase their fun and excitement at camp. It is not intended for this to control traffic. It is really a program facility and there is plenty of room to walk around. The fort is just a facade, it's not going to be a square like normal forts are. It is just a facade in the front, so there is plenty of access to walk around. . Most people don't come through the camp. They access wheat grass before they come on to the camp property, they go across the dam and up the hillside.

MOTION: Commissioner Holmstrom made the motion to approve Conditional Use Permit CUP#27-2006 for a Fort Look Out Tower and Gate at Camp Kiesel located at approximately 15510 E. Causey Dr. subject to staff and all staff and other agency requirements. Commissioner Banks seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye

5. **Preliminary Approval of Sundance Ridge Subdivision at approximately 5515 E. Snow Basin Road, 4 Lots**

Staff presented the following report:

Findings of Fact:

The applicant is requesting preliminary approval of the Sundance Ridge Subdivision located at approximately 5515 East (Old) Snow Basin Road. The proposed subdivision will occupy 14.95 acres and will consist of 4 lots and approximately 275 feet of road improvements. It falls within a FV-3 zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet.

The area and lot width requirements have been met, however, the location of the subdivision may be affected by a pending Sensitive Lands Ordinance which will include a ridge line protection component. This pending ordinance will identify ridge lines and establish setbacks that may guide building locations within the subdivision. Also, lots 2 and 3 have been designed with an irregular lot line common to them. According to the Weber County Subdivision Ordinance (26-2-4.a and 26-2-4.f), side lots lines shall be at approximately right angles or radial to the street line and designed to provide satisfactory and desirable sites for buildings. The lot line between lot 2 and 3 has been designed to provide adequate drain field area but does not meet this requirement and may not provide a satisfactory and desirable building site for lot 2.

The proposed roadway will be dedicated as a public road/cul-de-sac and will extend easterly off of the old Snow Basin Road where it will terminate with a turn-around.

The Weber County Engineer's Office has had an opportunity to review the preliminary and has responded with the following concerns: 1) storm water runoff; 2) geological studies for each lot; 3) ridge line development; and 4) utilizing an existing culinary water tank.

Culinary Water will be provided by a private well which has received a "preliminary" approval from the Weber-Morgan County Health Department. Prior to final approval the applicant will be required to obtain a Conditional Use Permit for the private water tank.

Waste Water Treatment will be provided by individual septic system.

Trails conforming to the **Weber County Pathways Ordinance** have not been shown on the preliminary plat but will be shown on the final plat. Ogden Valley Pathways has recommended a side path along the Snow Basin Road.

All students are eligible for bussing from designated bus stops along Highway 39.

Questions to be asked:

1. Will the future water tank be built on the ridge line? If so, will it be designed and engineered to be completely covered?
2. Can the culinary water tank in the adjacent subdivision be used?

Conformance to General Plan:

The subdivision conforms to the General Plan by meeting the minimum area and lot width requirements but does not meet Weber County Subdivision Ordinance "lot line" requirements.

Staff Recommendations:

Staff recommends tabling the Sundance Ridge Subdivision until the Sensitive Lands Ordinance has been adopted, therefore, identifying protected sky lines and establishing ridge line setbacks. Staff also recommends tabling this item so that the applicant can reconsider the design of the side lot line common to lots 2 and 3 which may provide a more satisfactory and desirable site for building (26-2-4.a) and will also make the lots more conforming by designing the side lot line to be at approximately a right angle or radial to the street (right-of-way) line (26-2-4.f).

There was a brief discussion on the legal issues, lot lines, ridge lines, water system and storage tank.

MOTION: Commissioner Holmstrom made the motion to table preliminary approval of Sundance Ridge Subdivision at approximately 5515 E. Snow Basin Road, until the regular scheduled meeting in November to allow staff and the petitioner to address the concerns about lot lines, ridge line, and any other staff and agency concerns that have been expressed. Commissioner Banks seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye

6. **Preliminary Approval of Moose Mountain located at approximately 4500 E. 2400 N, 151 Lots**

Staff presented the following report.

The petitioner is requesting preliminary approval for Moose Mountain Estates Subdivision (151 lots) located at approximately 4500 E. 2400 N. The subdivision contains 276.98 acres and lies in an FV-3 Zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet. However, this property is part of a 2002 Consent Agreement with Weber County which puts minimum density requirements at 1.5 acres per lot.

The subdivision will be done in three phases and each phase will contain various amounts open space totaling approximately 50% of the total subdivision area. Culinary water will be provided by Nordic Mountain Water and Wastewater treatment for Phase 1 (47 lots) will be handled by a common drain field, while a package treatment plant will be required for Phases 2 and 3.

Pathways shown on the plat do meet the requirements of the Pathways Ordinance, but must be shown in the legend and labeled by type on the final plat. All new roads must meet the requirements of the Weber County Engineer's office. All of the proposed landscaping, amenities, signs, and structures for this subdivision need to have renderings/elevations and site plans for preliminary approval.

Staff Concerns:

The following concerns have been brought up by Weber County Planning and Engineering Staff which need to be resolved before a recommendation for preliminary approval will be considered.

- ▶ A slope analysis of the property needs to be done and provided for staff review.
- ▶ Lot sizes, contour information, and complete lot drawings need to be shown on the plat.
- ▶ Site calculations including overall acreage, lot area, open space, road right of way, and slopes over 40%.
- ▶ Landscape plan and renderings of proposed gazebos for park area, and plans/renderings for any other proposed landscaping, amenities, signs, and structures for this subdivision.
- ▶ Stream locations need to be shown on the plat.
- ▶ Locations for the wastewater treatment plant, Phase 1 drain field, any associated pump stations need to be shown on the plat.
- ▶ Agreements to tie into a private road for a second access are required. Also, the road frontage proposed for lots 20-22 is not located within the subdivision boundary and does not provide legal access.
- ▶ A geotechnical report for this property has been submitted, but has not yet been fully reviewed by the County Engineer. This report states, "As discussed in the attached geologic hazards report there are numerous large landslide deposits at this site. In these landslide deposits, slopes with grades steeper than 13% are marginally stable. We recommend that lots in these areas (which include lots 1, 14, 15, 24, 26-50, 50-67, 87, 88, 91, and 96-148) be required to have individual geologic and geotechnical studies for development. Roads in these deposit areas should have engineered retainage for all cuts and fills." All recommendations from the County Engineer regarding the geotechnical report must be followed.

Conformance to General Plan:

This subdivision conforms to the General Plan by:

1. Meeting the requirements for the FV-3 Zone.
2. Meeting the requirements for Chapter 22B of the Weber County Zoning Ordinance.
3. 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 Engineer's Office.
2. Requirements and recommendations of the Weber County Health Department.
3. Requirements and recommendations of the Weber Fire District.
4. Resolutions to County Planning and Engineering concerns.

Staff Recommendations:

Staff recommends that preliminary approval for Moose Mountain Estates Subdivision be tabled at least until the concerns listed in this staff report under **Staff Concerns** are resolved.

There was a brief discussion on the density, top soils, individual lots, water and septic systems.

MOTION: Commissioner Rounkles made the motion to table preliminary approval of Moose Mountain located at approximately 4500 E. 2400 N, until we have more information with all the recommendations of staff and planning commissioners to move forward on this item. Commissioner Allen seconded the motion. A vote was taken and Vice Chair Cooper said the motion carried with all members present voting aye

7. Recommendation to the County Commission to Create a Agricultural Protection Area within Unincorporated Weber County, Utah located in the South Fork Area

Staff presented the following report:

The attached property is requesting that they are placed in an Agricultural Protection Area, which means they are subject to the existing ordinances. The property would not be subject to any changes to their underlining zoning. Their property is frozen with the existing requirements of the current zone. A recommendation needs to be made to the County Commission.

Vice Chair Cooper asked if staff meant surrounding property owners? Staff replied no, it encumbers their property because they want to use it for agriculture purposes. If we want to change an ordinance that affects their property, then we have to get the property owners approval.

Commissioner Holmstrom stated that if they go into development, they would actually have to go ahead and remove the agricultural protection area, and then develop it. It restricts the current use and the current zone for agricultural purposes.

Vice Chair Cooper asked the definition of "freezes the zone". Commissioner Holmstrom replied that it just means that we can't change the zone, that their property is included without getting input from them.

Staff responded by stating whatever the zoning is now, that zoning chapter will be attached to it by ordinance.

Vice Chair Cooper asked so we could rezone around it, but we couldn't rezone that property
Commissioner Holmstrom responded yes, without their approval.

Vice Chair Cooper asked so are they doing this to be in their own best interest, to say for example, when we were one acre zoning for the valley, we want to freeze this, then we went to three or five acre because they were thinking in the future? Commissioner Holmstrom responded that it was the other way around.

Commissioner Graves stated that this is Marian Martin's property. She is the same person that has the property right behind his property.

Vice Chair Cooper asked when they talked about the one by the reservoir, when it was an agricultural easement, they couldn't come back and change it? Commissioner Holmstrom responded that this wasn't an easement.

Monette Hurtado, Legal Counsel, stated that this is an agricultural protection area created by state law. When we say that we don't think it's to their advantage for development purposes, it is because it is tied to their agricultural use so they can't continue to have it in an agricultural protection area if their goal is to develop. They actually have to take it out of the agricultural protection area if their goal is to develop.

Commissioner Graves stated that her intent is to preserve these big chunks the way they are.

Vice Chair Cooper asked if someone could use this to their advantage? Monette Hurtado responded that when you say to their advantage, if they were to use transfer of development rights, yes, but even then, she doesn't see how once it is in an agricultural protection area, that they would accommodate a transfer of development rights. They already have tax advantage through Green Belt. Green Belt doesn't tie in because of the agricultural protection. There was a brief discussion as to the impacts of Green Belt in an agricultural protection area.

Commissioner Graves stated that Ms. Martin just wanted to preserve the property.

Monette Hurtado stated it does give them protection for being a property owner to some extent. It gives them protection in the sense that somebody can't come in and say, your agricultural protection area is becoming an annoying use.

MOTION: Commissioner Graves made the motion to recommend to the County Commission that they create an Agricultural Protection Area within an unincorporated Weber County Utah located in the South Fork Area as described on the map that has been provided and the official document that creates the protection area and the legal description. Commissioner Banks seconded the motion. Vice Chair Cooper said the motion carried with all members present voting aye.

THERE BEING NO FURTHER BUSINESS, the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Angela Martin, Secretary
Weber County Planning Commission