

Minutes of the Ogden Valley Township Planning Commission meeting held July 25, 2007, in the Weber County Commission Chambers, commencing at 4:30 p.m.

**Members Present:**

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

**Members Excused:**

**Staff Present:**

Jim Gentry, Director  
Scott Mendoza, Planner  
Sean Wilkinson, Planner  
Justin Morris, Planner  
Ben Hatfield, Planner  
Monette Hurtado, Legal Counsel  
Sherri Sillitoe, Secretary

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Pledge of Allegiance

**Consent Agenda Items**

- A. Conditional Use Permit CUP #15-07 Site Plan approval for Ogden Pineview Yacht Club Addition located at approximately 990 N Highway 158
- B. Final Approval - Carter Brothers Subdivision located approximately 5700 E 2500 N, 1 Lot
- C. Final Approval - Watts Estates Subdivision at approximately 5750 N 2995 East, Liberty, 1 Lot

**Regular Agenda Items**

- 1. Conditional Use Permit CUP #16-07 Site Plan approval for Wolf Creek Reception Center/Athletic Center Parking Lot located at approximately 3923 N Wolf Creek Drive
  - 2. Final Approval - Sundance Ridge Subdivision located at approximately 5515 E Snow Basin Road, 4 lots
  - 3. Preliminary Approval - Sage Glen Cluster Subdivision, 85 Lots, in Five Phases located at approximately 3100 E 5500 N, Liberty  

***NOTE: (Public Comment has been taken on this item and discussion/and or action will only be made by the Planning Commission members at this point)***
  - 4. Preliminary Approval - Aspen Ranch Clustered Subdivision located at approximately 8800 E & 1300 S, 3 Lots
  - 5. Preliminary Approval - Moose Mountain Estates Cluster Subdivision Phase 1 located at approximately 2400 N & 4500 E, 47 lots
  - 6. Preliminary Approval - Eden Valley Ranch Subdivision located at approximately 5100 E 2800 N, 25 Lots
  - 7. Preliminary Approval of Elk Shadow Subdivision located at approximately 5700 E 2500 N, 5 Lots
  - 8. Adjourn
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Chair Cooper led the Pledge of Allegiance at this time.

**Consent Agenda Items**

**MOTION:** Commissioner Siegel moved to place Agenda Item A on the regular agenda. Commissioner Rounkles seconded the motion. A vote was taken and Chair Cooper said the motion carried.

Commissioner Banks said he had a conflict on Consent Agenda Item B and therefore he would abstain from voting

**B. Final Approval - Carter Brothers Subdivision located approximately 5700 E 2500 N, 1 Lot****Staff Report:**

The petitioner is requesting preliminary approval of Carter Brothers Subdivision (1 lot) located at approximately 5700 East 2500 North in Eden. The property is zoned Forest (F-5) which requires a minimum of 5 acres and 300 feet of frontage. The parcels included in the subdivision were created when North Fork Road was moved from its original location to its current location and they fall below current zoning requirements. However, the subdivision will be allowed as a legal-nonconforming lot with 2.123 acres due to the circumstances associated with the relocation of the road.

The Liberty Pipeline Company will provide culinary water, and wastewater treatment will be provided by an individual septic tank.

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**Conformance to General Plan:** The proposed subdivision is currently legal-nonconforming as to area and frontage requirements.

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**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 Liberty Pipeline Company

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**Staff Recommendations:**

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

**MOTION:** Commissioner Rounkles moved to approve Consent Agenda Item B subject to staff and other agency comments. Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion carried by a unanimous vote with Commissioner Banks abstaining.

**C. Final Approval - Watts Estates Subdivision at approximately 5750 N 2995 East, Liberty, 1 Lot**

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**Findings of Fact:**

The applicant requests approval of the Watts Estates Subdivision located at approximately 5750 North, 2995 East, Liberty. The proposed subdivision will occupy 3 acres. The Subdivision falls within a AV-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 Liberty Water

**Waste Water Treatment** will be provided by septic system.

**Weber Fire District** will be requiring a fire hydrant, also a turn-around maybe 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.

**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.
4. Requirements and recommendations of Department of Environmental Quality - Division of Drinking water

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**Staff Recommendations:**

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

**MOTION:** Commissioner Rounkles moved to approve Consent Agenda Item C subject to staff and other agency comments. Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion carried by a unanimous vote of all members present.

**A. Conditional Use Permit CUP #15-07 Site Plan approval for Ogden Pineview Yacht Club Addition located at approximately 990 N Highway 158**

Staff presented the following report:

The petitioner is requesting conditional use and site plan approval for an addition to the Ogden Pineview Yacht Club Clubhouse located at approximately 990 N. Highway 158. The project lies in an S-1 Zone and has existed since the mid 1950's. The Yacht Club currently has a Special Use Permit from the Forest Service for use of the property until December 31, 2015. The permit is renewed every 10 years.

The project consists of selective demolition of parts of the building and an addition which will enlarge the main floor of the building to 3,854 square feet. A second level of 750 square feet will also be added. The total area for the project will be 4,604 square feet making an increase in size of about 1400 square feet. A skylight resembling a lighthouse will be added and will fall under the exception allowed in the Weber County Zoning Ordinance for structures to exceed height requirements. The tower is skylight is about 37'9", which is about three feet above the 35 foot height limit allowed.

The building will be finished with a simulated stone veneer, tanish/brown stucco, and brownish-gray asphalt shingles. The lighthouse portion will have dark green standing seam metal roofing. The designers were trying for a "nautical, yet natural design." Lighting must meet the requirements of the Weber County Zoning Ordinance Chapter 39. The existing parking lot will remain intact with 24 parking stalls.

The property currently has approximately 30,000 square feet of irrigated landscaping. This project will add 2,500 square feet of irrigated landscaping. When combined with natural vegetation, the coverage for the project area is about 70%.

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.

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**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.
5. Requirements of the U.S. Forest Service

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**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.

Staff said they spoke with Chip Sibbersen of the Forest Service who said that prior to the Forest Service doing their review of these additions, it would require approval by the County. In answer to a question by Chair Cooper, staff said that after the Forest Service reviews the proposal, it may need to come back before the Planning Commission.

Commissioner Rounkles asked staff about the sewage problems referred to in a letter from Mr. Sibbersen. Staff said that the clubhouse currently has an existing septic tank. The Health Department is aware of the expansion and any approval by the Planning Commission would be subject to the Health Department's requirements.

Dave Whitaker, the petitioner, and Rob Cummings, the engineer/contractor, on this project said that last year at the boat ramp they had a boat come in and their sewage was dumped upside down. However, now they have two other sewage dump site.

Mr. Whitaker said they have a preliminary letter back from the Forest Service and there was nothing serious in that letter. Their present septic tank has been inspected by the Health Department. The Fire District would like them to submit a sprinkler design before construction.

Commissioner Rounkles said he has been involved with the cleanup of Pineview over the years and have noticed damaged tires along the beaches that have come from the yacht club. He asked Mr. Whitaker and Mr. Cummings if they would be willing to remove the tires because he believes it is an environmental disaster. Dave Whitaker said they in conjunction with the Forest Service took off approximately 100 tires around Pineview last year. The tires are a problem and they pull them off when they can get time. They do on-going clean up four times a year.

Commissioner Rounkles said he believes the existing tires need to be removed now. They are in terrible condition. Chair Cooper asked what would it entail for them to do that and that it might take a concerted effort to get the tires out of there. Mr. Whitaker said it would take a backhoe and manpower to remove the tires. If they get approval, they will clean the beaches. Commissioner Rounkles said he could take them to the spots where the tires are located.

Steve Clarke, Eden Planning Committee, said they have a few concerns over this proposal. He personally has been one of the clean up people and has removed mattress sizes chunks of foam and hauled out tires, etc. It is hard work and a big job. The application calls for a 2 ft.+ variance on the building height. They objected to that variance and believes there is no justification for the height increase. They also had concerns about parking. They suggest that the Planning Commission explore whether there is adequate parking provided. Landscaping is also an issue. They do not believe that the chain link fence with white slats adds anything to the community. They do have nice trees planted along that fence line. The Eden Planning Committee requests that more vegetation is planted along the fence line so it is more attractive and appealing.

Chair Cooper said that it requires a special permit for a holding facility for sewage. They could ask the Health Department what their position is on that. When they get a chance like this where a building has existed for years, he believes parking and landscaping should be reviewed when an addition is opposed.

Staff said as far as parking, they can take a closer look at the numbers. The Forest Service has already said ADA stalls will be required.

Monette Hurtado said they already have 70% landscaping on the site which is higher than is required. They do not need a variance for a tower because it is an exception. Chair Cooper said he is not sure about the 2 ft. extra height. Commissioner Siegel said the only side where it would look tall was from the lake. The location and proximity of the fence is probably a foot and you cannot pass two bicycles on that trail. He doesn't see where they could add more vegetation there without impacting the trail.

Commissioner Allen asked if there is a regular septic tank for the boathouse, and Dave Whitaker said there are three septic tanks; one on the water that boats will pump into, one for trailers, and the third is a 2,000 gallon tank and the drainfield is intact which services the clubhouse and a trailer parked next to it. The present systems work well. They have a hardscaped road base overflow parking, however, it is not striped. They proposed to staff that they do the parking based on the clubhouse alone and in the event there is a wedding there, the overflow parking area will handle hundreds of vehicles. They will be happy to work with Commissioner Rounkles anytime regarding the abandoned tires. Chair Cooper said they could have a target date now and then again in the Spring, and then present an on-going plan.

Commissioner Allen said he believes the height should be adjusted. Any good engineer can design appropriately. Monette Hurtado said towers, flag poles, skylights, etc., are already special exceptions to the ordinance.

**MOTION:** Commissioner Rounkles moved to approve Conditional Use Permit CUP #15-07 Site Plan approval for Ogden Pineview Yacht Club Addition located at approximately 990 N Highway 158 subject to staff reviewing the number of parking stalls required and that the developer works to remove the tires in a timely fashion, again in the Spring 2008, and then submit a plan for on-going maintenance by at least 2009 if there is high water in the Spring 2008. Also, that they look at their landscaping to see if additional landscaping could be planted. The motion is subject to all other staff and agency recommendations. Commissioner Banks seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

### **Regular Agenda Items**

1. **Conditional Use Permit CUP #16-07 Site Plan approval for Wolf Creek Reception Center/Athletic Center Parking Lot located at approximately 3923 N Wolf Creek Drive**

\_\_\_\_\_ Staff presented the following report:

The petitioner is requesting conditional use and site plan approval for the Wolf Creek Reception Center/Athletic Center Parking Lot located at approximately 3923 N. Wolf Creek Drive. The project lies in a Commercial Valley (CV-2) Zone, which lists "Parking Lot" as a conditional use. The parking lot will be used to provide additional parking for employees and guests of the Reception Center and future Athletic Center. The parcel on which the parking lot is located was rezoned in January 2006 from FV-3 to CV-2 in order to build this parking lot.

The new parking lot will be built to the northwest of the existing clubhouse and reception center and the future athletic center location. The parking lot will contain 126 stalls on approximately 2.39 acres. Five new ADA stalls will be required and all of the stalls must be 9x20 or contain 180 square feet. An ADA accessible route to all buildings served by the lot will also be required. The parking lot will be terraced and contain rock retaining walls.

The walls must be engineered to meet the requirements of the Weber County Engineers Office. Grading/drainage and erosion plans have also been submitted to the Weber County Engineers Office.

A landscape plan has been submitted which meets the requirements of Chapter 18C (Ogden Valley Architecture, Landscape, and Screening Standards) of the Weber County Zoning Ordinance. The Landscape plan shows 46 trees, 109 shrubs, large areas of native wildflower mix, and small areas of sod and existing vegetation. All lighting must meet the requirements of Chapter 39 (Ogden Valley Lighting) of the Weber County Zoning Ordinance. The proposed light poles will resemble the ones currently installed at the reception center.

The project area consists of approximately 30,904 square feet of jurisdictional wetlands. The petitioner has been working with the Army Corps of Engineers for over a year and anticipates receiving a 404 permit in the near future. Staff has received copies of the most recent correspondence between the petitioner and the Army Corps of Engineers and a copy of the new wetlands avoidance design which was submitted to the corp is included in the packet. No work of any type will be allowed on this project until the Army Corps of Engineers issues a 404 permit.

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.

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**Conditions for Approval:**

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber County Building Inspector.
3. Requirements and recommendations of the Weber Fire District.
4. Requirements of the Army Corps of Engineers including the issuance of a 404 permit.

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**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.

Staff said there will not be ADA parking stalls in this parking lot, but they will have them in the existing parking lot. The light poles will match the existing poles in the area. Staff received a letter the other day from Jason Gipson of the Army Corps. of Engineers stating that the project is now handled by another staff person, but the review letter will be coming.

Commissioner Rounkles said staff will get a letter from the Army Corps., but not the 404 permit.

Commissioner Siegel said he is surprised they are attempting to get a 404 permit with everything the Army Corps. has to do right now.

In answer to a question by Commissioner Rounkles, Monette Hurtado, Legal Counsel, said the developer is already providing more wetlands than is required.

Steve Clarke, Eden Planning Committee, said the issue they have is the wetlands. The wetlands are being mitigated down where the balloon festival parking is. There question is where the additional water comes from. How would it get there and who manages it to make sure that it does happen? It is their understanding that Bio-West has been hired to manage this mitigation.

Commissioner Siegel said the Army Corps. makes the determination on the 404 Permit. Staff indicated that Commissioner Siegel is correct. Commissioner Graves said the Army Corps. of Engineers approve the delineation. It does not matter who does the mitigation plan. His understanding is there is an annual review and it is the owner's responsibility to maintain the wetlands in perpetuity. They have to keep working at it continually for at least five years. Anyone has the right to submit a complaint during the on-going process.

Bob Dyer said the source of the water will be the ground water. The wetlands are created by excavating down to the elevation and then have a back up using the treated water from the treatment center. Wolf Creek has contacted with Bio-West for the five year monitoring period required by the Army Corps. of Engineers.

Commissioner Siegel said the whole thing hinges on the 404 permit.

**MOTION:** Commissioner Graves moved to approve Conditional Use Permit CUP #16-07 Site Plan approval for Wolf Creek Reception Center/Athletic Center Parking Lot located at approximately 3923 N Wolf Creek Drive subject to staff and all other agency requirements and recommendations, particularly the Army Corps. of Engineers 404 permit. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**2. Final Approval - Sundance Ridge Subdivision located at approximately 5515 E Snow Basin Road, 4 lots**

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Staff presented the following report:

Findings of Fact:

The applicant is requesting final 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 private road improvements. It falls within the FV-3 (Forest Valley-3) Zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet.

The proposed subdivision was presented and granted preliminary approval on February 12, 2007 subject to all County agency requirements with the additional suggestion that the applicant prepare deed restrictions (as offered by the applicant) that may mitigate potential ridge line impacts as seen from the valley floor. The deed restrictions that were discussed at the preliminary meeting offered to limit home heights to 25 feet or single levels and guide landscaping, roof design and exterior materials, colors and lighting. The applicant has provided the deed restrictions, however, the proposed restrictions regarding building height are shown as 30 feet. The building height allowed by Zoning Ordinance is 35 feet.

The subdivision will have a private road with rolled gutter, a (low watt) lighted entry sign with covered mail box/gate control, a (low watt) gate and lot markers. All entry structures will be constructed of rustic timbers, natural stone and wrought iron which meet the requirements of the Subdivision Ordinance as well as the Ogden Valley Architectural, Landscape and Screening Ordinance. The private road with rolled gutter, entry structures and gate are a variation of the subdivision standard, therefore, will require the Planning Commission's recommendation for approval.

The Weber County Engineer's Office has had an opportunity to review the final plat and has responded with no significant concerns.

**Culinary Water** will be provided by a private well and water reservoir which received Conditional Use Permit approval as CUP #01-2007.

**Waste Water Treatment** will be provided by individual septic systems.

A trail conforming to the **Weber County Pathways Ordinance** has been proposed as a "shared roadway". Ogden Valley Pathways has recommended an easement for side path along the Snow Basin Road be shown on the final plat in the event that a side path is constructed along Snow Basin Road.

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

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**Conformance to General Plan:**

The subdivision conforms to the General Plan by meeting the requirements for the zone in which it is located. The subdivision also conforms to the General Plan by recognizing private property rights by engaging in creative solutions for ensuring that development is compatible with the Valley's rural character and considerate of sensitive lands.

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**Staff Recommendations:**

Staff recommends final approval of the Sundance Ridge Subdivision subject to staff and other agency comments and requirements. This recommendation includes approval of the private road, entry structures and gate.

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Staff said the developer has prepared the deed restrictions that may mitigate potential ridge line impacts as seen from the valley floor, which he agreed to at the preliminary approval stage. Building heights allowed by building today is 35 ft., but the applicant has submitted a 5 ft. reduction. The Home Owners Association would enforce the 30 ft. height because it is a deed restriction. The developer has also provided funding in case legal action is taken.

Monette Hurtado, Legal Counsel, said technically the applicant did not need to have deed restrictions. The Ridgeline Ordinance was not adopted when the subdivision was submitted. The applicant imposed restrictions on himself.

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Chair Cooper commended Brandon Fuller for taking a vision for the valley and for imposing deed restrictions. Commissioner Graves agreed that Mr. Fuller did a good job.

Brandon Fuller, developer, said they had the maximum sign allowed, but now have replaced it with a smaller sign. The CC&R's require a majority vote, where deed restrictions do not. They plan on doing a special assessment up to \$10,000 to provide that funding if legal action is taken. He believes the valley needs a higher awareness of building. They need to keep in mind everyone's priorities. The Sensitive Land Ordinance will have a great impact and it is important to look at this issue very carefully.

Commissioner Graves said with regard to height, he does not have the problem with the 30 ft.

Commissioner Lythgoe said they have put a lot of thought into their project. The proposed height should be adequate for the snow load there.



**MOTION:** Commissioner Siegel moved to recommend to the County Commission that final approval is given to Sundance Ridge Subdivision located at approximately 5515 E Snow Basin Road, 4 lots, subject to staff and other agency requirements. Commissioner Graves seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

**3. Preliminary Approval - Sage Glen Cluster Subdivision, 85 Lots, in Five Phases located at approximately 3100 E 5500 N, Liberty**

Staff presented the following report:

At the June 26, 2007 Ogden Valley Township Planning Commission meeting the Sage Glen Cluster Subdivision was tabled so that the Planning Commission could have more time to consider the proposal. Public comment was taken at the June 26 meeting after which the discussion was closed to the public and opened to the Planning Commission. The Planning Commission will decide whether or not further public comment will be allowed.

Staff has one additional comment relating to the trails in the subdivision. The portions of the trail running through the Agricultural Preservation Parcels in Estate Lots 9 and 57 should be located along the outside border of the parcels with public access easements for the trail, or the Agricultural Parcels should be slightly reduced in size to allow a public open space corridor outside of the parcels. The staff report presented at the June 26 meeting is shown below.

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 Phase 2. However, Phase 1 provides excess open space that can be counted toward Phase 2.

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 270.8 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, a pitch-putt area, and a tubing hill with another clubhouse. 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. 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. Each phase contains two agricultural preservation parcels of 10 acres or greater that may be owned by lot owners in the subdivision.

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 near the tubing hill in Phase 5. A permit from the Army Corps of Engineers will be required before final approval.

Culinary water will be provided by the Liberty Pipeline Company and wastewater treatment will be provided by the Powder Mountain Sewer Improvement District. Powder Mountain Sewer District and the petitioner are currently discussing how to best serve the property. One possibility is that a new cell will be built near the existing Powder Mountain sewer ponds, another is that the Wolf Creek Sewer District could eventually serve the subdivision, and another is that a large common drain field owned by the Powder Mountain Sewer District could be constructed to serve the subdivision. No final approvals will be considered until the specific wastewater option is chosen and complete. A secondary water system must also be provided.

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**Conformance to General Plan:** This subdivision conforms to the General Plan by:

- Meeting the requirements for the AV-3 and F-5 Zones.
- 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."

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**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. Wastewater option is finalized and approved.
6. Requirements of the Liberty Pipeline Company.
7. Requirements of Ogden Valley Pathways.

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**Staff Recommendations:**

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

Staff said the tubing hill has been removed as well as the clubhouse, but there may be a equestrian center with horse stalls. Most of the concerns dealt with sewer, water, emergency access, and ingress and egress.

Chair Cooper asked if the developer has to have amenities. Monette Hurtado, Legal Counsel, said that the amenities are tied to certain phases but once the phase is approved, a financial guarantee is given. Staff said they need to look at when the developer should have the amenities installed.

Commissioner Rounkles asked where the agricultural protection area is located and he indicated the area is full of sagebrush.

Staff said in each phase they have two parcels greater than 10 acres. They have a small area for agricultural buildings, but the remaining is left open.

Commissioner Siegel said that since the land has sagebrush, can anything else grow there? Commissioner Graves said they have discretion on what bonuses they grant.

Commissioner Rounkles asked how will they get secondary water? Staff said they have water rights.

Chair Cooper asked if the secondary water system would need to be expanded. Staff said that Liberty Water does not require secondary water. Commissioner Siegel asked if they could put a requirement in that all yards are to be xeriscaped? Monette Hurtado said they can ask Liberty Water.

Doug Rosgrans, representing the petitioner, said regarding the wastewater treatment of the project, they intend to put in a common drainfield in the southeast corner of the site and the percolation tests came back positive. They chose that site because it is the lowest point of the site and in the future if there is a community treatment system is approved they could hook onto it. In answer to a question by staff, Mr. Rosgrans said that the system is limited to a certain number of gallons per day. They

may have a common drainfield to accommodate the project. If there is a system that becomes available, they will hook onto it. Chair Cooper said that should be part of the approval. Regarding the agricultural easement, the property has historically been farmed. Right now it is being used for agricultural purposes (cows).

Pam Kramer of the State Division of Wildlife Resources has reviewed their project and will send a letter with her comments.

Regarding the amenities, they do want to have a tubing hill but they met with some land owners after the last meeting who said it is a wildlife area. They would like to exchange that for a modest equestrian center.

Chair Cooper asked Mr. Rosgrans at what phase they would put it in. Doug Rosgrans said it is in the last phase of the project or next to the last phase. They have significant senior water rights from the 1900's. They intend to enforce their rights that come out of Broadmouth Canyon and another location where there is some ground water. They could limit the number of animals in the agricultural preservation areas. Typically, the cows run in the riparian area.

Staff said they need a letter from the Liberty Water board stating they require secondary water. Monette Hurtado said they want to have it be consistent. Mr. Rosgrans said they are committed to do a secondary water system if required.

Commissioner Rounkles said they have decided now that the south side would be an appropriate location for their drainfield. With the equestrian area, will they change the numbers around on the clustered area.

Chair Cooper opened this issue for brief public comments at this time. He will limit the amount of time for audience members to speak and asked that those who spoke at the previous meeting not to speak again.

David Barry from Nordic Valley, said his question is that the Planning Commission is literally giving the developer millions. Chair Cooper asked if Mr. Barry's question was why are they allowing bonus densities? Mr. Barry said he is for their development. As a county they have the right to impose some kind of a fee for those that benefit.

Monette Hurtado said the County Commission can adopt impact fees for paramedics, fire, and Sheriff services, etc. Staff said the fire department already adopted impact fees.

Carolyn Given said they are going to pipe sewage across the drainfield. She has not given permission for giving property for an easement. It was found out that Liberty Water will not supply a will-serve letter until they apply with the Division of Drinking Water. Delbert Bishop from Liberty Water is thinking about the issue.

Mike Formica, president of the home owner's association said they have had a few meetings in their neighborhood. Obviously, they cannot stop development but their overriding concern is the overriding benefit to the community to put that many homes in. They presented a petition with 242 signatures that they obtained in 3 days of work expressing concern of this proposal. The biggest concern is bonus density. No other subdivision has community clubhouses. With building \$500,000+ homes, what will that do to their home valuations? Their taxes are already increased.

Commissioner Siegel said he appreciates the petition. It is showing how many people who signed the petition live in a subdivision. Mr. Formica said they do not have a concern about the subdivision, just how many lots are too much? Commissioner Siegel said he agrees and asks "How much is too much?" There are property rights allowed by the constitution. They cannot get into a "taking" issue. Building moratoriums in the end really do not help because once it comes off, the offices are inundated with projects. Mr. Formica said this has been a learning process. Commissioner Siegel said a lot of them do not live in their valley without subdivisions. Mr. Formica asked if the water is available and if evacuation routes have been reviewed.

Regarding the roads, Commissioner Siegel said it is a state issue on most of the roads in the valley that has to come from U.D.O.T.

Ellen Fowers, who lives in Liberty Bell Subdivision, said she water concerned that her property would get flooded with the development. Chair Cooper said if the drainfield is designed right, there won't be water on her property. Chair Cooper said water rights are under the state's control. Ms. Fowers asked what happens if her well dries up? How could she protect her well? Chair Cooper said she would file a complaint at the State Division of Water Rights and they could evaluate it. Staff said Snowberry Inn just went through their process because there water was dried up. Radford Hills is now providing water.

A resident read a letter of concerns asking if the current school buildings would be adequate to handle the increased growth? Is their coordination with the Planning Commission and Sheriff's Office? Has additional funding been appropriated for fire district coordination. Monette Hurtado said the school district is a taxing entity as well as the fire district. The Sheriff's Office has the ability to go to the County Commission for funding issues.

Kirk Langford said he would like them to consider not giving the full bonus density for agricultural protection area. It is a sage brush areas. Eden Planning Committee talked about not giving the bonus for pathways. The Planning Commission has control over it.

In answer to a comment by Commissioner Rounkles, Commissioner Graves said the amenities would have to be put in the first phase. Commissioner Rounkles said he believes the agricultural bonus is a little out of line. The point of having a dry cow is a point well taken. Commissioner Graves said they are not obligated to give the full bonus. He asked how much of the AV-3 area is included in the agricultural preservation area. Staff said the public open space is in the AV-3 area and there are approximately ten areas. A typical subdivision is one area. Commissioner Siegel said he would be happy to see the agricultural closer to the residential areas as a buffer.

Commissioner Rounkles said his recommendation is to not give the bonus for providing the agricultural protection areas. The area is just sagebrush. In answer to a question by Commissioner Siegel, Monette Hurtado said it is totally under their discretion on how much bonus they are willing to grant. Commissioner Graves said the request is for a 10% bonus. Commissioner Siegel said it is an ordinance requirement to provide pathways. It was a concern with the Eden Planning Committee.

Monette Hurtado said they want to encourage greater pathways not just what is required. A brief discussion followed regarding if they could require in their approvals that a pathway is required regardless if it is the subdivision. Ms. Hurtado replied that they could require a pathway if it is an area where there would be sidewalk. A financial guarantee is given. If there are problems, they can require that there is sidewalk installed in the future. If they are providing additional trails such as from public land, but if they require the same kind of pathways that they would normally be required giving a bonus would not be justifiable.

Chair Cooper asked how large is the potential wildlife easement, and staff replied that it is approximately 100 acres. Commissioner Siegel said critical wildlife habitat is grouse and deer. He feels more comfortable for giving a bonus to the developer for setting aside that significant acreage. Doug Rosgrans said they told DWR there is approximately 100 acres with no fences. That is one reason why they took out the tubing hill because they found out it was a wildlife birthing area.

Mr. Rosgrans said that the trail system is extensive. There is approximately two miles of trails that go around and through the site. Their plan goes over and above the pathway requirement. They are willing to put the wildlife protection area in a conservation easement. If there are cattle, etc., on the estate lots, they would have fencing to keep them in. The fencing would be an appropriate livestock fence, not bailing wire. Commissioner Siegel asked if that would be placed in their CC&R's? Mr. Rosgrans replied yes, however in the small lot areas, they won't allow fences, only for a small kennel area. On the estate lots there will be a home and area for wildlife. Commissioner Siegel said this is where a deed restriction would be more effective than a CC&R.

Monette Hurtado said she would suggest that the subdivision be tabled until the DWR letter showing he can have an opportunity to provide the new information. The board members need to be specific on why they are tabling the subdivision, specifically what information the developer is expected to have when it is again placed on a meeting agenda. Chair Cooper said he believes they have taken the agricultural protection bonus off the table.

Mr. Rosgrans said they have provided more trails, etc. than they are required to have. He believes it does not make sense to give a 0% bonus. They meet the agricultural definition.

Commissioner Rounkles said if the area will be open to the public, parking should be provided.

Commissioner Siegel said they could make the clubhouse the focus point for the trails. He asked the petitioner if he wants to change some of the estate lots into wildlife areas, and Mr. Rosgrans replied yes.

Staff said that the zoning ordinance defines agriculture as "The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Commissioner Siegel said he believes it would be appropriate to give a bonus density for a wildlife easement (either 10 or 15% depending on what they get from the DWR. He believes this would be more acceptable than giving an agriculture protection area bonus). Also they need more detail on the trail amenities.

A brief discussion followed regarding the other items they should ask for if a motion is made to table this issue.

**MOTION:** Commissioner Lythgoe moved to table Preliminary Approval of Sage Glen Cluster Subdivision, 85 Lots, in Five Phases located at approximately 3100 E 5500 N, Liberty, in an attempt to let the developer revise his plan in accordance to the wildlife bonus density, to receive additional trail information, secondary water information, and possible sewer system connection. The item is tabled to the appropriate meeting as per staff and the developer. Property owner notification will again be sent out notifying the public when the issue is back on the agenda. As a note, the developer has committed to do this. A vote was taken and Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

4. **Preliminary Approval - Aspen Ranch Clustered Subdivision located at approximately 8800 E & 1300 S, 3 Lots**

Staff presented the following report:

The applicant is requesting preliminary approval of the Aspen Ranch Clustered Subdivision located at approximately 8800 East and 1300 South in the East Huntsville area. The proposed project will occupy 37.69 acres and consist of 13 lots, 22.62 acres of open space. It will be serviced by approximately 4.16 acres of public road improvements and right of way dedications @ 50 ft wide with rolled curb. It lies within the Forest Valley-3 (FV-3) Zones which requires three (3) acres per dwelling and a minimum lot width of 100 feet. The subdivision, however, has been proposed as a "Cluster Subdivision" which will require a minimum lot area of 20,000 sq.ft. (due to W.C. Health Department requirements) and a minimum lot width of 100 feet. This new development is near the monastery to the west and north of 1300 South. It would encompass the Thaine Fischer property, removing **both** of his out buildings and **including the one** along the stream.

Staff feels that this is a good opportunity for the commission to exercise their judgment on granting bonus density. This site is commendable on their use of preserving valued wildlife habitat and stream corridor preservation by leaving almost all vegetation intact. The trails connect major roadways to nearly 700 ft of the South Branch of the South Fork of the Ogden River. The new access roads do not add traffic to the neighboring areas. Clusters are small and maximize the amounts of open space.

The Design Specs. are as follows;

Total Area.....	37.69 ac
Right- of-Way.....	- 4.16 ac
Developable Area.....	33.53 ac
Open Space.....60%.....	22.62ac
Total Lots Proposed.....	13 lots
Base Density by Right.....	11.18 lots
Bonus Density if granted 30%.....	14.53 lots
Minimum % needed to pass.....	<b>17%</b>

The applicant is requesting a bonus density of **35%** based on the following criteria:

#1 Developing a Cluster Subdivision that the Planning Commission determines meets the intent of the Ordinance, a ten (10) percent bonus may be granted;

#3 Providing road stubs to adjacent property where the Planning Commission determines that streets are needed to provide for current or future traffic circulation, a five (5) percent bonus density may be granted per stub up to a maximum of ten (10) percent.

#5 The common area is open to the public and provides amenities to the general public such as a trail, up to a ten (10) percent bonus may be granted;

#10 Preservation in open space of areas that are identified by the State Division of Wildlife Resources as providing valuable wildlife habit - up to a ten (10) percent bonus density may be granted.

**Chapter 22b****Commission Grants    Staff Suggests**

1. Developing a Cluster Subdivision that the Planning Commission determines meets the intent of this Ordinance, a ten (10) percent bonus may be granted.

1. \_\_\_\_\_ CG                      10 \_\_\_\_\_ SS

2. For each five (5) percent of open space preserved in the subdivision in excess of the minimum required by this ordinance up to a five (5) percent bonus density may be granted.

2. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

3. Providing road stubs to adjacent property where the Planning Commission determines that streets are needed to provide for current or future traffic circulation a five (5) percent bonus density maybe granted per stub up to a maximum of ten (10) percent.

3. \_\_\_\_\_ CG                      5 \_\_\_\_\_ SS

4. Provides access to Public Lands - up to a five (5) percent bonus density may be granted.

4. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

5. The common area is open to the public and provides amenities to the general public such as trail - up to a ten (10) percent bonus density may be granted.

5. \_\_\_\_\_ CG                      4 \_\_\_\_\_ SS

6. Ten (10) percent of the lots and homes are permanently set a side for affordable housing (as outlined by the Affordable Housing Act of 1990) - up to a ten (10) percent bonus density may be granted.

6. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

7. Preservation of an Agricultural parcel with an Agricultural Preservation Plan approved by the Planning Commission and an agricultural

preservation easement recorded on the parcel:

a) between ten (10) and twenty (20) acres up to a ten (10) percent bonus density may be granted  
b) twenty 20 acres or larger up to a fifteen (15) percent bonus density may be granted.

7. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

8. Preservation of historical sites and buildings (barns, homes, trails, or other structures) - up to a five (5) percent bonus density maybe granted.

8. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

9. Development of excess sewage treatment capacity - up to a five (5) percent bonus density maybe granted.

9. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

10. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as providing valuable wildlife habit - up to a ten (10) percent bonus density may be granted.

10. \_\_\_\_\_ CG                      0 \_\_\_\_\_ SS

11. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as critical wildlife habit - up to a fifteen (15) percent bonus density may be granted.

11. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

12. Open space is contiguous to permanently preserved open space on an adjoining property up to a five (5) percent bonus density may be granted.

12. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

13. Preserving in open space a 300 ft. setback from the high water mark of Pineview Reservoir - up to ten (10) percent bonus density may be granted.

13. \_\_\_\_\_ CG                      \_\_\_\_\_ SS

**Culinary Water** will be provided by private well or if approved, the Huntsville Water District. Secondary Water will be provided by private well located within the open space.

**Waste Water Treatment** will be provided by septic tanks.

Subject to all **Weber Fire District** requirements.

Trails conforming to the **Weber County Pathways Ordinance** have been shown on the landscape plan and there will be a 6 ft gravel walking path in the subdivision and open space. While along the main roads of 8800 East and 1300 South there will also be a 10 ft gravel biking path.

**Conformance to General Plan:**

The subdivision conforms to the General Plan by meeting the requirements of the Cluster Subdivision Ordinance and 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 and enhancing quality recreational opportunities.

**Conditions for Approval:**

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

**Staff Recommendations:**

Staff recommends preliminary approval subject to staff and other agency comments and recommendations. Staff also recommends that only **19%** of the bonus density be granted. This recommendation for approval is based on;

1. LOMA Clearance letter and a new stream survey done with a floodplain established which will lay only within open space and not within any lot parcels.
2. All existing structures to be removed are cleared within the construction process.
3. Restrictions to not allow street access to rear of lots through open space.
4. Approval is needed from the Utah State Dept of Drinking Water.

Commissioner Banks said Huntsville has told them in the past they do not have extra water.

In answer to a question by Commissioner Rounkles, staff said the buildings lie within the open space and not the developer's lot. Commissioner Rounkles asked if there is a trail system along the river bed? Staff replied yes, it was previously proposed with a bowery but not now. Commissioner Rounkles asked if there is access for people to park there if an amenity is open to the public? Staff said they would need to ask the developer. A brief discussion followed regarding where the trail system is located. Commissioner Rounkles said he believes the plan looks good.

Staff said the parking lot within the trail space is counted against the open space and not the development.

John Reeve, Reeve and Associates, said he is the petitioner's engineer. If they moved the road cul-de-sac further east, they could park on the cul-de-sac. He has been in other places where trails are against the river.

Commissioner Siegel asked Mr. Reeve if there was secondary water. John Reeve said they will put in a well for their water rights. The developer has a well permit. Huntsville made a commitment to them that they would supply to them if they cannot get water another way.

Commissioner Rounkles asked if the developer is willing to put a berm so the lots on 8800 E. Are not accessed from the rear? John Reeve said on the landscaping plan he believes they talked about providing a berm. There is an existing fence along there and he would think they will fence the back off. They could provide a "no-access" line across the rear of the lots. Commissioner Rounkles said he believes it would be good if the developer provided a berm and a no-access line

No additional comments from the audience were made at this time..

Commissioner Graves said the layout is pretty good and what they have been looking for.

Commissioner Rounkles commended the developer for the trail along the river. It is a nice area along there.

**MOTION:** Commissioner Lythgoe moved to recommend Preliminary Approval is given to the Aspen Ranch Clustered Subdivision located at approximately 8800 E & 1300 S, 3 Lots, subject to staff and agency comments with the recommended bonus densities as planned which allows the 13 lots, also the motion is subject to 1) receiving the LOMA Clearance letter and a new stream survey done with a floodplain established which will lay only within open space and not within any lot parcels, 2) All existing structures as planned will remain, 3) that they implement a berm or a "no-access" line on the rear of the lot or some restrictions to not allow street access to rear of lots through the open space, and 4) approval is needed from the Utah State Dept of Drinking Water. Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

The Planning Commission members told staff that they liked the new staff report format for the cluster subdivisions.



5. **Preliminary Approval - 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 response which enabled the project to return to the Planning Commission for preliminary approval:

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 as well as the construction of pathways as described above.

Staff said that this subdivision was submitted prior to the new cluster subdivision ordinance and is not required to follow the present cluster subdivision ordinance requirements.

Staff indicated that this subdivision was tabled in October 2006 so staff could get more information. The information that was submitted led them to having a hillside review. This review consisted of two meetings, one at the site and one in the office. That hillside review resulted in approximately four things that needed further clarification. Staff saw a need for public roads. The hillside review board recommended the roads be private due to liability of previous slide areas.

Monette Hurtado, Legal Counsel, said there may be a remedy if there was a slope failure. The County could possibly provide access to the lots and make repairs with the creation of a special improvement district to help pay the County back for those repairs. With this design, staff feels the cuts and fills will dramatically be reduced.

Commissioner Graves asked how high will the retaining walls be? Staff said they believe it will be anywhere from 10-20 ft. The MSE system is a new technology. It is an extensive system.

Commissioner Rounkles asked what holds the property owner of the lot to follow the same measures? Staff said that is one of the reasons why they asked that it be designed. The County Engineers will be working with the applicant to temporarily retain that area so they do not have debris going through that area down onto the road.

Commissioner Lythgoe asked if the petitioner has any specified start dates from starting home construction. Staff replied no and that there would have to be some design in place that it will retain until a permanent wall is in place.

In answer to a question by Commissioner Siegel, staff said the body politic has approved a drainfield for only 47 lots, but no approval has been given for a treatment facility. Commissioner Siegel said DEQ allows 400 gallons per day if they have allowed 47 lots. Commissioner Siegel said this figure concerns him.

Chair Cooper asked if the pathway is in lieu of sidewalk and will there be another amenity provided? It may be nice to have a gravel pathway system off both sides of the main road. Staff said the design is showing pathways in the open space and this is a concern. Staff recommends that they keep the pathways within the open space, but rethink the alignment of the pathways within that open space. They need to make the pathways more useable and easier to maintain.

Staff said they need to have the developer redesign the subdivision's boundary. They need to make sure that if this subdivision is approved, they need to make sure the detention area that services these areas are within each phase. They are not talking about bonus densities tonight, but are talking about open spaces and the Planning Commission has some discretion. As far as the question of if this open space will be available for the public, staff has had some discussion with neighbors of the project who said they have walked this area and say it is beautiful. They would like to continue that.

Staff recommends approval subject to the reduction of asphalt, rolled curb and gutter, construction of the pathways and also the boundary change as discussed above.

In answer to a question by Commissioner Rounkles, staff said there is no temporary turn around shown, but it needs to be shown in this phase. Staff said there was an area that did not have frontage, however they have a letter from Mr. Ophiekens and he has also signed the application which allows the frontage for these lots to be dedicated as a private road.

Staff said the Fire District has given them preliminary approval and they will require individual sprinklers in each home because there is no secondary access.

Commissioner Rounkles asked how the Big Sky developer will bring the road up to County standards. Staff said that has not been determined yet. The County Engineer would like to see a bubble that would place the turn around within the subdivision lot. Staff said the solution will be shown on the engineering drawings for final approval.

Gary Maxwell and Bart Kuene, petitioners, said regarding sewer they have received approval for the County being the body politic for 47 lots and with two options; 1) to go to Wolf Creek Sewer or, 2) providing a package treatment plant. The request by the County was to design their system to handle 248 lots, whereas their project is only for 150 lots. Mr. Ophiekens is happy and thrilled for the turn around because utilities will be brought to his property. They gave Nordic Valley Mountain Water 10% down on their impact fees of \$7,500 per lot. They have also paid Weber Basin. They will be happy to put the pathways along the road and they have extensive pathways connecting to the Forest Service land. They have included open space over one third of this phase. They will rectify the drawings to include the drainfields on each phase. Mr. Maxwell said they hit bedrock within 3-4 ft. in one area of phase 1. There are a number of lots that require a geotechnical report and they are happy to comply.

Bart Kuene said they are willing to have geo-technical reports done. They will provide funds in escrow for that report on each lot., it won't make much difference in this phase. Gary Maxwell said part of the challenge is that when they sell the lots to the homeowner, there will be building envelope and they don't know exactly what the footprint will look like. They are willing to escrow funds on closure to make sure those funds go toward the geo-technical report on the restricted lots (approximately 26 lots). They have been working diligently on this subdivision plan for approximately 21 months.

Bart Kuene said that they have a recorded document that gives them access through Big Sky Estates. Part of the challenge was that in the Big Sky development is that there are phases. While phase 2 had a home owner's association, phase 1 did not. Russ and Frank Maughan had a master connector's agreement and they were able to obtain this agreement through Big Sky Drive. Wes Johnson owned a small section of the road, but they have purchased that from him. They have an agreement to pay their pro-rata share of the improvements of that road.

Gary Maxwell said this is a very densely wooded area. It is a good fire break to have a 50 ft. road where there are no trees.

Commissioner Rounkles asked if the water used for sprinklers deplete the system? Mr. Maxwell said it would not deplete any more than if they used it off a fire hydrant. Commissioner Banks said a sprinklered house would use less water than a fire hydrant. Commissioner Rounkles asked if they have enough water. Commissioner Banks said that issue is not within the Planning Commission's jurisdiction. Mr. Maxwell said Nordic Valley Mountain Water requested that they be allowed to put a water tank in the third phase. In lieu of some impact fees, they agreed to drill a well but the Nordic Valley Mountain Water wanted the impact fee revenue.

Commissioner Lythgoe asked the petitioners how they will provide for snow removal on the roads? The developers said until the lots are sold, the developers are required to pay for snow removal. Monette Hurtado said they review the CC&R's when roads are private and the snow removal provision is given in the CC&R's.

Chair Cooper said his concern is the County initially looked into this project and thought they could have public roads, but then they said there would be potential liability and determined it should have private roads. It sounds like the County is trying to balance property rights and he is not comfortable with that. Monette Hurtado said the County Commission always has the ability to recommend that roads be private. It used to be historically in the valley that the County would not allow mountain subdivisions because they did not feel they would serve the public in general. It is a huge cost to maintain roads in the valley if they are just for homeowners and not for circulation for the public in general. Maintenance for unincorporated County roads is different from city roads. There is a liability on all roads, but the question is, are they willing to pick up the maintenance in general? They have determined expensive roads will not be considered as public roads.

Chair Cooper said this looks like the County had fears about landslides or geotechnical problem areas. Monette Hurtado said the County Commission recently has recommended private roads for mountain subdivisions. Chair Cooper said he recalls the Davis County fiasco where the County approved building in a subdivision, but there was a landslide on the hillside. Ms. Hurtado said generally they do not need geotechnical reports for subdivisions. When they do and their experts have said they could be approved, the County is satisfied because the experts have put their professional opinion on the line and they are the people who can be sued if ultimately the information they have provided is erroneous.

Commissioner Siegel asked if the "R" designation basically frees the County from any liability on that lot? Monette Hurtado said that is correct. They require this information and record it so potential buyers would be on notice.

In answer to a question by Commissioner Rounkles, Monette Hurtado said in Patio Springs Subdivision, the roads were never built as recorded, therefore the County said they will create a special district to pay for the building of those roads. In case of a failure, the County Commission has the ability to create a special district on everyone in that special district to pay for the cost of service.

**MOTION:** Commissioner Banks moved to table this agenda item as well as agenda items 6 and 7 until the August 28, 2007 meeting due to running out of time. Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

There Being No Further Business, the meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission