

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

March 22, 2022

4:30 p.m.

Signatures for Rules of Order

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

1. **Minutes: January 25, 2022, February 1, 2022**

2. **Petitions, Applications, and Public Hearings:**
Administrative items:

2.1 DR 02222022 – Request for approval of a design review application for storage units located at approximately 4708 E 2650 N, Eden, UT, 84310. **Presenter Tammy Aydelotte**

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

Legislative Items

3.1 ZTA 2021-07: Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area. **Staff Presenters: Scott Perkes & Charlie Ewert**

4. **Work Session**

4.1 ZMA 2021-09: Work Session to discuss and/or take action on an application to rezone approximately 510 acres of land owned by Skyline Mountain Base LLC in and around the Nordic Valley ski area to the Form-Based Village Zone. **Staff Presenters: Scott Perkes & Charlie Ewert**

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

6. **Remarks from Planning Commissioners:**

7. **Planning Director Report:**

8. **Remarks from Legal Counsel:**

9. **Training by Legal Counsel**

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/88363450613> Meeting ID: 883 6345 0613

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8374

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Business Meeting of the Ogden Valley Planning Commission for January 25, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/89979789042>, the time of the meeting, commencing at 4:30 p.m.

Ogden Valley Planning Commissioners Present: Chair John Lewis, Chair; Shanna Francis, Vice Chair, Jeff Burton, John (Jack) Howell, Jared Montgomery, Trevor Shuman, and Justin Torman.

Absent/Excused:

Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

1. Approval of Minutes for November 30 and December 7, 2021.

Commissioner Torman moved to approve the minutes of the November 30 and December 7, 2021 meetings as presented. Commissioner Burton seconded the motion. Commissioners Lewis, Francis, Burton, Howell, and Torman all voted aye. (Motion carried 5-0).

2. Administrative Items.

2.1 File No: UVG062221 - Request for recommendation of final approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, private road dedication, and an alternative access request to access lot 1. Presenter: Tammy Aydelotte

A staff memo from Planner Aydelotte explained the applicant is requesting a recommendation of final approval for Gateway Estates Subdivision Phase 1, consisting of ten lots, in the F-5 zone. The only lots that do not have frontage along Hwy 39 are lots 1 and 10. Lot 1 is proposed to gain access by a private access easement. Lot 10 will have frontage along a newly dedicated private right of way extending from the Highway to the northeast corner of lot 10. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Dedication of a new County road is included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC. The Planning Commission previously expressed concerns with the number of shared accesses. In the end, it was determined that County Engineering would call out any concerns with regards to shared access along SR-39, with regards to this development. Engineering has no concerns regarding access off of Highway 39, so there are still 4 shared access, and two accesses taken off of the proposed roadway between lots 9 and 10.

Ms. Aydelotte summarized the staff analysis of the application, focusing on compliance with the General Plan and zoning regulations; the subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single-family dwelling and a minimum lot width of 300 feet. The width of all ten lots in this proposed subdivision meet this requirement. The area for the lots ranges between 5.03 acres and 14.97 acres. Dedication of a new public road, located between lots 9 and 10, is included as part of this proposal. As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9. Public Road Connectivity: Given the stated geologic hazards/issues within this, and subsequent phases, County Engineering and Planning are not willing to accept public road dedication at this time.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing shared wells (4) for this phase. The applicant has obtained approval from the State to begin drilling wells. The applicant is proposing 1 acre-foot of water per lot. This allows for 0.45 acre-feet for culinary purposes and 0.55 acre-feet for secondary purposes. These wells must be drilled and pump-tested prior to recording this subdivision per LUC 106-4-2.1.

(2) Private well capacity assessment. For a private well's water supply and delivery system, the capacity assessment shall include: For a private well's water supply and delivery system, the capacity assessment shall include:

1. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
2. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 - a. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 - b. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
3. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances."

Ms. Aydelotte then summarized improvements required for a private well, secondary water requirements, and development of natural hazards/wetlands, after which she indicated staff recommends final approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, dedication of new public road, and an associated alternative access request for lot 1, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. Per LUC 106-4-2.1 Wells must be drilled and pump-tested prior to recording this subdivision.
2. All required improvements shall be installed or escrowed for, or a combination of both, and an improvement guarantee agreement signed, prior to appearing before the County Commission for final approval.
3. An onsite wastewater disposal covenant shall be recorded with the final plat.
4. An alternative access covenant shall be recorded with the final plat, with regards to accessing lot 1.
5. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable. (See LUC 106-1-8.2)
6. Private road dedication and improvements along the eastern boundary of lot 10 shall be shown on the final plat and escrowed for or installed prior to final approval from the County Commission.
7. A note on the final plat will be required indicating that sprinkler systems will be required in each residential structure within Phase 1 of Gateway Estates.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Ms. Aydelotte concluded that the County heard from the Fraternal Order of Eagles (FOE) after preliminary approval was granted for this project; they have had a prescriptive access to a spring located on the subject property. The spring is known as Bingham Spring, and they would like to ensure they have continued access to the spring. They are working with the developer to accomplish that, but she feels it is important to include that issue in the record of this action. Vice Chair Francis asked if it would be appropriate to include that as a condition of approval. Ms. Aydelotte stated that is an acceptable condition.

Chair Lewis invited public input.

Zach Burton spoke in representation of the applicant and indicated they received an email today from the attorney for the FOE and it is his understanding that the FOE has a prescriptive easement, but they do not currently have one. He stated that they would like access, but that is not something they are currently entitled to. Ms. Aydelotte stated that the FOE has indicated they do have a prescriptive easement and they want to be sure their access to the spring is not interrupted; the flow of the water from the spring serves their property. Chair Lewis stated that is a civil matter for the property owner and the FOE to settle without involvement from the County. Legal Counsel Erickson agreed; that is a private matter, and the County should not be involved.

Commissioner Howell moved to recommend, final approval of UVG062221 Gateway Estates Subdivision Phase 1, consisting of ten lots, private road dedication, and an alternative access request to access lot 1, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded the motion. Commissioners Lewis, Burton, Howell, Montgomery, and Torman all voted aye. Commissioner Francis voted nay. (Motion carried 6-1).

3. Petitions, Applications, and Public Hearings – Administrative items.

3.1 ZTA 2021-08: Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses and site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3), and to include general administrative and clerical amendments. Presenter: Scott Perkes.

A staff memo from Planner Perkes explained this County-driven text amendment has been undertaken primarily due to interest having been shown from a food processing and manufacturing company that is looking to potentially locate in the Manufacturing zoned areas of western weber county. However, certain provisions of the existing manufacturing zoning ordinance have been identified as concerns for a potential food processing/manufacturing operation. As such, staff have combed through the existing ordinance and identified several amendments and clarifications needed to not only facilitate a food processing/manufacturing operation within a modified M-2 zoning classification, but to also prepare for other potential mixed-uses that are likely to locate within the manufacturing areas of west Weber County. In addition to the food processing/manufacturing provisions and protections, other general improvements, clarifications, and desired formatting have been proposed to allow the manufacturing zoning ordinance to be consistent with updating efforts that have already been done with the agricultural zoning ordinance, and that which is desired for the commercial zoning ordinance through future amendments. Mr. Perkes then summarized the proposed amendments; there are clerical/housekeeping adjustments throughout; edits to definitions of terms included in the Land Use Code (LUC); edits to rezoning applications and procedures; edits to the Manufacturing Zoning ordinance use table; edits to the Manufacturing Zone special regulations; edits to the Manufacturing Zone site development standards; edits to the application and review section of the design review chapter; and edits to the Cluster Subdivision lot development standards. Mr. Perkes then noted that the 2016 Ogden Valley General Plan is quite limited in its references to manufacturing uses. In its limited referencing, manufacturing is generally grouped together with references to commercial development. That said, implementation strategy 1.1.2 under the commercial development goal # 1 states that the community should avoid rezoning new property to commercial or manufacturing until such time that the community supports it. At present, there are only about 8 acres of land zoned MV-1. The proposed amendments to the manufacturing zoning ordinance are intended to leave the MV-1 zoning allowances largely unchanged. Staff recommends that the Ogden Valley Planning Commission review the proposed amendments with special attention to the proposed permitted, conditionally permitted, and not permitted uses in the MV-1 Zone. If the Commission is comfortable with the proposal a positive recommendation could be forwarded to the County Commission based on the following findings:

1. The changes are supported by the 2016 Oden Valley General Plan.
2. The changes are necessary to address the growing needs of manufacturing uses looking to locate in Weber County.
3. The changes will enhance the general health and welfare of County residents.

High level discussion among the Commission centered on the properties throughout the Ogden Valley that are currently zoned for manufacturing zoning or that could be zoned for manufacturing uses in the future; they discussed appropriate permitted versus conditional manufacturing uses. They determined that kennels should not be permitted, contractor equipment storage should be a conditional use, and bakery and packaging uses should be permitted.

Chair Lewis opened the public hearing. There were no persons appearing to be heard.

Vice Chair Lewis moved to close the public hearing. Commissioner Torman seconded the motion, all voted in favor.

Commissioner Torman moved to table action on ZTA 2021-08, County-initiated ordinance to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses and site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3), and to include general administrative and clerical amendments, asking that staff provide clarification on permitted and conditional uses in the land use table.

Mr. Perkes stated that there is one component of the application that he would like the Commission to consider as part of another item on tonight's agenda; that is the sentence that also provides an amendment to the Unified Land Use Code's definition of a "lot of record"; he feels it is important for the Commission to consider that amendment tonight. He asked that the Commission consider an amended motion to allow that to occur.

Commissioner Burton seconded the original motion.

Chair Lewis facilitated discussion among the Commission regarding the options before them relative to this application. Commissioner Torman stated he feels that the item is not ready to vote upon; there are many incomplete portions of the proposed ordinance, and he feels those need to be completed before action can be taken. Vice Chair Francis stated she is comfortable taking action and providing staff with direction regarding the edits they would like to see. Commissioner Burton stated that it seems that tabling would give staff additional time to craft definitions of certain ambiguous terms in the ordinance and that will pay off in the future. He stated it is important for these types of documents to be clear. Mr. Perkes stated that staff agrees there are some portions of the proposed ordinance that are unclear, but this application was accelerated because of some development projects being considered in other areas of the County. Relative to the definition of 'lot of record', the current definition is somewhat unclear and makes it hard to determine if a grandfather clause should apply to certain properties. Staff is pursuing a simple clerical edit to that definition to help property owners understand their development rights. Chair Lewis stated that he would prefer to take appropriate actions tonight that accomplish good, rather than tabling the entire application striving for perfection.

Chair Lewis called for a vote on the motion. Commissioners Torman and Burton voted aye. Commissioners Lewis, Francis, Howell, and Montgomery voted nay. (Motion failed 5-2).

Commissioner Francis moved to forward a positive recommendation to the County Commission for ZTA 2021-08, County-initiated ordinance to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses and site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3), and to include general administrative and clerical amendments, with the following changes:

- Kennels be listed as non-permitted use in MV-1 zone;
- Bakery goods manufacturing use should be listed as permitted use;
- Track or course for motor vehicles, indoor be listed as non-permitted use;
- Contractor equipment storage yard or rental of equipment used by contractors be changed from permitted to conditional use.

Commissioner Burton seconded the motion.

Commissioner Torman offered a friendly amendment to the motion to remove the amendment to the Unified Land Use Code's definition of a "Lot of Record" from this ZTA and consider it later in the meeting. Commissioner Francis accepted the friendly amendment. Commissioners Lewis, Francis, Burton, Howell, Montgomery, and Torman all voted aye. (Motion carried 6-0).

3.2 ZTA 2021-10: Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the Weber County Land Use Code to define and regulate Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, and to include general administrative and clerical amendments. Presenter: Scott Perkes

A staff memo from Planner Perkes explained that during the 2021 General Session, the Utah State Legislature passed S.B. 130, which served to accomplish the following:

1. Enacted the Large Concentrated Animal Feeding Operations Act (17-27a-11) (Effective 5/5/2021).
2. Provide defined terms for Animal Feeding Operations (AFO) and Large Concentrated Animal Feeding Operations (LCAFO).
3. Required adoption of a county LCAFO land use ordinance.
4. Addressed the scope of a county LCAFO land use ordinance.
5. Addressed the geographic area where large, concentrated animal feeding operations may be located.

Per item #3 above, the Act requires that counties adopt an LCAFO land use ordinance by no later than February 1st, 2022. Pursuant to this requirement, Planning staff have worked with the County Commission in work session as well as the Western Weber Planning Commission and Ogden Valley Planning Commission in work session on potential regulation scenarios that could be implemented prior to the February 1st, 2022, deadline. Through work sessions and a public hearing, the Western Weber Planning Commission moved to forward a positive recommendation on a regulation scenario that would serve to accomplish the following:

1. Only allow new LCAFOs to locate in the A-3 or M-3 zones as Conditionally Permitted Uses.
2. Existing LCAFOs not located in the A-3 or M-3 zones may continue to operate as non-conforming uses.
3. Although unlikely, any existing LCAFOs located in the A-3 or M-3 zones may expand if market forces support an expansion.
4. Existing AFOs (Animal Feeding Operations) in the A-3 or M-3 zones, known as "Livestock Feed Yards" under the current land use code, may continue operating as conforming uses and may expand if market forces support an expansion.

5. Existing AFOs not located in the A-3 or M-3 zones may continue to operate as nonconforming uses but are not allowed to expand.
6. New and existing farms (dairy, poultry, cattle, sheep, goats, etc.) (Proposed to be defined as an Animal Grazing operation), will continue to be a permitted uses in all Agriculture zones with applicable special regulations.

Mr. Perkes then facilitated a review of the draft ordinance that has been crafted to implement the outlined scenario above into the Land Use Code. Some edits are clerical in nature and are intended to allow the proposed amendments to merge into the structure of the existing code.

Mr. Perkes concluded staff recommends that if the Planning Commission supports the proposed regulation, a positive recommendation could be forwarded to the County Commission for file ZTA2021-10, a proposal to add definitions, regulatory language, and clerical edits to the Land Use Code regarding Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations. This recommendation is consistent with the regulation scenario drafted as Exhibit B, and is based on the following findings:

1. The proposal protects existing Animal Grazing, AFOs and LCAFOs ability to continue operations for as long as the prevailing markets allow.
2. The proposal gives clear direction to any potentially new Animal Grazing, AFO, or LCAFO operation regarding the zones where such uses are permissible and the associated operational standards under which they will need to operate.
3. The proposal is in the best interest of the public both in the short term and in the long term.
4. The proposal is not detrimental to the general plan.

Commission discussion centered on whether the types of operations allowed according to this text amendment can be used for commercial purposes or if they are to be agricultural in nature. There was also debate regarding appropriate permitted land uses and special operating regulations for certain uses.

Chair Lewis opened the public hearing. There were no persons appearing to be heard.

Commissioner Torman moved to close the public hearing. Commissioner Montgomery seconded the motion. All voted aye.

The Commissioner then debated appropriate buffering distances between agricultural and animal feeding uses and the primary residence on a property or neighboring properties. The

Commissioner Torman moved to approve ZTA 2021-10, county-initiated ordinance to amend various sections of the Weber County Land Use Code to define and regulate Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, and to include general administrative and clerical amendments, with one change to strike proposed Sec 104-21-4,(a)(3), which reads "It shall not be closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land"; and replace it with the same text as in Sec 108-7-8.

Mr. Ewert suggested that the setback adjustment apply to all related sections of the LUC. Mr. Erickson added that these adjustments should be based on specific findings.

Commissioner Torman indicated that his motion is based upon the findings listed in the staff report. Commissioner Burton seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Montgomery, and Torman all voted aye. Commissioner Francis voted nay. (Motion carried 6-0).

3.3 ZTA 2021-11: Public hearing to discuss and/or take action on a county-initiated ordinance to define specific zones in the Ogden Valley Planning Area where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units, and to include general administrative and clerical amendments. Presenter: Scott Perkes

A staff memo from Planner Perkes explained this County-initiated text amendment has been undertaken in order to add clarification to the Accessory Dwelling Unit ordinance regarding areas/zones where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units (ADUs) on lots or parcels which do not have a sufficient balance of dwelling units rights available. As a reminder, the current ADU ordinance was adopted in a form that allowed ADUs to be permitted on any residential lot or parcel as long as the ADU was integrated architecturally with the primary residence (connected

by a breeze way of not more than 15 feet, or the ADU is created within the footprint of the existing home). Alternatively, a detached ADU could be permitted if the lot or parcel contained at least one surplus dwelling unit right (i.e., 6-acre lot in a 3-acre zone with a primary home and a detached ADU). If a lot or parcel did not contain a surplus dwelling unit right (i.e., 3-acre lot in a 3-acre zone with a primary home), an owner could transfer a dwelling unit right from another lot or parcel with a surplus dwelling unit right in the Ogden Valley Planning Area over to their property in order to permit a detached ADU. In practice, the current language of the ADU ordinance allows for transferred dwelling unit rights from anywhere in the Ogden Valley Planning Area. This includes the Ogden Canyon and the far-eastern backcountry areas. This led potential applicants looking for transfer properties with the “lowest hanging fruit” to transfer dwelling unit rights to other property for the building of detached ADUs. These “lowest hanging fruit” were identified as grandfathered lots of record in the Ogden Canyon and the old historic lots in the F-40 zone such as lots in Evergreen. Staff believes that the original intention behind the transfer of dwelling unit rights requirement of the ADU ordinance was to transfer density off of the valley floor or valley foothills. The transfer of rights from outside of the valley floor would have create an increased density in the valley that wasn’t anticipated or supported by the General Plan. For these reasons, staff have initiated the proposed amendments to clarify the areas where dwelling unit rights may be transferred from for the purposes of building detached accessory dwelling units. See below for a summary of the proposed amendments.

Mr. Perkes ten provided a summary of the proposed amendments, including clerical edits and applicability of transferred dwelling unit rights associated with the construction of detached accessory dwelling units. He indicated Land Use Goal #1 of the 2016 Ogden Valley General Plan is clear that additional density should not be authorized in the Ogden Valley Planning Area above that allowed by current zoning. Additionally, Land Use Principle 1.1 indicates that the County will support the transfer of existing development rights as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Staff believes the proposed amendments are in alignment with the General Plan’s goals and principles by preventing additional density from outside of the valley floor to be transferred into the valley. Staff recommends that the Ogden Valley Planning Commission review the proposed amendments in ZTA2021-11. If the Commission is comfortable with the proposal, a positive recommendation could be forwarded to the County Commission based on the following findings:

1. The changes are supported by the 2016 Oden Valley General Plan.
2. The changes are necessary to guide the appropriate transfer of dwelling unit rights for detached ADUs.
3. The changes will enhance the general health and welfare of County residents.

Mr. Ewert facilitated discussion among the Commission regarding the original intentions for TDR actions and the manner in which the proposed ordinance will address any potential unintended consequences of TDR regulations. He then discussed the proposal to adjust the lot of record definition. The amended definition is needed due to three separate reasons.

1. Adjustments to the existing paragraphs (d) &(e) are proposed to facilitate the identification of historic lots of record (grandfathered) that may have met the zoning at a specific point in time (December 31, 1992) that represents a cut off of grandfathered rights.
2. The added paragraph (g) has been added as a reprieve to the platting requirements for especially large lots (>100 acres) that may accommodate larger scale developments.
3. The added paragraph (h) is proposed to help existing unplatted lots of record to be adjusted without having to go through a full subdivision platting process.

An added definition is being proposed for “Lot Width”. This definition is new and is being added to support the proposed amendment to the definition of “Lot Frontage”.

Chair Lewis opened the public hearing. There were no persons appearing to be heard.

Commissioner Torman moved to close the public hearing. Commissioner Montgomery seconded the motion. All voted aye.

Commissioner Torman moved to forward a positive recommendation to the Council Commission regarding ZTA 2021-11, county-initiated ordinance to define specific zones in the Ogden Valley Planning Area where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units, and to include general administrative and clerical amendments, and to adjust the definition for “Lot of Record”, with one change to 108-19-2 to strike FR-3 from the list of zones. The motion is based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Howell, Montgomery, and Torman all voted aye. Commissioner Burton voted nay. (Motion carried 5-1).

Commissioner Burton indicated his opposing vote is based upon his believe that the idea of transferring development rights for an ADU is consistent with principals of good planning. He stated that he has always felt that requiring landowners to secure a TDR in order to build an ADU on their property is inappropriate because it places a burden on people who may not be able to afford it and it is keeping them from using their land as they would like.

4. Elections: Chair and Vice-Chair for 2022

Planning Director Grover indicated that the Commission's bylaws indicate that a member of the Commission can only serve as Chair for two terms; Chair Lewis has served for two years.

Commissioner Francis nominated Commissioner Burton to serve as Chair for 2022.

Commissioner Lewis nominated Commissioner Shuman to serve as Chair for 2022.

Commissioner Burton nominated Commissioner Francis to serve as Chair and Commissioner Lewis to serve as Vice Chair for 2022.

Commissioner Burton declined Commissioner Francis's nomination and indicated he is supportive of the nomination of Commissioner Shuman to act as Chair for 2022.

Chair Lewis called for a vote on the nomination of Commissioner Shuman as Chair; all voted aye.

Commissioner Torman nominated Commissioner Lewis to serve as Vice Chair for 2022.

Commissioner Lewis nominated Commissioner Francis to serve as Vice Chair for 2022.

Commissioner Francis nominated Commissioner Torman to serve as Vice Chair for 2022.

Chair Lewis called for a vote on the nomination of Commissioners Francis and Torman to serve as Vice Chair for 2022; he declared Commissioner Francis received more votes and she will serve as Vice Chair for 2022.

5. Meeting Schedule: Approval of the 2022 Meeting Schedule

Chair Lewis called for a vote to approve the 2022 Meeting Schedule; all voted aye.

6. Approval of Rules of Order

Chair Lewis called for a vote to approve the current Rules of Order for 2022; all voted aye.

7. Public Comment for Items not on the Agenda

There were no public comments.

8. Remarks from Planning Commissioners:

The Commission discussed the current development climate and the ability of the Commission to develop objective criteria that would allow them to require developers to meet with residents who may be concerned about their proposed development. Planning Director Grover advised the Commission against taking actions on certain development applications responsive to public clamor. The County can ask an applicant to engage with the public or hold a community meeting with any concerned residents, but denying an application based upon the lack of public engagement would be problematic. Commissioner Burton stated that

there are property rights afforded to individual property owners and there is no requirement for a developer to 'be nice' to their neighbors. He agreed that it would be nice for developers to try to work well with neighboring property owners, but denying an application based upon opposition from neighbors is a violation of property rights. Chair Lewis stated that the Commission should focus on pursuing effective ordinances that provide for quality development and help to anticipate any unintended consequences of development.

9. Planning Director Report:

Planning Director Grover thanked the Commission for their willingness to consider the three text amendments that were listed on the agenda tonight; he knows these items feel rushed, but that was for good reason, and he thanked the Commission for their support. He then reported on an upcoming Planning Commission appreciation dinner.

10. Remarks from Legal Counsel:

There were no additional remarks from Legal Counsel.

Meeting Adjourned: The meeting adjourned at 6:25 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission

Minutes of the Work Session of the Ogden Valley Planning Commission for February 1, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/85773694345>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair; Shanna Francis, Vice Chair, Jeff Burton, John (Jack) Howell, John Lewis, Jared Montgomery, and Justin Torman.

Absent/Excused: none.

Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**

- **Roll Call:**

Chair Shuman asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

WS1: Review of Ogden Valley General Plan: Presenter Charlie Ewert

Principal Planner Ewert provided the Commission with a report of the recent action of the Weber County Commission to create a form-based village overlay zone to implement village areas and provide design standards as directed by the Ogden Valley General Plan. He emphasized that development/growth in the Ogden Valley area is dictated by the property owner, not the County; the role of the County is to guide that development using tools like the General Plan and zoning ordinances, but private property rights should be upheld. Adoption of a General Plan does not create a legal requirement on the part of the County, but the County does have a general obligation to follow the Plan as development applications are received. The General Plan is essentially a guiding document for growth. He then provided the Commission with a link to review the updated General Plan on Weber County's website, after which he facilitated a high-level review of the Plan document; he highlighted the 'intent section' of the Plan, land use strategies, housing plans, commercial development, transportation, utilities and public services, parks and recreation, and resource management. He also reviewed the maps included in the document, which are based upon the text of the Plan. He then focused on implementation of the strategies included in the Plan document and reported to the Commission the efforts of Planning staff to pursue such implementation; there was focus on the following strategies:

- Accessory Dwelling Unit (ADU) regulations and transfer of development rights (TDR) guidelines; implementation of a mapping tool to track TDR actions.
- Water resources/usage and natural resource studies responsive to drought conditions; creation of a committee to evaluate natural resources in the Ogden Valley and advising on the creation of a culinary and secondary water ordinance.
- Storm Water Master Plan creation and implementation of an impact fee or utility fee to help pay for storm water projects.
- Cluster Subdivision ordinance creation.
- Creating updated street cross section regulations for residential areas of the Valley.
- Dark Sky lighting compliance.
- Transportation connectivity and fire-sprinkling requirements to improve public safety response.
- Parks and Recreation improvements.
- Short-term rental regulations.

Mr. Ewert then focused on the directives of the form-based village zoning ordinance; he identified the area of the Valley in which the zone would be appropriate according to the General Plan and identified the types of land uses allowed within the zone, focusing on the regulations ensuring quality development and architecture that blends with the history of the Old Town Eden area of the Valley. He also discussed concepts for transportation and other public improvements in the area; he specified the differences between street layouts and concept for residential versus commercial areas and also summarized signage, landscaping, and pedestrian access regulations.

Mr. Ewert then engaged in high level discussion with the Commission regarding topics such as the role of the public in dictating a cap on the number of development rights to be created in the Ogden Valley area; creation of new fees to cover the improvement of existing and the creation of new parks and recreation amenities in the Valley; opportunities for creating affordable housing in the Ogden Valley.

Chair Shuman then invited public input.

Jan Fulmer stated she hopes that there was not a limit on the number of people that could participate in tonight's meeting; it appeared as if no more than 100 people could join at one time. Mr. Ewert stated there may have been a limit and if that was the case, he can find a time to replicate his presentation for those who missed it. Ms. Fulmer then stated there has been a discrepancy relative to the total number of units that can be located in the Valley at buildout. She asked the total number of units the planning division relies upon. She then asked if the County has a clear-cut definition of what 'village' means. She added that the population in the Valley is declining; there is no longer a sense of community in the valley and there will not be enough residents to work at the resort and ski areas that are being built. She stated that in 2021 there was a work session meeting in which a hold was placed on any future short-term rental units, but since February of 2020, 51 percent of all dwellings built in the valley are for short-term rental use. This is the reason for a loss of the sense of community and a decrease in population.

Mr. Ewert stated the total number of units at buildout varies in different modeling tools, but the planning division relies on 15,000 units for the Ogden Valley. This is based upon a calculation using the developable area of the valley floor divided by zoning standards. This does not include bench and mountainside areas. About 5,000 units have been built, meaning there is a potential for another 10,000 units. He then stated that the commercial chapter of the General Plan captures the definition of the term 'village'; that information was used to create the form-based village ordinance.

Jim Bird stated that recently the zoning was changed on two lots on the east and west sides of Highway 39 and Old Snow Basin Road; the zoning change was from commercial to forest residential to allow for high density residential without a commercial component. He is not sure the Planning Commission was informed that by approving the zone change, the village use would be eliminated from the area and that there was no community input on that fact. He then added that Mr. Ewert stated the only village area that has sewer access is the Wolf Creek area, but that is mistaken as there is a sewer access near the lots he mentioned, but that was eliminated by the village node. When he was attending the meetings regarding the rezone of those lots, it appeared the planning division did not inform either the Ogden Valley Planning Commission or the County Commission that the corner lot next to the Catholic Church, which was zoned CV-2 and owned by Snow Basin, of the plans for what would be built on the property. He stated that if the Ogden Valley Planning Commission knew of these zoning issues, it may have influenced their vote, which clearly had an impact on the Ogden Valley General Plan because of the elimination of commercial zoning. If the planning division wanted to drop the village designation for the area he is referencing, that should have been presented to the community to avoid the appearance that the Ogden Valley General Plan can be changed simply because a developer requests it, and the planning division supports it. In the future, if the planning division moves to change zoning based upon a developer's request, the County should notify residents prior to sending that request to the Planning Commission.

Mr. Ewert presented a map to identify the area referenced by Mr. Bird; the village designation at that area was an 'afterthought' in planning for the area in the General Plan. When the landowner learned of that designation, they expressed that they wanted to change to the FR-3 zone to accomplish their development plans. Commercial services cannot succeed without an adequate number of residential units nearby. The zoning that was planned for the corner will make it possible to achieve residential and commercial development on the property, but the direction that planning staff received was to support single-family development of the area by allowing the landowner to move in the direction they desired. He was under the impression that those plans would receive greater support from the community, and he feels that the implications of the zone change and subsequent project were clearly communicated to the Ogden Valley Planning Commission and the County Commission during public meetings.

James Defenderfer stated he has lived in Eden for five years and he thanked Mr. Ewert for the great information included in his presentation. He referenced the concept of improving recreation amenities in the Valley, including pathways along roads. He is very interested in this amenity as a road cyclist, but wondered who will be responsible for cleaning them, especially during the winter.

Mr. Ewert stated that the adjoining landowner is responsible to clean the pathways, just as a resident or commercial property owner is required to clean sidewalks in front of their home. This ordinance has been made very clear for property owners, but there is an exception for large property owners, such as farmers. When working with the public on providing an employee to plow the pathways, the public has indicated they would rather see the snow stay on the pathway because they use it for Nordic skiing. He advised Mr. Defenderfer to reach out to the County's Community Development Director to express their desires regarding maintenance of the pathways.

Mr. Defenderfer then referenced water resources in the Valley; Mr. Ewert based his water reporting on data from 2019, which is not pertinent given the current drought conditions. He asked how often the County reevaluates that issue. Mr. Ewert stated that there has only been one hydro-geology study in the Ogden Valley in recent history to create a 'water budget' for the Valley. The

creation of that plan was \$250,000 and was funded by multiple agencies and he does not anticipate it being updated within the next 10 years. He then stated that the General Plan is intended to be a dynamic document that is updated routinely as needed, but he has been surprised by the length between General Plan updates in Weber County. He would like to evaluate the metrics of the Plan each year, but that is dependent upon resources.

Kevin Erwin stated he is from Huntsville, and he referred to the same properties as Mr. Bird; Mr. Ewert's map identified the CV-2 zoning for the properties, not CVR-1 as mentioned by Mr. Ewert. He stated that having the right zoning designation in the presentations may have changed what was approved by the Planning Commission. He then stated that economics are commonly cited as justification for developments, but he has yet to see any reporting after a project is completed to communicate the impact that a project has had on the local economy. This should be required to ensure that developers are not coming to the Valley to complete a project that will depress surrounding property values in order for them to take that money from the Valley in their own pocket. Development plans for the property have not moved toward single-family development with no short-term rentals and he wondered why a residential zoning designation was not assisted to the property rather than the FR-3 zone. The definition of the FR-3 zoning is essentially changed by allowing residential development that does not border forest.

Mr. Ewert acknowledged that one of the maps that includes the property is incorrect, but the use of that property has been hashed out by the Planning Commission and the County Commission and it is not prudent to continue to debate it. As far as economics, sometimes the County does not ever see economic data for a development plan. Decisions are based upon past experiences, but if he is able to get a developer to provide pro-forma and economic information for a project, he will share it with the public.

Kurt Langford stated he is from Eden, and he thanked Mr. Ewert for the information that he provided tonight; he commented on the number of people who participated in the creation of the Ogden Valley General Plan. Consultants who have worked on these types of projects for 30 years have indicated that the number of people who provided input and attended meetings for this project was record setting. This is not a Plan that just a few people care about and support; rather, the majority supported it and he sees it as the economic development plan for the Valley. He stated that architectural guidelines, short term rental regulations, and enforcement mechanisms are needed desperately. He noted that short term rentals are actually having a negative impact on businesses in the Valley because the people who are staying in them are bringing their own food and supplies so they do not patronize local businesses. This means that the number of rooftops does not necessarily drive the economy of the area; rather, businesses are supported by full time residents. He then noted there is the same amount of park space in the Valley as there was when he was a 10-year-old boy, which means that developers are not contributing to park and recreation amenities for future generations. Developers are only concerned about their own bottom line.

Mr. Ewert commented on Mr. Langford's mention of the public involvement in the creation of the General Plan and agreed that the turnout was great. He also discussed short term rentals and indicated that when he mentions the need for rooftops to support businesses, he is referring to full time residences, not short-term rentals. Efforts are underway to adjust the licensure and fee for short term rentals, which should generate some revenue that can be used to enforce the short-term rental ordinance. He stated that he does not believe it is appropriate to try to ban short term rentals in the Valley because doing so will cause property owners to simply pursue the use illegally; the County needs to be proactive in addressing short term rentals. He also noted that Commissioner Jenkins has asked staff to modify the subdivision ordinance to require a donation equal to five percent of the acreage of a total project area from each developer, which can be used for park improvements. Staff continues to work on that ordinance amendment.

Debra Hull stated she lives in Liberty and also thanked Mr. Ewert for the information provided tonight. She asked for a copy of the presentation materials from tonight's meeting. Mr. Ewert provided his email address for anyone to email him seeking the materials. He added that a copy of the audio recording will also be available on the County's website.

Deb Moddlemock stated she lives in Eden. She inquired as to the number of Planning Commissioners who actually live in the Valley, what their occupation is, if they are large landowners, and if the growth identified in the General Plan is intended to occur organically.

Mr. Ewert asked Ms. Moddlemock if she is referring to land in the village areas, to which Ms. Moddlemock answered yes. Mr. Ewert stated that all Ogden Valley Planning Commissioners are volunteers, and they all live in the Valley. The concept of Planning Commissioners emerged decades ago and is based upon the need for a citizen advisory committee advice on any government action. Ms. Moddlemock stated she is simply wondering if there is any conflict of interest on the part of any Commissioner if they

are a landowner or developer and also advising on development of the entire Valley. Mr. Ewert stated that likely every member of the Planning Commission owns land, but they may not have the ability to develop it; there are one or two Planning Commissioners who have been in the development industry in the past, but that is not technically a conflict of interest unless a decision they make will result in a direct financial benefit for them. Ms. Moddlemock then asked if the County is directly contacting property owners in the village areas, or if development of that ground is intended to occur organically. Mr. Ewert stated that property owners have been informed of the plans for their property according to the General Plan; they were advised of when the County Commission would be voting on the proposal. He noted his recommendation to the Commission was to look at the commercially zoned properties and work to change them to mixed-use zoning so long as there is no resistance from the landowners. The landowners will be contacted to provide input and if they desire to remain in the commercial zone, that will be allowed. Otherwise, development and growth will be organic.

Julie Etringer stated she lives in Huntsville. She referenced the FR-3 zoning of the land at the intersection of Highway 39 and Old Snow Basin road and asked why the FR-3 was approved when it does not meet the requirement of the zoning in that it does not meet up with a recreational area.

Mr. Ewert stated that the zone across the street is CVR-1, which is a recreational zone; whether the development is recreational in nature, the FR-3 zone is intended to support recreational opportunities in those zones.

Chair Shuman then thanked Mr. Ewert and the public for their participation in tonight's meeting. He referenced the question about the makeup of the Planning Commission and indicated that he has found his fellow Commissioners to be people of integrity who are doing what they can to make sure things are done correctly relative to the future planning of the Ogden Valley.

Vice Chair Francis also thanked Mr. Ewert and the residents who participated this evening.

Meeting Adjourned: The meeting adjourned at 8:22 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for design review approval of storage units located at 4708 East 2650 North, Eden, UT 84310

Type of Decision: Administrative

Applicant: Jeff Allan

File Number: DR 2022-01

Property Information

Approximate Address: 4708 East 2650 North, Eden, UT, 84310

Project Area: 4.469 acres

Zoning: CV-2

Existing Land Use: Vacant

Proposed Land Use: Commercial

Parcel ID: 22-040-0036

Township, Range, Section: Township 7 North, Range 1 East, Section 33 NE, 28 SE, 27 SW, 34 NW

Adjacent Land Use

North:	Vacant/Snowcrest Jr. High	South:	2650 North Street
East:	Residential/Snowcrest Jr. High	West:	Vacant

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

- Weber County LUC Title 104, Chapter 21 – Commercial Valley Zone (CV-2) Zone
- Weber County LUC Title 108, Chapter 1 - Design Review
- Weber County LUC Title 108, Chapter 16 – Ogden Valley Outdoor Lighting
- Weber County LUC Title 108, Chapter 8, Parking and Loading Space, Vehicle Traffic, and Access Regulations.
- Weber County LUC Title 110 Signs

Summary and Background

2/22/2022 – Application for design review submitted to Planning.

The applicant is requesting an administrative design review approval of storage units. The proposal consists of seven buildings with 194 total storage units. Applicant will be installing some signage, and installing exterior lighting that will be compliant with the Outdoor Lighting ordinance (LUC 108-16).

Analysis

Design Review: The CV-2 Zone requires a design review (as outlined in LUC §108-1) to ensure that the general design, layout, and appearance of commercial sites and buildings is orderly and harmonious with the surrounding neighborhood.

As part of a design review, the Planning Director shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. Consideration is given to the following:

- *Traffic safety and traffic congestion:*

- The proposal is not anticipated to cause any traffic safety hazards. The existing access off of 2650 North Street will be used.

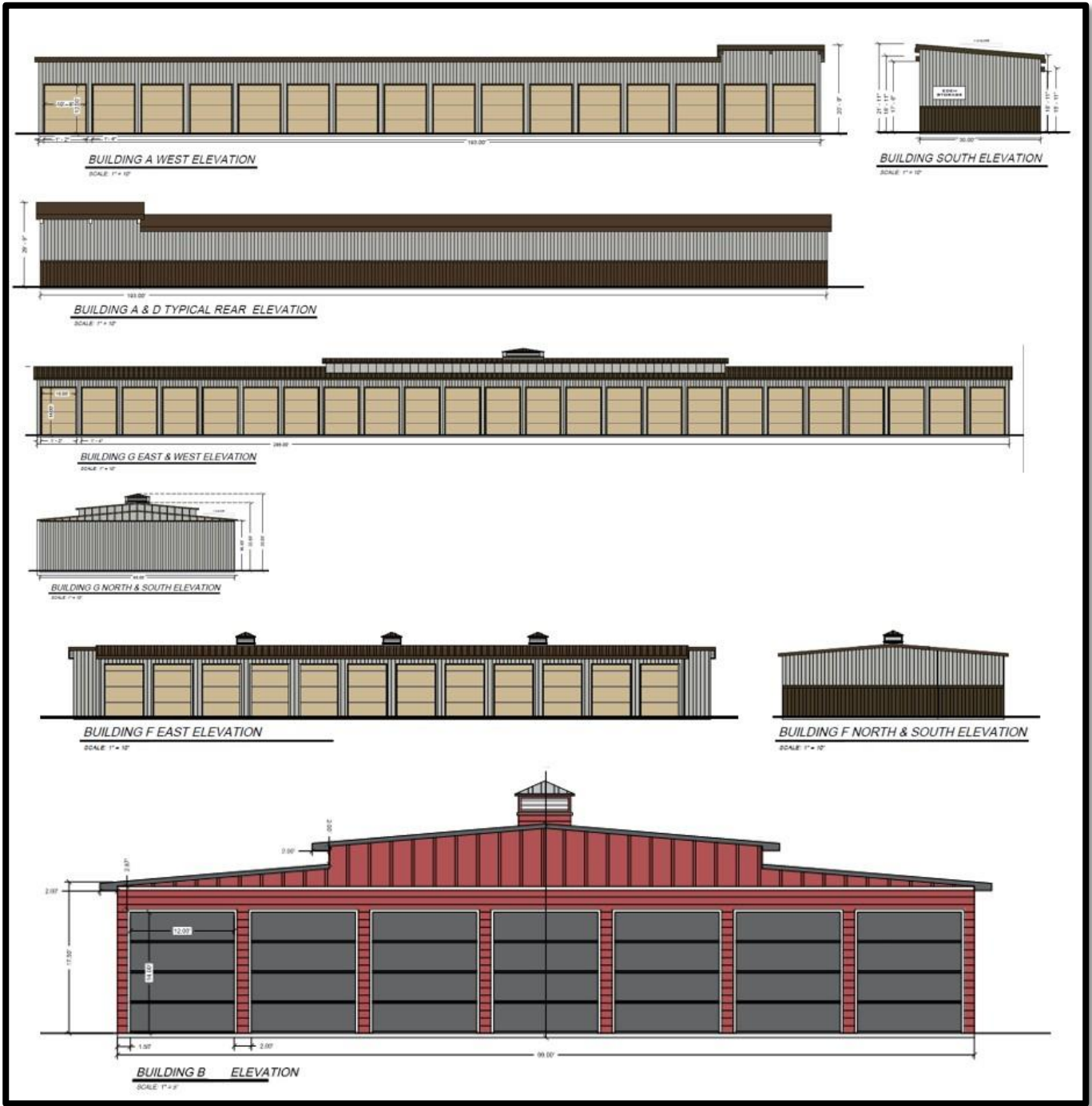
- *Outdoor advertising:*
 - The applicant has not yet submitted a signage plan. A signage plan will be required at building permit, and will be subject to Weber County LUC 108-10

- *Outdoor Lighting Plan:*
 - The applicant is showing seven light fixtures as part of their lighting plan (see Exhibit D). A more comprehensive lighting plan, subject to Weber County LUC 108-16, may be required at building permit.

- *Landscaping:*
 - Applicant has submitted a landscaping plan (see **Exhibit C**), however, landscaping shall conform to the development agreement (see **Exhibit F**). The applicant is proposing some transplanted turf and a few trees along the east side of the entrance off of 2650 North Street.
 - The applicant is required to install a solid fence, or to provide berming between this project and adjacent residential properties. The following is from the approved development agreement:
 - *An eight-foot earthen berm shall be constructed between the adjacent residential uses and the storage facility. Atop the berm, the Developer shall plant four eight-foot conifer trees of a species native to the Wasatch Mountains, and shall plant three deciduous trees of a native species well known for shade producing capabilities. The deciduous trees shall have a caliper of at least two inches when planted and the conifer trees shall be at least eight feet tall when planted. The trees shall be provided with an automatic irrigation system to support healthy growth. An eight-foot wall may be constructed in lieu of a berm. The vegetation required herein may be located on either side of the wall.*

- *Building and site layout:*
 - The site plan shows that the project area will be compliant with the following CV-2 development standards:
 - Minimum lot area: None;
 - Minimum lot width: None;
 - Minimum front yard setback: None
 - Minimum side yard setback: 10'
 - Minimum rear yard setback: 10'
 - Maximum Building Height: 35'

The following are images of the building elevations approved by the County Commission, in the development agreement. The elevations are intended to give a barn appearance, with materials generally used on barns. The red building is intended to provide architectural requirements for building b (building 2).



Development Standards:

Per the recorded development agreement, the following are required:

The developer agrees to maintain compliance with floodplain development requirements.

Construction shall not occur in phases. Certificate of occupancy shall not be issued until all structures are completed and all improvements installed or escrowed for.

A trail easement is being dedicated through a subdivision plat. The trail easement shall be located along the east side of the North Fork River, west of drive approach, and buildings shown on the site plan. The easement shall be of sufficient width to provide for a 10-foot wide paved pathway with appropriate shoulders to support pathway width.

The developer agrees that the buildings shall conform to the recorded development agreement. The development agreement requires submitted elevations that resemble historic barns typical for the area (Exhibit B), however, staff feel that changes to the building elevations contained in the development agreement to be minimal.

Roofs of all buildings shall be a non-reflective metal material that can develop a natural patina over time, or as otherwise approved by the Planning Commission.

The area of the site accessible to motor vehicles or watercraft shall be drained away from the river corridor. Drainage facilities shall be designed according to the approved development agreement.

The developer shall provide roughly their proportionate share of the cost of improvements to the intersection of Hwy 162 and Clark Land (2650 North Street), with conditions set forth in the development agreement.

The developer shall be responsible for installing curb, gutter, and a 10-foot wide sidewalk in the public right-of-way along the developer's property frontage of Clark Lane (2650 North Street).

Fire District requirements shall be followed as per the development agreement.

The developer agrees there shall be no construction staging outside of the project site boundaries.

Parking – The proposed parking lot and travel surface is to be paved with asphalt (LUC 108-8-7). There are a total of 2 parking spaces.

All construction and development of this site shall adhere to the recorded development agreement.

Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by continuing commercial development within existing commercial and village areas (pg. 25 Ogden Valley General Plan, Commercial Development Goal 1).

Staff Recommendation

The Planning Division recommends approval of file# DR 2022-01, subject to all review agency requirements and the following conditions:

1. All exterior lighting, must comply, with the Outdoor Lighting requirements, as outlined in LUC§ 108-16, and will be verified at occupancy.
2. All proposed signage will be reviewed when a detailed signage plan is submitted for request of a land use permit. If no signage is proposed, then the developer need to indicate on the building permit application.
3. Development of this site shall conform with the recorded development agreement.
4. The developer will provide a financial guarantee for all improvements including site and trail paving, landscaping, and fencing.

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project conforms to the Ogden Valley General Plan.

Exhibits

- A. Application.
- B. Site Plan.
- C. Proposed Elevations.
- D. Proposed Landscaping Plan.
- E. Proposed Lighting Plan.
- F. Recorded Development Agreement.

Area Map



Exhibit A – Application

Allan-Jeff-Design Reviews

[+ Add Follower](#)
[✎ Change Status](#)
[✎ Edit Project](#)

Address:	4708 E 2650 N, Eden, UT, 84310
Maps:	Google Maps
Project Type:	Design Reviews
Sub Type:	Design Reviews
Created By:	Jeff Allan
Created On:	12/2/2021
Project Status:	Accepted
Status Date:	2/22/2022
File Number:	DR 2022-01
Project Manager	Tammy Aydelotte

 Application
 Documents **7**
 Comments **1**
 Reviews **0**
 Followers **5**
 Status
 Notifications
 Payments **1**

Application

[+ Add Building](#)
[+ Add Parcel](#)
[+ Add a Contractor](#)
[✎ Edit Application](#)
[🖨 Print](#)

Project Description Self Storage development consisting of 193 units. There are 7 buildings, 2 of which are temperature controlled. Native landscape to remain in place, replacing trees/plants that will be removed, developed landscape up front. Storm water to be collected on the surface and infiltrated into the gravel soils. No sewer, septic or culinary water needed.

Property Address	4708 E 2650 N Eden, UT, 84310
Property Owner	Jeff Allan 858-204-2131 jeffallan06@gmail.com
Representative	Lance Anderson 435-760-1622 lance@cachelandmark.com

Accessory Dwelling Unit	False
Current Zoning	CV-2
Subdivision Name	
Number of Lots	
Lot Number	
Lot Size	4.5 acres
Frontage	
Culinary Water Authority	Not Applicable
Secondary Water Provider	Eden Irrigation Company
Sanitary Sewer Authority	Not Applicable
Nearest Hydrant Address	4736 E 2650 N, Eden UT 84310
Signed By	Owner, Jeff Allan

Parcel Number

✕ Remove [220400036 - County Map](#)

Building Description	Square Feet	Valuation
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Contractor Type	Name	Contact	Address
✕ Remove Architect	Lance Andersen 323733-2202	435-760-1622 lance@cachelandmark.com	95 Golf Course Rd, STE 101 Logan UT 84321

Exhibit B – Site Plan

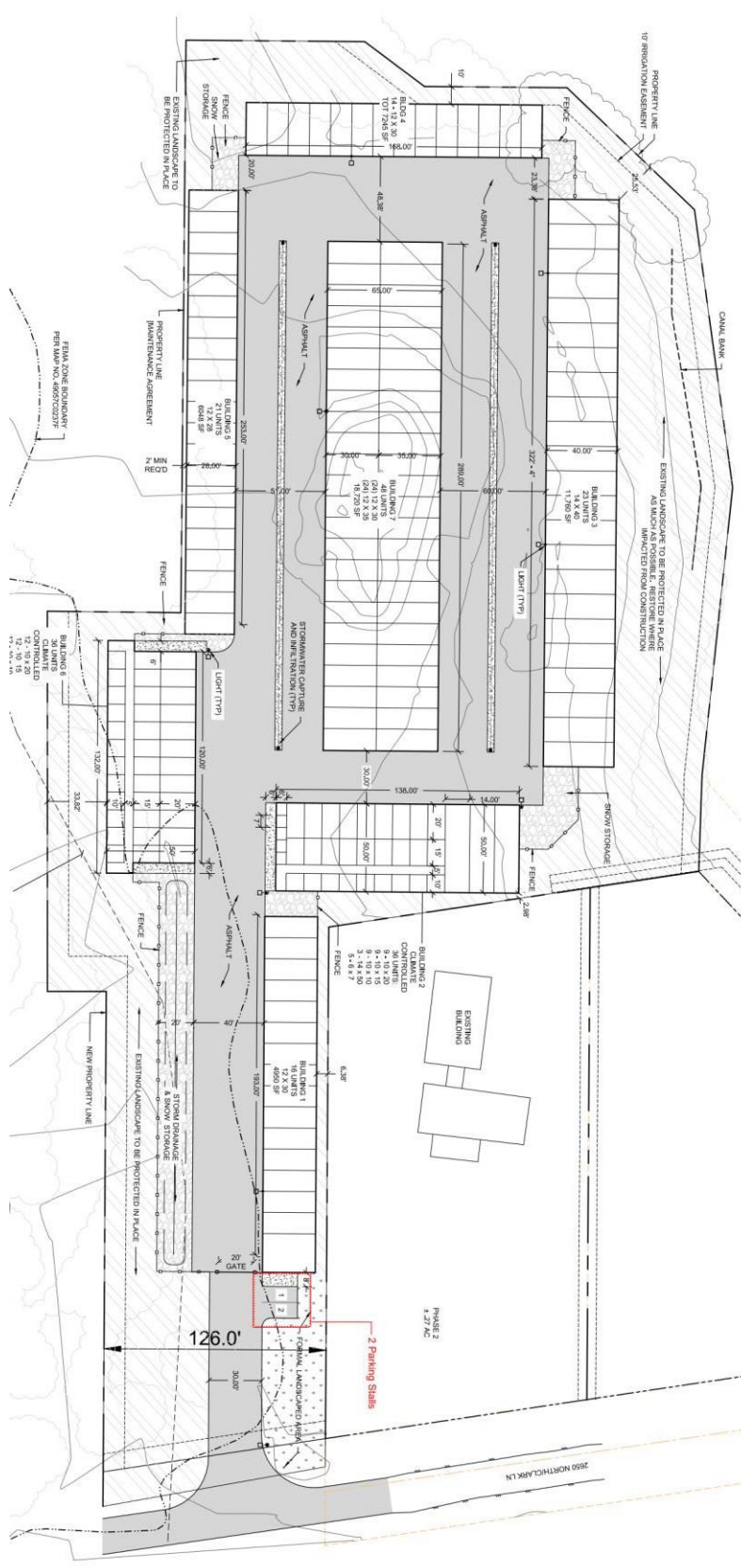


Exhibit C- Proposed Elevations

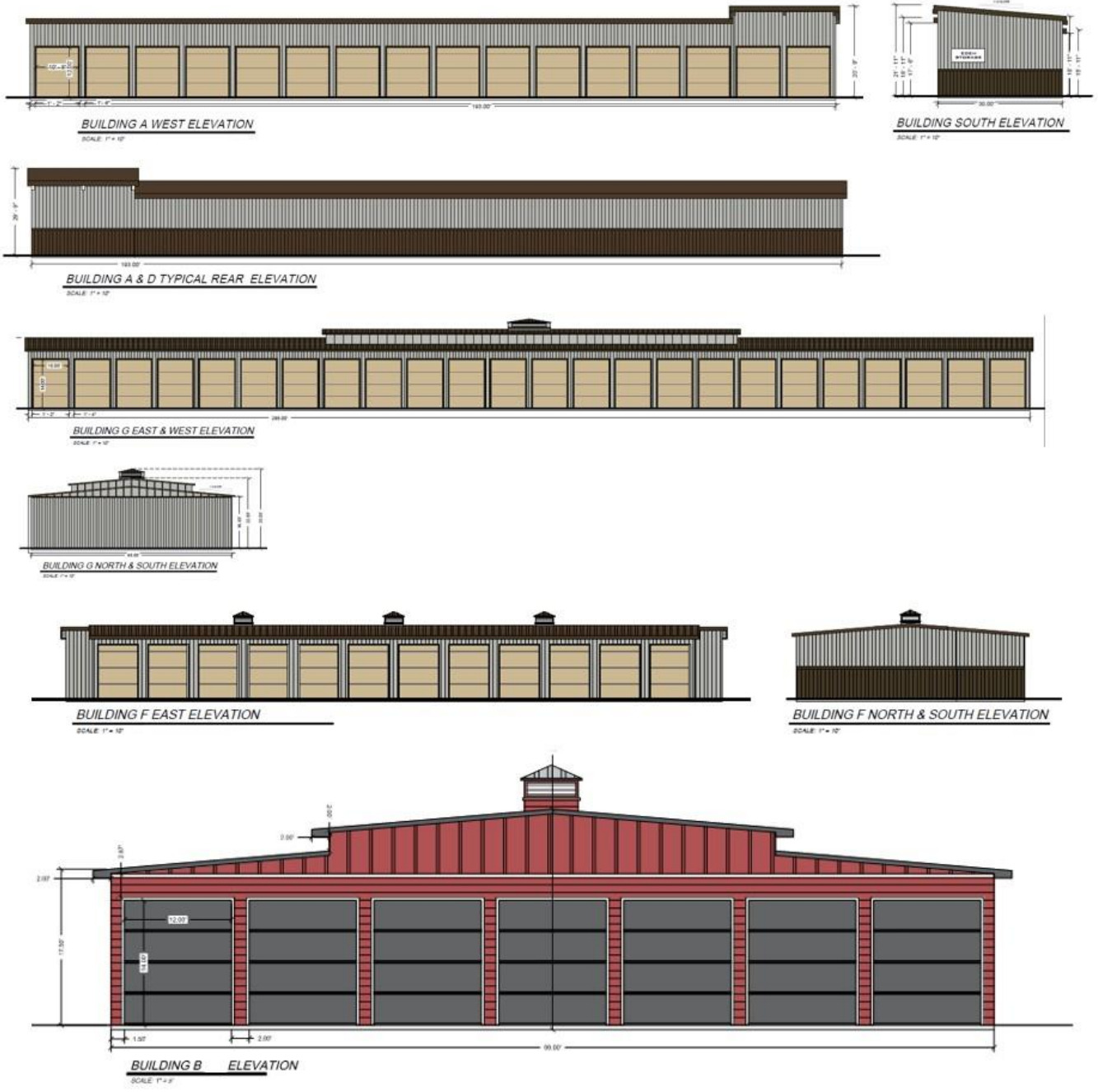


Exhibit E – Lighting Plan



WDGE2 LED Architectural Wall Sconce

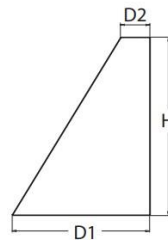
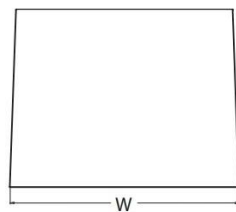


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Type	

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Specifications

- Depth (D1):** 7"
- Depth (D2):** 1.5"
- Height:** 9"
- Width:** 11.5"
- Weight:** 13.5 lbs
(without options)



Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WDGE family provides additional energy savings and code compliance.

WDGE2 delivers up to 6,000 lumens with a soft, non-pixelated light source, creating a visually comfortable environment. When combined with multiple integrated emergency battery backup options, including an 18W cold temperature option, the WDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.

WDGE LED Family Overview

Luminaire	Standard EM, 0°C	Cold EM, -20°C	Sensor	Lumens (4000K)					
				P1	P2	P3	P4	P5	P6
WDGE1 LED	4W	--	--	1,200	2,000	--	--	--	--
WDGE2 LED	10W	18W	Standalone / nLight	1,200	2,000	3,000	4,500	6,000	--
WDGE3 LED	15W	18W	Standalone / nLight	7,500	8,500	10,000	12,000	--	--
WDGE4 LED	--	--	Standalone / nLight	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WDGE2 LED P3 40K 80CRI VF MVOLT SRM DDBXD

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WDGE2 LED	P1 ¹ P1SW	27K 2700K	80CRI	VF	MVOLT	Shipped included
	P2 ¹ P2SW	30K 3000K	90CRI	VF	347 ³	SRM Surface mounting bracket
	P3 ¹ P3SW	35K 3500K		VW	480 ³	ICW Indirect Canopy/Ceiling Washer bracket (dry/damp locations only) ²
	P4 ¹ Door with small window (SW) is required to accommodate sensors. See page 2 for more details.	40K 4000K				
	P5 ¹	50K ² 5000K				
						Shipped separately
						AWS 3/8inch Architectural wall spacer
						PBBW Surface-mounted back box (top, left, right conduit entry). Use when there is no junction box available.



D-Series Size 0 LED Area Luminaire



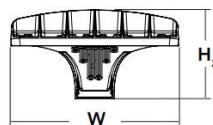
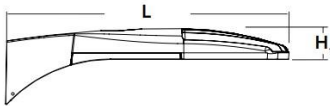
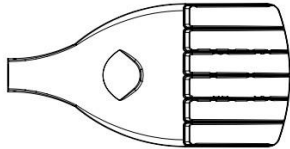
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d^{series}

Specifications

EPA:	0.95 ft ² (.09 m ²)
Length:	26" (66.0 cm)
Width:	13" (33.0 cm)
Height ₁ :	3" (7.62 cm)
Height ₂ :	7" (17.8 cm)
Weight (max):	16 lbs (7.25 kg)



Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 70% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX0 LED P6 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD

DSX0 LED											
Series	LEDs	Color temperature		Distribution		Voltage		Mounting			
DSX0 LED	Forward optics	30K	3000 K	T1S	Type I short (Automotive)	T5S	Type V short ³	MVOLT	(120V-277V) ^{5,6}	Shipped included	
	P1 P5	40K	4000 K	T2S	Type II short	T5M	Type V medium ³	XVOLT	(277V-480V) ^{7,8,9}	SPA	Square pole mounting
	P2 P6	50K	5000 K	T2M	Type II medium	T5W	Type V wide ³	120 ⁶		RPA	Round pole mounting ¹⁰
	P3 P7 ¹			T3S	Type III short	BLC	Backlight control ⁴	208 ⁶		WBA	Wall bracket ³
	P4 ¹			T3M	Type III medium	LCCO	Left corner cutoff ⁴	240 ⁶		SPUMBA	Square pole universal mounting adaptor ¹¹
	Rotated optics			T4M	Type IV medium	RCCO	Right corner cutoff ⁴	277 ⁶		RPUMBA	Round pole universal mounting adaptor ¹¹
	P10 ² P12 ²			TFTM	Forward throw medium			347 ⁶		Shipped separately	
	P11 ² P13 ^{1,2}			TSVS	Type V very short ³			480 ⁶		KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) ¹²

Exhibit F- Development Agreement

See attached.

AMENDED DEVELOPMENT AGREEMENT

Between

WEBER COUNTY, UTAH

and

The owner of property known as the Eden RV and Boat Storage, NOAL Holdings, LLC

List of Attachments

Attachment A: Project Area Legal Description and Graphic Depiction

Attachment B: Proposed Site Layout

Attachment C: Design and Materials Palette

Table of Contents

DEVELOPMENT AGREEMENT 3

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AGREEMENT 3

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Attachment C (Cont.) **Error! Bookmark not defined.**

DEVELOPMENT AGREEMENT

Eden Boat and RV Storage

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between Weber County, Utah ("County") and NOAL Holdings, LLC ("Developer"), known together herein as the "Parties."

RECITALS

WHEREAS, The Developer desires and intends to develop an indoor storage unit facility (the "Project") in the unincorporated area of Weber County known as Eden. Key components of the Project include completely enclosed buildings designed to appear agrarian in nature, which will be used for indoor storage for items such as vehicles, trailers, and household items; driveways and drive access to each storage unit; and landscaping;

WHEREAS, NOAL Holdings, LLC is engaged in a joint venture to develop the Project, and is known herein as the Developer;

WHEREAS, The Developer's objective is to develop a storage unit facility that incorporates building and site designs that complement the character of the community and is financially successful;

WHEREAS, The County's objective is to approve only development that supports and advances the health, safety, and welfare of the community, as generally described in the general plan and as otherwise determined appropriate by the Board of County Commissioners; and

WHEREAS, The Project will be located on land referred to herein as the "Project Site". The Project Site is as more specifically described in **Attachment A**: Project Area Legal Description and Graphic Depiction. A site plan showing the general location and layout of the Project is contained in **Attachment B** Proposed Site Layout, and architectural and design detail is contained in **Attachment C**: Design and Materials Palette.

NOW, THEREFORE, in consideration of the recitals (which are incorporated into the Agreement by this reference) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Effective Date, Expiration, Termination.

- 1.1.** Effective Date. The Effective Date of this Agreement is the last date upon which it is signed by any of the Parties hereto.
- 1.2.** Expiration. This Agreement shall be in full force and effect until (10) years from the Effective Date of this Agreement, at which point this Agreement shall expire.
- 1.3.** Termination. This Agreement may be terminated by mutual written agreement of the Parties to this Agreement or terminated pursuant to Section 10 of this Agreement. This Agreement automatically terminates, without notice, in the following circumstances:
 - 1.3.1.** The term of this Agreement expires;
 - 1.3.2.** The Project is abandoned or the use is discontinued, as provided for by Weber County Code Chapter 108-12; or

- 1.3.3. The Developer defaults on any provision of this Agreement and the default is not resolved as specified in Section 13 of this Agreement.

2. Definitions and Interpretation.

For purposes of this Agreement, the following terms, phrases, words, and their derivations shall have the meaning given herein where capitalized; words not defined herein shall have their ordinary and common meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision.

- 2.1. Agreement. "Agreement" means this Development Agreement between County and Developer, approved by the Board of County Commissioners, and executed by the undersigned.
- 2.2. County. "County" means Weber County, Utah.
- 2.3. Construction Buildout Period. "Construction Buildout Period" has the meaning set forth in Section 7.19 of this Agreement.
- 2.4. Developer. "Developer" means **NOAL Holdings, LLC**, or any of their Assignees as provided in Section 11 of this Agreement.
- 2.5. Development Standards. "Development Standards" means the requirements stated in Section 7 of this Agreement.
- 2.6. Effective Date. "Effective Date" has the meaning set forth in Section 1 of this Agreement.
- 2.7. Force Majeure Event. "Force Majeure Event" means any event beyond the reasonable control of the affected Party that directly prevents or delays the performance by such Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Project caused by third Parties; riot or similar civil disturbance or commotion; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and, actions of a governmental or judicial authority.
- 2.8. Parties. "Parties" means the Developer and the County.
- 2.9. Project. "Project" means the Eden Boat and RV Storage facility as set forth in the exhibits hereto.
- 2.10. Project Site. "Project Site" means the land area on which the Project will actually be sited, as more specifically described in Attachment A: Project Area Legal Description and Graphic Depiction.
- 2.11. Routine and Uncontested. "Routine and Uncontested" means simple and germane to the Project or Project Site, having very little chance of effect on the character of the area, and not anticipated to generate concern from the public.
- 2.12. Substantial Completion. "Substantial Completion" means the Project is constructed, installed, and a valid business license has been obtained from the county.
- 2.13. Transferee. A party to which the Project is transferred or assigned in part or in whole. "Assignee" shall

also mean the same.

- 2.14.** Vested Laws. “Vested Laws” means the land use laws, Part II of the Weber County Code, in effect at the time of execution of this Agreement.

3. Omitted

4. Project Description.

The Project is an indoor storage unit facility.

5. Project Location and Illustration.

The Project is as described herein, and illustrated in Attachment B: Proposed Site Layout and Attachment C: Proposed Site Layout – Parcel Boundary Overlay, modified as necessary in accordance with this Agreement's Development Standards.

6. Vesting.

- 6.1.** Except as otherwise noted, this Agreement vests the Project and Project Site to the existing Vested Laws until the expiration or termination of this Agreement, or until the Developer has fully developed the Project as proposed herein, whichever is earlier.
- 6.2.** Developer agrees that the intent of this vesting is to offer a predictable set of development standards related to the development and establishment of the use. To that effect, Developer agrees that if the County modifies its laws in the future to specifically regulate the use or any other related performance measure, after the time provided in Section 6.1, the Project shall be subject to the new laws. This shall not affect any established nonconforming rights of the use, location, method of construction, acreage requirement, setback requirement, or height requirement of any building, structure, or internal site roadway, as may be applicable.

7. Development Standards.

- 7.1.** Use of Property. The use of the property shall be limited to indoor storage units only. Indoor storage units is a use allowed in the CV-2 zone by conditional use permit. The parties agree that the conditional use requirements have been met with the execution of this development agreement. Therefore, the County, by use of its legislative authority, designates the use of indoor storage units on the Project Site as a permitted use, subject to the requirements of this agreement.
- 7.2.** Fair Share Intersection Improvements. The Developer shall provide their roughly proportionate share of the cost of improvements to the intersection of Highway 162 and Clark Lane. When required by the County Engineer, a detailed study shall be provided by the Developer that establishes a traffic demand threshold that will trigger the need to improve the intersection, and will establish what the developer's roughly proportionate share of traffic demand is. This share shall equal the Developer's share of the cost of improving the intersection.

- 7.3.** Improvements of Clark Lane. The Developer shall be responsible for installing curb, gutter, and a 10-foot wide sidewalk in the public right-of-way along the Developer's property frontage of Clark Lane. At the time of subdivision of the property, the Developer agrees to dedicate the future extension of Clark Lane (2650 N. Street) to Weber County. Weber County agrees that this extension will not be of a width greater than is reasonably necessary given the current right-of-way width and alignment where it stubs into the property. The Developer agrees that the dedication will extend from the current western end of the County's ownership, westward until it stubs to the adjacent parcel.
- 7.4.** Waste water disposal. No grey or black water dumping shall be allowed on the site without a dump station that meets all requisite standards and regulations for the location.
- 7.5.** Waste water disposal and watercraft decontamination signage. A sign shall be posted in a conspicuous manner at the entrance of the facility that notifies renters that there are no wastewater dumping facilities onsite. The sign shall also notify patrons that watercraft must be drained, decontaminated, and cleaned prior to entry of the site.
- 7.6.** No effect on drinking water. The use shall not have any negative effect on the drinking water quality of the nearby wells of Eden Water Works, or any other culinary water source in the area.
- 7.6.1.** Work with Eden Water Works. In the event that Eden Waterworks or any other potentially affected culinary water authority determines that ground water infiltration from the site is not capable of being diluted and/or filtered to drinking water standards adopted by the Utah Department of Environmental Quality before it enters a drinking water source, then the Developer bears the burden of constructing remediating drainage facilities prior to conducting any further business onsite or allowing any further access to the site.
- 7.6.2.** Threat to Drinking Water. If groundwater infiltration onsite constitutes an immediate threat to a drinking water source, all activities onsite, including access, shall cease until the threat is remediated. This remediation shall be conducted by the Developer, at no expense to the culinary water authority.
- 7.6.3.** Scientific Evidence Gathering. The County recognizes and agrees that the culinary water authority bears the burden of demonstrating through scientifically reproducible means, based on site specific evidence gathering, including, if necessary, subterranean hydrologic or hydrogeologic exploration, that the soil types and/or drainage methods on the site are incapable of protecting the drinking water source(s). The Developer agrees to allow the culinary water authority reasonable access to the site to conduct the investigations or inspections they may deem necessary to maintain a clean drinking water source. If onsite subterranean investigations are conducted prior to initiation of construction, the Parties recognize and agree that it is the culinary water authority's responsibility to bear the evidence-gathering expenses, and the parties agree that the Developer shall bear the cost to restore the evidence-gathering site(s). If the onsite subterranean investigations are desired after initiation of construction, and if the Developer has notified the culinary water authority two weeks prior to initiation of construction, the Parties agree that it is the culinary water authority's responsibility to bear the full cost of evidence gathering. The Developer and the culinary water authority may make alternative agreements to achieve these ends, as they deem mutually beneficial.
- 7.7.** Drainage facilities. The areas of the site accessible to motor vehicles or watercraft shall be drained away from the river corridor. The drainage facility shall be constructed with an oil-grit separator if required by the County Engineer. Best management practices for invasive mussel mitigation shall be employed, if necessary, as may be recommended by the appropriate State Department of Natural Resources

personnel.

- 7.8.** Fire protection. If deemed necessary by the local fire authority, each building shall be fire-sprinkled such that each unit has at least one sprinkler head, or as may be otherwise required by the fire code or the local fire authority.
- 7.8.1.** If a fire hydrant is not already within an acceptable proximity from the site, as determined by the local fire authority, the Developer shall install a water trunk line no less than 8 inches in diameter, or as otherwise specified by the local fire authority or County Engineer, from the nearest hydrant to the site, and shall install a hydrant onsite or in the adjoining public right-of-way, as may be deemed appropriate by the local fire authority.
- 7.9.** Site obscuring berm or wall. An eight-foot earthen berm shall be constructed between the adjacent residential uses and the storage facility. Atop the berm, the Developer shall plant four eight-foot conifer trees of a species native to the Wasatch Mountains, and shall plant three deciduous trees of a native species well known for shade producing capabilities. The deciduous trees shall have a caliper of at least two inches when planted and the conifer trees shall be at least eight feet tall when planted. The trees shall be provided with an automatic irrigation system to support healthy growth. An eight-foot wall may be constructed in lieu of a berm. The vegetation required herein may be located on either side of the wall.
- 7.10.** Riparian corridor and tree-line protection. Buildings and other improvements shall be setback from the highwater line of the North Fork River, as provided by County Code, and the Developer shall maintain the riparian corridor in good health. As specified in the landscape plan, the Developer shall protect existing trees that line the perimeter of the project area, with special attention to protecting the trees along the river corridor. The Developer shall take a photo inventory of existing trees, identify those that will be removed, and submit the inventory to planning staff prior to any site work. For every tree that will be removed to make way for the development, another of the same species shall be planted on the site.
- 7.11.** Noxious weeds. The storage unit Developer shall be responsible for regular monitoring and removal of noxious weeds on the site.
- 7.12.** Outdoor storage. There shall be no outdoor storage permitted on the site.
- 7.13.** Omitted.
- 7.14.** Art and Culture Contribution. The Developer agrees to pursue opportunities with the Ogden Valley Starry Night organization to provide possible façade space for a future Starry Night mural.
- 7.15.** Phasing. The Parties agree that no phasing plan has been approved as a part of this agreement. Additional phases will require considerations at the time they are proposed.
- 7.16.** Floodplain Development. The Developer agrees to maintain compliance with floodplain development requirements.
- 7.17.** Trail Corridor Preservation. Prior to commencement of construction, the Developer agrees to convey a trail easement to the County that runs along the east side of the North Fork River, west of drive approach and buildings shown on the site plan. The easement shall be located along an alignment that will provide optimal convenience for future trail building, and shall be of sufficient width to provide for a 10-foot paved pathway with appropriate shoulders to support the pathway width.
- 7.18.** Architectural standards. The Developer agrees that the buildings will be designed as provided in Attachment C.
- 7.19.** Construction Staging and Construction Buildout Period. Developer agrees there will be no construction

staging outside of the Project Site boundaries, except what is reasonable and necessary for the construction of the driveway access or to fulfill any requirements of law. County agrees that Developer is allowed to construct the Project such that Substantial Completion is achieved no later than 5 years from the date that all permits necessary to construct the Project are obtained in final form, but in no event later than 6 years from the Effective Date of this Agreement (the "Construction Buildout Period"), unless construction is delayed by a Force Majeure Event.

- 7.20.** Sanitary Sewer and Culinary Water. Developer agrees to satisfy the requirements of the Weber Morgan Health Department, if any, regarding sanitary sewer and culinary water provisions for the site.
- 7.21.** Permits. Developer agrees to obtain all necessary federal, state, and local permits required prior to any work onsite, including but not limited to building permits, storm water pollution prevention permits, right-of-way encroachment permits, and Army Corps of Engineers permits.

8. Amendments and Revisions.

This Agreement may be amended by mutual agreement of the Parties only if the amendment is in writing and approved and signed by Developer and County (an "Amendment"). The following sections specify what Project changes can be undertaken without the need for amendment of the Development Agreement, and what changes require Amendment to this Agreement.

- 8.1.** Project Facility Repair, Maintenance and Replacement. Developer shall be permitted to repair, maintain and replace the Project and its components consistent with the terms of this Agreement without amending the Agreement.
- 8.2.** Authorized Changes, Enlargements, or Alterations. As set forth below, County staff may review and approve certain minor changes, enlargements or adjustments ("Changes") to the Project in their respective administrative capacities. The following types of Changes are considered minor, provided that no such Changes shall directly or indirectly result in significantly greater impacts than those contemplated in the approval of this Agreement.
 - 8.2.1.** Changes Necessary to Comply with Other Laws. Any resulting changes as a consequence of obtaining or complying with a federal, state, or local permit or approval; provided that the changes are routine and uncontested and the application thereof does not materially affect the County's original intent, findings, or conditions on the Project in a manner that would have likely resulted in a different decision on this Agreement, as determined by the Planning Director.
 - 8.2.2.** De Minimis Changes. Other de minimis changes requested by the Developer, which are reasonably consistent with the intent of this agreement and the CV-2 rezone, and are routine and uncontested.

9. Omitted.

10. Termination.

In addition to what is stated in paragraph 1.3, the following termination provisions apply:

- 10.1.** Developer's Option. Developer shall have the option, in its sole discretion, to terminate this Agreement prior to Substantial Completion of the Project, provided such termination will not relieve the Developer of any obligation owed the County under the terms of this Agreement and outstanding at the time of such

termination. If it elects to terminate this Agreement, Developer shall submit a Notice to this effect to County at least thirty (30) days prior to such termination.

- 10.2.** Zoning Reversion. The Parties agree that this agreement and the rezone of the property from the AV-3 zone to the CV-2 zone are inextricably related. The Parties agree that the termination of this agreement shall result in the reversion of the Property back to the rights, standards, and regulations of the AV-3 zone. At that time, any established nonconforming right may continue as provided by law, but no new right may be established unless it complies with the AV-3 zone.

11. General Provisions.

- 11.1.** Assignability. The rights and responsibilities of Developer under this Agreement may be assigned as provided herein.
- 11.1.1.** Total Assignment of Project and Project Site. The Developer, as the landowner of the Project Site at the time of the execution of this agreement, may sell, convey, reassign, or transfer the Project Site or Project to another entity at any time, provided any division of land, if applicable, complies with County Laws.
- 11.1.2.** Partial Assignment of Project Site. A partial assignment of the Project Site is prohibited under this Agreement. The Project Site shall be continuously owned under the ownership of Developer and assignees, until this agreement is Terminated.
- 11.2.** Binding Effect. This Agreement shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring all or any portion of the Project, any lot, parcel or any portion thereof within the Project Site, or any interest therein, whether by sale, operation of law, devise, or in any manner whatsoever.
- 11.3.** Utah Law. This Agreement is entered into under the laws of the State of Utah, and the Parties hereto intend that Utah law shall apply to the interpretation hereof.
- 11.4.** Authority. Each Party represents and warrants that it has the respective power and authority, and is duly authorized, to enter into this Agreement on the terms and conditions herein stated, and to execute, deliver and perform its obligations under this Agreement.
- 11.5.** Duty to Act Reasonably and in Good Faith. Unless otherwise expressly provided, each party shall act reasonably in giving consent, approval, or taking any other action under this Agreement. The Parties agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement and each of them covenants that it will not at any time voluntarily engage in any actions which frustrate the purpose and intent of the Parties to develop the Project in conformity with the terms and conditions specified in this Agreement.
- 11.6.** Communication and Coordination. The Parties understand and agree that the process described in this Agreement depends upon timely and open communication and cooperation between the Parties. The Parties agree to use best efforts to communicate regarding issues, changes, or problems that arise in the performance of the rights, duties and obligations hereunder as early as possible in the process, and not wait for explicit due dates or deadlines. Each party agrees to work cooperatively and in good faith toward resolution of any such issues.
- 11.7.** Force Majeure Event. A Force Majeure Event shall be promptly addressed by Developer. County agrees to offer a reasonable period for Developer to cure the effect of the event given the extent of the effect

on the Project and the Developer's ability to redress the effect.

12. Notices.

- 12.1.** Written Notice. Any notice, demand, or other communication ("Notice") given under this Agreement shall be in writing and given personally or by registered or certified mail (return receipt requested). A courtesy copy of the Notice may be sent by facsimile transmission or email.
- 12.2. Addresses.** Notices shall be given to the Parties at their addresses set forth as follows:

If to the County:

Weber County Commission
2380 Washington Blvd, Ste #360
Ogden, UT 84401

With copies to:

Weber County Attorney
2380 Washington BLVD, Ste. #230
Ogden, UT 84401

Weber County Planning Director
2380 Washington BLVD, Ste. #240
Ogden, UT 84401

If to Developer:

NOAL Holdings, LLC
6895 E 200 S
Eden, UT 84310

- 12.3.** Notice Effect. Notice by hand delivery shall be effective upon receipt. If deposited in the mail, notice shall be deemed delivered forty-eight (48) hours after deposited. Any party at any time by Notice to the other party may designate a different address or person to which such notice or communication shall be given.

13. Default and Remedies.

- 13.1.** Failure to Perform Period. No Party shall be in default under this Agreement unless it has failed to perform as required under this Agreement for a period of thirty (30) days after written notice of default from the other Party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure of the alleged default.
- 13.2.** Remedies. The Developer's failure to comply with this agreement constitutes a violation of the Land Use Code of Weber County, and is subject to the enforcement provisions and remedies thereof. In addition, the County may withhold any permits from the Project Site.
- 13.3.** Dispute Resolution Process.
- 13.3.1.** Conference. In the event of any dispute relating to this Agreement, the Parties, upon the request of either Party, shall meet within seven (7) calendar days to confer and seek to resolve

the dispute ("Conference"). The Conference shall be attended by the following parties: (a) the County shall send department director(s) and County employees and contractors with information relating to the dispute, and (b) Developer shall send Developer's representative and any consultant(s) with technical information or expertise related to the dispute. The Parties shall, in good faith, endeavor to resolve their disputes through the Conference.

- 13.3.2.** Mediation. If this Conference process does not resolve the dispute within the 7-day Conference period, the Parties shall in good faith submit the matter to mediation. The Parties shall send the same types of representatives to mediation as specified for the "Conference" process. Additionally, the Parties shall have representatives present at the mediation with full authority to make a settlement within the range of terms being discussed, should settlement be deemed prudent. The mediation shall take place within 45 days of the Parties submitting the dispute to mediation. If the dispute is not able to be resolved through the mediation process in the 45-day period, the Parties may pursue their legal remedies in accordance with Utah and local law.

14. Entire Agreement.

This Agreement, together with all Attachments hereto, constitutes the entire Agreement between the Parties with respect to the subject matter of this Agreement. This agreement is specifically intended by the Parties to supersede all prior agreements between them, whether written or oral.

15. Counterparts.

This Agreement may be executed in several counterparts and all so executed shall constitute one agreement binding on all the parties, notwithstanding that each of the parties are not signatory to the original or the same counterpart. Further, executed copies of this Agreement delivered by facsimile or by e-mail shall be deemed originally signed copies of this Agreement.

IN WITNESS HEREOF, the Parties hereto, having been duly authorized, have executed this Agreement.

(Signatures on following pages)

SIGNATORIES

“County”

Weber County, a body corporate and politic of the State of Utah

By: _____

Chair, Weber County Commission

DATE: _____

ATTEST: _____

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

**“Developer”
NOAL Holdings, LLC**

By: _____

Print Name: _____

Title: _____

DATE: _____

**Developer Acknowledgment
(Corporation)**

State Of _____)

)ss.

County Of _____)

On the ____ day of _____, 20__, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a limited liability company, and that the foregoing instrument was signed in behalf of said corporation by authority of its members or its articles of organization; and said person acknowledged to me that said limited liability company executed the same.

My Commission Expires:

Notary Public, residing in

Attachment A

Project Area Legal Description and Graphic Depiction

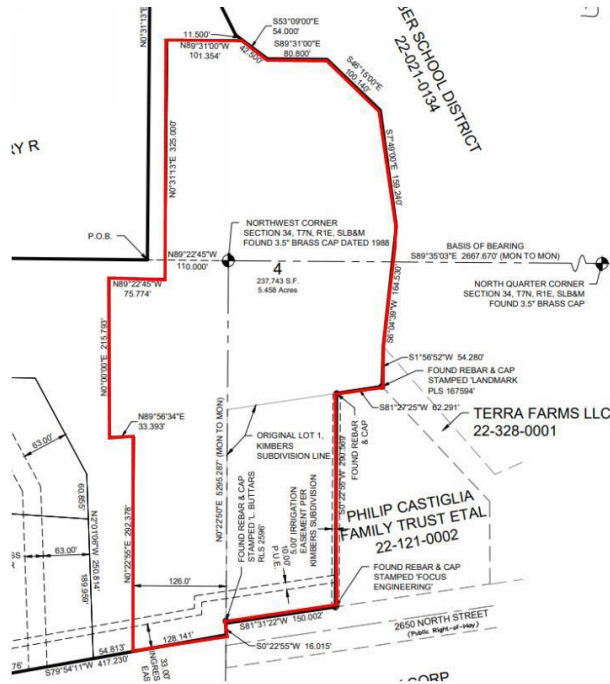
All of the property described as follows:

Beginning at the Northmost Corner of Kimbers Subdivision, recorded as Entry 1353660 in Book 40 at Page 22 in the Office of the Weber County Recorder, said point lies South 89°35'03" East 208.621 feet along the Section Line and South 169.464 feet from the Northwest Corner of Section 34, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence along said Kimbers Subdivision South 81°27'25" West 62.291 feet to the Northeast Corner of Lo1 of said Kimbers Subdivision; thence along said Lot 1 the following (2) courses: 1) South 00°22'55" West 290.569 feet; 2) South 81°31'22" West 150.002 feet to the West Line of the Northwest Quarter of said Section 34; thence along said West Line South 00°22'55" West 16.015 feet; thence South 79°54'11" West 128.141 feet; thence North 00°22'55" East 292.378 feet; thence South 89°56'34" West 33.393 feet; thence North 215.793 feet; thence South 89°22'45" East 75.774 feet; thence North 00°31'13" East 325.000 feet; thence South 89°31'00" East 101.354 feet to the centerline of a canal; thence along said canal the following (5) courses: 1) South 53°09'00" East 42.500 feet; 2) South 89°31'00" East 80.800 feet; 3) South 46°15'00" East 100.140 feet; 4) South 07°49'00" East 159.240 feet; 5) South 06°04'39" West 164.530 feet; thence South 01°56'52" West 54.280 feet to the point of beginning.

Property contains 5.458 acres.

Attachment A (Cont.)

Project Area Legal Description and Graphic Depiction



Beginning at the Northmost Corner of Kimbers Subdivision, recorded as Entry 1353660 in Book 40 at Page 22 in the Office of the Weber County Recorder, said point lies South 89°35'03" East 208.621 feet along the Section Line and South 169.464 feet from the Northwest Corner of Section 34, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence along said Kimbers Subdivision South 81°27'25" West 62.291 feet to the Northeast Corner of Lo1 of said Kimbers Subdivision; thence along said Lot 1 the following (2) courses: 1) South 00°22'55" West 290.569 feet; 2) South 81°31'22" West 150.002 feet to the West Line of the Northwest Quarter of said Section 34; thence along said West Line South 00°22'55" West 16.015 feet; thence South 79°54'11" West 128.141 feet; thence North 00°22'55" East 292.378 feet; thence South 89°56'34" West 33.393 feet; thence North 215.793 feet; thence South 89°22'45" East 75.774 feet; thence North 00°31'13" East 325.000 feet; thence South 89°31'00" East 101.354 feet to the centerline of a canal; thence along said canal the following (5) courses: 1) South 53°09'00" East 42.500 feet; 2) South 89°31'00" East 80.800 feet; 3) South 46°15'00" East 100.140 feet; 4) South 07°49'00" East 159.240 feet; 5) South 06°04'39" West 164.530 feet; thence South 01°56'52" West 54.280 feet to the point of beginning.

Property contains 5.458 acres.

Attachment C

Building Design and Materials

(Colors to be of muted earth tones unless otherwise displayed herein)



Eight (8) foot wall for visual screening shall be precast and textured as shown in the image, with vertical columns every eight feet. The top of each column shall have a cap. The top of the wall shall have a border. The wall shall be a muted earth-toned color, as defined by Weber County Code. Substitute material of similar visual quality, as determined by the Weber County Planning Division Director, may be used.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area.

Applicant: Skyline Mountain Base

Agenda Date: Tuesday, March 22, 2022

File Number: ZTA 2021-07

Frontier Web Address: <https://frontier.co.weber.ut.us/p/Project/Index/13886>

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
(801) 399-8772

Report Reviewer: CE

Applicable Ordinances

§101-2: Definitions
§104-22: Form-Based Village Zone (FBV)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The County recently received an application by Skyline Mountain Base to create a smaller Destination And Recreation Resort Zone (DRR-2), as opposed to the existing DRR-1 zone, in order to create the regulatory framework to which their property could be rezoned. In reviewing this request, County staff ultimately recommended that the applicant pursue an amendment to the recently adopted Form-Based Village (FBV) zoning classification as a means to achieve the desired outcome for their property.

Following this recommendation, the applicant has spent the past several months working and negotiating with staff to identify adjustments and additions needed to the FBV ordinance to accommodate their vision. The attached Exhibit A contains the revised draft of the FBV zoning ordinance created through this effort.

Policy Analysis

Policy Considerations:

Form-Based Village Zone (FBV) Amendments (See Exhibit A):

Definitions:

Various definitions have been added and/or modified. For example, dwelling types, such as “three-family” and “four-family dwellings” have added definitions that were previously absent from the Definitions section.

Land Use Table:

One of the largest changes to the FBV ordinance entails the expansion and recategorization of the land use table. The previous table adopted to govern the uses within the New-Town and Old-Town Villages made specific reference to only a handful of uses while referencing the uses outlined in the CV-2 zone also

applying to any property in the FBV zone. The proposed table imports all the uses from the CV-1, CV-2, and CVR-1 zones. As such, the table is much larger, but simply consolidates all of the commercial zoning uses into a single table within the FBZ ordinance rather than simply referencing the other commercial zones. With all of the commercial uses consolidated into a single table, we took the opportunity to categorize uses by industry sector and street type in addition to cleaning and thinning the overall table. We also took this opportunity to make some adjustments to the permitted, non-permitted, and conditional uses to better fit within the Form-Based Village context.

Addition of Special Regulation Sections:

In addition to porting over the uses from the other commercial zoning classifications, we also ported over the special regulations associated with various uses as well to further clarify the context in which some uses are either permitted or conditionally permitted.

Addition of a Medium-Lot Residential (MLR) and Estate-Lot Residential (ELR) Street Types:

In the originally adopted FBV ordinance, street types for single-family residential skipped from Small-Lot Residential (SLR) (6,000 sq. ft.) straight to Large-Lot Residential (LLR) (20,000 sq. ft.). The proposed adjustments adds a Medium-Lot Residential (MLS) street type and shuffles around the other street types to fit it into the stratification. By doing so, a Small-Lot Residential (SLR) lot starts as low as 3,000 sq. ft., with Medium-Lot Residential (MLR) starting at 8,000 sq. ft. From there, Large-Lot Residential (LLR) stays at 20,000 sq. ft. However, from there we changed the previous “Very Large Lot Residential (VLLR)” descriptor to “Rural Residential (RR)” and kept the 40,000 sq. ft. lot size. Lastly we changed the previous “Rural Residential (RR) descriptor to “Estate Lot Residential (ELR)” and kept the 3 acre lot size. See **Figure 1** below for a side-by-side comparison of these street types and lot areas:

Figure 1: Street Types and Lot Area Comparison

Previous Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	6,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Very Large Lot Residential (VLLR)	40,000 square feet
Rural Residential (RR)	3 acres
Open Space (OS)	None

Proposed Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	None

Adjustments to Development Standards and Street Cross Sections:

Minor adjustments to development standards were made to accommodate for the addition of the Medium-Lot Residential (MLR) street type as well as to facilitate development within topographically challenged areas.

Height Allowances Specific to Nordic Village:

The height table has been adjusted to add columns specific to the Nordic Village area. These adjustments allow a maximum building height on a lot in the Nordic Village to be 55-feet tall. It also limits buildings on corner lots in the Nordic Village Area to a minimum of 25-feet.

Adjustments to the Parking Standards:

A minor adjustment to the previous language would now allow for seasonal day-skier parking lots to be of a material other than hard-surface asphalt or concrete.

Addition of Specific Nordic Village Design Standards:

Similar to New-Town and Old-Town Eden, the proposal defines specific design and architectural standards for the Nordic Village area. The overall theme chosen by the applicant for the Nordic Village is that of a modern interpretation of alpine design that includes a balance between modern alpine and classical alpine design features.

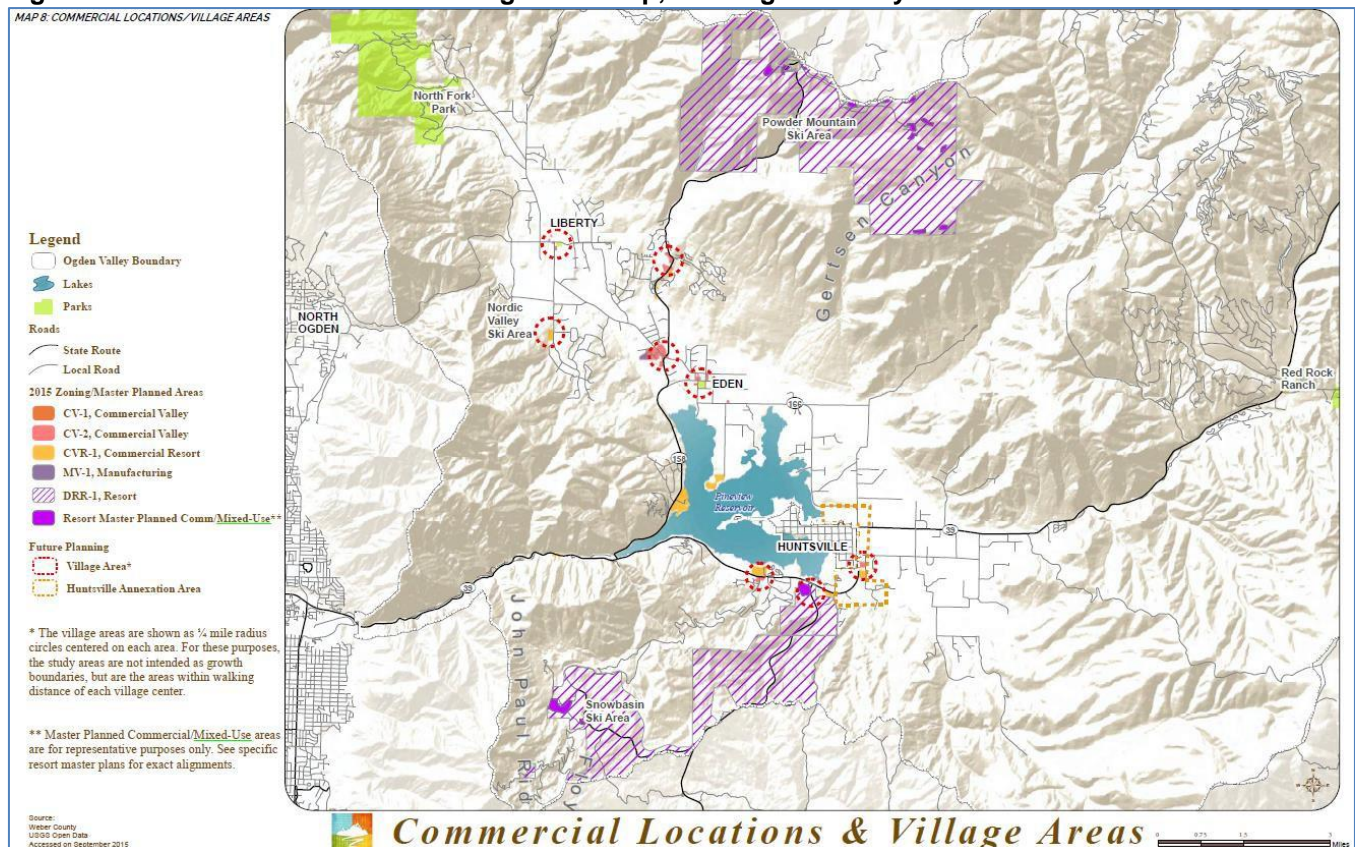
Addition of a Specific Nordic Village Street Regulating Plan:

Similar to the existing street regulating plans for New-Town and Old-Town Eden, the proposed amendment adds a street regulating plan that is specific to a Nordic Village area. This plan focuses Mixed-Use Commercial (MUC) at the heart of the Nordic Ski area along Nordic Valley Way near the existing white barn, while providing a waning transect with lower intensity development radiating further outwards from the core village area.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Ogden Valley General Plan was adopted after a significant public involvement process and received overwhelming support from Valley residents. See **Figure 2** below for the Commercial Locations & Village Areas map from the general plan.

Figure 2: Commercial Locations & Village Area Map, 2016 Ogden Valley General Plan



The proposed adjustments to the Form-Based Village zoning ordinance helps to implement numerous goals and objectives of the Ogden Valley General Plan including the following:

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for

master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multimodal and active transportation to and within each area, as may be appropriate. The village areas are shown as ¼ mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

Commercial Development Principle 1.2: Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

Commercial Development Implementation 2.1.1: As part of small area planning, revise County design standards to adopt more detailed and specific commercial design standards that specify building materials, style elements, colors, dark sky lighting, walkability, landscaping, signage, open spaces, public features, and building height and orientation. Acceptable style elements may include agrarian architecture, Old West or mine-town architecture, or mountain rustic architecture elements that are prevalent in Ogden Valley (Figure 16).

Commercial Development Implementation 2.2.1: Amend County ordinances to limit the maximum square footage of retail businesses in Ogden Valley, or develop design standards to mitigate negative visual impacts. Monitor the demand for additional retail sales in the Valley to determine a possible future need for larger retail businesses.

Transportation Principle 1.3: Support the development of on-street, street-adjacent, or street-alternative active transportation facilities and infrastructure in Ogden Valley as an integral part of the Valley's transportation system.

Streetscape Design Implementation 1.1.1: Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in Commercial Development Goal 1, and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

Streetscape Design Implementation 1.1.3: Develop intersection designs that utilize roundabouts rather than stop signs and lights. Encourage UDOT to do the same.

Moderate Income Housing Implementation 1.1.3: Encourage the development of low-to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County.

Past Action on this Item

No action has occurred on this item to-date. The Ogden Valley Planning Commission has viewed the proposal in work session during their 2/15/22 meeting. Additionally, during the 12/28/2021 meeting, the Planning Commission was introduced to a proposed village plan by Skyline Mountain Base to begin developing a village area for the Nordic Valley Ski resort.

Noticing Compliance

A hearing for this item was noticed to be held on March 22, 2022 with the Ogden Valley Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website (10 days prior to the public hearing)

Posted on the Utah Public Notice Website (10 days prior to the public hearing)

Published in a local newspaper (Standard Examiner) (10 days prior to the public hearing)

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when/if the Planning Commission is comfortable with the proposal, a positive recommendation could be passed to the County Commission with the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Proposed Amendments to the Form-Based Village (FBV) zoning ordinance.

1 **Part II Land Use Code**

2 ...

3 **Title 101 General Provisions**

4 ...

5 **Sec 101-2-5 D Definitions**

6 ...

7 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
8 with the county's adopted building codes and designed as a place for human habitation. This does not
9 include a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodginghouse,
10 tourist court or apartment court.

11 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
12 arranged or designed to contain only four dwelling units with approximately the same floor area, and
13 occupying one lot or parcel.

14 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

15 **Dwelling, multiple-family.** The term "multiple-family dwelling," also referred to as a "multi-family
16 dwelling," means a building or portion thereof arranged or designed to contain more than four dwelling
17 units, including an apartment building and condominium building.

18 **Dwelling, single-family.** The term "single-family dwelling" means a building or portion thereof arranged
19 or designed to exclusively contain only one dwelling unit, unless specified otherwise by this Land Use
20 Code, and occupying one lot or parcel.

21 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building arranged
22 or designed to contain more than one dwelling unit, but that occupies multiple lots or parcels, each lot or
23 parcel encompassing an entire dwelling unit from ground to sky. This is traditionally known as a
24 townhome or townhouse.

25 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
26 arranged or designed to contain only three dwelling units with approximately the same floor area, and
27 occupying one lot or parcel.

28 **Dwelling, two-family.** The term "two-family dwelling" also referred to as a "duplex," means a building
29 arranged or designed to contain only two dwelling units with approximately the same floor area, and
30 occupying one lot or parcel.

31 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
32 facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

33 **Dwelling unit, condominium.** See "condominium dwelling unit."

34 **Dwelling unit, townhome.** See "single-family attached dwelling."

35 ...

36 **Sec 101-2-13 Lot Definitions**

37 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
38 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
39 together with such yards, open spaces, parking spaces and other areas required by this title and the
40 Land Use Code. Except when allowed otherwise in this Land Use Code, not more than one dwelling
41 structure shall occupy any one lot.

42 ...

43 **Chapter 104-22 Form-Based Village Zone FBV**

44 [Sec 104-22-1 Purposes And Intent](#)

45 [Sec 104-22-2 Applicability](#)

- 46 [Sec 104-22-3 Land Use Table](#)
- 47 [Sec 104-22-4 Special Regulations For Specific Uses](#)
- 48 [Sec 104-22-5 Lot Development Standards](#)
- 49 [Sec 104-22-6 Building Design Standards](#)
- 50 [Sec 104-22-7 Street Types And Street Design](#)
- 51 [Sec 104-22-8 Street Regulating Plans](#)
- 52 [Sec 104-22-9 Parking](#)
- 53 [Sec 104-22-10 Signage](#)

54

55 **Editors note:** *Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a*
 56 *single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21. Ord*
 57 *2022-04, adopted January 18, 2022, created the "Form-Based Village Zone" as set forth herein.*

58

59 HISTORY

60 *Adopted by Ord. [2022-04](#) on 1/18/2022*

61

62 **Sec 104-22-1 Purposes And Intent**

63 The purpose and intent of the Form-Based Village Zone is to provide a form-based regulatory tool that
 64 focuses on the public street design and the buildings that frame the public street. This deemphasizes
 65 separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations
 66 help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.
 67 Additionally:

- 68 (a) **Implements the general plan.** The Form-Based Village Zone regulations are intended to carry
 69 out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-
 70 based small area zoning and transferable development rights.
- 71 (b) **Creates street regulating plans.** Each Village area affected by the Form-Based Village Zone
 72 shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to
 73 address specific design and functionality of streets and building facades along these streets. The
 74 intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with
 75 architectural and design elements that are unified under a common design theme whilst enabling
 76 unique building facades.

77 HISTORY

78 *Adopted by Ord. [2022-04](#) on 1/18/2022*

79

80 **Sec 104-22-2 Applicability**

81

- 82 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to
 83 proposals for new development, changes in land uses, and site improvements to existing
 84 buildings, lots, or parcels that are in the Form-Based Village Zone. Exterior modifications to
 85 existing development shall comply if the exterior modification exceeds either 25 percent of the
 86 street-facing facade of the building, or 25 percent of the lot's street frontage.
- 87 (b) **Other regulations apply.** In the Form-Based Village Zone, except when more specific
 88 regulations are provided in this chapter, the CV-2 zoning regulations of Section 104-20, and the
 89 design review regulations and architectural, landscape, screening, and design standards
 90 of Section 108-1 and 108-2 apply to all lots, except a lot with only one single-family dwelling.

91 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as
 92 designated by the applicable street regulating plan. New development within the Form-Based
 93 Village Zone shall comply with the applicable street regulating plan. Development of any property
 94 along a street or that gains primary access from that street shall comply with the street design
 95 requirements, as provided in Section 104-22-7, and the building design standards in Section
 96 104-22-6, for the specific type of street. A list and explanation of each street type is provided in
 97 Section 104-22-7.

98 (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic
 99 in this chapter have no effect unless expressly provided by this chapter.

100 HISTORY

101 *Adopted by Ord. 2022-04 on 1/18/2022*

102

103 **Sec 104-22-3 Land Use Table**

104

105 The following land use table provides use regulations applicable for each street type. In the list, those
 106 designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only
 107 when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use
 108 Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from,
 109 that street type.

110 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the
 111 main use to which it is accessory.

G	V	M	M	S	M	L	R	R	E	L	O	S
I	C	C	R	R	R	R	R	R	R	R	L	S

**SPECIAL
REGULATIONS**

Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.	
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N		
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.	

Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.
---	---	---	---	---	---	---	---	---	---	---	---	-----------------------

112 (b) **Agricultural and open space uses, generally.**

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SPECIAL REGULATIONS

Agriculture.	N	N	N	N	N	N	N	P	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P		
Fruit and vegetable storage and packing plant, for produce grown on premises.	N	N	N	N	N	N	N	P	P	P	10-acre minimum lot area required.	
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P		
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.	

113 (c) **Agricultural uses, animal-oriented.** The following are animal-related uses that do not and shall
114 not typically generate customer-oriented traffic to the lot or parcel.

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SPECIAL REGULATIONS

Animal grazing. Animal grazing, as defined in Section 101-2.	N	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	N	P	P	P	P	
Corral or stable . A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.

115
116

(d) **Amusement, entertainment, and recreation uses.** The following are uses oriented toward providing amusement or entertainment for patrons.

G	V	M	M	S	M	L	L	E	O	SPECIAL REGULATIONS
I	C	C	R	R	R	R	R	R	S	

	G	V	M	M	S	M	L	L	E	O	S	
Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	N	
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N	N	
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	P	2-Acre minimum lot or parcel area required.
Dude ranch.	N	N	N	N	N	N	N	P	P	P	P	10-acre minimum lot or parcel area required.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N	N	
Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	C	C	See Section 104-22-4. Five-acre minimum lot or parcel area required for an outdoor range.

Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	
Ski lodge and associated services	N	N	P	P	N	N	N	N	N	P	When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	P	P	P		
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P		
Zoo.	P	P	N	N	N	N	N	N	N	P	10-acre minimum lot or parcel area required.

117 (e) **Animal services and uses.**

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SPECIAL REGULATIONS

Animal grooming, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	C	If located completely indoors, and inaudible from adjoining lot or parcel, this use is permitted where listed as conditional.
Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	C	N	If located completely indoors, and inaudible from adjoining lot or parcel, this use is permitted where listed as conditional.

118 (f) **Food, beverage, and other products sales for human consumption.**

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SPECIAL REGULATIONS

Food Preparation and Services:

Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.

Eating and Drinking Establishments, Products Primarily for Onsite Consumption												
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, including those with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	

Retail, Food, and Drug; Products Primarily for Offsite Consumption.												
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	
Drugstore or pharmacy.	P	P	P	P	N	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store, including a store that specializes in	P	P	P	P	N	N	N	N	N	N	N	

the sales of any type of food normally found in a grocery store.												
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P		

119 (g) **Government and institutional uses.**

G	V	M	M	S	M	L	R	E	O	S	SPECIAL REGULATIONS
&	O	U	F	L	L	L	R	L	S		
I	C	C	R	R	R	R	R	R	S		

Cemetery.	P	P	P	P	P	P	P	P	P	P		
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N		
Fire station. Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P		
Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center.	P	C	C	N	N	N	N	N	N	N		
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N		
Post office. A post office.	P	P	P	P	P	P	P	P	P	N		
Public library. A library owned and operation by a governmental entity.	P	P	P	P	P	P	P	P	P	N		
Public recreation or community center. A recreation or community center owned and operated by a public entity.	P	P	C	C	N	N	N	N	N	N		

Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	P	N
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	N
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	N
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	N	N

120 (h) **Office uses.**

G	V	M	M	S	M	L	L	L	R	L	O	S	SPECIAL REGULATIONS
&	O	U	F	L	L	L	L	R	R	L	O	S	
I	C	C	R	R	R	R	R	R	R	L	O	S	

Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	N
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N

121 (i) **Residential uses.**

G	V	M	M	S	M	L	L	L	R	L	O	S	SPECIAL REGULATIONS
&	O	U	F	L	L	L	L	R	R	L	O	S	
I	C	C	R	R	R	R	R	R	R	L	O	S	

Bed and breakfast inn. A bed and breakfast inn, as defined by Title 101, Chapter 2.	P	P	P	C	C	N	N	C	C	N	See Section 104-22-4.
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	

Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium, including lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	C	N	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	N	
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	P	Must comply with "dwelling" requirements of Section 104-22-4.

122

(j) **Sales with retail storefront.**

G	V	M	M	S	M	L	L	L	R	R	L	R	L	R	S	SPECIAL REGULATIONS
I	O	C	C	R	R	R	R	R	R	R	R	R	R	R	S	

Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	N	N	N	N	N	See Section 104-22-4.
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.

Nursery. A nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot coverage by buildings.
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	N	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	N	N	N	N	N	N	N	N	N	

123 (k) **Sales typically without retail storefront.**

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SPECIAL REGULATIONS

Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	N	N	N	N	N	N	P	
Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.	P	P	P	P	N	N	N	N	N	N	C	See Section 108-13-3 and Section 104-22-4.

124 (l) **Services.**

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SPECIAL REGULATIONS

Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	N	
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	N	
Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	N	

Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, lithographing, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	
Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	
Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	

125 (m) **Storage.**

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SPECIAL REGULATIONS

Self-storage. Indoor storage units for personal, or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4.
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126 (n) **Utility uses.**

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SPECIAL REGULATIONS

Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	
Small wind energy system.	P	N	N	N	N	N	N	P	P	P	See Section 108-7-24

127 (o) *Vehicle-oriented uses.*

G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
-------------	-------------	-------------	-------------	-------------	-------------	-------------	-------------	--------	-------------	--------	------------------------

Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N
Boat sales or rentals. The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	

128 **Editors note:** The color adjacent to each street type corresponds with the street colors on the
 129 streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

130 HISTORY

131 Adopted by Ord. [2022-04](#) on 1/18/2022

132

133 **Sec 104-22-4 Special Regulations**

134 **Sec 104-22-4.1 Special Regulations. Generally.**

135 (a) **All uses, generally.** All uses listed in the use table are indoor uses, unless specifically stated
136 otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or
137 airborne particulate matter, refuse, or anything else that is uncommon to the established character
138 of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the
139 occupants of the immediate area.

140 (b) **Drive up (drive-thru) window.** Any business with a drive up (drive-thru) window shall
141 comply with the following:

142 (1) The window shall be located on the rear of the building. The rear of the building shall
143 be determined as the side of the building opposite from the building's facade that faces
144 the public street. If on a corner along a government or institutional street or vehicle-
145 oriented commercial street, the window may be located on the side of the building
146 that is visible from the less prominent street.

147 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted
148 to the drive up (drive-thru) window shall be located in an area that is not visible from the
149 more prominent street right-of-way.

150 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a
151 parking space required by this Land Use Code.

152 (c) **Perpetual building maintenance agreement.** When a building is setback less than five feet
153 from a property line, a perpetual building maintenance agreement is required between the
154 building owner and the affected adjacent property owner, which shall allow for construction and
155 maintenance of the side or rear of a commercial building, and shall:

156 (1) be reviewed for compliance with this section by the Planning Division and County
157 Attorney's Office;

158 (2) place responsibility on the building owner for prompt repairs and maintenance of the
159 side or rear of the building;

160 (3) require allowances of access to the property for repairs and maintenance purposes;

161 (4) be signed by the owner of the building and the adjacent property owner and be recorded
162 on the title of both properties.

163 **Sec 104-22-4.2 Special Regulations. For Specific Uses.**

164 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals,
165 except when in compliance with the following:

166 (1) It may only be carried on during times that are reasonable and necessary due to lack of
167 natural growing feed as a result of seasonal changes or extreme and temporary
168 meteorological events.

169 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
170 and 40 head per acre of used land in the A-2 and A-3 zones.

171 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an
172 adjoining parcel of land.

173 (b) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any
174 kind, automobile sales, rental or service, boat sales or service, a tire shop, or any other use
175 governed by this section by reference shall only be conducted within a completely enclosed
176 building that meets the standards of this chapter.

177 (1) No vehicle awaiting service shall be stored outside.

178 (2) Sufficient parking for all employee or customer uses, including the temporary parking of
179 vehicles awaiting pickup from owners, shall be provided on the lot.

180 (3) No vehicles associated with the use shall be parked on the street. However, up to 20
181 vehicles may be temporarily parked in a parking lot meeting all applicable parking

- 182 standards of this land use code if the vehicles are available for immediate purchase,
183 lease, or rent, and as long as all other standards of this Land Use Code are met.
- 184 (c) **Automobile repair of any kind.** Refer to paragraph (b) of this section.
- 185 (d) **Automobile sales, rentals, or service.** Refer to paragraph (b) of this section.
- 186 (e) **Bed and breakfast dwelling.** Bed and breakfast dwelling is subject to the following standards:
- 187 (1) Two parking spaces shall be provided for the host family plus one space for each guest
188 room;
- 189 (2) Proprietor or owner shall occupy the property;
- 190 (3) Meals shall only be served to overnight guests;
- 191 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area
192 per dwelling;
- 193 (5) Not more than two guests sleeping rooms per dwelling;
- 194 (6) Allowed only in existing dwellings with no exterior additions nor change in residential
195 character;
- 196 (7) Business license shall be obtained.
- 197 (f) **Bed and breakfast inn.** A bed and breakfast inn is subject to the following regulations:
- 198 (1) Proprietor or owner shall occupy the premises while guest are present.
- 199 (2) Not more than seven sleeping rooms per inn.
- 200 (3) Two parking spaces shall be provided for the host family plus one space for each guest
201 sleeping room.
- 202 (4) The guest parking shall be in the rear of the Inn.
- 203 (5) Meals shall be served to registered overnight guests only.
- 204 (6) Signs are limited to one name plate or one identification sign of not more than eight
205 square feet in area.
- 206 (7) Design review approval, as provided in Title 108, Chapter 1 is required. The site shall be
207 landscaped to provide a visual and noise buffer to adjoining property. A landscape plan
208 shall be submitted with the design review application.
- 209 (8) The inn shall be of a historic period or other distinguishable architectural style or design
210 so as not to resemble the modern block motel appearance.
- 211 (9) A business license shall be obtained.
- 212 (10) All units shall be in one building, together with owner's residence.
- 213 (11) As an accessory and incidental use, small events, such as weddings, family reunions,
214 business retreats, and art or cooking classes are allowed, provided they do not exceed
215 75 participants and not more than four events held per calendar month.
- 216 (g) **Boat sales or service.** Refer to paragraph (b) of this section.
- 217 (h) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall
218 comply with Title 108, Chapter 20. If located along any street in the FBV zone except open
219 space, an opaque fence or wall shall surround the use. Vegetation screening shall be planted on
220 the outside of the fence or wall to allow the use to blend in with surrounding uses. A drip
221 irrigation system shall be installed to ensure long-term viability of the vegetation.
- 222 (i) **Car wash.** Where allowed, a car wash is subject to the following restrictions:
- 223 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- 224 (2) There shall not be more than four washing bays for a manual spray car wash.
- 225 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving

- 226 street frontage for buildings that provide street-facing commercial facades.
- 227 (4) The off-street vehicle spaces or queues required shall be as follows:
- 228 a. One bay car wash, four spaces in the approach lane;
- 229 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 230 c. Three or more bay car wash, two spaces in the approach lane for each wash
- 231 bay.
- 232 (j) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not
- 233 less than 25 feet from any side or rear lot line
- 234 (k) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are
- 235 as follows:
- 236 (1) **Types of dwellings allowed.** A dwelling unit on a government and institutional, vehicle-
- 237 oriented, mixed use commercial, or multi-family residential street shall be constructed
- 238 to a multifamily residential standard in accordance with the International Building Code.
- 239 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional,
- 240 vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot
- 241 as follows:
- 242 a. Above any street-level commercial space.
- 243 b. Behind a building that provides street-level commercial space, or if no such
- 244 building exists at the time of application, behind the area reserved for street-
- 245 level commercial space as otherwise required herein. The location shall
- 246 provide for the existing and future planned street layout of the area, including
- 247 the future street- level commercial space that will face future streets, and
- 248 internal block alleyways.
- 249 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner
- 250 occupied, a two, three, four, and multi-family residential building shall be operated and
- 251 maintained by a professional management company that specializes in multi-family
- 252 residential property management.
- 253 (4) **Density allowance and transferable development rights.** No dwelling units in excess
- 254 of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-
- 255 22-11, are allowed in the form-based village zone except when in compliance with the
- 256 transferable development rights requirements of Section 104-22-11.
- 257 (l) **Family food production.**
- 258 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
- 259 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
- 260 pheasants, five turkeys, five ducks, five geese, or five pigeons.
- 261 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is
- 262 less than 40,000 square feet.
- 263 (3) No more than six combined sets of Group A animals and Group B animals or fowl may
- 264 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel
- 265 greater than two acres, except that an additional six combined sets of Group A and
- 266 Group B animals or fowl may be kept per each additional acre greater than two.
- 267 (m) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-
- 268 way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the
- 269 convenience store associated with the canopy.
- 270 (n) **General retail sales, small items.** This use is any store that primarily retails or rents items to
- 271 be physically taken by the customer from the store, when those items weigh less than 80 lbs,
- 272 including product packaging, or that are small enough to fit in a typical passenger vehicle. The
- 273 use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of
- 274 items intended to be explosive or hazardous to human health, safety, or welfare is permitted.

- 275 (o) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
 276 physically taken by the customer from the store, when those items weigh more than 80 lbs,
 277 including product packaging, or that are too large to fit in a typical passenger vehicle. This use
 278 may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely
 279 surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human
 280 health, safety, or welfare is permitted.
- 281 (p) **Office uses.** A use listed in the “office uses” table may only be located above or behind first-floor
 282 street-level commercial space, reserving the street frontage for first-floor street-level commercial
 283 space. A local recreation and tourism office devoted to providing services, information, and
 284 events primarily for visitors to the Ogden Valley is exempt from this requirement provided that it
 285 is open and accessible to all members of the public.
- 286 (q) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated
 287 shooting positions for which ballistic backstops are designed. No shooting is allowed except in
 288 these designated shooting positions. All sides down range of a shooting position shall have a
 289 non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
 290 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of
 291 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
 292 The range operator shall be onsite at all times shooting is occurring.
- 293 (r) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that
 294 has street-facing commercial space. The use shall comply with the following:
 - 295 (1) Storage units shall be located behind or above building area that provides a first-story
 296 street-facing commercial façade and related commercial space. The building providing
 297 street-facing commercial space shall appear from the exterior as if office or residential
 298 space is offered in the area housing the storage units.
 - 299 (2) If located in a separate onsite building than the building providing first-story street-facing
 300 commercial space specified in Subsection (w)(1) herein, the separate building shall be
 301 located behind the building with first-story street-level commercial space, and shall be
 302 no wider than the building providing first-story street-level commercial space.
 - 303 (3) Storage unit bay doors or garage doors shall face away and not be visible from the
 304 nearest property line, and shall be completely obscured from view from any public right-
 305 of-way.
- 306 (s) **Temporary building or use.** The building or use shall be removed upon completion or
 307 abandonment of the construction work.
- 308 (t) **Tire shop.** Refer to paragraph (b) of this section.
- 309 (u) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, and shall
 310 not be stationary for more than four days at a time.

311 HISTORY

312 *Adopted by Ord. [2022-04](#) on 1/18/2022*

313

314 **Sec 104-22-5 Lot Development Standards**

315

316 The following site development standards apply to a lot or parcel in the Form-Based Village Zone,
 317 unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 318 described in Section 104-22-7, in abbreviated form. A lot fronting or gaining access from one of these
 319 street types shall be developed in accordance with the corresponding development standard.

320

321 **Lot area.**

322

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	None

323
324
325

Lot width and frontage.

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet
Medium Lot Residential (SLR)	50 feet
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	None

326
327
328

Front lot-line setback.

Commented [E1]: Change SLR to 3000 sqft with 30 feet of frontage.
 Front setback: Min: 0; Max: 5; parking to be to the side, rear, or beneath/above, or in common parking area

OR

Min 20; Max 25

Max: 20 feet; if front setback is less than 18 feet.
 Side setback: 0
 Rear setback: 0

Think through alley load products

FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE	ALL OTHER BUILDING FAÇADES
---	----------------------------

STREET TYPE:	MAXIMUM FRONT LOT-LINE SETBACK:	MINIMUM FRONT LOT-LINE SETBACK	MAXIMUM FRONT LOT-LINE SETBACK:	MINIMUM FRONT LOT-LINE SETBACK
Government and Institutional (G/I)	5 feet, or 20feet if providing public dining or gathering space.*	None	None	40 feet**
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)			10 feet*	5 feet
Small Lot Residential (SLR)	Not Applicable		None	5 feet
Medium Lot Residential (SLR)	Not Applicable		30 feet	20 feet
Large Lot Residential (LLR)	Not Applicable		None	30 feet
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

329 *This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already
 330 occupied by a similar building.

331 **Except for a public plaza, this setback distance shall remain clear from permanent building
 332 improvements or significant financial investments until or unless a first-floor street-level commercial
 333 building facade is constructed that meets the five-foot maximum building setback.

334

335 **Side lot-line setback.**

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	None. See requirements of perpetual maintenance agreement in Section 104-22-4.1	None, however any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when whether permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)		None

Medium Lot Residential (MLR)	5 feet	
Large Lot Residential (LLR)	10 feet	
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

336
 337 **Rear lot-line setback.**
 338

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:	
Government and Institutional (G/I)	None, unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.	
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	
Medium Lot Residential (MLR)	20 feet	
Large Lot Residential (LLR)	30 feet	
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

339
 340 **Lot coverage.**
 341

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF RESIDENTIAL UNITS ALLOWED PER LOT:
Government and Institutional (G/I)	None	None

Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	85 percent	4
Medium Lot Residential (MLR)	50 percent	1*
Large Lot Residential (LLR)	30 percent	1*
Rural Residential (RR)	20 percent	1*
Estate Lot Residential	10 percent	1*
Open Space (OS)	2.5 percent	Not applicable

342

343 *Not including an accessory dwelling unit, as provided in Section 108-19.

344

345 **Loading and unloading.** Each building anticipated to receive deliveries from a truck that has a gross
 346 vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area
 347 behind the building.

348 **Building location.** Each building shall be located on a lot in a manner that preserves space for the
 349 extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback
 350 standard.

351

352 HISTORY

353 *Adopted by Ord. [2022-04](#) on 1/18/2022*

354

355 **Sec 104-22-6 Building Design Standards**

356 [Sec 104-22-6.1 Building Design Standards Per](#)
 357 [Street Type](#)

358 [Sec 104-22-6.2 Building Design Standards By](#)
 359 [Village Area](#)

360

361 HISTORY

362 *Adopted by Ord. 2022-04 on 1/18/2022*

363

364 **Sec 104-22-6.1 Building Design Standards Per Street Type**

365

366 The follow table provides regulations applicable to all buildings in the FBV zone. They are broken out by
 367 street type, as represented in the applicable street regulating plan.

368

369 **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT			MAXIMUM BUILDING HEIGHT		
	LOT IN NORDIC VALLEY VILLAGE AREA	CORNER LOT	INTERNAL LOT	LOT IN NORDIC VALLEY VILLAGE AREA	CORNER LOT	INTERNAL LOT
Government and Institutional (G&I)	25 feet	40 feet	One story	55 feet	45 feet	35 feet
Vehicle-Oriented Commercial (VOC)						
Mixed-Use Commercial (MUC)						
Multi-Family Residential (MFR)						
Small Lot Residential (SLR)	One story			35 feet		
Medium Lot Residential (MLR)						
Large Lot Residential (LLR)						
Rural Residential (RR)						
Estate Lot Residential	None			25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.		
Open Space (OS)						

370

371 *A lot on the corner of a mid-block alley, as illustrated on the applicable street regulating plan, is not a
 372 corner lot for the purpose of this table.

373

374 **Building area.**

375

STREET TYPE:	MAXIMUM BUILDING FOOTPRINT:
Government and Institutional (G&I)	30,000 square feet*
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	10,000 square feet
Multi-Family Residential (MFR)	None
Small Lot Residential (SLR)	
Medium Lot Residential (MLR)	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

376

377 *Government buildings and schools are exempt from building area maximum.

378

379 **First-floor building standards.**

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS

Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		15 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 30 inches for building area to be used for commercial purposes.	10 feet, except 15 feet for areas of the first floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

380
 381 **Transparent fenestration requirements.**
 382

STREET TYPE:	MINIMUM BUILDING FACADE FOR FIRST-STORY...		MINIMUM BUILDING FACADE FOR SECOND-STORY AND ABOVE...	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government Institutional (G&I) and	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent		

Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.		40 percent
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

383
 384 **Main entrance requirements.** Each building along a government and institutional, vehicle-oriented
 385 commercial, mixed use commercial, or multi-family street shall be provided with a main entrance that faces
 386 the street. Except when the building is setback from the street right-of-way at least four feet, the main
 387 entrance shall be recessed from the building's façade no less than five feet.

388
 389 HISTORY
 390 *Adopted by Ord. [2022-04](#) on 1/18/2022*

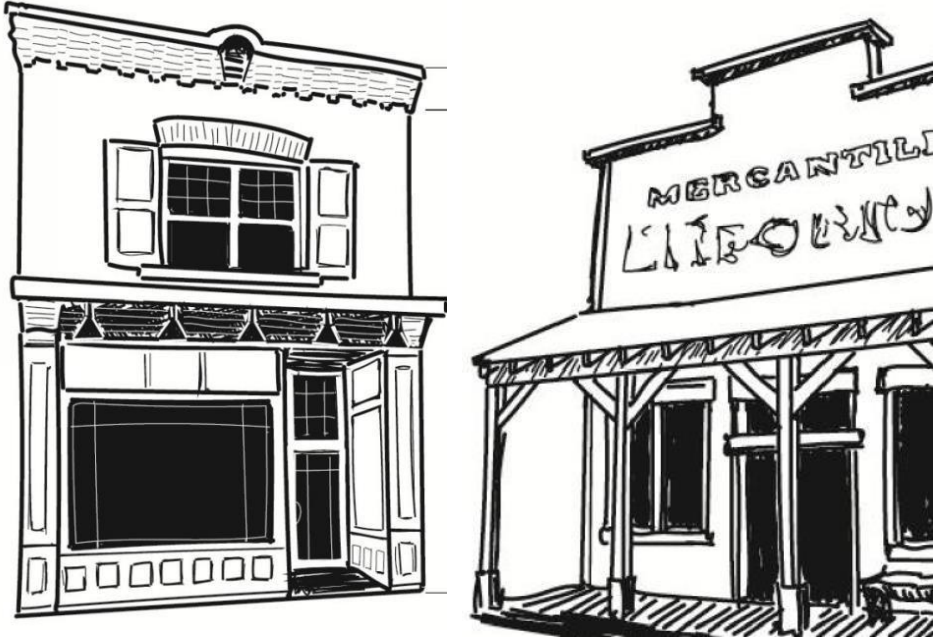
391
 392 **Sec 104-22-6.2 Building Design Standards By Village Area**

393
 394 The following provides regulations applicable to the architecture and design of buildings in each village
 395 area. Each village area, as depicted in the applicable street regulating plan has a unique architectural
 396 theme.

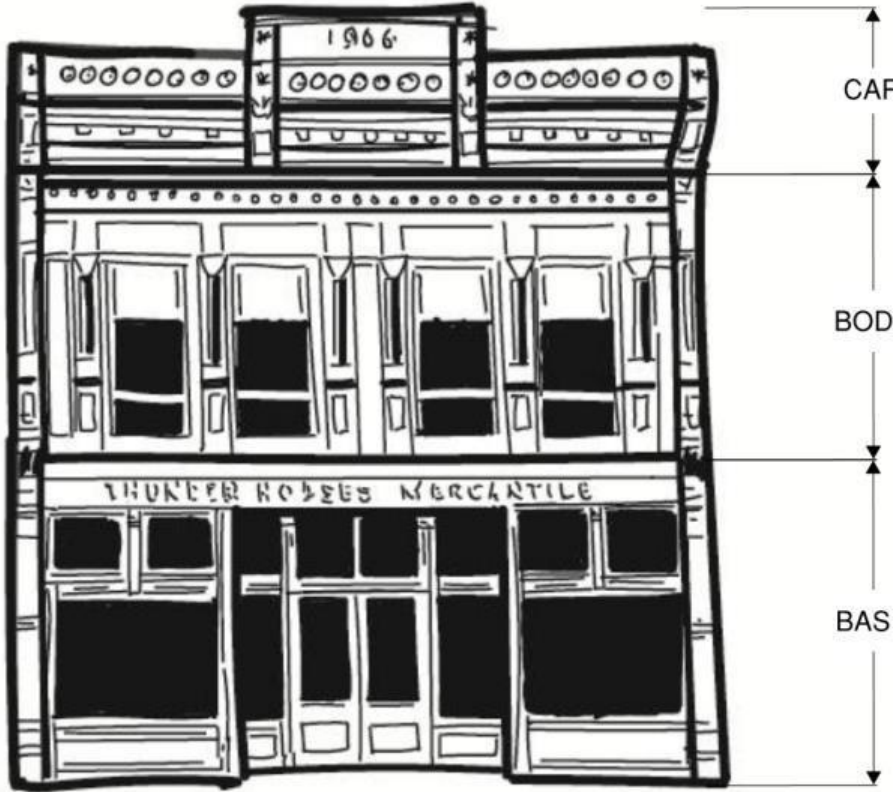
- 397
 398 (a) **Licensed architect required.** In each village area, buildings shall be designed by a licensed
 399 architect. A building's street-facing facade shall be designed to have a base, body, and cap, each
 400 of varying design features and building material. At least one of the building materials used
 401 on the building facade shall also be used on all other sides of the building.
- 402 (b) **Modification of standards.** After receiving recommendation from a licensed architect, the
 403 planning commission may allow minor modifications to the applicability of the standards in this
 404 section as long as it results in a design that better aligns with the intent of the design theme and

- 405 blends well with the design of adjacent buildings.
- 406 (c) **Old Town Eden Village Area Building Design Standards.** In addition to applicable standards
407 in this chapter, the following standards apply to all buildings in the Old Town Eden Village Area,
408 except buildings on a lot that contains one or two single-family dwellings:
- 409 (1) **Design theme.** All buildings shall have architectural styling and materials that resemble
410 historic commercial main-street buildings in the Western United States that were in
411 existence between 1880 and 1910. Each new building shall provide diversity and
412 variety in building design, architectural features, and building material that set each
413 building apart from adjacent buildings.
- 414 (2) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift
415 between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be
416 constructed to hide the roof slope.
- 417 (3) **Building massing.** The wall massing of building facades shall be broken at least
418 every 40 feet with no less than a six inch shift in the plane of adjacent walls. Each street-
419 facing facade shall be designed and constructed to have a building base, building body,
420 and varying building roofline, each having varying building materials or design
421 techniques.
- 422 (4) **Building material.** Each building facade that faces the street shall consist of brick, or
423 wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may
424 be used for accent material.
- 425 (5) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina,
426 are allowed. Other muted earth-tone paints may be used as long as they complement
427 the age period. No more than 70 percent of a building's facade shall be white.
- 428 (6) **Examples.** Examples of generally acceptable architectural features are depicted in the
429 following images. Any conflict between details in the images and regulations in
430 this chapter shall be interpreted in favor of the regulations in the chapter.
431









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(d) **New Town Eden Village Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Village Area, except buildings on a lot that contains one or two single-family dwellings:

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438

(1) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style architecture. Agrarian-style architecture shall incorporate at least two of the following four options:

439

a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.

440

b. An attached shed-roof at a 4/12 or greater slope that is not attached to the mainroof structure.

441

442

c. A clerestory or cupola.

443

d. Gable-style dormer windows.

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445

446

(2) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

447

(3) **Building massing.** The wall massing of building facades shall be broken at least

448 every 40 feet with no less than a six inch shift in the plain of adjacent walls. Each
449 street-facing façade shall be designed and constructed to have a building base,
450 building body, and varying building roofline, each having varying building materials or
451 design techniques.

452 (4) **Building material.** Building façade walls shall be finished with no less than two diverse
453 types of material. The primary building material shall be wood siding or similar
454 appearing siding.

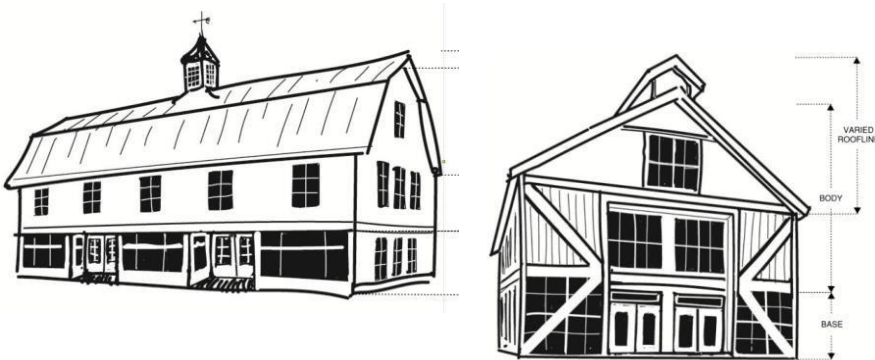
455 a. Brick or stone may be used in place of wood if approved by the Land
456 Use Authority.

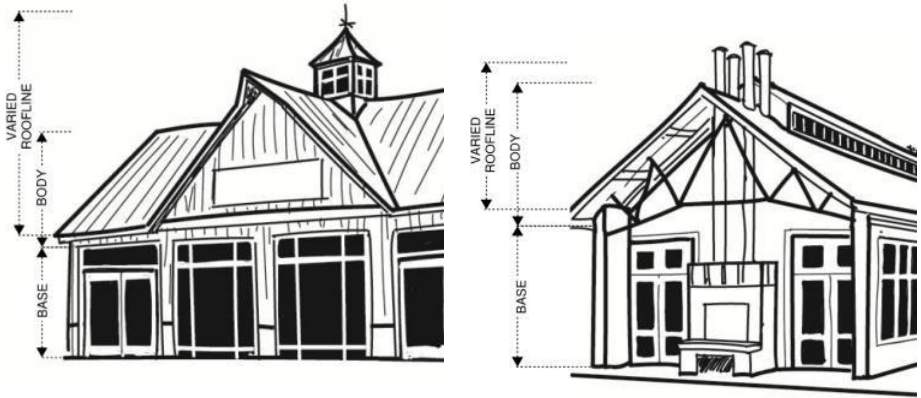
457 b. Metal siding may be used on the building's body, as long as the building's base
458 is made of brick or stone, and as long as the metal siding is broken horizontally
459 by brick or stone every twenty feet, and is treated to create a natural-appearing
460 aged patina.

461
462 (5) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's
463 facade shall be white.

464 (6) **Examples.** Examples of generally acceptable architectural features are depicted in the
465 following images. Any conflict between details in the images and regulations in
466 this chapter shall be interpreted in favor of the regulations in the chapter.

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(e) **Nordic Valley Village Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Village Area, except buildings on a lot that contains a one or two single-family dwelling:

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(1) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.

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(2) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same plain.

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(3) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six inch shift in the plain of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and a varying building roofline.

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(4) **Building material.** Building facade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein.

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a. Each building shall have at least 60 percent primary building material.

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b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.

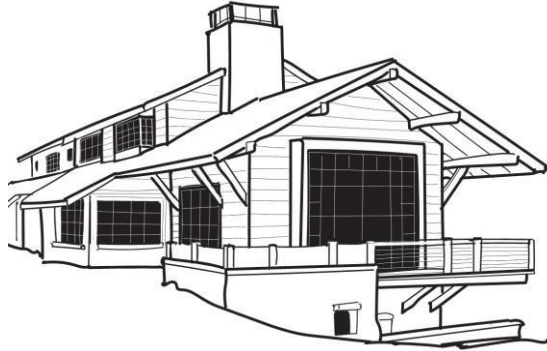
494
495

c. Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.

496

d. No more than ten percent of any building facade shall be exposed concrete.

- 497 (5) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's
498 facade shall be white.
- 499 (6) **Examples.** Examples of generally acceptable architectural features are depicted in the
500 following images. Any conflict between details in the images and regulations in
501 this chapter shall be interpreted in favor of the regulations in the chapter.



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511 HISTORY

512 *Adopted by Ord. [2022-04](#) on 1/18/2022*

513

514 **Sec 104-22-7 Street Types And Street Design**

515 Sec 104-22-7.1 Street Types And Right-Of-Way Cross

516 SectionsSec 104-22-7.2 Street Design Standards

517 HISTORY

518 *Adopted by Ord. [2022-04](#) on 1/18/2022*

519

520 **Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections**

521

522 (1) **Right-of-way dedication.** As development occurs on each lot or parcel, the owner shall dedicate
523 area for public right-of-way with a width as depicted in the table below or as otherwise adopted,
524 to form a block pattern as depicted in the applicable street regulating plan.

525 (2) **Drawings required.** Each application for development shall provide engineered construction
526 drawings of the street improvements required herein.

527 (3) **Street type, description, and purpose.**

528 a. **Government/institutional street.**

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings fronting the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

529

530

b. **Vehicle-oriented commercial street.**

A vehicle-oriented commercial street or alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

531

532

c. **Mixed-use commercial street.**

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial retail Multi-family residential uses are allowed if located above first-floor street-level commercial space.

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534

d. **Multi-family residential street.**

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are setback from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. First-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level.

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536

e. **Mid-block alley.**

Each street type may have an associated mid-block alley, where shown on the applicable street regulating plan. As development occurs, sufficient area shall be preserved and constructed to provide the mid-block alley to provide access to parking areas, garages, and other uses or buildings that are located in the middle of the block. The location of an alley shall be in the locations depicted by the applicable street regulating plan, and designed at a minimum in accordance with the graphic to the right, and at a maximum to the standards applicable for a public street. Some mid-block alleys connect to adjoining residential streets. Where they connect, the applicable standards shall change to residential street standards. Snow removal for an alley is the responsibility of all landowners, collectively, or an HOA, that have a parking area that has an access from the alley.

549

550

f. **Small-lot residential street.**

A small-lot residential street has street-front buildings that may be setback more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

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g. **Medium-lot residential street.**

A medium-lot residential street has street-front buildings that are setback further

than multi-family residential street facades to provide a small front yard area.

553

554

h. Large-lot residential street.

A large-lot residential street has street-front buildings that are setback enough to create a sizeable front yard on a lot that is large.

555

556

i. Rural residential street.

A rural residential street has street-front buildings that are setback enough to create a sizeable front yard on a lot that is at least an acre large.

557

558

j. Estate lot residential street.

An estate lot residential street has street-front buildings that are setback enough to create a sizeable front yard a lot that contains multiple acres.

559

560

k. General open space street.

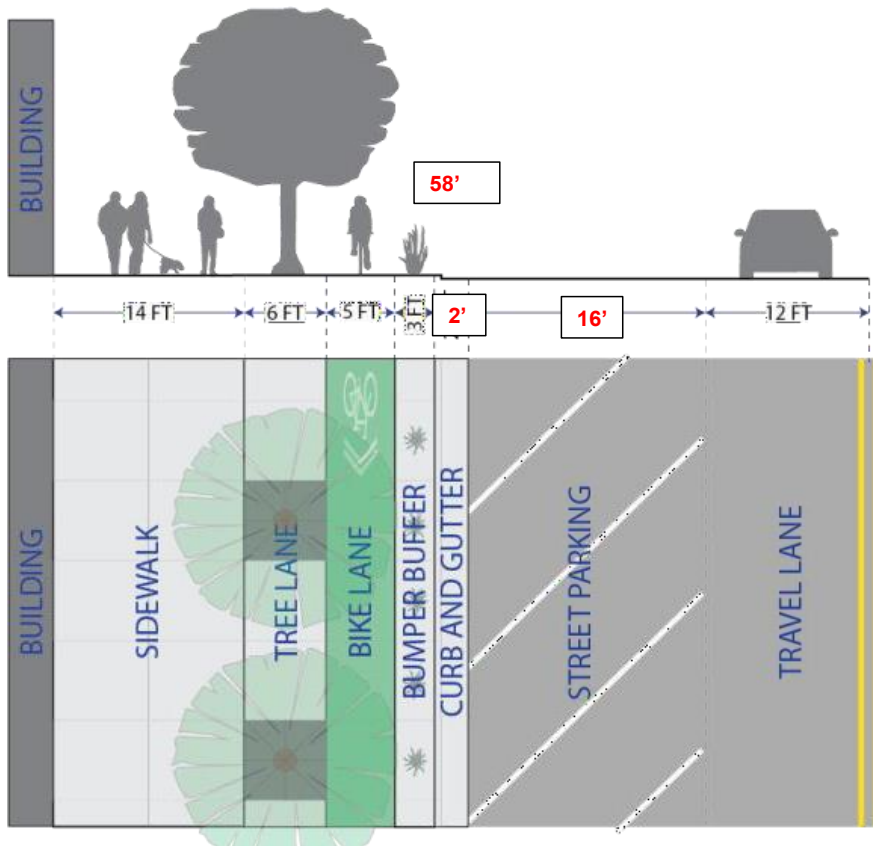
A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

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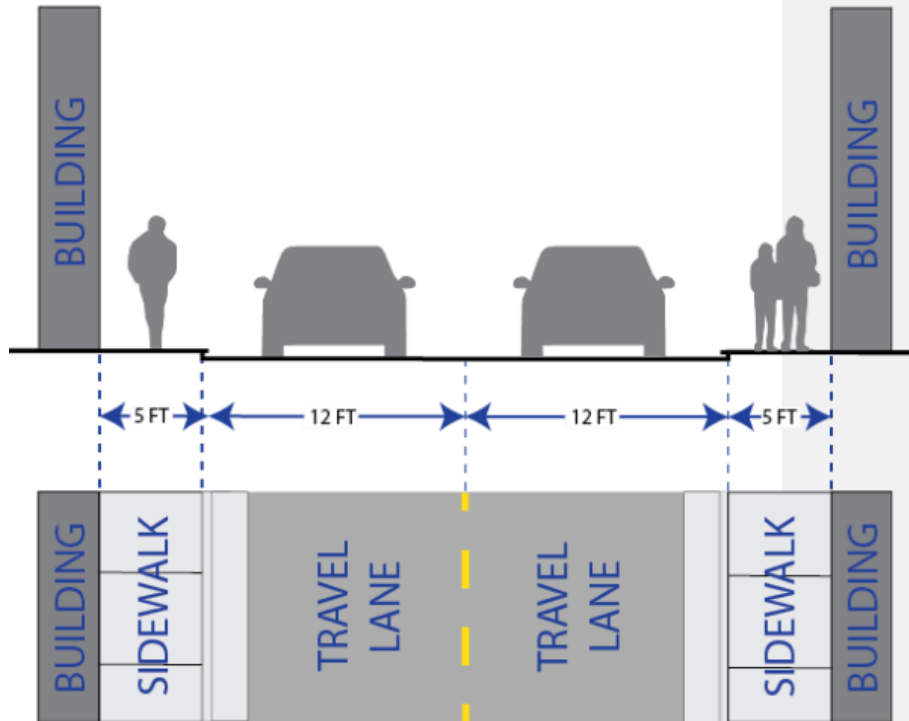
562

(4) Street right-of-way design.

563 a. **Commercial street design.** The design for a governmental and institutional
564 street, vehicle-oriented commercial street, mixed-use commercial street, and multi-
565 family residential street is as follows:



566 b. **Commercial alley design.** The design for a governmental and institutional alley,
567 vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family
568 residential alleys is as follows:
569



570

571

c. **Residential street design.** The design for all non-multi-family residential streets is as follows: See Section 106-4-5.

572

573

Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

574

575

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

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HISTORY

578

Adopted by Ord. [2022-04](#) on 1/18/2022

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Sec 104-22-7.2 Street Design Standards

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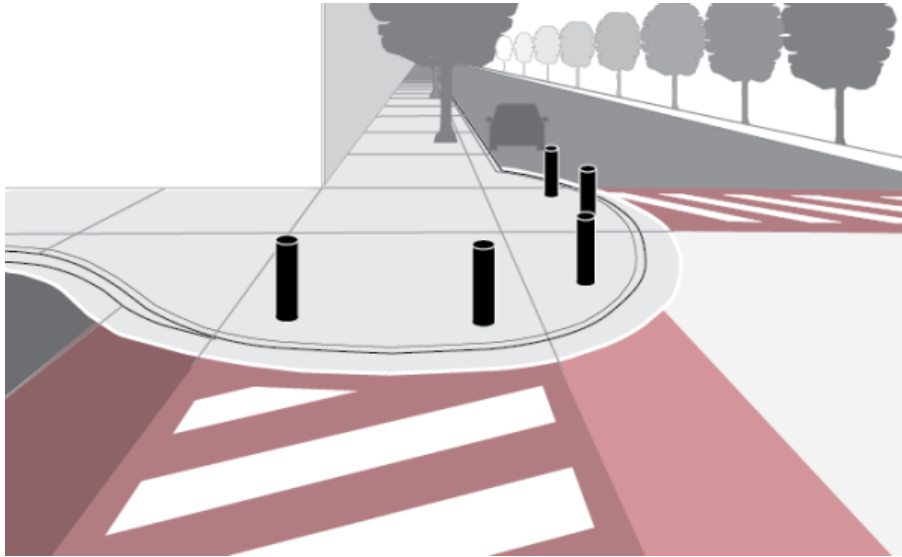
For all mixed-use commercial, vehicle oriented commercial, multi-family residential, and government/institutional street types, the following provisions shall apply. Other streets shall follow adopted residential street design standards.

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(a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and constructed to promote pedestrian safety, comfort, and efficiency.



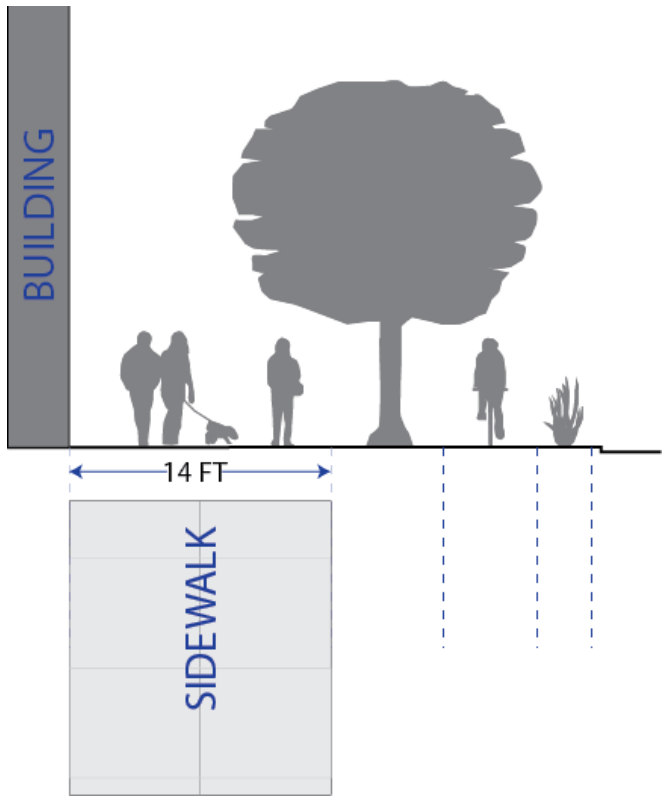
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- (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way shall be raised at least six inches above the grade of the vehicle-way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining pathways.
- (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be constructed with curb extensions that bulb-out directly adjacent to the lane of travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise adopted. Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-way. Examples of bulb-outs are depicted in the images above.
- (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.
- (4) **Mid-block crosswalk.** Each block shall be provided with a mid-block crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on midblock crosswalk signage.



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(b) **Sidewalk required.** As part of the required street improvements within the FBV zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side of the street of the development and for the entire length of the development lot's street frontage.



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616

(1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family

617 residential street

618

619 (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated
620 to, approve the encroachment of a covered boardwalk, or similar, by legislative
621 approval of an encroachment and maintenance contract. The adjoining
622 landowners shall bear full responsibility for the operations and maintenance of the
623 boardwalk. The coveredboardwalk shall comply with the overhead projections
624 standards of this chapter.

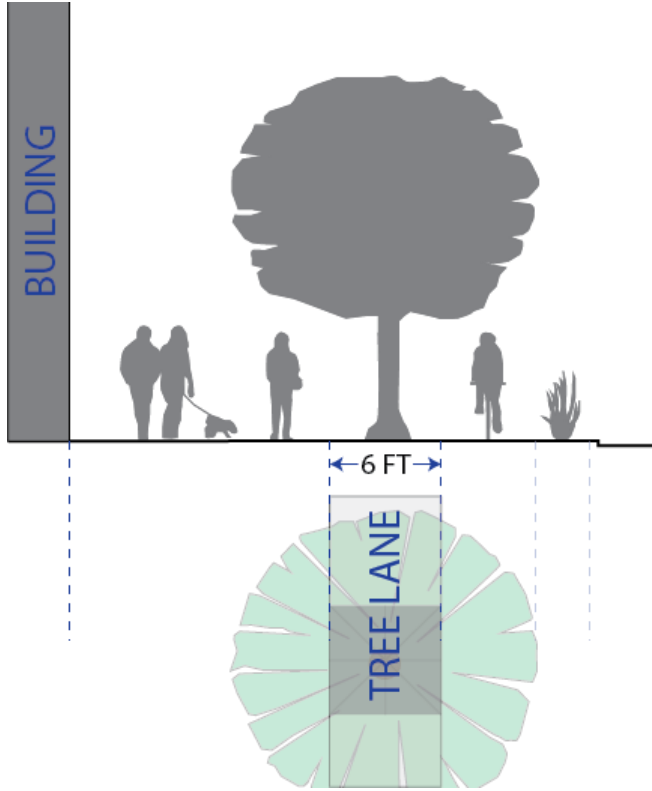


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629 (c) **Street trees required.** As part of the required street improvements within this zone, street trees
630 shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the
631 sameside of the street as the development and for the entire length of the development lot's
632 street frontage. Tree species shall be approved by the Planning Director and County Engineer
633 as part of the review of the development. A street tree plan shall be submitted as part of a
634 development application and shall be accompanied by a letter from a certified arborist or
635 landscape architect, certifying that the proposed tree type is suitable considering site conditions
636 and local climate. The plan shall include planting methods that are specific to the site conditions.
637 Planting methods shall provide means of protecting the longevity of the tree and the street
638 infrastructure. Street trees shall be provided with a permanent watering method with irrigation
639 infrastructure installed underground.

640 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided
641 in Section 108-7-7, Section 106-4-5, or the American Association of State Highway and
642 Transportation Officials (AASHTO) standards. To provide continuous shade of the
643 pedestrian areas, spacing between tree trunks shall equal the average diameter of the
644 specific tree species' canopy at maturity. However, in the Nordic Valley Village area,
645 each block shall have the same number of trees that is equal to one tree per every 50
646 linear feet of street on both sides of the street, and the trees may be grouped in clusters
647 of no greater than ten trees, rather than equally spaced along the right of way.

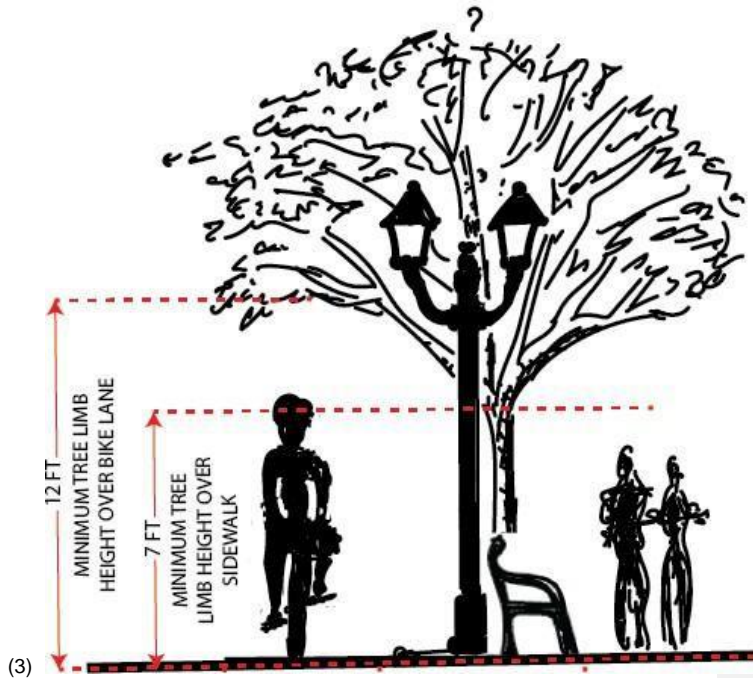
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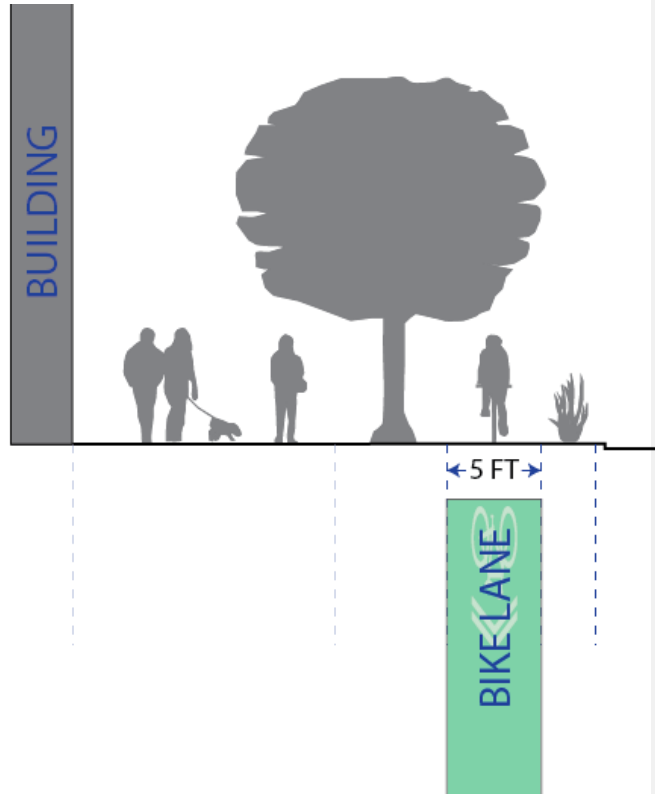
- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following graphic:



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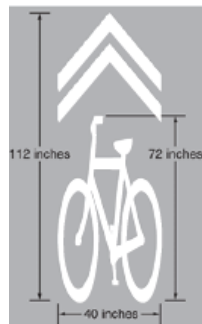
(d) **Bike facilities required.**

- (1) **Separated bike lane.** A concrete bike lane that is five feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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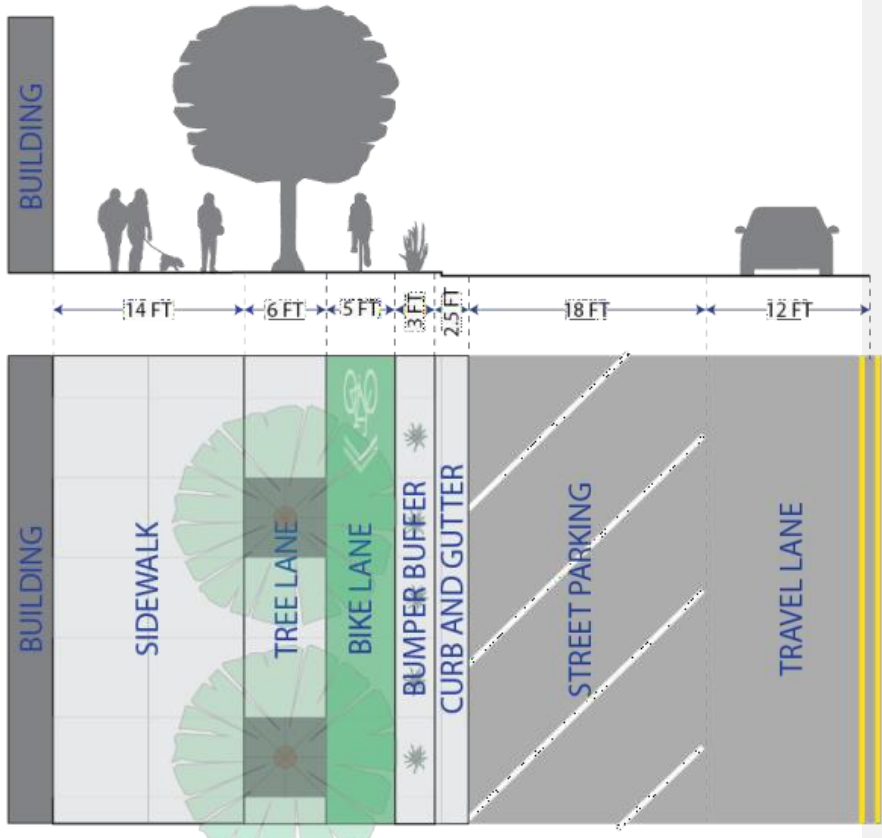
(2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:



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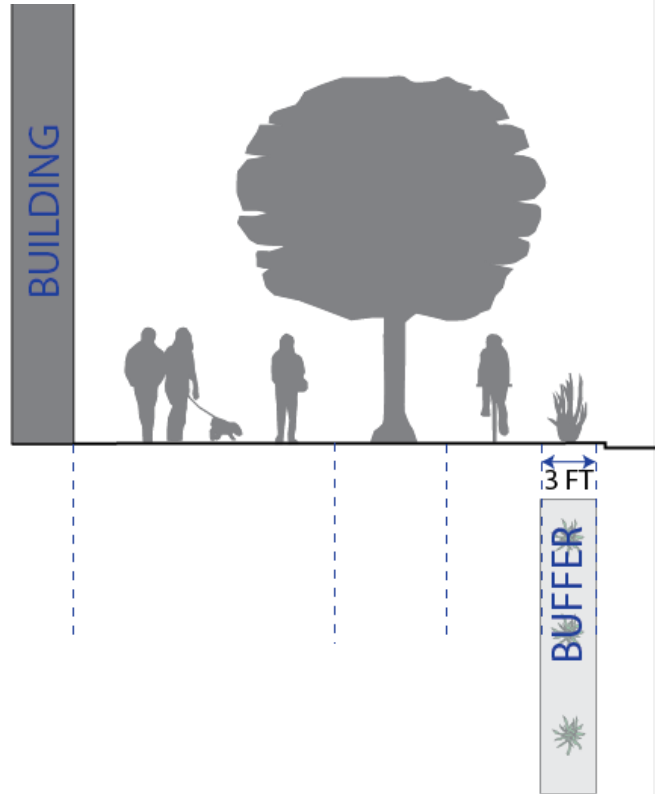
(e) **Street parking required.**

- 674 (1) **45-degree angle parking.** Each street shall be designed and constructed to provide
- 675 45- degree angled parking.
- 676 (2) **Street parking alternative.** When topography results in the inability to safely create



677 sufficient street right-of-way width, the County Engineer has discretion to allow a
678 parallel street-parking design instead.

- 679
- 680 (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the
- 681 parking bumper and the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.

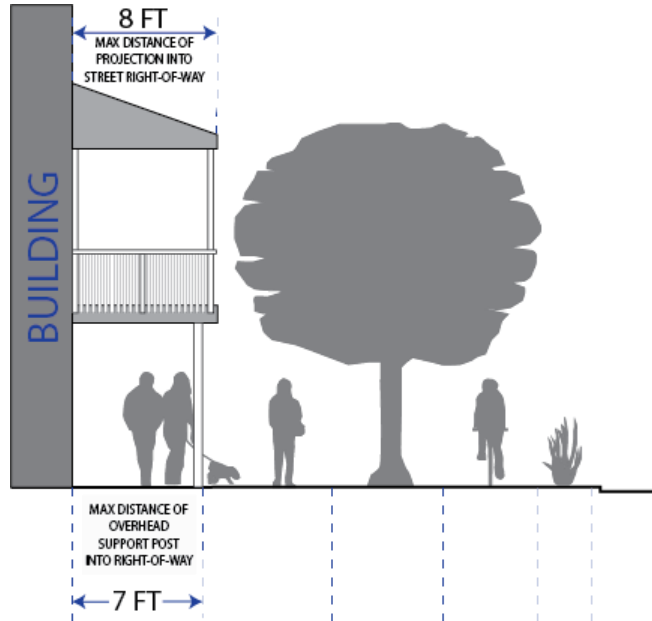


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684 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed
685 along each street and internal alleyway in accordance with the County's standard curb and
686 gutter 686 cross sections and in a manner that accommodates the street designs herein.

687 (g) **Items in public right-of-way.**

688 (1) **Overhead projections.** Overhead building projections such as but not limited to
689 awnings, canopies, balconies, and cantilevers, are permitted within the public right-of-
690 way, provided that they leave a vertical clearance over the sidewalk or walkway of no
691 less than nine feet, and shall not project more than eight feet into the public right-of-way.
692 Any support post beneath the building projection shall be no greater than seven feet
693 from the building façade, be designed to offer minimal disruption to sidewalk traffic, and
694 meet all ADA clearance requirements.



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(2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.

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(3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall compliment the architectural design theme of the area.

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(4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and install all new utilities underground as well.

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(h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed if required by the County Engineer. Otherwise, all improvements installed shall be installed in a manner that does not create an undue burden on the construction of a future round-a-bout.

712

713 HISTORY

714 Adopted by Ord. [2022-04](#) on 1/18/2022

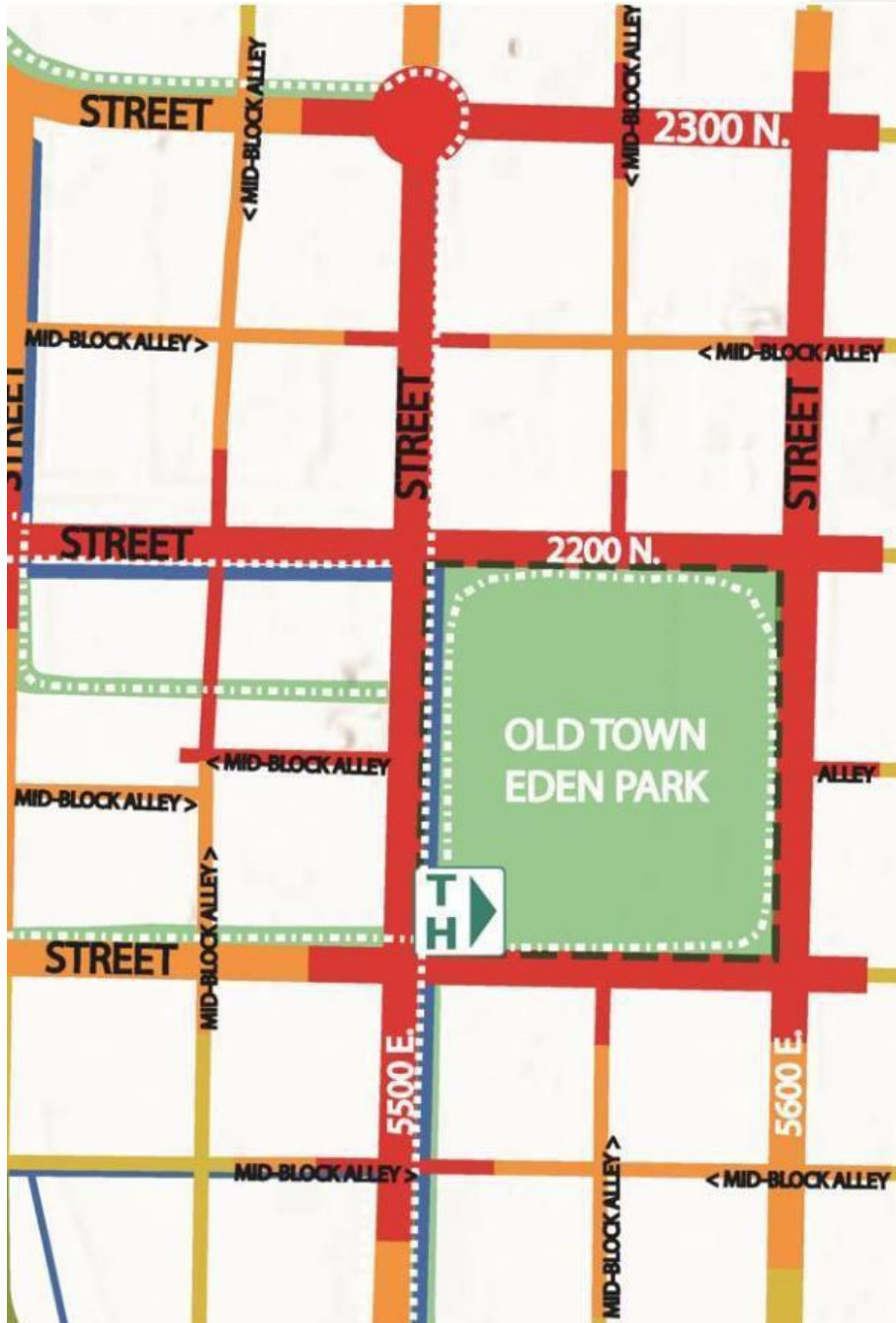
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716 **Sec 104-22-8 Street Regulating Plans**

717 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
718 illustrate the intended street layout of the area and the designated street types. The plan is intended to
719 be a guide for the placement of streets and mid-block alleys, and is not designed to survey-level accuracy.
720 A mid-block alley shall be as close to the middle of the block as is practicable, and the street placement
721 shall be within 200 feet of the location depicted on these maps. A land owner proposing development in

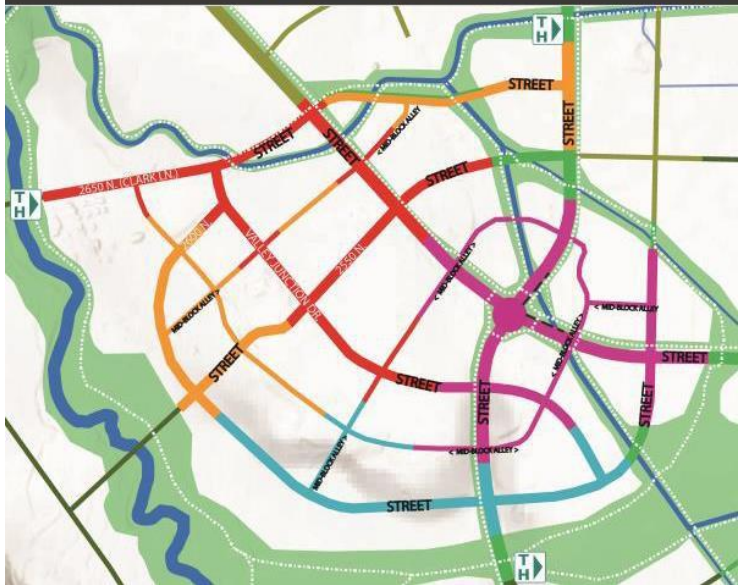
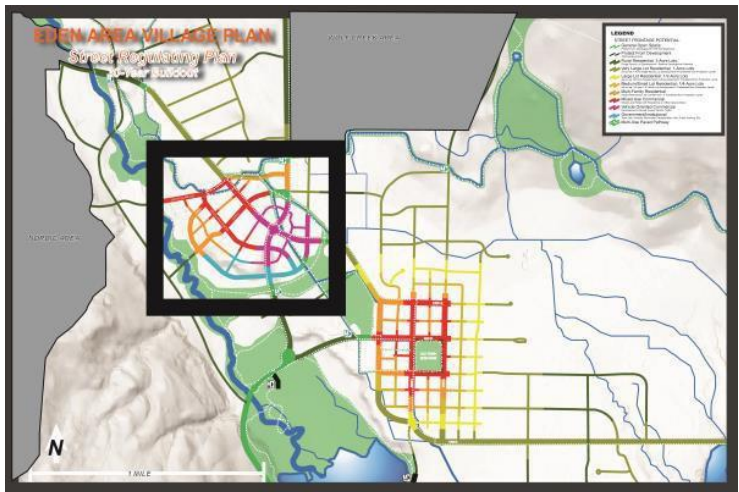


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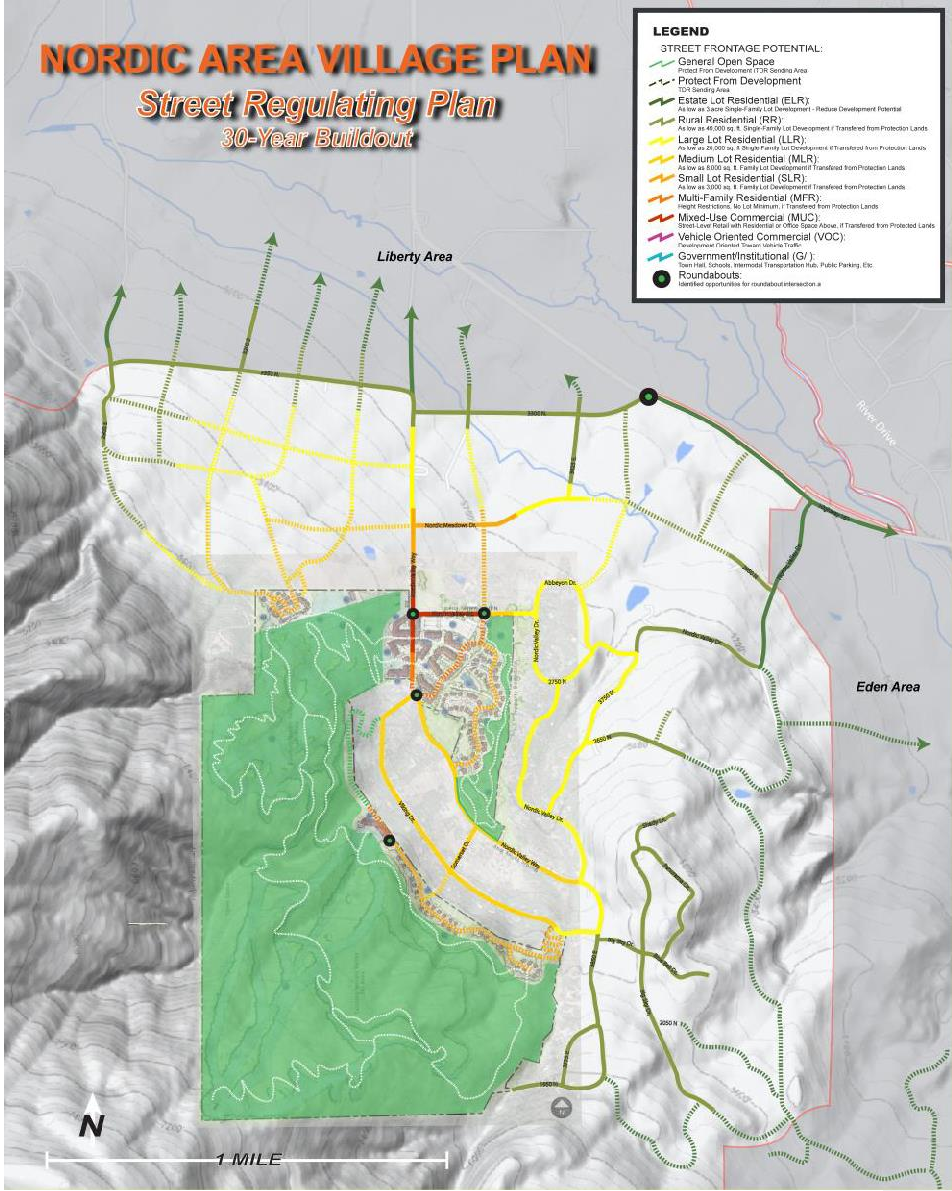
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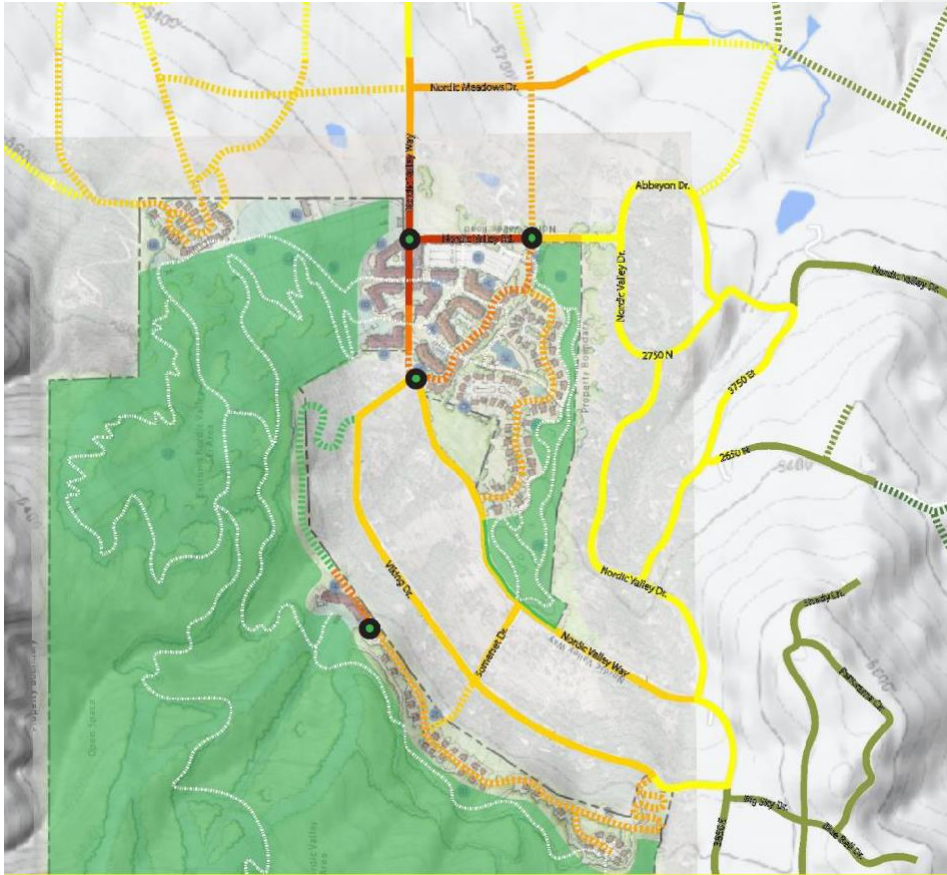
(b) *New Town Eden Street Regulating Plan Map.*



736
737

(c) *Nordic Valley Village Area Street Regulating Plan Map.*





739
740 HISTORY

741 *Adopted by Ord. [2022-04](#) on 1/18/2022*

742

743 **Sec 104-22-9 Parking and Internal Block Access.**

744

745 (a) Each application for development shall include a parking plan that demonstrates that sufficient
746 parking will be provided by the street parking adjacent to the building or an off-street parking lot
747 within 1000 feet of the building. With exception to seasonal day-skiing parking lots, all parking
748 lots shall be hard-surface asphalt or concrete. Street parking not adjacent to the lot's street-
749 frontage shall not be counted in determining that sufficient parking has been provided.

750 (b) Except for residential uses, the Land Use Authority may reduce the minimum parking spaces
751 required if sufficient evidence suggests that the required number of spaces is excessive for the
752 building and proposed use or uses therein. If a change of use occurs, more parking may be
753 required if the new use merits it, as determined by the Land Use Authority. The applicant
754 proposing to change the use shall be required to provide the additional off-street parking within
755 1000 feet of the use.

756 (c) The minimum required parking for a residential use shall be located off-street within the same

- 757 block as the residential use.
- 758 (d) A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide
759 landscape planting area that runs the depth of the parking row shall be located at each end of a
760 parking row.
- 761 (e) When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family
762 commercial street, a parking structure shall have first-floor street-level commercial space along
763 the street's frontage. However, for a corner lot, this requirement applies to the façade that is
764 adjacent to the more prominent street, as determined by the land use authority; the other façade
765 shall have the same for no less than fifty percent of that façade's street frontage. The other fifty
766 percent, and the area of the parking structure above the street level commercial space, shall
767 have a street-facing facade that disguises the parking structure to generally look like other
768 buildings in the area.
- 769 (f) **Cross-access and cross-access easement.** For all parcels or lots along a governmental or
770 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street,
771 providing access to adjacent existing or future development without the need to access the public
772 right-of-way is required. This access shall be provided by a mid-block alley, where shown on a
773 street regulating plan, or other alley or shared driveway as may be deemed necessary by the land
774 use authority. When no new alley access is deemed necessary because an alley access or street
775 access is already provided to the lot or parcel through another lot or parcel, then a cross-access
776 easement shall be provided along adjoining lot lines, as follows:
- 777 (1) A cross access easement shall provide an easement to all landowners in the block that
778 develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
779 commercial, or multi-family residential street that is framing the block. The easement
780 shall allow ingress and egress to these other lots or parcels, including ingress and
781 egress infrastructure.
- 782 (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress,
783 at least one of which shall be stubbed to adjacent property where practicable. Except
784 that a parking area is allowed to only provide a single access as long as it does not
785 block the accessibility to other areas within the block that is or could be used for public
786 parking.
- 787 (3) Each parking area that is located within the block and that will be open to the public for
788 public parking shall be designed to extend to the parcel boundary and shall provide a
789 cross access easement along all sides of the parking area abutting the adjacent lot(s)
790 or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that
791 public parking area seamlessly into their parcel.
- 792 (4) When locating a cross-access easement or designing the cross-access infrastructure,
793 good faith efforts shall be made to coordinate the location and design with the adjoining
794 land owner.
- 795 (5) The Planning Director may require the cross-access to be located in a manner that
796 optimizes internal block traffic circulation.
- 797 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
798 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
799 may substitute for completion if allowed by the County Engineer.
- 800 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
801 or existing cross-access infrastructure, a reciprocal cross-access easement shall be
802 provided on the same lot line or parcel line in the same location and of equal width. The
803 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
804 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
805 access easement shall be recorded on the title of all affected properties, along with a
806 perpetual operation and maintenance agreement between the property owners that
807 specifies, at a minimum, that the infrastructure will be operated and maintained by the
808 property owners in a manner that is safe and usable for two-way vehicle traffic.
- 809 (8) If property owners fail to operate or maintain cross-access infrastructure that was

810 required by the County under this section, the County may pursue enforcement
811 measures as provided in this Land Use Code.

812
813 HISTORY

814 *Adopted by Ord. [2022-04](#) on 1/18/2022*

815
816 **Sec 104-22-10 Signage**

817
818 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a
819 building higher than the top of the second story.

820
821 HISTORY

822 *Adopted by Ord. [2022-04](#) on 1/18/2022*

823
824 **Sec 104-22-11 FBV Transferable development rights**

825 (1) **Density allowance and transferable development rights.** As provided in the Ogden
826 Valley General Plan, the creation of dwelling units in the FBV zone shall not create any
827 new density in the Ogden Valley Planning Area unless otherwise provided in this Land
828 Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in
829 the FBV zone, or to increase or decrease residential dwelling unit rights on a lot or
830 parcel in the FBV zone, the following apply:

831 a. For a lot or parcel rezoned to the Form-Based Village Zone from a zone
832 that allows residential dwelling units, the base density, as defined in Title 101,
833 Chapter 2, shall be the same as the density that was allowed in the prior zone.
834 This shall be documented by recording a covenant to the lot or parcel that
835 provides a calculation of the base density. The covenant shall run with land,
836 and be between the owner and the County.

837 b. Additional residential dwelling units are permitted on any lot that has street
838 frontage on, or gains primary access from, any street type in the street
839 regulating plan except a rural residential street and a general open space
840 street. However, no new density is allowed unless the landowner has
841 successfully negotiated the reallocation of an equal number of dwelling unit
842 rights from another lot or parcel that has an available dwelling unit right as
843 determined by the lot or parcel's base density and adjusted for any previous
844 dwelling unit right reduction or addition. The reallocation shall be made by
845 recording a covenant to each affected lot or parcel. Each covenant shall run
846 with the land and be between the owner and the County. Each covenant shall
847 document the applicable lot or parcel's calculated base density; the number of
848 dwelling units already developed on the lot or parcel; the number of dwelling
849 unit rights subtracted from, or added to, the base density by any means; and
850 the number of dwelling unit rights remaining for the lot or parcel.

851 c. Residential dwelling unit rights may be transferred to a lot or parcel in a FBV
852 zone from any lot or parcel in the following zones within the Ogden Valley
853 Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6,
854 CVR-1, and FBV.

855 d. Regardless of number of residential dwelling unit rights transferred to a lot or
856 parcel in the FBV zone, the number of dwelling units actually constructed shall
857 be limited by what can be constructed given compliance with the standards of
858 this chapter.

859 e. A dwelling or dwelling unit specifically devoted to the housing of employees
860 working in the local service-industry and earning less than 80 percent of the
861 county's median household income, does not count toward density allowances
862 and are not required to be established through transferable development
863 rights.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to rezone approximately 510 acres of land owned by Skyline Mountain Base LLC, Nordic Valley Land Associates LLC, and Solutional Enterprises Inc. in and around the Nordic Valley ski area to the Form-Based Village Zone.

Agenda Date: Tuesday, March 22, 2022

Applicant: Skyline Mountain Base LLC & Nordic Valley Land Associates LLC
Agent: Laurent Jouffray

File Number: ZMA 2021-09

Frontier Web Address: <https://frontier.co.weber.ut.us/p/Project/Index/13888#info>

Property Information

Approximate Address: 3567 E Nordic Valley Rd., Eden (Unincorporated Weber County)

Zoning: FV-3, FR-3, CVR-1, O-1

Existing Land Use: Ski Resort, Open Space

Proposed Land Use: Varies: Recreation Resort, Hotel, Condo Hotel, Mixed-Use Commercial, Multi-Family Residential, small-Lot residential, ski resort support operations, trails, ski runs, etc.

Township, Range, Section: T7N, R1E, Sections 29 & 32

Adjacent Land Use

North:	Residential, Agriculture	South:	Ski Resort/Recreation/Residential
East:	Residential	West:	Ski Resort/Recreational Amenities

Staff Information

Report Presenter: Scott Perkes
sperkes@webercountyutah.gov
801-399-8772

Report Reviewer: CE

Applicable Ordinances

§102-5: Rezoning Procedures
§104-22: Form-Based Village Zone (FBV)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

The applicant initially requested a Zoning Map Amendment (ZMA) to rezone approximately 510 acres in and around the Nordic Valley ski area from the FV-3, FR-3, CVR-1, and O-1 zones to a newly created DRR-2 zoning classification. However, at the request of Planning Division staff, the applicant withdrew their request to create, and be rezoned to, a DRR-2 zoning classification in favor of a rezoning to the new Form-Based Village Zone (FBV) as well as the Open Space (O-1) classification. Under this staff-requested scenario, the FBV zoning ordinance would first need be amended through a Zoning Text Amendment (ZTA) to add specific Nordic Village provisions prior to

rezoning the property to the FBV classification. Accordingly, this Zoning Map Amendment (ZMA 2021-09) application is being reviewed in tandem and simultaneously with the associated Zoning Text Amendment (ZTA 2021-07) application.

The objective of this rezone request is to apply the zoning and regulatory framework designed to create village areas (FBV Zone). Through the FBV zoning allowances, the applicant will be able to transfer their development rights off of the hillside and down into a village area at the base of the slopes. See **Attachment A** for the applicant's Concept Development Plan. This will result in the preservation the hillside as open space for outdoor recreation and the preservation of natural landscapes and viewsheds. The FBV zone also applies specific architecture and street design standards to rezoned property to guide their future vertical development in a cohesive and coordinated manner intended to blend into the natural and built environments.

The applicant for this request is three entities, Skyline Mountain Base LLC, Nordic Valley Land Associates LLC, and Solutional Enterprises Inc. which are represented by the same individual (Laurent Jouffray). **Figures 1.1 & 1.2** display the subject parcels associated with the rezone request.

Figure 1.1: Subject Parcels.

PARCEL ID	OWNERSHIP
220290008	SKYLINE MOUNTAIN BASE LLC
220230060	SKYLINE MOUNTAIN BASE LLC
220290010	SKYLINE MOUNTAIN BASE LLC
220230020	SKYLINE MOUNTAIN BASE LLC
220230045	SKYLINE MOUNTAIN BASE LLC
220230019	SKYLINE MOUNTAIN BASE LLC
220230086	SKYLINE MOUNTAIN BASE LLC
220230124	NORDIC VALLEY LAND ASSOCIATES LLC
220290013	NORDIC VALLEY LAND ASSOCIATES LLC
220230112	NORDIC VALLEY LAND ASSOCIATES LLC
220230087	NORDIC VALLEY LAND ASSOCIATES LLC
220290004	NORDIC VALLEY LAND ASSOCIATES LLC
220230121	NORDIC VALLEY LAND ASSOCIATES LLC
220230113	NORDIC VALLEY LAND ASSOCIATES LLC
220230114	NORDIC VALLEY LAND ASSOCIATES LLC
220230125	NORDIC VALLEY LAND ASSOCIATES LLC
220230088	NORDIC VALLEY LAND ASSOCIATES LLC
220230059	NORDIC VALLEY LAND ASSOCIATES LLC
223490001	SOLUTIONAL ENTERPRISES INC

Figure 2.2: Subject Parcels.



The current zoning of the subject property is a mix of FV-3, FR-3, CVR-1, and O-1. **Figure 2** displays current zoning of the subject parcels, and **Figure 3** displays the proposed zoning.

Figure 3: Current Zoning Map and the Subject Parcel(s).

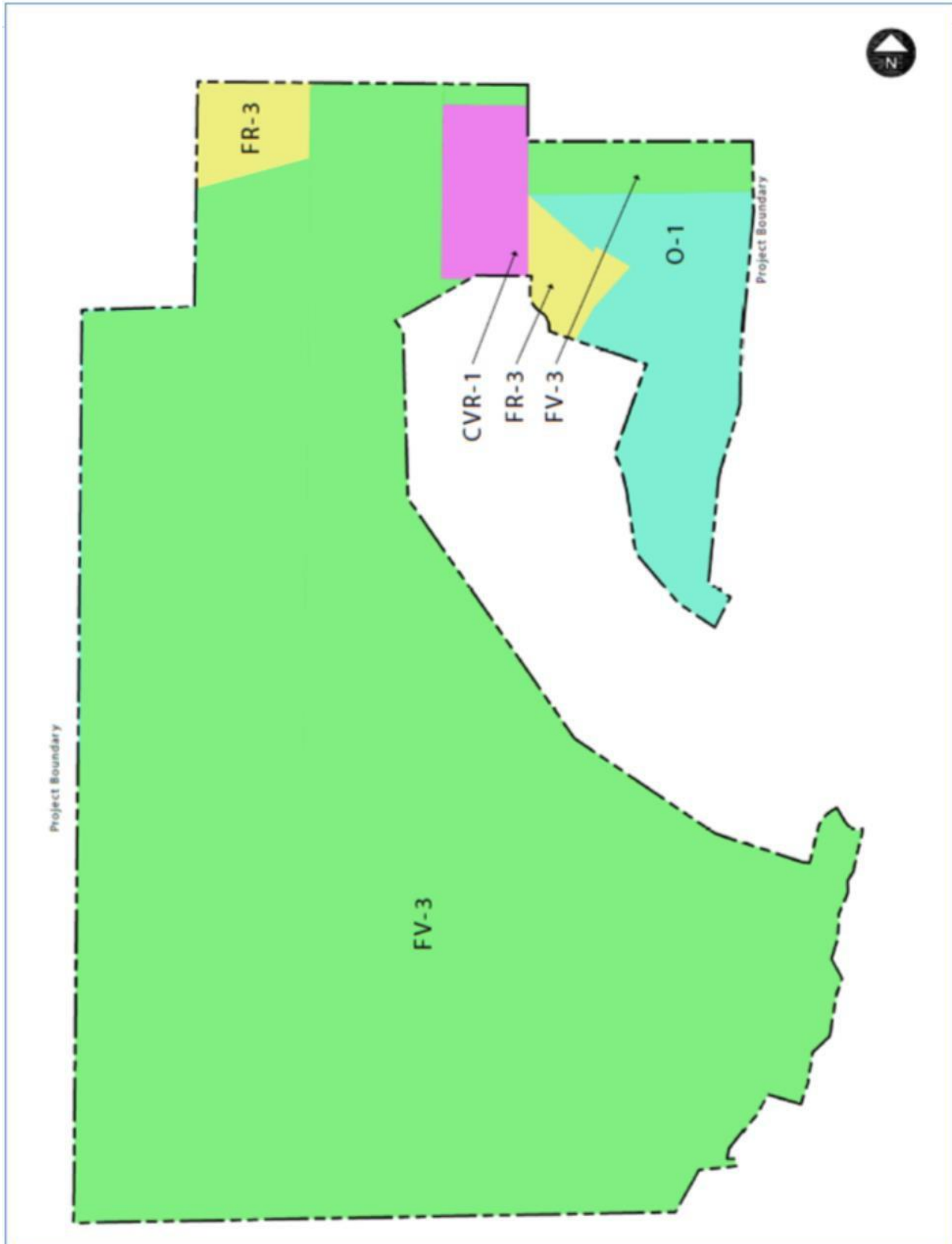
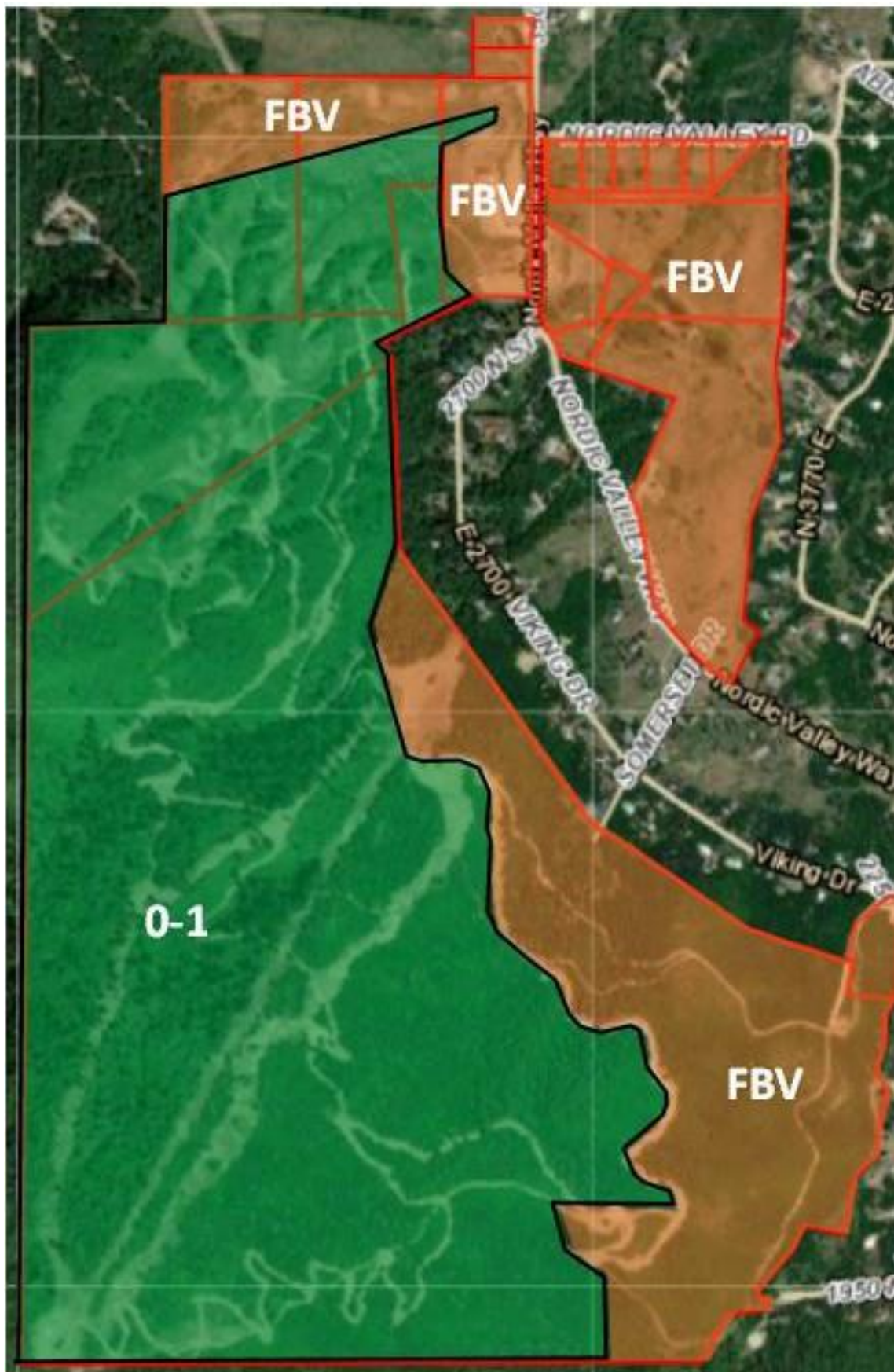


Figure 4: Proposed Zoning of the Subject Parcel(s).



Policy Analysis

Application Analysis:

As part of the submittal, the applicant provided a documentation packet consisting of the following items (See **Attachment B**):

1. Application Narrative (Including Concept Development Plan)

The applicant's narrative focuses on the desire to create a charming year-round destination resort. Current conditions and zoning limit the ability to consolidate the applicant's entitlements into a clustered year-round resort village complete with diverse accommodations, food & beverage establishments, ski facilities and lodges, retail, and other amenities. The applicant's vision for the resort is captured in the submitted Concept Development Plan (See **Attachment A**) and architectural precedents.

The narrative also details the applicant's view of how the proposal is consistent with the vision and goals of the 2016 Ogden Valley General Plan, how the proposal is in the public interest, and how the proposal will promote the health, safety, and welfare of the inhabitants of the County. Supplementary, the narrative packet also discusses geologic hazards, topography, floodplain, sensitive lands, recreational amenities, open spaces and trails, workforce housing demand, and an emergency services plan.

2. Exhibit 1 – Nordic Valley Cost Benefit Analysis

A cost benefit analysis of the proposed development was performed by Lewis Young Robertson and Burningham Inc. Estimated economic benefits include property tax, sales tax, tourism tax, transportation tax, sales tax, Class B&C Road Funds, and Income tax. In total, a best guess estimate points to a \$66.70 million fiscal benefit to the County, a \$118.65 million fiscal benefit to other taxing entities, and will create a \$471.74 million economic impact on the local economy over a 25-year analysis period.

3. Exhibit 2 – Nordic Valley Traffic Impact Study

At 478 pages in length, this study has not been appended to the application narrative packet or this staff report. However, this full study is available online through the following Frontier web link: <https://frontier.co.weber.ut.us/p/Project/ViewFile?ProjectDocumentId=59564> Conclusions and recommended mitigation measures can be found on page 61 of the document. These recommendations are currently being reviewed by both the Planning Division and Engineering Division.

4. Exhibit 3 – Water Feasibility Narrative

At full buildout, the development will generate an estimated water demand of 445.52 GPM (641,428 GPD). The current Nordic Mountain Water Company infrastructure and storage capacity are insufficient to meet the resort's demand at buildout. Per the narrative, the developer is willing to invest in additional infrastructure to meet development demand including the drilling of new wells and the provision of additional storage capacity with the construction of additional tanks.

5. Exhibit 4 – Storm Water Feasibility Narrative

Due to the abundance of sloped topography, conveyance of water isn't anticipated to be problematic. The applicant's narrative anticipates the use of both above and underground storm water infrastructure to accommodate the runoff generated in a consolidated form to maximize the areas for development and recreational uses.

6. Exhibit 5 – Sewer Feasibility Narrative

Wastewater demand is anticipated to be about 178 Acre-Ft. per year for Phase 1 and another 174 Acre-Ft. per year for Phase 2. The applicant is prepared to invest in wastewater infrastructure to meet its own needs for the first phase of anticipated development through a proposed Membrane Bioreactor (MBR) treatment and Rapid Infiltration Basin (RIB) disposal method. As an alternative, the applicant will continue to monitor the County's regional sewer study and any outcomes for opportunities to join a regional treatment system that may be available in the near or mid-distant future.

Zoning Analysis:

The currently applied zoning on the property (FV-3, FR-3, CVR-1, O-1) would allow the developer to develop similar uses as listed in the FBV zone but at a much more sprawled out pattern. Rezoning to the FBV zone would allow the developer to consolidate their entitlements into a smaller more pedestrian friendly village setting, with the hillside being rezoned to O-1 to limit development and preserve recreational amenities, natural environment and viewsheds.

Weber County Code §104-22-1 says the purpose of the Form-Based Village (FBV) zone is as follows:

The purpose and intent of the Form-Based Village Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

1. **Implements the general plan.** *The Form-Based Village Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights.*
2. **Creates street regulating plans.** *Each Village area affected by the Form-Based Village Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.*

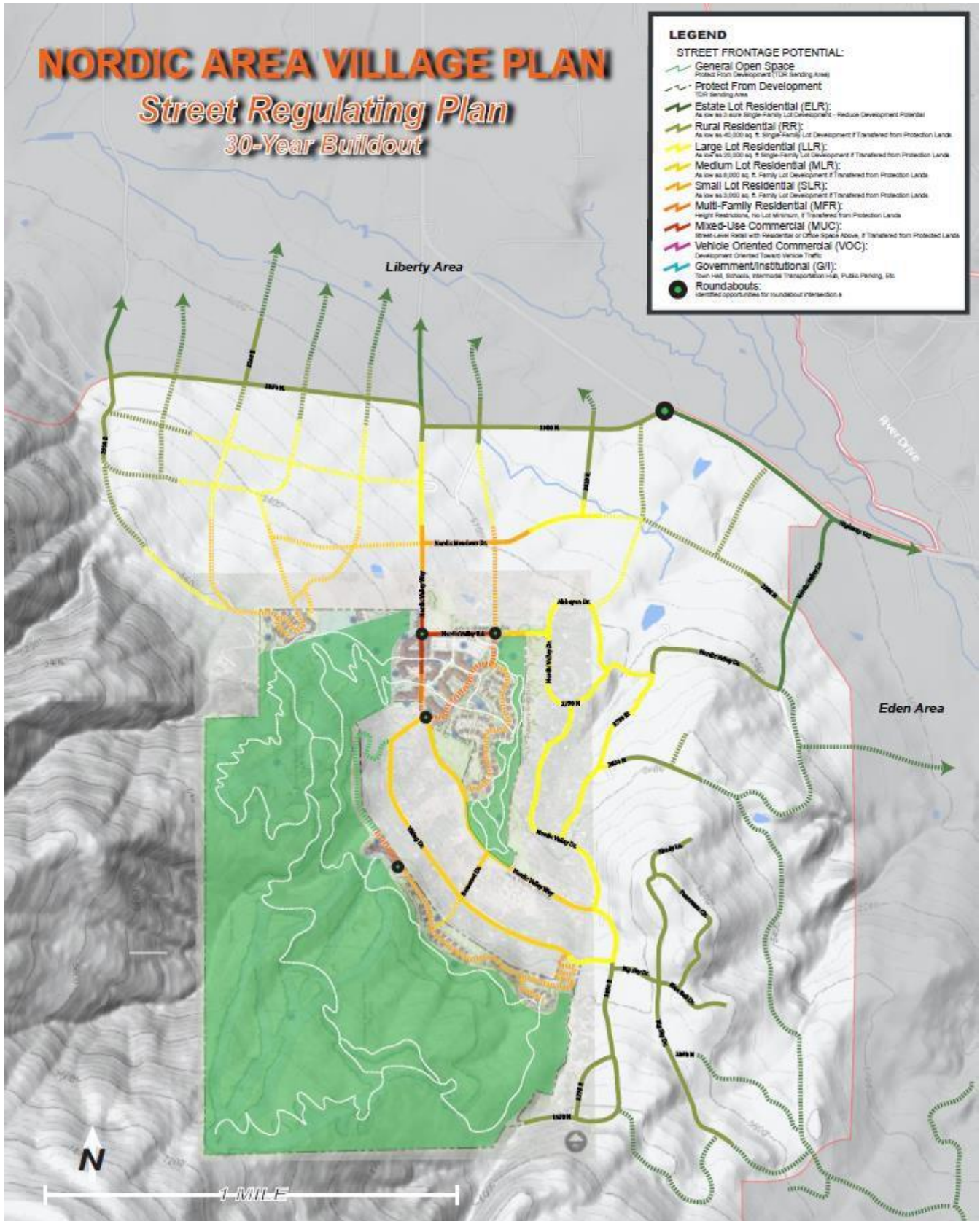
The street regulating plan associated with the Nordic Village area anticipates a village/rural transect to allow the village uses and intensities to feather out from its highest anticipated intensity along the Mixed-Use Commercial corridor of Nordic Valley Way to the rural light intensity of Rural Residential and Estate Lot Residential uses around the periphery of the village boundaries. This design has been considered in order to allow the Form-Based Village zone to fit within the context of the surrounding areas and to provide natural and gradual transitions from village to rural areas. See **Figure 4** for the current draft of the Nordic Area Street Regulating Plan.

In a hypothetical scenario, we could expect the following if a developer were to utilize the development standards of the currently applied zoning classifications (FV-3, FR-3, CVR-1, O-1) of the subject property:

- Development in the areas zoned FV-3 (primarily the hillside) would be sprinkled all along steep mountain roads every 3 acres. This would necessitate multiple roads to be cut into the hillside with retaining walls to hug the steep contours. This would create a hillside pockmarked with home sites, deep gashes in the hillside to install access roads, a reduction in recreational terrain, destabilized geology, and a reduction in uphill viewsheds.
- Development in the areas zoned FR-3 (near the proposed base area and along the northern property boundary) would be developed at a density between 20,000 sq. ft. (1/2 acre) and 6,000 sq. ft. (if a community wastewater disposal facility is employed). These densities, would be closer in alignment to some of the densities permitted with the Form-Based Zone (FBV). However under the FR-3 zoning classification, no emphasis would be placed on pedestrian-oriented street right-of-way design, or on the architectural requirements employed in the FBV zone. Thereby reducing the chance that development is coordinated from a design standpoint.
- Development in the area zoned CVR-1 would certainly match all of the permitted uses in the FBV zone, including commercial uses. The CVR-1 zone would also permit mixed use buildings along the west side of Nordic Mountain Way. However, similar to the FR-3 zone, the CVR-1 zone does not implement any coordinated design standards for rights-of-way or architecture. Additionally, in this scenario, the east side of Nordic Mountain Way (zoned FR-3) would not allow for mixed use development. The desired pedestrian-oriented ambiance in this core area is extremely unlikely without mixed-use development on both sides of the street.

In summary, in this hypothetical scenario where development proceeded under current zoning allowances, the resulting product would be less compact, occupy a large majority of the hillside, and lack continuity in pedestrian-oriented right-of-way design or architectural elements. The Form-Based Village zone has been crafted in a manner that addresses these components with the designed outcome of a consolidated, pedestrian-oriented, and community-focused village area.

Figure 4: Current Draft Nordic Area Street Regulating Plan



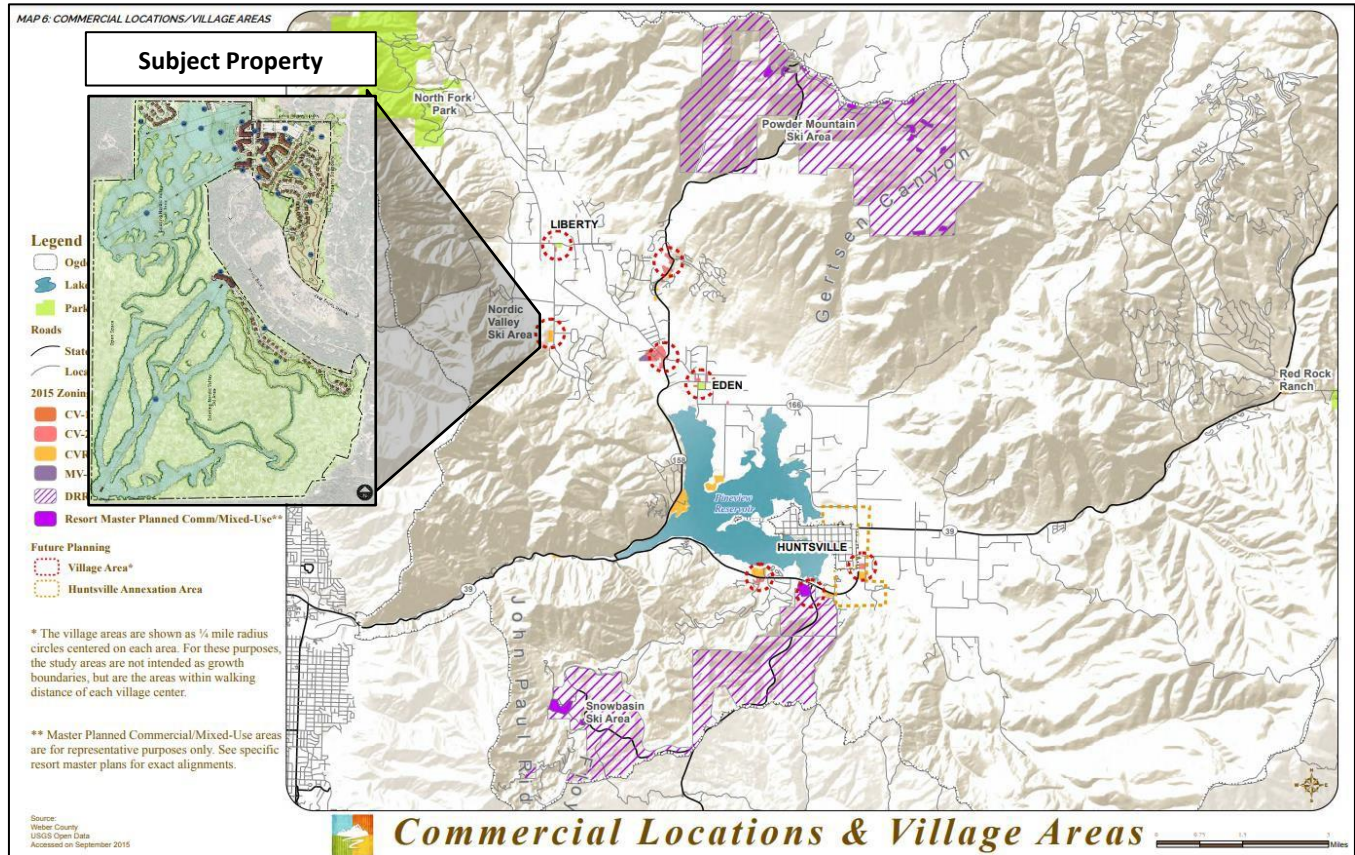
General plan Analysis:

The subject properties are located in an area designated as a village area within the 2016 Ogden Valley General Plan. A village area is noted in the General Plan as being a primary receiving area for residential and commercial uses.

Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but rather, it suggests pursuing opportunities to implement the plan.

The rezone proposal seeks to further implement the visioned village area depicted in **Figure 4** below.

Figure 4: Ogden Valley Commercial Locations and Villages Map.



In addition to further implementing the village area concept, this proposal also advances several additional goals and strategies of the General Plan as follows:

Gateways and Viewsheds Principle 3.1: Protect viewsheds throughout the Valley including views of the mountains and Pineview Reservoir.

- The proposal serves to pull density off of the hillside, thereby protecting mountain views and viewsheds.

Gateways and Viewsheds Principle 3.2: Avoid visually prominent structures, hillside cuts, and vegetation removal that alter the visual quality of the Valley's viewsheds. Ensure that all development minimizes site disturbance and lot coverage and requires effective site restoration, revegetation, and weed control.

- Pulling the density off of the hillside prevents hillside cuts necessary to develop in the FV-3 zone.

Clean Air and Water Principle 1.1: Promote energy-efficient & sustainable development practices to improve and protect air and water quality.

- The proposal necessitates that a community waste water treatment system or connection to a regional sewer system be used rather than development occurring under current zoning standards that would more than likely utilize septic systems. A community treatment system or a regional sewer system would greatly increase the water quality.

Land Use Principle 1.1: In general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.

- The proposal does not request additional density or bonus density. Existing entitlements under current zoning classifications would be calculated and transferred into the village area for development.

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

- The proposal would utilize the TDR allowances of the Form-Based Village zone as the means to increase densities within the Nordic Village area. If rezoned to the FBV zone, the applicant may also seek to transfer additional density at a later date from other areas of the Ogden Valley that are identified as important preservation areas.

Land Use Principle 1.2: To the extent allowed by law, development should not occur on sensitive areas including steep slopes, wetlands, floodplains, areas of geological instability, prominent ridgelines, wildlife habitat and corridors, natural riparian areas and natural waterways.

- The proposal pulls density off of the steep slopes and areas of geological instability.

Land Use Implementation 1.2.1: Amend the land use code to require that the development potential of steep slopes (slopes over 30%), wetlands, and floodplains will not be included in project density calculations, nor will be available for transfer pursuant to a TDR program.

- This item could be viewed as being contradictory to the rezone proposal as it would prevent the applicant from calculating density rights on much of its hillside property for the purposes of transferring those rights into a village area.
- The County believes that the Nordic slopes are developable at their current slope percentages. We see steep hillside development along the benches of Bountiful, all along the hillsides in Park City, and the majority of Los Angeles County. If the density rights on the Nordic hillside are developed where they lay, we can expect a much less desirable outcome than allowing those units to be realized within a well-planned mixed-use village area.
- With exception to this particular strategy, staff believes that this proposal implements a great number of other General Plan goals and strategies warranting less emphasis be placed on this strategy in favor of the greater good.

Land Use Implementation 1.2.3: in areas of geological instability, consider reducing and moving development rights from the instability in the interest of health and safety. Do not invest in, or accept dedication of, public infrastructure in areas of geological instability.

- Similar to Land Use Principle 1.2 above, the proposal reduces and moves development rights from geologic hazard areas along the hillside further promoting health and safety.

Land Use Principle 1.4: Employ mechanisms such as TDRs to reallocate existing authorized development units from less suitable to more suitable locations.

- This principle is fairly self-explanatory. By rezoning to the FBV zone, the applicant will then be able to reallocate development rights to planned desirable areas as demonstrated in the Nordic Village Street Regulating Plan.

Land Use Principle 1.5: Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage residential cluster developments with smaller building lots and larger areas of open space for most subdivisions.

- Under the proposal, all units will be connected to water and sewer service as opposed to current zoning which would anticipate septic systems and personal wells for many of the entitled density.

Commercial Development Principle 1.2: Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

- The proposal would serve as a catalyst to the formation and growth of a Nordic Village area. Such a Village would promote public spaces, plazas, public programming, as well as walkable interconnected built environments leading to natural pathways and trails.

General Considerations

When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

A key consideration is traffic impact. Per the submitted traffic analysis, the proposed development will impact levels of service at various intersections through development towards buildout. Planning staff rely on coordination with the Engineering Division to determine which mitigation measures are needed as conditions of approval. These measures will be determined through Planning Commission input, recommendations from the Engineering Division, and negotiation with the County Commission before being agreed upon in a mutually agreeable development agreement to be executed prior any formal rezoning taking effect.

Another key consideration is demand for workforce housing. The applicant has submitted a workforce housing demand analysis as part of their application narrative. This analysis utilized the demand forecasting methodology associated with the County's DRR-1 zoning classification. The analysis concludes that the developer should be responsible for the provision of 33 workforce housing units before reaching buildout. This is another topic that will need to be reviewed by the Planning Commission, reviewing County agencies, and negotiated with the County Commission before being agreed upon in a mutually agreeable development agreement.

Critical to any development proceeding is the connection of utilities. At present this application is based on feasibility narratives for culinary water and sanitary sewer. The applicant will need to undertake major improvements to Nordic Valley Water Company as well as the creation of a sewer service district and construction of a waste water treatment facility. All of which will need to be completed before the first subdivision plat is recorded.

Lastly, staff also believe a key consideration is regarding the need for some type of master association, or management association to be established as a quasi-governmental umbrella organization to oversee operations such as snow removal on common areas, plazas, and street parking. Additionally, this organization could be charged with management and maintenance of trails, workforce housing units, programming of public spaces, etc. A funding mechanism for this organization would also need to be established to ensure its ongoing success.

Rezoning Approval Criteria. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-09, a proposal to rezone approximately 512 acres from the FV-3, FR-3, CVR-1, and O-1 zones to the FBV and O-1 zones. This recommendation comes with the following requirements to be negotiated and memorialized by means of a development agreement:

Recommended Conditions:

1. A development agreement should extend for a period of ten years to allow the applicant time to work through the creation and connection of critical infrastructure required to secure subdivision approval. If after ten years substantial work has not been completed on the installation of the development plan then the rezone approval shall expire and the County shall have the option of reverting the zoning back to the original zones.
2. The applicant will need to complete a formal density analysis of their existing land in relation to existing zoning boundaries. This analysis will determine the quantity of dwelling unit rights that are available for transfer into future development parcels. Transfer covenants will need to simultaneously accompany the recordation of the development agreement.
3. The applicant will need to negotiate specific transportation improvements needed through various phases of buildout.
4. The applicant will need to negotiate specific workforce/employee housing demands that need to be satisfied throughout various phases of buildout.
5. The applicant will need to formulate a quasi-governmental management association or master HOA that would serve as a primary point of village organization, operation, and maintenance. The formal tasks and responsibilities of this organization will be negotiated and memorialized through the development agreement.

Findings:

1. The Ogden Valley General Plan provides for the transfer of density rights on this property. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County by advancing many public interests and returning substantial economic impacts.

Attachment A

Attachment A: Concept Development Plan

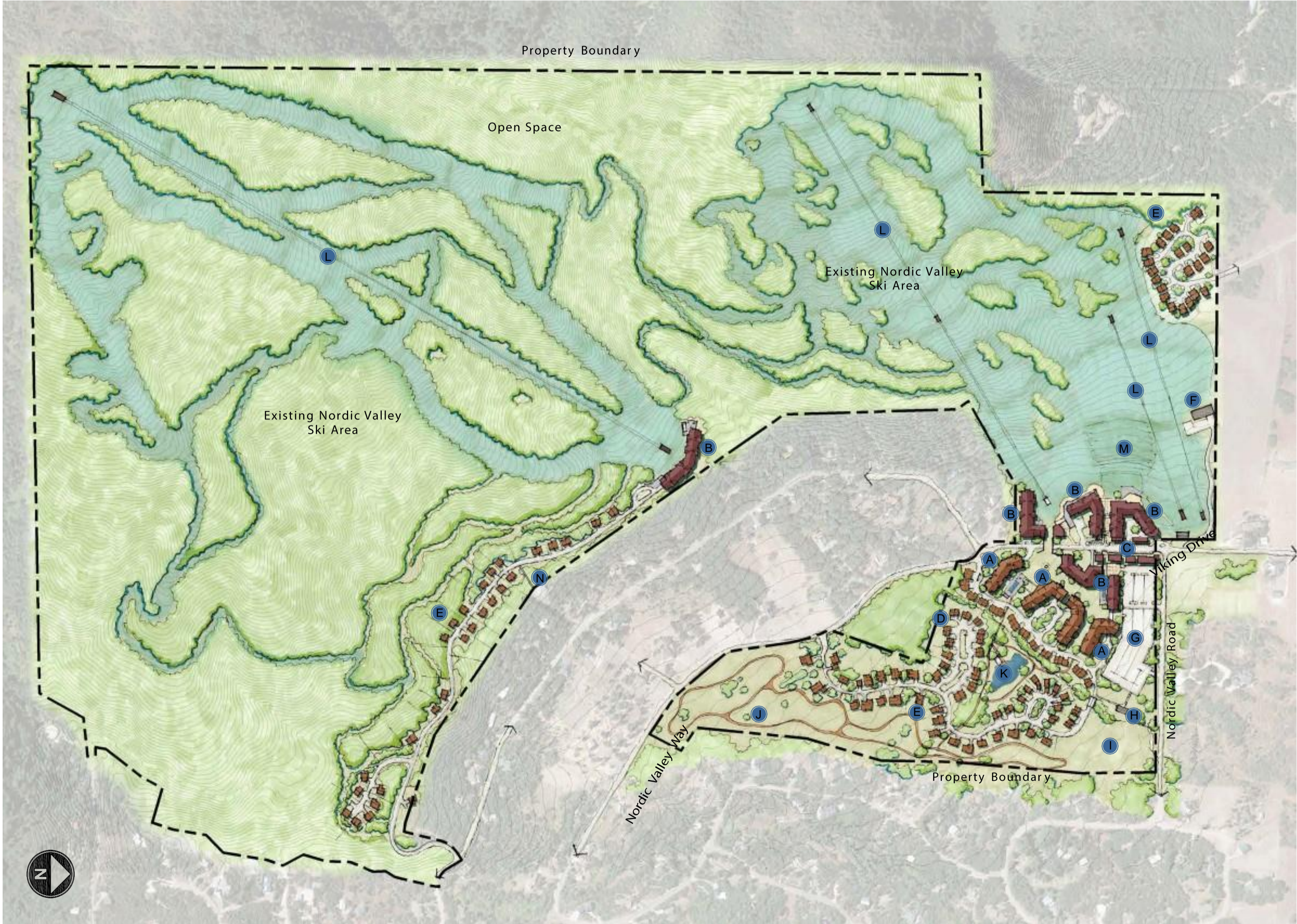
Attachment B: Application Packet

Overall Master Plan

The Overall Master Plan depicts conceptual development patterns. This plan identifies the general uses, development massing, open spaces, amenities, recreational components and pedestrian and roadway circulation proposed.

DEVELOPMENT LEGEND

- A** MULTI-FAMILY RESIDENTIAL
- B** MIXED USE COMMERCIAL/ RESIDENTIAL
- C** NORDIC STREET COMMERCIAL
- D** TOWNHOMES
- E** SINGLE FAMILY CHALETS
- F** RESORT MAINTENANCE FACILITY
- G** DAY SKIER AND RETAIL PARKING
- H** NORDIC SKI CENTER
- I** NORDIC ENVIRONMENTAL PURIFICATION FACILITY
- J** CROSS COUNTY AND SUMMER TRAILS
- K** BOAT HOUSE AND POND
- L** EXISTING SKI LIFT
- M** OUTDOOR AMPHITHEATER
- N** 'PARK CITY' STAIRS ACCESS TO SOMMERSET DRIVE



Weber County Rezone Application

Destination and Recreation Resort Zone: DRR-2
October 2021

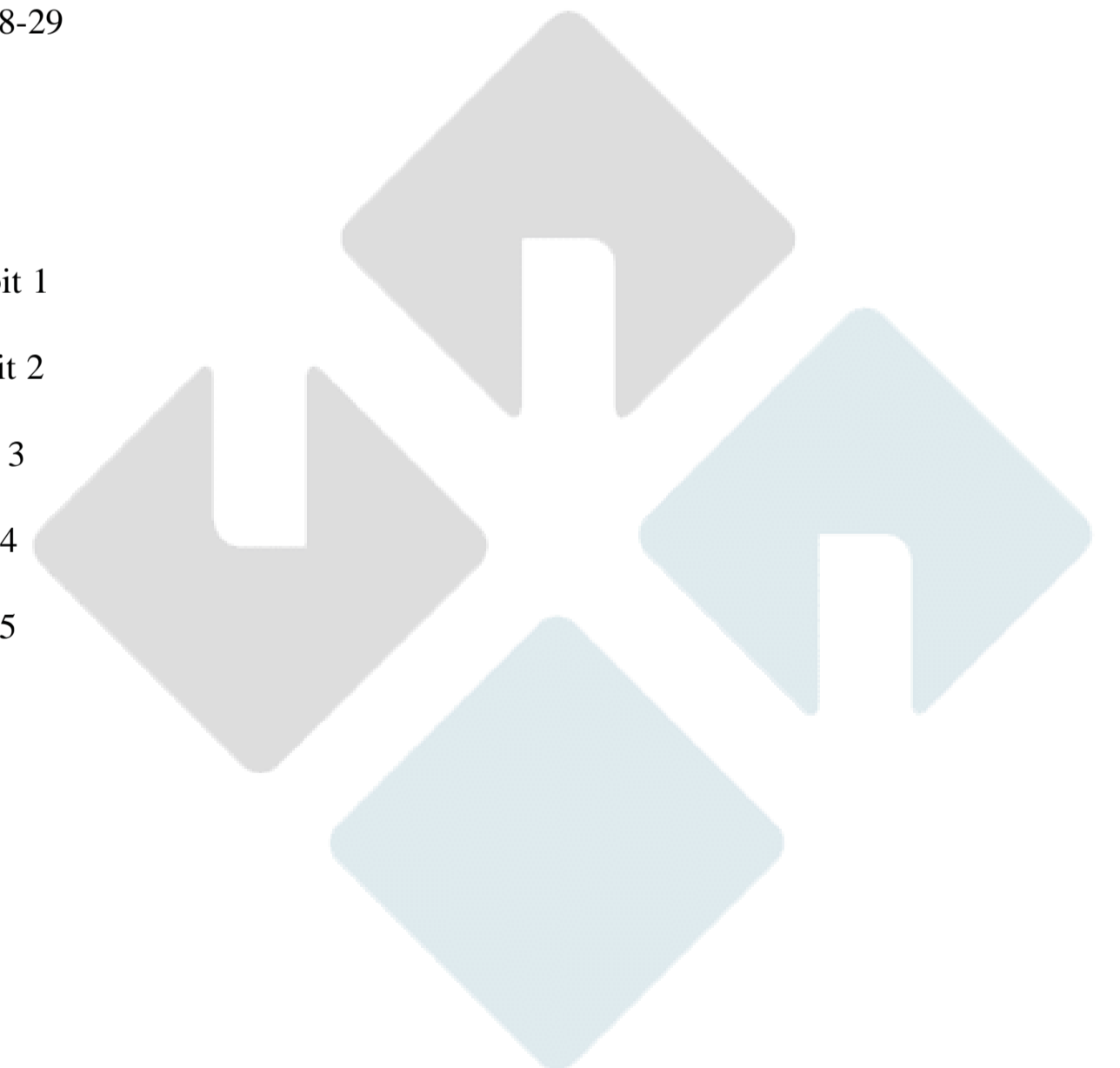
10.01.2021



NORDIC VALLEY

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		Stormwater Feasibility Letter.....	Exhibit 4
		Wastewater Feasibility Letter.....	Exhibit 5



The Project Team



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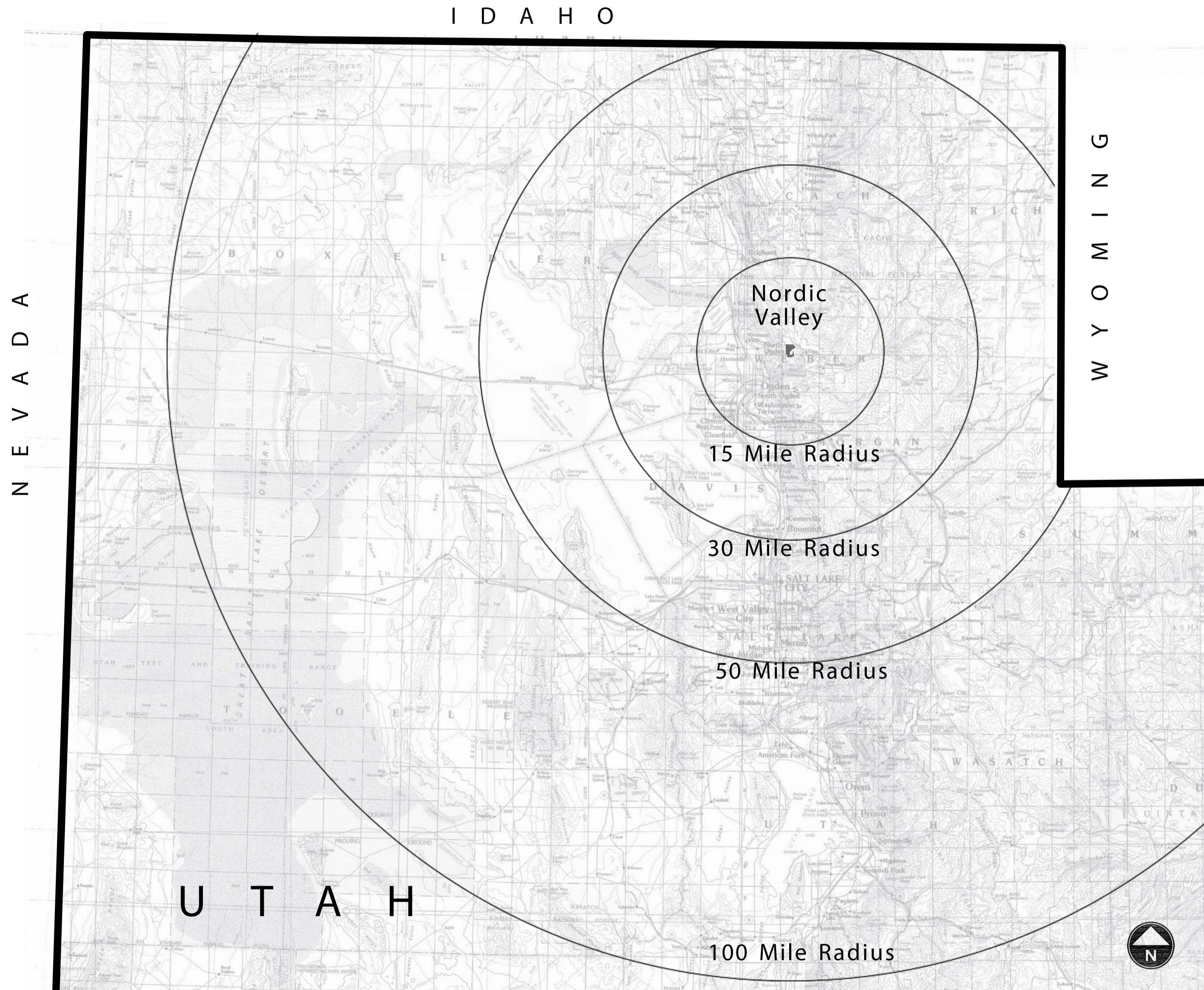
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Location Map



Nordic Valley is secluded into the west side of a mountain valley known as the Ogden Valley on the western edge of the small town of Eden, Liberty, and Huntsville. Nordic Valley lies along the eastern slope of the Rocky Mountains in northern Utah. It is approximately 15 miles east of Ogden and about 55 miles north of Salt Lake City.

Driving Distance from notable Locations to Nordic Valley:

Ogden	14 Miles
Snowbasin Resort	17 Miles
Layton	30 Miles
Salt Lake City	55 Miles
Park City	75 Miles
Provo	100 Miles
Boise	305 Miles
St. George	355 Miles
Cheyenne	440 Miles
Las Vegas	475 Miles
Denver	515 Miles
Reno	570 Miles

Introduction & Purpose of Rezone

NORDIC VALLEY HISTORY

In 1960 a developer and past president of the Utah Home Builder's Association from Ogden, Utah, by the name of Arthur Christiansen, purchased the 900-acre mountainside Silver Bell Ranch from Taylor Burton to develop it into a summer home area in Liberty, Utah. Over time he sold about 200 one-acre lots and built many homes in the Silver Bell development.

Arthur had dreams of creating a 9-hole golf course, and he opened a 5-hole course designed by Ernie Schneider Sr. in 1966. The remaining four holes were completed the following year. Funds were set aside to care for the golf course, and it was maintained for many years before it was eventually parceled out for home sites.

The favored sledding hill was graced with a tow rope in 1968, and Nordic Valley became another jewel in the crown of Northern Utah's powder country. The tow was suitable for beginners, and locals got their start on the gentle slopes of these Wasatch foothills. A few years later, a double chairlift was added, and more terrain was prepared to suit skiers with new runs in 1970. Shortly after, the original tow rope was replaced with a second lift.

The Old Barn

Nordic Valley's anchor and iconic ski lodge are called 'The Old Barn,' a relic of the original Silver Bell Ranch. A symbol of Ogden Valley's culture faithfully served as a hay barn for many years before hosting countless families, warm meals, and crackling fires. The Old Barn operates and houses Nordic Valley's rental shop, ticket office, and restaurant.

The main lift towers were equipped with lights over time, and Nordic Valley became one of the first ski areas in Northern Utah to provide locals and children with access to night skiing. Popular amongst locals was the Tuesday 'Ladies Night' where women skied free or half price. The convenience of skiing in the dark winter evenings brought many locals the opportunity to learn the sport.

NORDIC VALLEY SKI RESORT TODAY



Between the late 70s and 2014, Nordic Valley changed hands several times, resulting in a name change to Wolf Mountain and a switch back to Nordic Valley again when Wolf Mountain Ski Resort LLC declared bankruptcy in 2010. Skyline Mountain Base acquired the resort in 2013, invested and remodeled the lifts and the Barn, and entered into an operating agreement with Mountain Capital Partners in 2018 to operate the resort. Mountain Capital Partners holds and manages a collection of boutique resorts in the American Southwest.

In 2020, Nordic Valley ski resort added its first new chairlift in 20 years, the Nordic Express. The new lift, constructed by Leitner Poma, is over 4,000 feet long and features a 6-person chair. The 4.2-minute ride whisks guests up 1,400 feet in elevation. It will be the ski area's first high-speed chairlift. While a few new trails debuted for the 20/21 season, further expansion will include access to an additional 300 acres of terrain in future seasons.

Nordic Valley's claim to fame is its renowned ski school, intermediate and advanced slopes, and family-friendly atmosphere. Nordic Valley was immortalized as one of the best downhill training ski areas for the 2002 Winter Olympics, which the Austrians discovered was worth pure Gold.

PURPOSE OF THE REZONE APPLICATION REQUEST

To create a Nordic Valley Master Plan for the quaint community and propose a Master Development Plan to consolidate the existing zones into one zone for the establishment and the expansion of a year-round destination resort.

Plans to create a Master Plan for the approximate 510 acres at Nordic Valley began in the spring of 2021. The Master Plan contained within this document results from months of studies, programming, visioning, and processing. The Master Plan provided herein establishes the foundation for Skyline Mountain Base, LLC, Nordic Valley Land Associates, LLC, and Solution Enterprises to create a truly charming destination with varied, vibrant neighborhoods clustered throughout as the center of this Nordic Valley community.

The Master Plan process began with site observations and design development studies to ensure the Nordic Village will be unique and diverse.

This process includes a comprehensive analysis of slope maps, existing vegetation mapping, access feasibility, ski terrain, development connectivity, wildlife corridors, existing trails, viewsheds, and ingress and egress. In addition to the items above, maintaining open space preservation, Nordic Ski Resort is preserving 88% of the Open Space incorporated within this application.

The Applicants requests a zoning change for the approximately 510-acre Nordic Valley Village to one zone. The applicant proposes a smaller resort zone than the Ogden Valley Destination, and Recreation Resort Ordinance (DRR1) passed and signed on August 18, 2009 (Ord. 2009-16). A previous application has been submitted as a text amendment to Weber County Planning Department for a Small Destination and Recreation Resort Zone (DRR2). The intent for the smaller resort ordinance is for resorts in the Ogden Valley that do not meet the required acreage of the larger resorts but have been actively functioning since their creation as a resort or want to become one; this will enable them to do so. The smaller resort zone will promote quality resort development in appropriate locations within Weber County. Rezoning the property to a Small Destination and Recreation Resort will allow Nordic Valley to move into its position as one of the world's most unique mountain destinations combining a truly enhanced mountain experience with a leading-edge master-planned community.

Process

This Small Destination and Recreation Resort Rezone application contains all documents required and requested by Weber County to obtain zoning and entitlements for the Properties identified herein. This application has been prepared in compliance with the Weber County Destination and Recreation Resort Ordinance.

This application and subsequent approval will allow the applicants to continue with the development plans outlined in this document and build upon their Phase 1 approvals and development progress with more flexibility in design and density placement.

Upon acceptance of the rezone application documents, the applicant is prepared to present the plan to the Ogden Valley Planning Commission (OVPC) as necessary to receive Commission and Public comments on the rezone application. Working with the Planning staff, the applicant will fulfill all the required requests for approvals.

Following the OVPC findings, a public hearing(s) will be held with the County Commission to obtain full rezone approvals.

Why Present Zoning Should Be Changed

Nordic Valley Ski Resort has been a popular ski mountain destination in northern Utah and Weber County. It is well known within Utah as a mountain with varying terrain that attracts skiers

of all ages. Despite missing key elements for a thriving destination resort, this includes high-quality and diverse accommodations, retreats, top-notch food and beverage, ski lifts, lodges, retail, and other amenities. The current zoning on the property allows for adequate mountain development but is not entirely appropriate to enable the applicants to maximize their potential as an exceptional mountain destination. Rezoning the property to a Small Destination and Recreation Resort will allow the landowner to create an extraordinary recreation and residential experience while preserving and promoting the goals and objectives identified within the Ogden Valley General Plan. The rezone will enable new and yet traditional resort development planning strategies to be implemented.

Public Interest

The Master Plan for Nordic Valley Village will provide visitors and residents with a unique and rare mountain experience. The Master Plan provides for both residential communities and recreational properties within the project. The new commercial developments supporting the proposed residential, commercial uses, recreational uses, and open spaces at Nordic Valley Ski Resort will provide additional tax revenues to Weber County. These new uses will give Nordic Valley a sustainable development base to grow and benefit the community while continuing the recreational focus as identified by the County.



SUBSTANTIAL PUBLIC BENEFITS

The rezone will allow the development to move forward with development plans that will provide the following Substantial Public Benefits:

- The process requires the development of a complete Master Plan for the Rezone area. This will provide the public with the vision for the resort and adjacent properties and ensure public input is provided as part of the rezone approval process that would otherwise not be available under the current zoning approval process and development applications. Substantial agency review of the project is required as part of the rezone application. The Master Plan includes implementing important public trail links to and thru the resort as identified on the Open Space and Trails Plan.

- The rezone allows the development to further cluster development areas, preserving more open spaces through the rezone's flexibility and its permitted uses, building heights, and overall design flexibility.

- Establishes Design Guidelines and Sustainability practices within the rezone application far superior to current zone development requirements minimizing the overall impact of the community.

- Establishes traffic mitigation practices with the rezone application reducing the overall traffic impacts to the existing transportation system and existing community that far exceed current zone requirements

Changes to the General Area Since the Adoption of the General Plan

The Nordic Valley ski resort area is recognized as a recreation/resort area with potential for further development to support and enhance the existing recreational components within the resort, providing a viable long-term project. Since the adoption of the General Plan, the applicants have come together to create a unique destination community with a vision for a diverse mountain village and associated mountain neighborhoods that would provide economic stability for the existing resort while also providing substantial expansion and diversity of this amenity.

The County General Plan supports and promotes appropriate resort facilities as a significant element within the County. Nordic Valley is also a village center, ideal for responsible, well-balanced, and sustainable resort development.

The proposal conforms to the Ogden Valley General Plan by "preserving the Valley's rural character" in the following ways:

- A goal of Weber County is to protect the valley's sense of openness and rural character. (Page 7 of the Ogden Valley General Plan.)

- The proposed location of the structures is away from steep or unstable slopes.

- The proposed location is not along a "prominent ridgeline."

- The proposed location is outside of the "Important Wildlife Habitat Areas."

- The proposed location meets the adopted requirements about stream corridors, wetlands, and shorelines.

- The Ogden Valley community desires sustainable and thriving local businesses in Ogden Valley. Ogden Valley capitalizes on recreational tourism to support its economic base. New commercial development should be focused in and near existing commercial areas and resorts. New commercial development should be designed to be compatible with the rural character of Ogden Valley. (page 29 of the Ogden Valley General Plan).

- The Ogden Valley General Plan Recreation Element identifies the Nordic Valley Resort's development potential and the "need for a variety of progressive resort developments" in the Ogden Valley.

The recommended policies throughout the Recreation Element are to "encourage quality resort and recreation development," support nodal development as opposed to sprawl development to "protect as much open space as possible" and "encourage existing resorts to expand to generate economic benefits for Weber County as well as to pull densities from other parts of the Ogden Valley into the expanded resort. The result would be development concentrated in the expanded resorts with other areas left permanently undeveloped across Ogden Valley." (See pages 40-44, 61-67, 115-118, 152-160 of the Ogden Valley General Plan Recreation Element Oct 2005).

PROMOTE HEALTH, SAFETY AND WELFARE TO WEBER COUNTY

The Master Plan proposed in this rezone document for the Nordic Valley Village promotes Weber County residents' health, safety, and welfare by creating a family-centered distinct year-round resort. This variety will provide stability and long-term benefits to Weber County and the Ogden Valley while also preserving significant open space within the project.

The project will provide long-term economic benefits as outlined in the Benefits Analysis, ensuring the County and its residents are not negatively impacted fiscally.

The Master Plan includes important trails and ski in-ski out connections between neighborhoods.

Traffic mitigation plans will be implemented to minimize all new development impacts to existing and future roadways, providing safe, appropriate access while mitigating those impacts to existing and future neighborhoods in the Valley.

The development areas within the project were designed with respect to the land attributes preserving sensitive lands and stream corridors, and avoiding sky lining. The importance of economic, environmental, community and aesthetic benefits was taken into consideration to ensure a quality development that benefits the owners, Weber County, and the community.

As outlined in Chapter 35 of the Weber County code (35-3), the project meets the approval criteria as follows:

A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or Ogden Valley Sensitive Lands Overlay Zone in Chapter 104-28, Ogden Valley Lands Overlay Zone, or the Weber County Zoning Ordinance.

- The Geologic Areas as outlined in Chapter 108-14 of the Weber County Code.

The Wildlife Habitat exhibit shows that the Nordic Valley Village project is outside the critical wildlife habitat area. No development is proposed within this vital wildlife habitat area.

While there is a stream corridor within the project area, the primary potential impact site includes access to the chalets off Viking Drive. The Road exists, and all effects have previously been mitigated as this roadway serves as the existing access to the existing lift. No other stream corridors exist within proximity to any proposed development area within the rezone Master Plan.

Nordic Valley's proposal is located within proximity of the 2.5-mile Scenic Roads Buffer. All design standards are meant to mitigate any potentially harmful impact that could be visible from Highway 162. Mitigation measures will be defined within these exhibits.

B. A professional study has provided substantial evidence that the proposed Nordic Valley Ski Resort is viable and contributes to the surrounding community's economic well-being. A cost-benefit analysis summary is provided on pages 29 and 30. This study was conducted by Lewis Young Robertson & Burningham, Inc out of Salt Lake City, Utah, and is attached as Exhibit A. Highlights of the Cost-Benefit Analysis are as follows:

Economic Impact

The total economic impacts of the Nordic Valley Village project are anticipated to increase over the next 25 years continually. The addition of condominiums, hotels, townhomes, chalets, cabins, commercial and educational retreats, expanded and new recreational amenities, and joint ventures will help the Nordic Valley Village advances. After full build-out, ongoing economic impacts are projected to provide continued positive effects as follows:

- Based on the development assumptions utilized, the proposed development produces a net taxable value to Weber County of \$555.48 million of new assessed value.

- Direct jobs created by the development are projected at 538 at full build-out.

- Direct labor income is projected at \$6.406 million annually



Fiscal Impact

The proposed Nordic Valley Village project is identified to provide a substantially positive fiscal impact for Weber County.

After project build-out, Nordic Valley Village is projected to generate approximately \$52.30 million in cumulative net revenue projected over 25 years is anticipated to be a net benefit of \$2.091 million annually.

By the 25 years build out a scenario in the Cost-Benefit analysis, the Fiscal Benefit to Weber County shows a net gain to Weber County of \$52.30 million.

Most residential units will be second homeowner classification, while the assessment of most residential units will be a total market value. This will result in high per capita spending and resulting sales tax revenues and a moderate cost of service profile consistent with similar projects throughout western resorts. Other growth-sensitive Weber County funds are projected to experience positive fund balances throughout the project's construction period and after build-out providing a comprehensive fiscal benefit to the County.

C. A professional traffic study has explored and provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors serving the Project from diminishing below an acceptable Level of Service. (See attached Fehr and Peers Study Exhibit 2).

Overall, the road network can provide appropriate access to and from Nordic Valley Ski Resort, with some improvements required for mitigation as the project is built out.

D. The natural and developed recreational amenities provided by the Resort shall constitute a primary attraction and offer an exceptional recreational experience by enhancing quality public recreational opportunities.

Nordic Valley Ski Resort is currently a well-established ski resort. The proposed Master Plan enhances the visitor experience with expanded recreational services, new and diverse overnight accommodations, varied retail shops, and services including restaurants, a mountain village main street, and various destination attractions. Publicly accessible recreation facilities and activities are planned throughout the project to establish Nordic Valley Ski Resort as a year-round destination. These activities include walking/hiking trails, mountain biking, ski trails, horseback riding, naturalist's tours, camping, rental of non-occupied units, and other outdoor special events.

E. The proposed Seasonal Workforce Housing Plan will provide a socially, economically, and environmentally responsible development.

The seasonal workforce housing plan is provided on page 26. At full project build-out, it is estimated that Nordic Valley Ski Resort will generate 538 full-time equivalent employees and 326 workforce housing units.

As calculated on Page 23, Nordic Valley Ski Resort will provide at least 33 seasonal workforce housing units on site.

F. Public safety services are and will be feasible and available to serve the Resort in a manner that is acceptable to the County Commission.

Throughout the Phase 1 plans and the Master Plan development, the development team has continually met with representatives from the Sheriff's Office and Fire Department, providers gathering input to the plans and incorporating that input into this application.

The proposed Master Plan reflects the input received from these departments regarding necessary Emergency Services.

Feasibility letters from both the Fire Department and Sheriff's Department are attached on Page 27.

The proposed Master Plan for Nordic Valley presented in this application is following the Ogden Valley General Plan Goals and Objectives as outlined in the Ogden Valley General Plan as follows:

PROTECT THE NATURAL BEAUTY AND NATURAL RESOURCES OF THE VALLEY



Protect Air Quality and Water Resources Nordic Valley maintains a solid commitment to Weber County's goal of preserving the natural beauty and natural resources of the Ogden Valley. The Master Plan was developed with the ethos that all development must be light on the land. All development impacts should be minimized or mitigated to the greatest extent possible, balancing the built and natural environments. Measures to protect the natural resources and the beauty of the Ogden Valley during and after both the planning and construction stages include:

Clustering all development within areas that allow for minimized development impacts, thus maximizing significant open spaces. Much of the development is centered around "village" infrastructure allowing for walkable trips or reduced traffic impacts and limiting the size of the project "footprint" on the mountain.

Water

Water quality controls will be implemented on the following levels.

As awareness of the importance of conservation of resources and implementation of sustainable practices grows, Nordic Valley Ski Resort has a goal to introduce a higher level of performance than almost any project yet envisioned in Utah. Nordic Valley Ski Resort is using an integrated water management strategy to develop a truly sustainable project.

Groundwater

Nordic Valley Village understands the value of groundwater as an essential resource. Nordic Valley Village is adopting water conservation and efficiency requirements to minimize impacts to

groundwater resources for both indoor and outdoor water use.

Promote a sense of pride in the valley's sense of character

There are no identified cultural and historic resources within the Nordic Valley Village project area. The applicant is committed to preserving the existing ski area at Nordic Valley as a community resource. Nordic Valley Ski Resort is committed to maintaining the wide open and rustic nature of the resort while providing tasteful upgrades and updates to the facilities. We are dedicated to appropriately addressing the elements that make the resort unique and enhancing those elements.

Require that Development be Compatible with the Valley's Rural Character and Natural Setting

To ensure that development is compatible with the Valley's rural character and natural setting, a set of Design Guidelines has been established to govern the style and characteristics of buildings, landscaping, signage, etc. This style pulls from the Valley's architectural vernacular, utilizes timeless forms and materials, and requires structures to be placed sensitively to become part of the landscape, not dominate the landscape.

Dark Sky Compliance

With the exception of the notorious night skiing, it is the developers uppermost goal to develop Nordic Valley as a dark sky compliant village.



In General, Additional Density Should not be Authorized in the Ogden Valley Planning Area Above that Allowed by Current Zoning. Minimal Density Bonuses (The Exact Amount to be Determined by Ordinance, Master Plan, Development Agreement, etc.) Should Only be Allowed When they are Granted to Incentive Significant Contribution to the Advancement of the Goals and Principles Found in this Plan.

The Applicant will plan and provide adequate development compatible with the Nordic Village throughout the development process and provides the Valley with additional incentives. The developer's team will install all infrastructure to support all proposed development per Weber Counties' guidelines. This will include calculated phasing of units, concurrency measures for water and sewer, and working with the Valley developers to create a Valley-wide sewer.

Create Subdivision Tools that Provide Design Regulations that Decrease the Required Subdivision Infrastructure, such as a Reduced Right-of-Way or Road Cross-Section, in Ogden Valley General Plan Exchange for Meaningful Voluntary Reductions of Development Units. Such Decreased Infrastructure Should be Privately Owned.

Nordic Valley Village has diligently worked with property owners to receive connectivity. The right of way will only be an extension of an existing road instead of a new mountainous road.

Provide Adequate Emergency and Medical Services

Substantial coordination with the County Emergency Services Departments has taken place, and the emergency feasibility letters have been implemented in the Master Plan. The Emergency Services Plan on page 30 of this application outlines the discussions with the Sheriff and Fire Marshall and letters of feasibility from each. Emergency and medical services will be phased appropriately and adequately as development occurs and these Emergency Service Providers require.

Surface Water

Nordic Water will also focus on protecting surface water by limiting grading and preparing erosion control plans and Stormwater Pollution Prevention Plans (SWPPPs) to incorporate the appropriate best management practices to preserve drainages, wetlands, and surface waters



Protect Open Space and Sensitive Lands

The most substantial and essential portion of the Master Plan is what is not being developed. The Master Plan was sensitive to identified steep slopes, wetlands, stream corridors, and drainages and factored in visually sensitive lands, critical wildlife corridors, recreational open spaces, and open space buffers.

Additionally, and as part of this application requirement, Weber County's sensitive land maps were overlaid on the Master Plan to ensure that all proposed development is mitigated. Areas identified as geologic hazards, stream corridors, scenic road buffers, and critical wildlife habitats or within have been considered during the design process. See Pages 10-15.

Preserve Wildlife and Wildlife Habitat

The Sensitive Lands Exhibit on Page 13 shows that the proposed development boundary does not overlap with important wildlife habitat areas.

Recognize and Respect Private Property Rights

The proposed Master Plan is entirely located on the applicants' private property and does not negatively impact any adjacent private land.

Facilitate the Smooth Flow of Traffic In and Out of the Valley

A comprehensive transportation study has been prepared by Project Fehrs and Peer and is included with this application as Exhibit C. The report studies the transportation impacts anticipated to be associated with the proposed Master Plan, provides an analysis of phased development steps to identify what and when any necessary roadway improvements would be needed, and identify any traffic mitigation measures to be utilized by the project to ensure the existing and future road systems continue to provide adequate operations throughout the valley as the development progresses to build out.

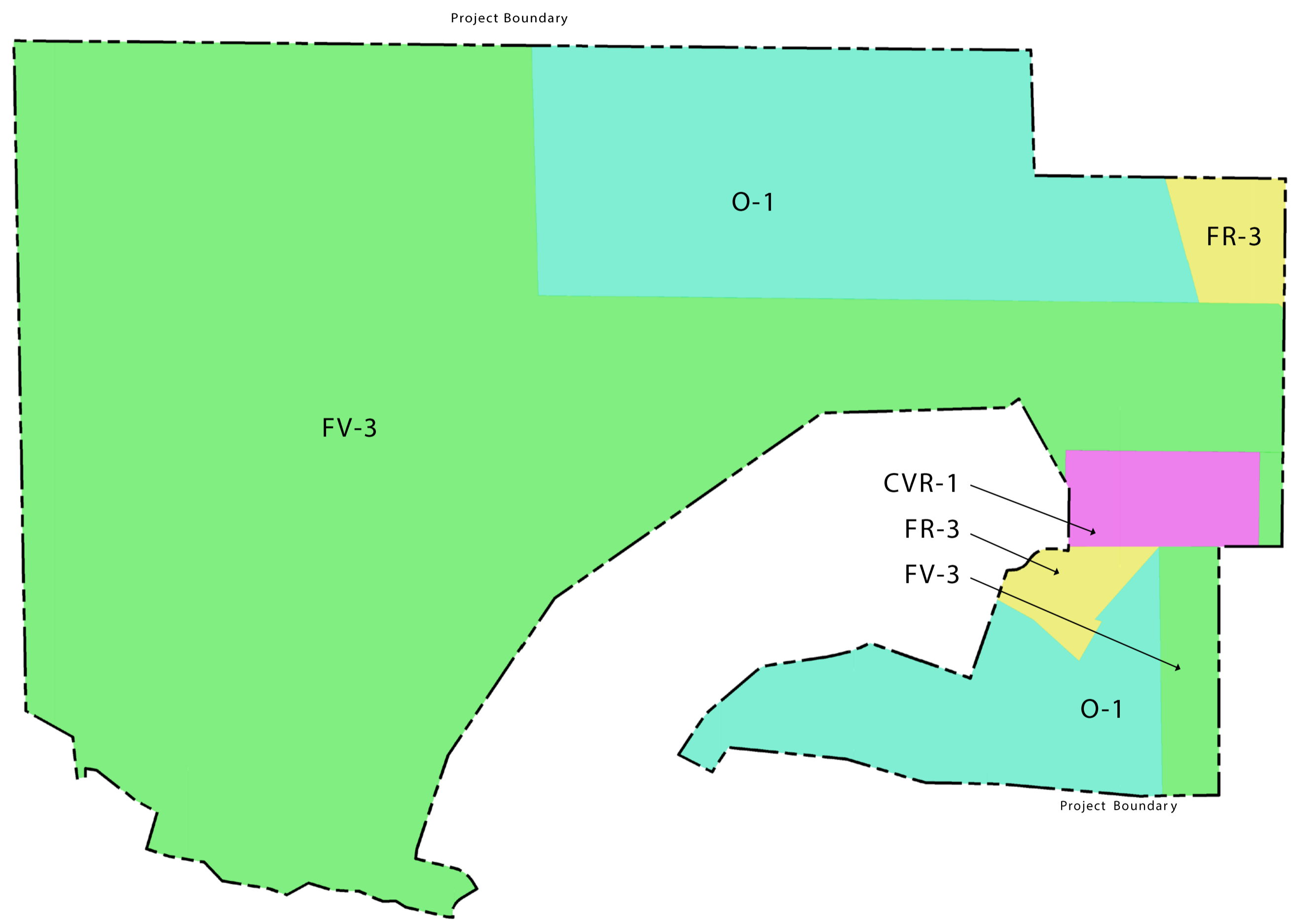
Enhance Quality Recreational Opportunities


The Recreation Plan and the Open Space and Trails Plan outline the proposed recreation opportunities for Nordic Valley Ski Resort. These plans highlight the additional recreational amenities that may be provided in addition to those that currently exist within the project and as part of the existing ski area. In addition to skiing, snowboarding, snowshoeing, etc., which are already enjoyed at Nordic Valley Resort, the recreation facilities plan expands the recreation opportunities to include non-skiing activities, such as hiking, mountain biking, night skiing, tubing, as well as facilities for special events and equestrian experiences.




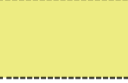
Existing Zoning


The Nordic Valley property located in Weber County is currently zoned Commercial Valley Resort Recreation Zone (CVR-1), Forest Valley (FV-3), Forest Residential Zone (FR-3) and Open Space Zone (O-1).



- 
Commercial Valley Resort Recreation Zone - CVR-1
 The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained.

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

- 
Forest Residential Zone - FR-3
 The purpose of this zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.

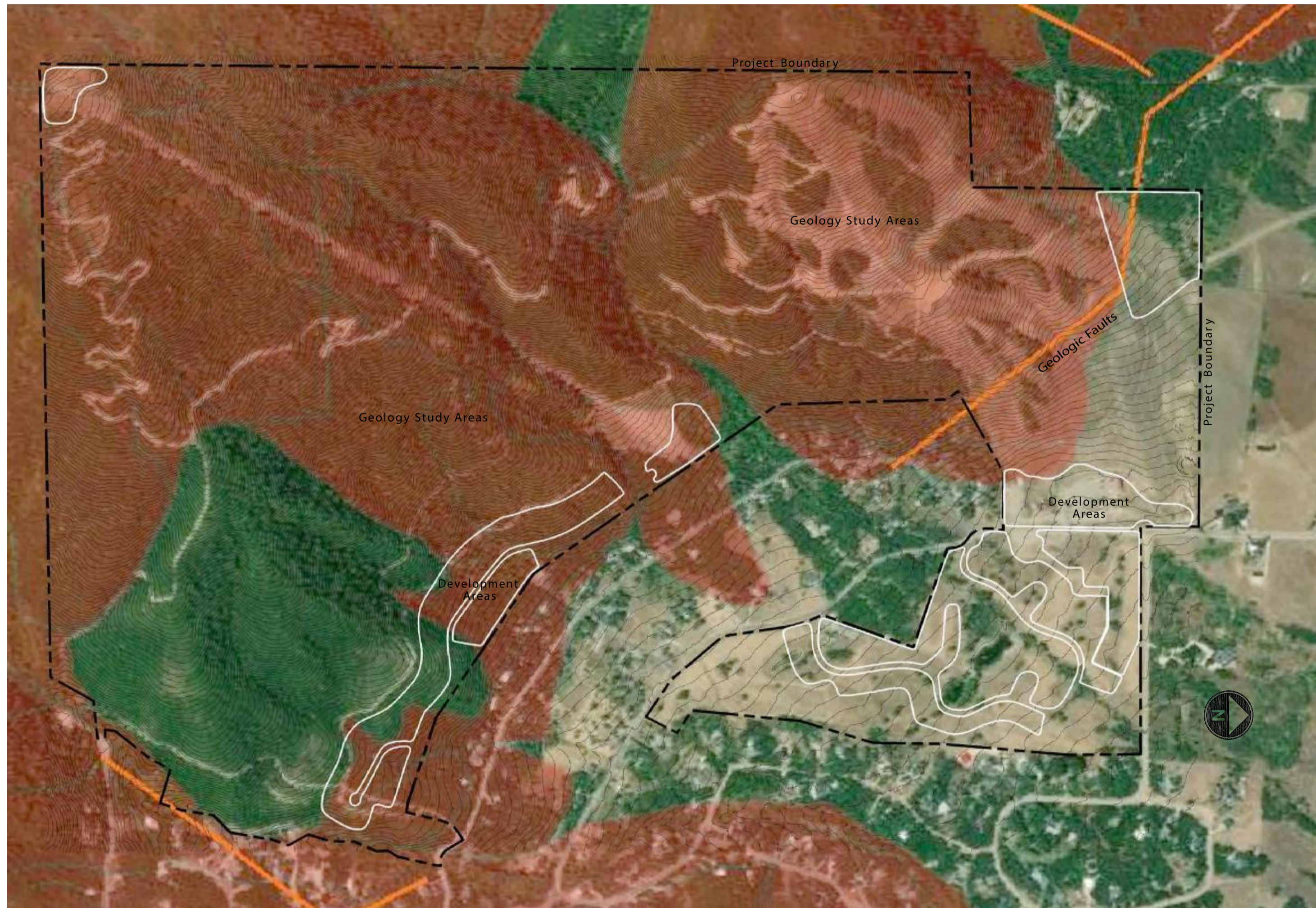
- 
Open Space Zone - O-1
 The purpose of this zone is intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a floodplain, on areas of severe slope, areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.



Geological Hazards

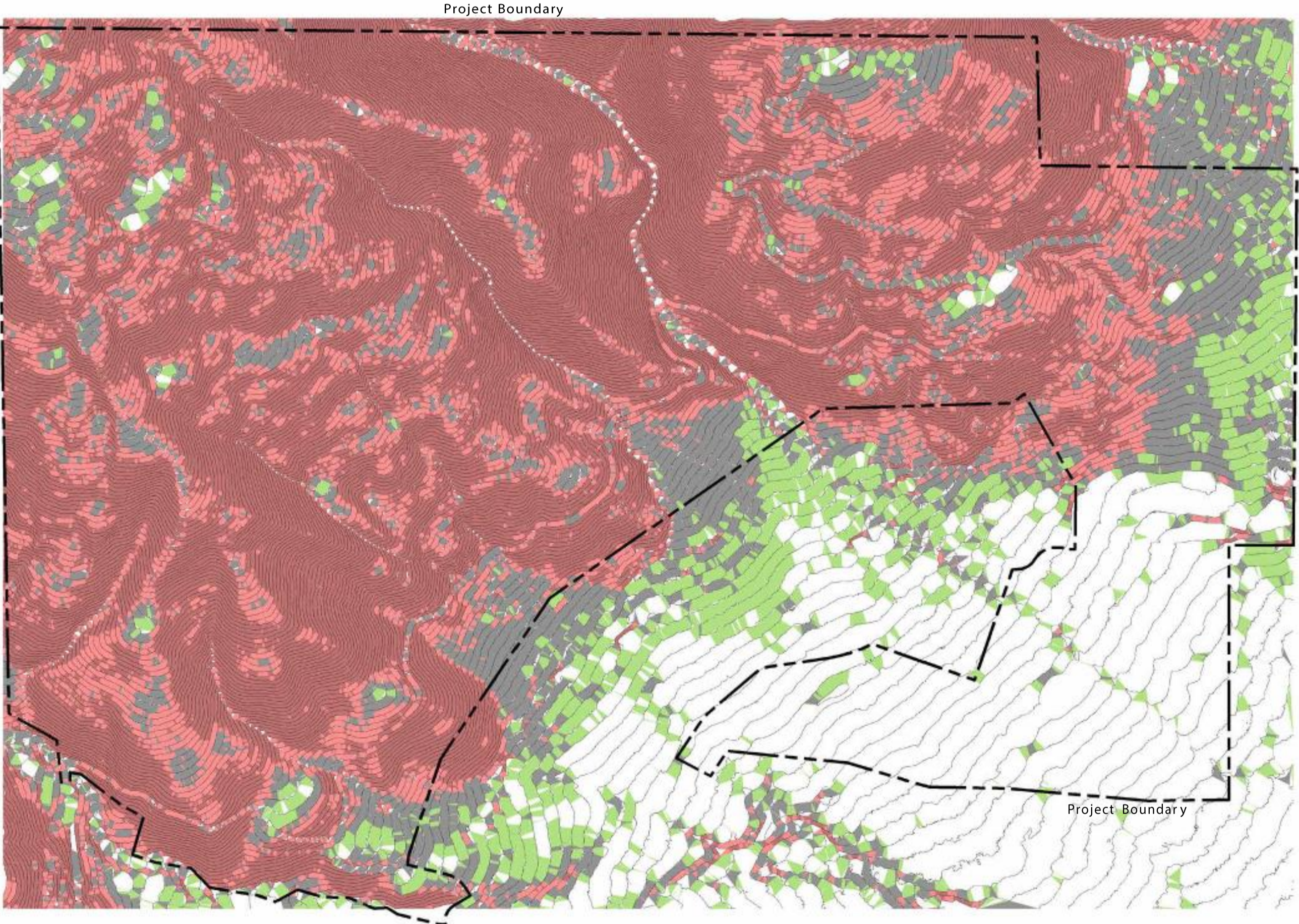
The Geology Study Area and Fault Exhibit here identifies surficial geologic conditions at the Project and identifies potential risk from geologic hazards.

While the majority of the proposed Master Plan development falls outside of the study areas, those areas proposed for development within the Geology Study areas within the project will require additional studies at the time of Site Plan or Building permit submittals as required by Weber County.



Existing Topography / Slopes

The Slope Analysis illustrates that much of the Nordic Valley property contains slopes most suitable to ski terrain. The projects topography does vary greatly from flat meadows to steep ski terrain and mountain slopes. The Master Plan was developed with sensitivity to placing development on steep slopes with the majority of the project density clustered around the gentle meadows that exist near the current ski base area and the flat lands south and east of the base area, portions of which were the former golf course property.



Slope Legend

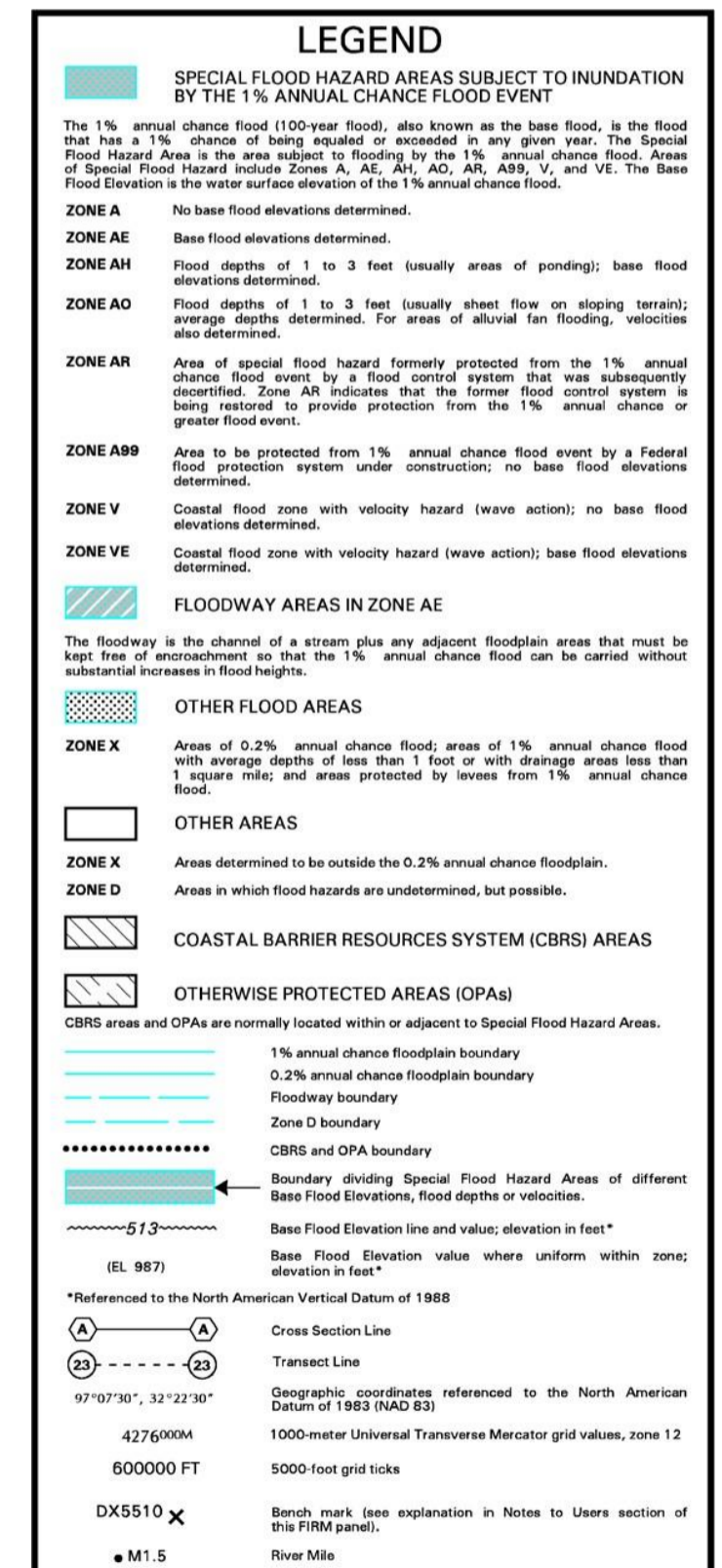
- 0-15%
- 15-20%
- 20-30%
- 30-40%
- 40+%



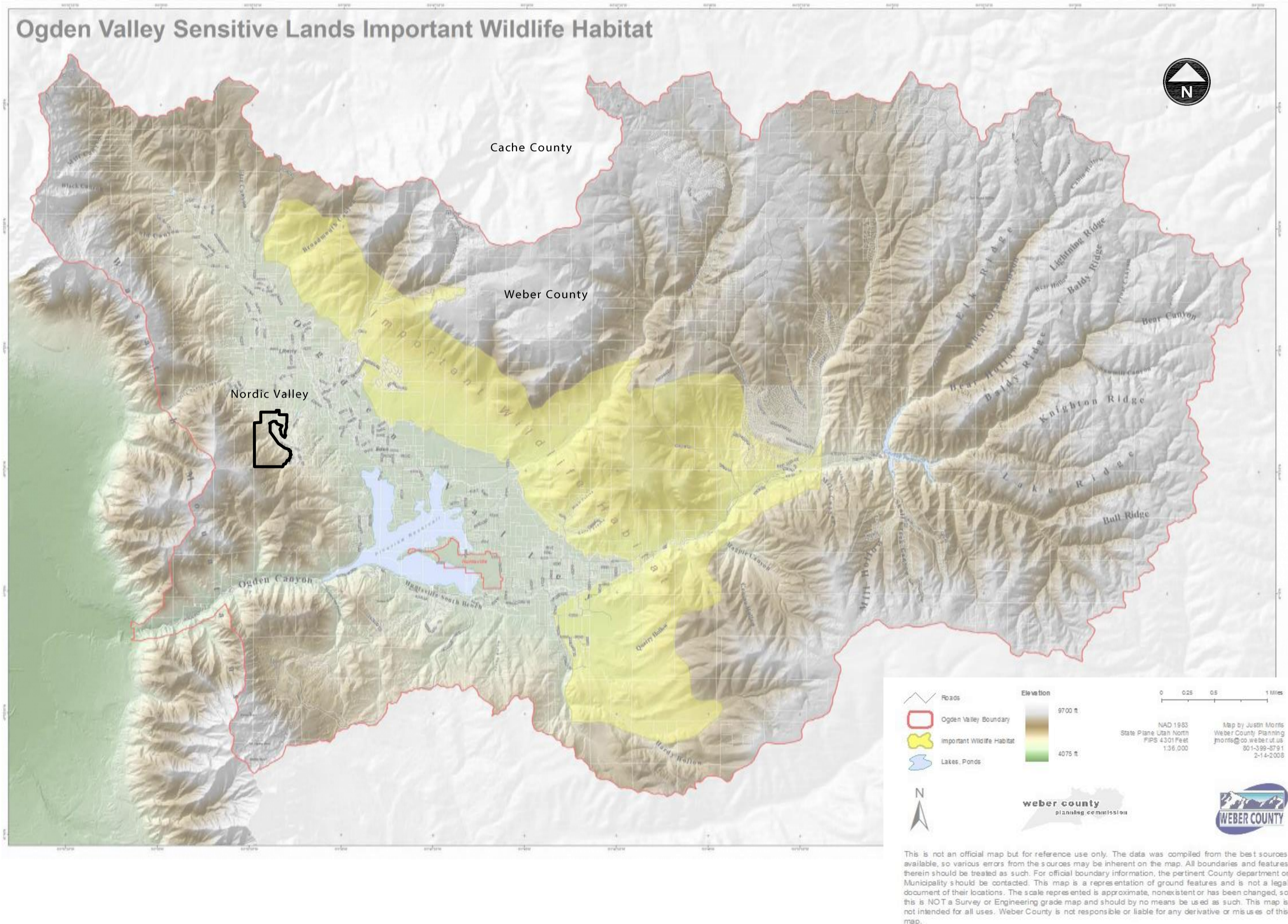
Floodplain Map

The FEMA Flood Insurance Rate Maps for Weber County illustrate that there is one flood area mapped within the Nordic Valley project boundaries. This Zone is identified as Zone A. As defined, Zone A base flood elevations are undetermined. All development within this Zone A area will provide further detail for floodway avoidance at the time of building permit or site plan applications.

The majority of the Nordic Valley property is generally located at an elevation above flood hazards.

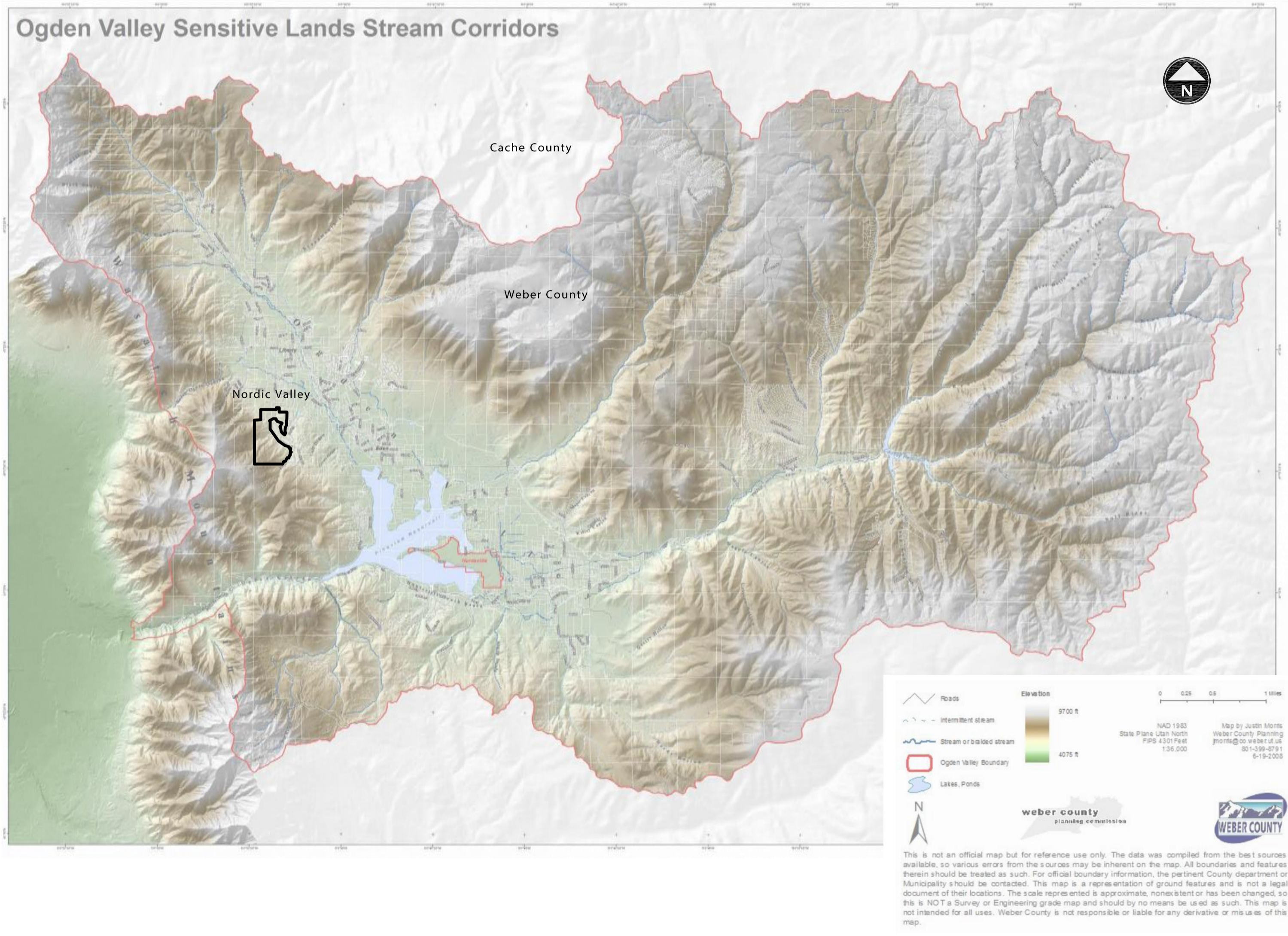


Sensitive Land Areas: Wildlife Habitat



The Nordic Valley property does not overlap with the Important Wildlife Habitat Zone as indicated here. Future development has been located to account for significant open spaces and buffers to facilitate wildlife habitat and wildlife corridors throughout the project and continued coordination with Weber County and the Utah Division of Wildlife Resources will be a priority to maintain these habitats throughout the project.

Sensitive Land Areas: Stream Corridors

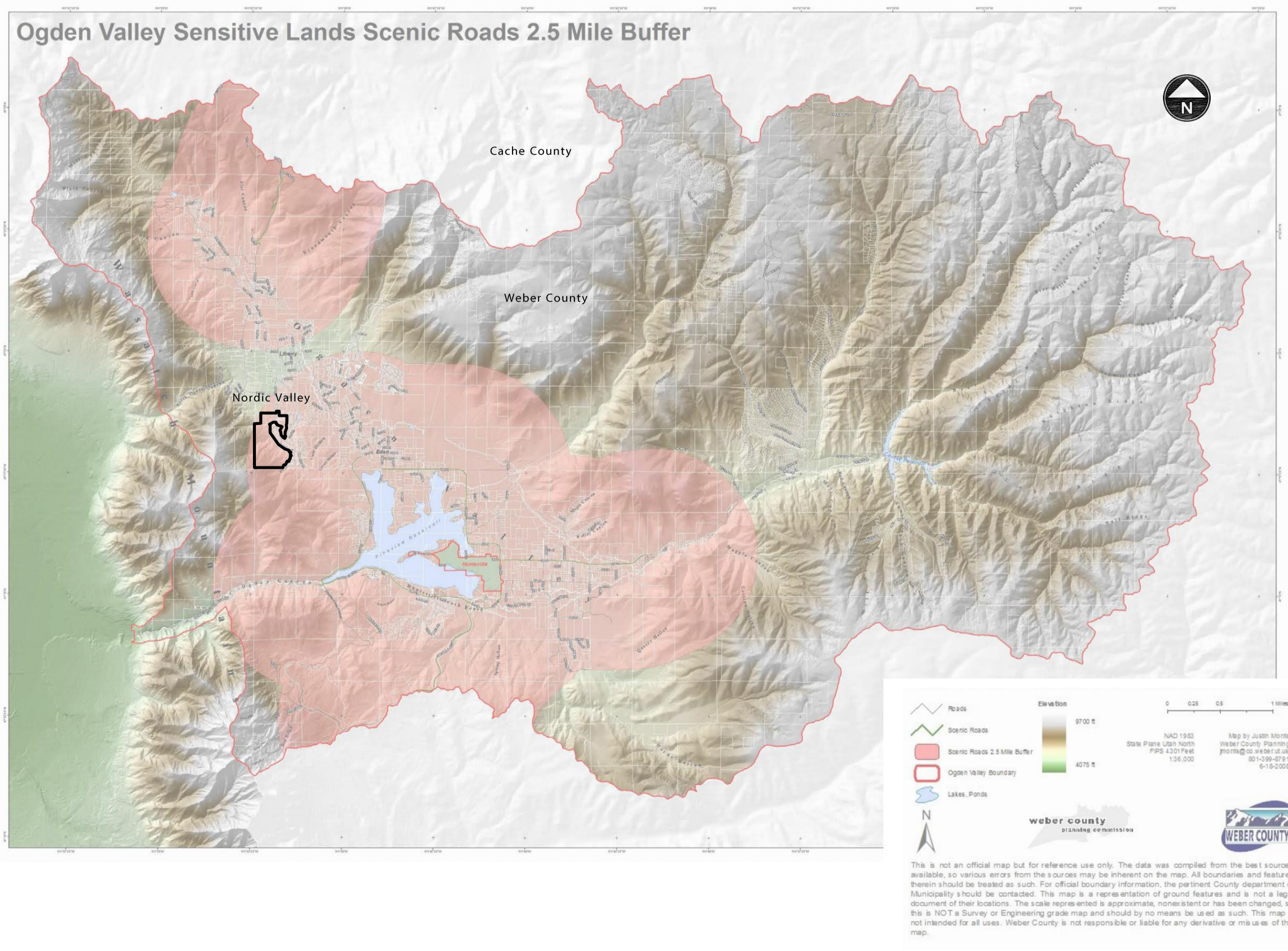


The Nordic Valley property is not affected by the Ogden Valley Sensitive Lands Overlay District for streams corridors, wetlands and shorelines.

In coordination with the Utah Division of Wildlife Resources (UDWR) all existing riparian corridors within proximity to proposed development areas within the project will be identified and protections put in place at the time of individual project approvals to insure these areas are preserved.

An approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required with the submittal for each phase of development if it is determined that jurisdictional wetlands may exist within any proposed development areas on the property.

Sensitive Land Areas: Scenic Roads 2.5 Mile Buffer



The Nordic Valley property lies within the Ogden Valley Sensitive Lands Overlay District for Scenic Corridors, Ridge lines and Historical/Cultural Resources.

Nordic Valley falls within the Sensitive Land Overlay for Scenic Roads but does not directly connect with Highway 162. The project will be adding additional road connections to Nordic Valley Way and Nordic Valley Road but will use them only where necessary to minimize impact on current roadway design. Existing and proposed connections will be enhanced as to not disturb the current flow of traffic along Nordic Valley Way and Nordic Valley Drive. All proposed development is located at the base of the slopes as they begin to rise above the Valley floor and the Highway 162 corridor keeping the visual integrity of the view corridor.

Any and all fencing within Nordic Valley shall meet the development standards of the Ogden Valley Architectural, Landscaping and Screening Ordinance.

PLANNING AND DESIGN PRINCIPLES

The Nordic Valley Resort properties total approximately 510 acres with properties that include 3 different owners within Weber County. The project area also includes the existing Nordic Valley Ski Area, including existing lifts, base area amenities such as the old historic Nordic Barn and existing surface parking and maintenance area.

This application for the DRR2 rezone will create a four season recreation destination within the existing Nordic Valley base area and surrounding properties that will include a balanced mix of on-mountain accommodations, food and beverage opportunities, neighborhood and resort retail, recreational outlets from skiing, hiking and biking, tubing, snowshoeing, fishing, etc. The project is also designed to accommodate community events such as concerts, farmer's markets, group meetings and more making the area a true year round, activated mountain village.

In early 2021, the Skyline Mountain Base, LLC development team began to assemble a team of design and development professionals to initiate the Master Plan and Rezoning process and design development that would appropriately integrate the vision for Nordic Valley. This planning process involved several varied and skilled professionals and focused on every aspect of mountain design from roadway and ski design to snow storage and snow removal strategies. This planning process was thorough and extensive.

The concept plans within this submittal identify those areas most suitable for development and those mountain areas that will remain open space. This distinction has been identified as the most important element of the Master Plan. The areas NOT shown for development are as important or more important than those areas that are suitable for development. The development areas throughout the property are shown in two land uses that follow Weber County's DRR2 Zone Land Uses. The most intense use (Mixed Use) allows for all permitted and conditional Land

Uses as identified by the DRR2 Zone while the Residential use only allows those uses identified as permitted or conditional residential uses within the zone per the Land Use Code.

The proposed plan for the project emphasizes the development of a mountain "village" that is located at the existing Nordic Valley base area and is the most suitable and appropriate location to provide resort and residential land uses, vehicular and pedestrian access, community amenities, retail opportunities, parking and access to open spaces based on their locations and proposed functions within the resort.

The village core will include hotels and resort oriented condominiums for overnight accommodations at the existing base of the mountain as well as a mix of townhomes and mountain chalets for full or part time residents. This area is designed to be the primary destination for year round visitors providing direct mountain and open space access. This area also includes the Nordic Commercial "Main Street" retail corridor anchoring both sides of Nordic Valley way with opportunities for community and resort based retail and office shops at the central core of the village. This retail street will provide for on-street angled parking, walkable streetscapes with various shop frontages, outdoor dining, and landscaped plazas and gathering spaces to give the Nordic Valley area a true ski village mass and energy throughout the year at the heart of the Nordic Valley project.

This location is best suited for the most intense uses within the project and preserves views and provides for a secluded and protected environment at the base of the slope where development is most appropriate to be built. This village location provides for direct ski access onto the mountain as well as ski in access at the end of the day for a majority of the village uses. The project also includes clustered residential development tucked amongst the existing trees and just beyond the village core to the south at the base of the existing ski slopes and just above the existing

residential neighborhoods. This area includes both single family "chalet" residential products that begin the density transition to the open spaces as well as a condominium lodge at the base of the new Nordic Express ski lift.

Throughout the master planning process, open space access, existing and new trail corridors and connections took center stage as seen on the Open Space and Trail Plan. This ensured that access to the beautiful and abundant natural features within the project and beyond its property boundaries remained accessible and preserved as much of this natural environment as possible.

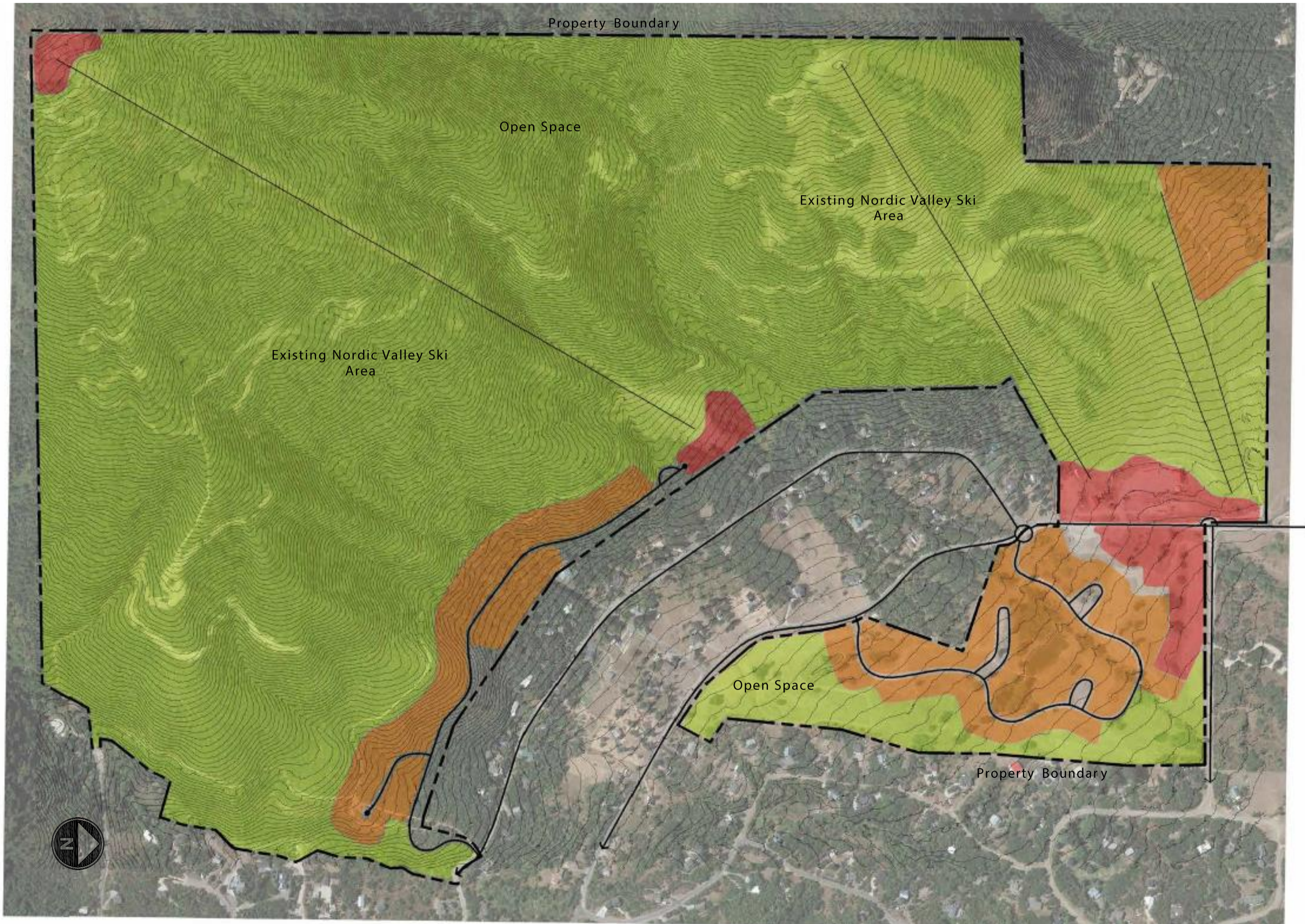
The proposed Nordic Valley project is compatible with surrounding land uses and, as outlined herein, is in compliance with the goals and objectives identified in the Ogden Valley General Plan. The impact to the

surrounding area will be positive as outlined in the Benefit Analysis. The impact on traffic congestion through the Valley will be minimal as outlined in the traffic study completed as part of the transportation element which is included as Exhibit 2. Nordic Valley will be a positive community component providing neighborhood services and recreational opportunities while also providing a unique on-mountain development that will include a well placed and well balanced mix of mountain uses that will provide the Nordic Valley community and all of Weber County with a project that is sustainable and advances the community goals of a Destination Recreation Resort.

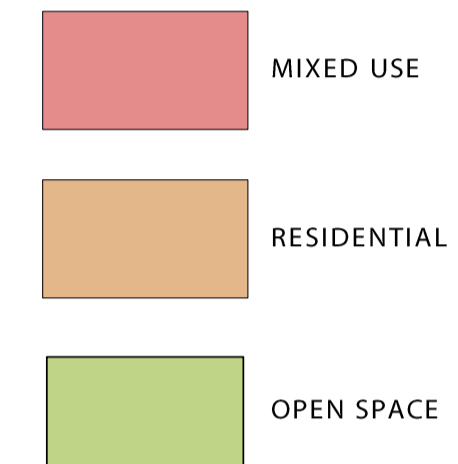


Overall Land Use Plan

The Overall Land Use Plan depicts general areas for development within the proposed 510 acre Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.



DEVELOPMENT LEGEND



DEVELOPMENT DATA

COMMERCIAL/SKIER	38,200 SF
MULTI-FAMILY RESIDENTIAL	661 UNITS
TOWNHOME RESIDENTIAL	55 UNITS
SINGLE FAMILY RESIDENTIAL	47 UNITS
TOTAL UNITS	763 UNITS

NOTES:

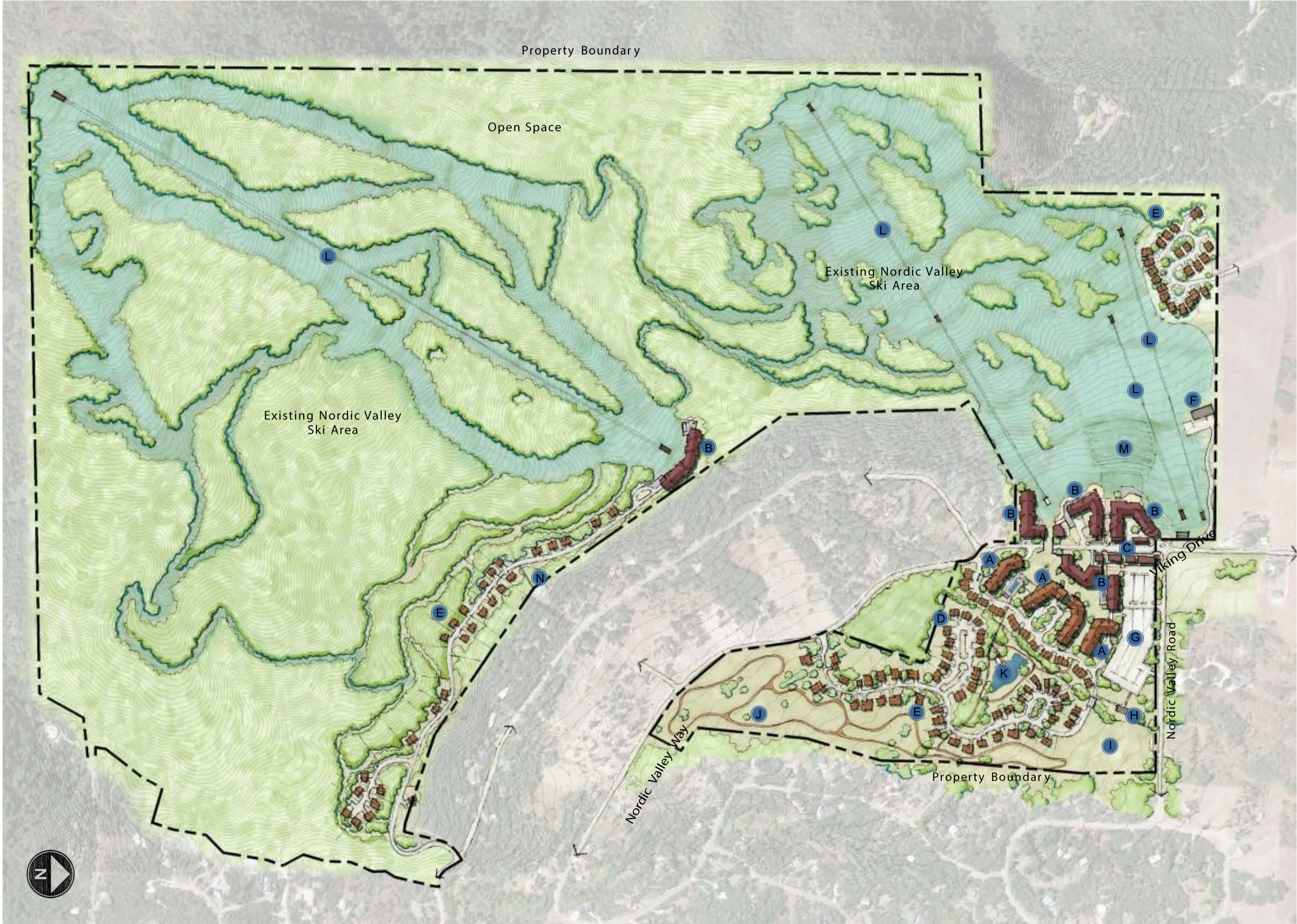
1. MIXED USE LAND USE INCLUDES ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED WITHIN THE DRR-2 ZONE USE TABLE
2. RESIDENTIAL USES SHALL INCLUDE ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED FOR RESIDENTIAL USES WITHIN THE DRR-2 ZONE USE TABLE. SINGLE FAMILY, MULTI FAMILY AND TOWNHOMES EQUAL 1 UNIT EACH FOR DENSITY CALCULATIONS.
3. HOTEL ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS.
4. CONDOMINIUM HOTEL UNITS EQUAL .50 UNITS EACH FOR DENSITY CALCULATIONS.
5. COMMERCIAL SQUARE FOOTAGE AND ALL WORKFORCE HOUSING DOES NOT COUNT AGAINST APPROVED DENSITIES.

Overall Master Plan

The Overall Master Plan depicts conceptual development patterns. This plan identifies the general uses, development massing, open spaces, amenities, recreational components and pedestrian and roadway circulation proposed.

DEVELOPMENT LEGEND

- A** MULTI-FAMILY RESIDENTIAL
- B** MIXED USE COMMERCIAL/ RESIDENTIAL
- C** NORDIC STREET COMMERCIAL
- D** TOWNHOMES
- E** SINGLE FAMILY CHALETS
- F** RESORT MAINTENANCE FACILITY
- G** DAY SKIER AND RETAIL PARKING
- H** NORDIC SKI CENTER
- I** NORDIC ENVIRONMENTAL PURIFICATION FACILITY
- J** CROSS COUNTY AND SUMMER TRAILS
- K** BOAT HOUSE AND POND
- L** EXISTING SKI LIFT
- M** OUTDOOR AMPHITHEATER
- N** 'PARK CITY' STAIRS ACCESS TO SOMMERSET DRIVE



Architectural Precedents: Mountain Houses



Building design at Nordic Valley will blend mountain design elements that are proven over time to be appropriate for the mountain setting, local climate and materials that blend into the existing setting.

All architecture within the project will strive to preserve the pristine views and natural beauty while creating an identifiable and cohesive US Alpine modern mountain design aesthetic. This style "Alpine Modern" is intentionally open-ended in its definition to allow for diversity yet consistency of common elements that create the basis for all designs.

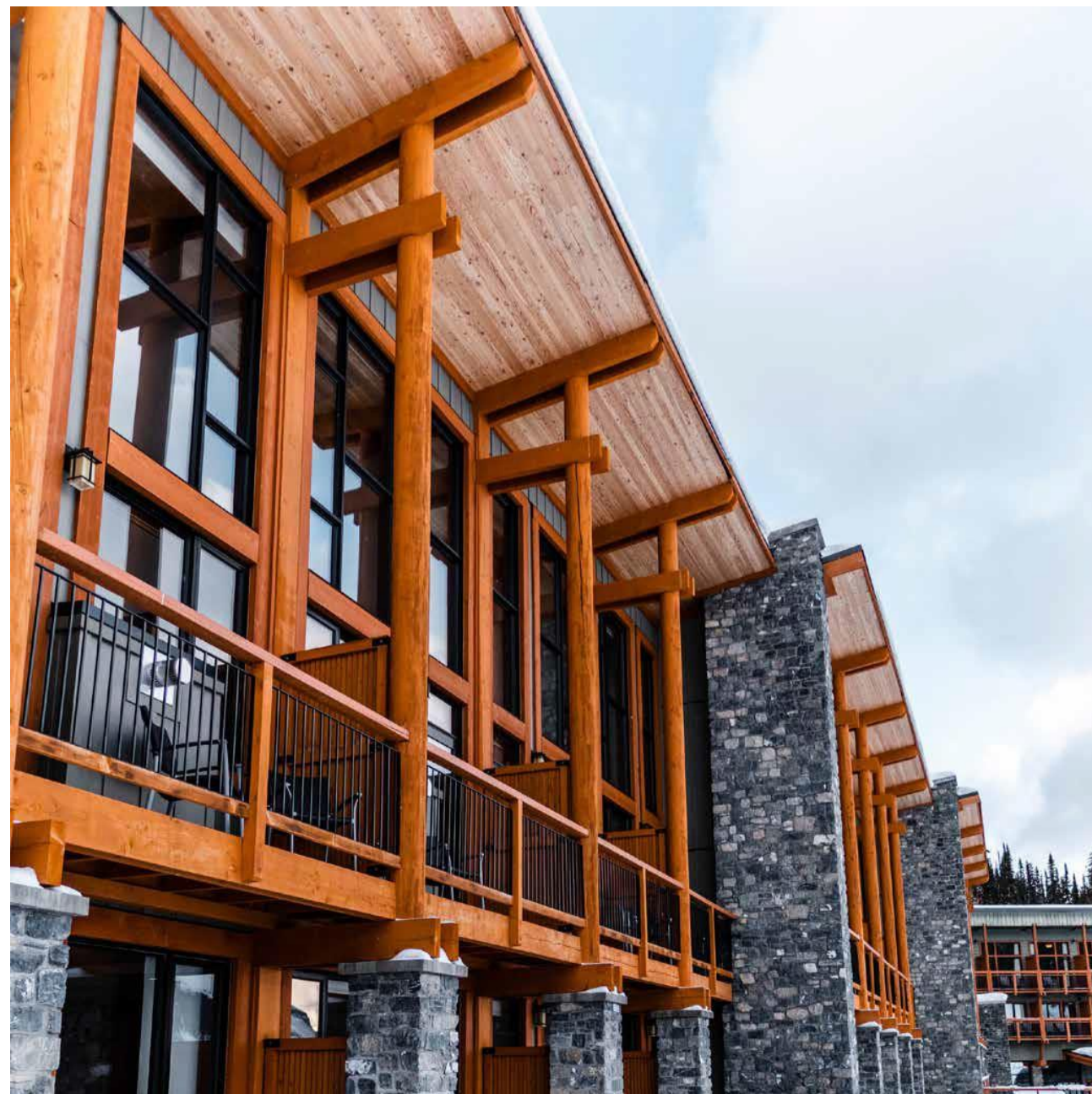
All architecture must balance with the natural landscape. The land and its magnificent panoramas shall remain the dominant design feature, and improvements are not to detract from the site's natural surroundings. Buildings should be sited to minimize grading by following the natural features of the topography. Building masses and articulation are to create shadow, texture, and patterns that help buildings recede into the landscape rather than dominate it.

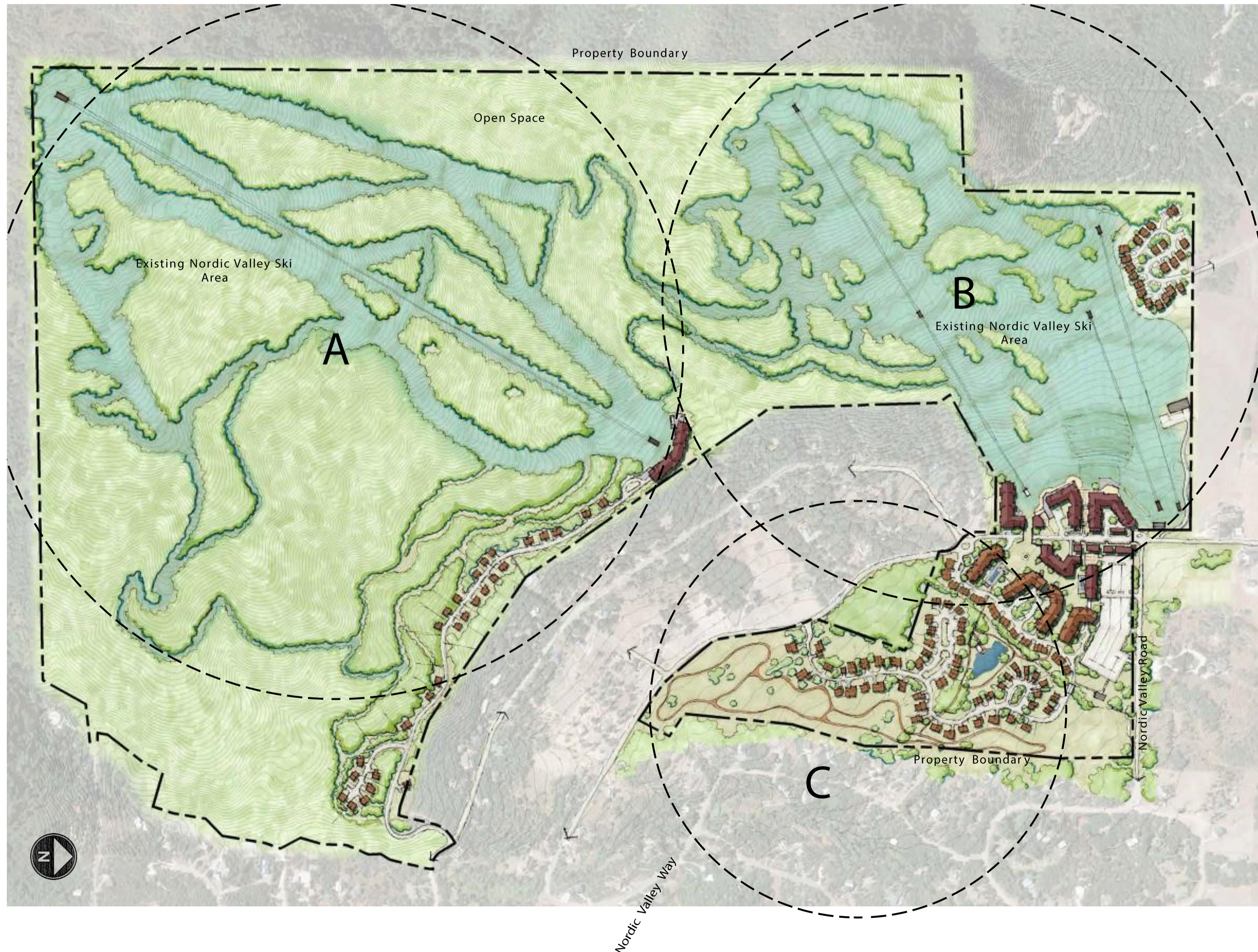


Architectural Precedents: Hotels & Commercial



Building, site and landscape materials will be used that are timeless, natural in appearance and available locally or regionally. All structures at Nordic Valley are to be built of materials that appear to have been taken from the site and/or nearby resources in order to reinforce the connection between buildings and their natural surroundings creating a more authentic and natural built environment.





The Nordic Valley Master Recreation Plan offers a wide variety of recreational activities for its residents, visitors and the local community. Each area offers different amenities and activities based on the natural features, location and relationship to the built environment around it. For example, Area A offers predominantly mountain-based amenities while Area C offers more variety of recreational activities including trails. Multi-use trails meander throughout the entire property's open space and cater to walking, hiking, mountain biking, snowshoeing and equestrian uses. All Recreation Facilities are available to the public. Some uses will be fee based such as skiing, guided events, spas, etc. Uses will be phased with the related development area phasing.

AREA A

- Skiing/Snowboarding
- Walking/Hiking Trails
- Biking Trails
- Hammocking

AREA B

- Skiing/Snowboarding
- Walking/Hiking Trails
- Biking Trails
- Hammocking
- Events Plaza
- Amphitheater
- Snowshoeing
- Spa
- Swimming Pools

AREA C

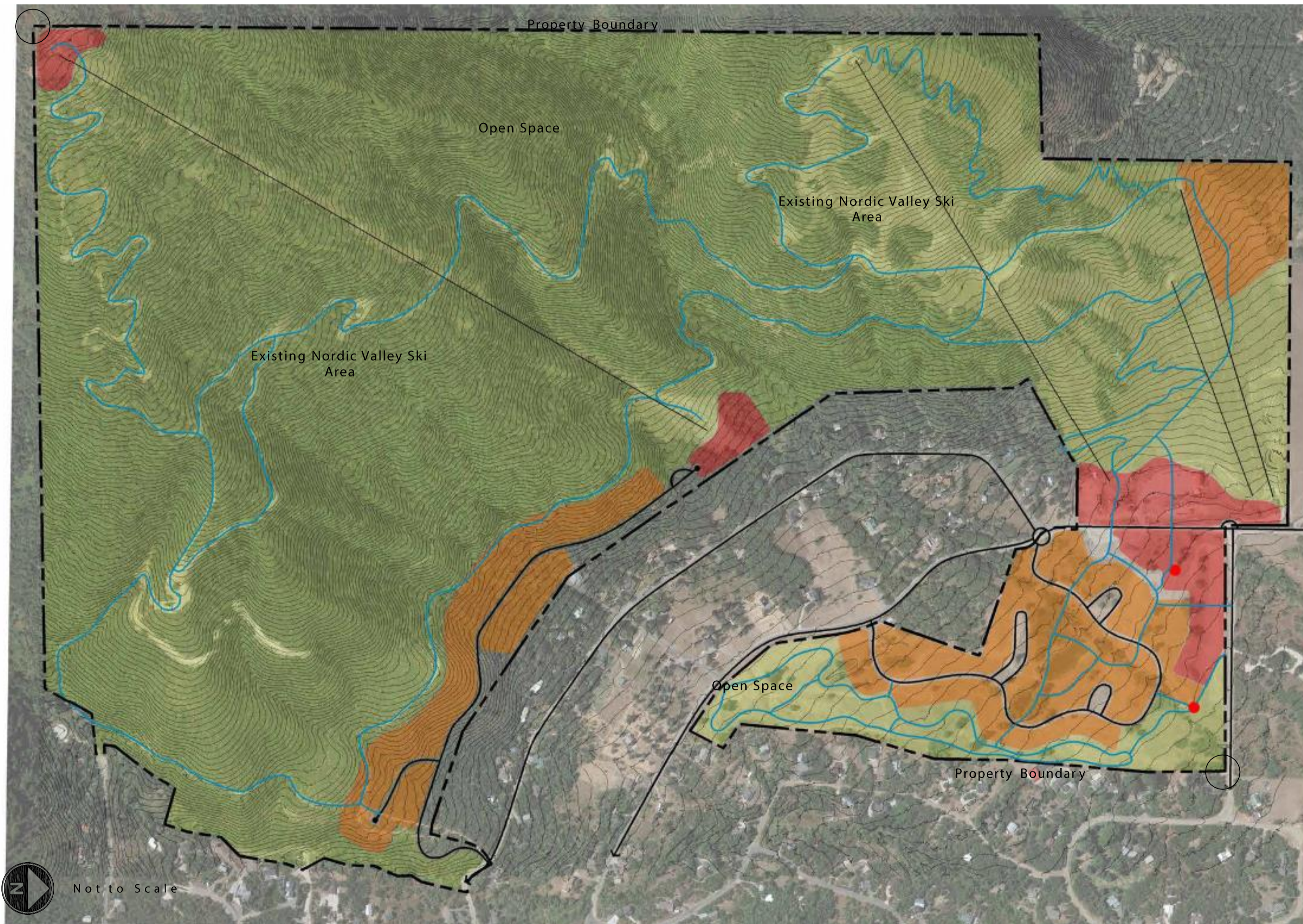
- Sledding / Tubing
- Walking / Hiking Trails
- Biking Trails
- Pump Track
- Hammocking
- Boathouse
- Pond
- Nordic Skiing Center
- Cross Country Skiing
- Swimming Pools

Open Space with Trails Plan

The Open Space and Trails System diagram illustrates project trails that will connect neighborhoods to one another and to the proposed new local trail head within the dayskier parking lot. Nordic Valley is committed to providing Regional Public Trail Connectors thru the project (shown in blue) to insure public trail access to and thru the project. Nordic Valley will work with the adjacent landowners to provide better trail connections throughout the region as the opportunities present themselves. There will be a variety of trails within and around Nordic Valley area that will include multi-use trails, single-track for mountain biking and general use trails for walking and hiking.

OPEN SPACE CALCULATION

There are approximately 510 acres within the Nordic Valley DRR-2 property. Development is planned on approximately 61 acres, leaving 449 acres or approximately 88% of the Project Master Plan preserved as open space.



DEVELOPMENT LEGEND

- MIXED USE
- RESIDENTIAL
- OPEN SPACE
- INTERNAL PUBLIC LOOP TRAILS
- TRAILHEAD OR ACCESS NODE

Seasonal Workforce Housing Plan

Employee generation for the proposed Nordic Valley Village plan has been calculated according to the formula included within the current Destination and Recreation Resort Ordinance. It is estimated that a total of 538 full time equivalent employees (FTEE) will be generated by Nordic Valley at full build out. These workforce additions will be created within the hotels, retail uses, food and beverage outlets and rental unit maintenance and management throughout the village.

At full build out, Nordic Valley will generate the overall need for 326 workforce housing units and will be required to provide approximately 33 of these workforce housing units. These housing units may be provided in the form of group dwelling (dormitories) or multi-family dwelling (condominiums/townhomes) within the Village, and will be phased with development. Conceptually, the seasonal employees will be housed within the Village core, nearest their employment to reduce the need for automobile use and within close proximity to services within the Village. It is estimated that the additional 293 units will be located off-site and within existing communities surrounding the project to support the seasonal workforce housing requirements. With the proximity of Ogden and the Ogden Valley to the resort and the availability of mass transit alternatives and the further development of these mass transit alternatives, there exists available seasonal housing options to serve the resort's needs. Here, employees and their families are near to and have reliable access to essential goods and services such and schools and shops.

In order to ensure affordable housing remains available and affordable in perpetuity, the on mountain seasonal workforce housing units will be deed restricted. Upon request, an annual report that outlines the previous year's employment level, workforce housing needs, housing type/availability and occupancy will be generated and presented to Weber County Planning Staff.

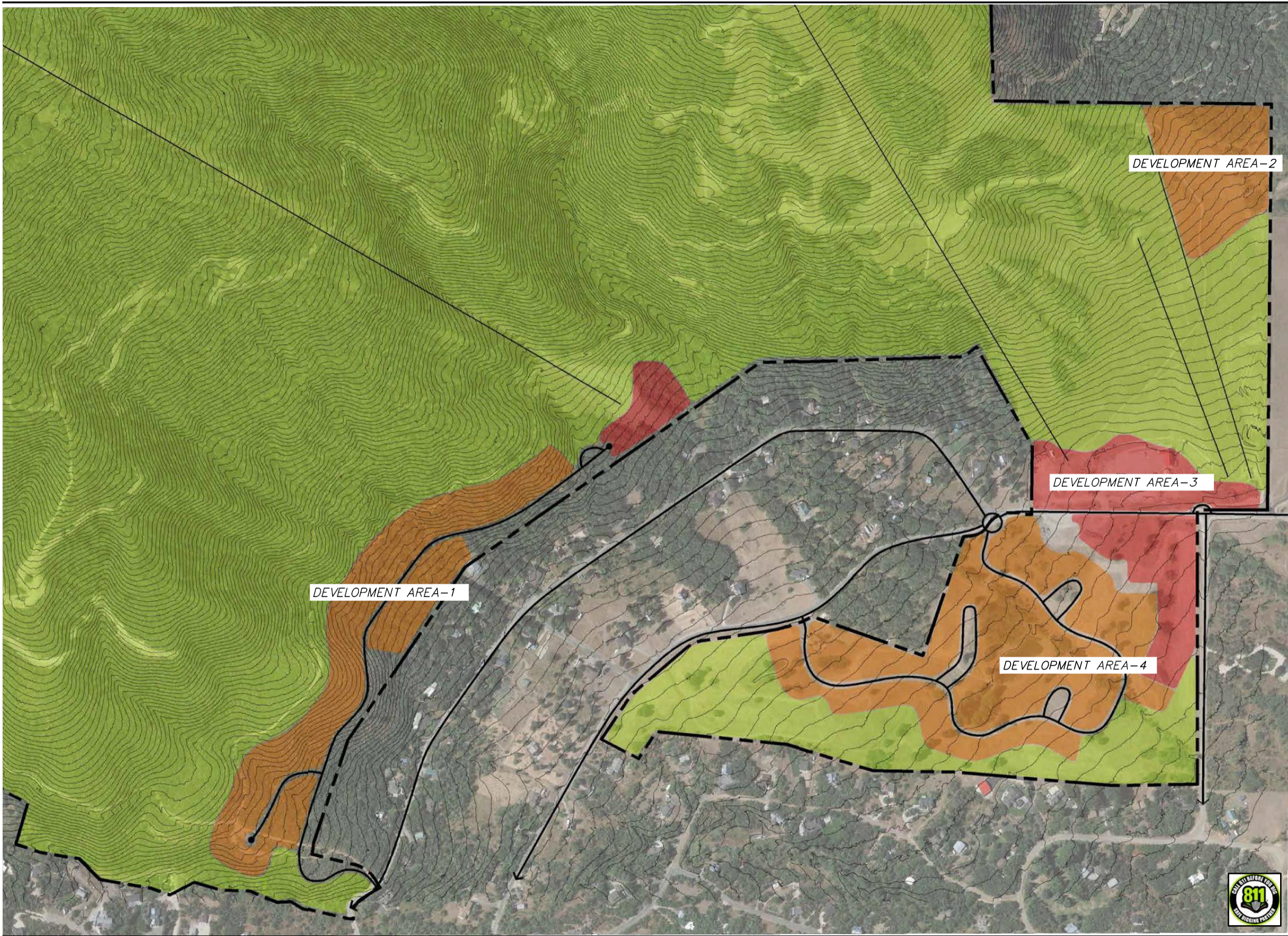
Uses	# Employees Generated	Per Room/Unit/SF	Source			
Hotel	0.7	1 Room	Canyons Resort			
Multi Family	0.3	1 Unit	Canyons Resort			
Retail	2	1,000 SF	Weber County DRRO			
Office	2.3	1,000 SF	Weber County DRRO			
Restaurant/Bar	3.5	1,000 SF FF	Weber County DRRO			
Estimated # of Employees in WF housing Unit	1.65		Weber County DRRO			
Required # of Seasonal WF Housing Units	0.1		Weber County DRRO			
Overall - 763 Units						
Uses	Total Rooms or SF	% in Rental Pool	Rental Units	FTEE Employees Gen.	Emps/WF Unit (/1.65)	Required # Units (10%)
Hotel	210	-	-	147	89	9
Multi Family	646	68%	439	299	181	18
Retail	24,200	-	-	48	29	3
Office	4,000	-	-	9	6	1
Restaurant/Bar	10,000	-	-	35	21	2
Totals				538	326	33

Conceptual Stormwater System

NORDIC VALLEY STORMWATER

The general strategy for Stormwater mitigation at Nordic Valley will be that typical of similar mountainous developments in Utah. Being on a mountain with slope abundantly available, available pipe capacities for storm water aren't anticipated to be problematic. However, because Nordic Valley wants to maximize the areas for development and recreational uses, space for detention facilities may be limited, and thus we anticipate creative solutions for detention volume mitigation, stormwater reuse, and a combination of above and underground solutions to be used.

(For the full report - See attached Stormwater Letter Exhibit 4)





RYAN ARBON, SHERIFF
AARON PERRY, CHIEF DEPUTY
PHILLIP REESE, CHIEF DEPUTY
NEALY ADAMS, CHIEF DEPUTY

October 5, 2021

Ronda Kippen
Kippen Planning and Development, LLC

The Sheriff's Office has reviewed the DRR2 Master Plan map for at Nordic Valley. The master plan map shows an expansion plan that includes residential and commercial units. The plan includes several commercial buildings including 2 ski retail buildings, 2 restaurants, a ski school building and a Nordic street commercial building. The total residential units are approximately 763.

The project is entirely in Weber County. The Weber County Sheriff's Office is responsible for law enforcement services to this area. This project when completed has the potential of having a significant impact on the calls for service from the Sheriff's Office. Two primary areas that this project is anticipated to impact law enforcement response are in traffic related calls and other crime related calls for service.

With increased residential units and restaurants, we can expect the traffic in the area to increase which will likely increase the demand for traffic related calls such as accidents and stranded vehicles as well as a need for increased enforcement of traffic laws.

With the increased residential units, commercial space and the additional retail space we anticipate an increase in the number of calls related to retail theft, domestic violence, intoxication, fraud and others. With current staffing levels the Sheriffs would be unable to properly respond to the anticipated increase in calls for service.

Further evaluation is required to determine the exact number of positions that should be added to properly handle the anticipated increase in calls for service.

If you have further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Arbon".

Ryan Arbon
Weber County Sheriff



801-778-6600 Enforcement / 801-778-6700 Corrections / 1400 Depot Drive, Ogden Utah 84404
www.webercountyutah.gov/Sheriff

The Nordic Valley project team met with representatives from the Weber County Sheriff 's Office and the Weber Fire District throughout the Master Plan development process.

In meetings with the Weber Fire Deputy Chief and Fire Marshall, David Reed it was identified that while there are challenges presented within the mountainous nature of the plan that will require specific plan reviews for fire safety compliance, there are options within the plan to provide adequate fire safety measures. For Instance, most structures will require a 13-type fire suppression system and acceptable accesses will be required to each structure as required of the Weber Fire District.

The Nordic Valley team is committed to the health, safety and welfare of visitors and residents of the Project and will work with the emergency services providers to ensure adequate services are accounted for and readily available.

NORDIC VALLEY WATER FEASIBILITY

This narrative is meant to inform Nordic Mountain Water Company of the anticipated demands to the water system, and the improvements required to meet future build out at Nordic Valley Ski Resort.

The proposed development at Nordic Valley Ski Resort will put additional demand on the Nordic Mountain Water Company infrastructure. The existing source capacity and storage capacity are insufficient to meet Nordic Valley's source and storage demands for Phase 1 and Phase 2. As a result, Skyline Mountain Base is willing to invest in additional Nordic Mountain Water Company infrastructure to meet Phase 1 and Phase 2 demands for the Nordic Valley Ski Resort Base Development. This includes developing additional source capacity in terms of drilling a new well and providing additional storage capacity by construction of new tanks.

To complete our re-zone application with the County to approve new development, a feasibility letter from Nordic Mountain Water Company is required. To reiterate, this feasibility letter does not need to provide any will serves or commitments to Nordic Valley. The purpose is to show the County that Nordic Mountain Water is willing to work with Skyline Mountain Base and their proposed development. Nordic Water is in receipt of this feasibility letter/application and is currently reviewing it for project feasibility.

(For the full report - See attached Water Feasibility Letter Exhibit 3)

Residential	Unit Count	ERC (800 GPD)	GPD	GPM	
Units	320.00	320.00	256,000.00	177.81	
Retail & Restaurant					
Unit Count	Demand (GPD)	ERC (800 GPD)	GPD	GPM	
Restaurant (Seats)	666.67	35.00	29.17	23,333.33	16.21
Retail (People)	59.10	10.00	0.74	590.97	0.41
Total			29.91	23,924.30	16.62
Irrigation					
Acres	GPM/Acre	ERC (800 GPD)	GPD	GPM	
1.38	3.39	8.40	6,720.63	4.67	
Total ERCs	358.31				
Total GPD	286,644.93				
Total GPM	199.10				

Phase 1 Water Demand Summary

Residential	Unit Count	ERC (800 GPD)	GPD	GPM	
Units	443.00	443.00	354,400.00	246.16	
Retail & Restaurant					
Unit Count	Demand (GPD)	ERC (800 GPD)	GPD	GPM	
Restaurant (Seats)	0.00	35.00	0.00	0.00	0.00
Retail (People)	38.32	10.00	0.48	383.23	0.27
Total			0.48	383.23	0.27
Irrigation					
Acres	GPM/Acre	ERC (800 GPD)	GPD	GPM	
11.54	3.39	70.38	56,302.03	39.11	
Total ERCs	443.48				
Total GPD	354,783.23				
Total GPM	246.43				

Phase 2 Water Demand Summary

	ERCs	GPD	GPM
Phase 1	358.31	286,644.93	199.10
Phase 2	443.48	354,783.23	246.43
Total	801.79	641,428.15	445.52

Proposed Total Water Demand Summary

NORDIC VALLEY WASTEWATER FEASIBILITY

Skyline Mountain Base is prepared to invest in wastewater infrastructure to meet its own needs for Phase 1. As discussed within Exhibit 5 (Nordic Valley Ski Resort Base Development Feasibility Study: Wastewater Mitigation), this could be accomplished by means of a Membrane Bioreactor (MBR) treatment and Rapid Infiltration Basin (RIB) disposal method. The capacity of the MBR can be scaled up relatively easily as demand increases. An early investment of MBR on-site provides Nordic Valley with the future possibility of wastewater reuse for snowmaking in the future.

As conclusions are drawn from the Weber County regional sanitary sewer system study, Skyline Mountain Base will adapt its approach to treatment of sanitary sewer for the Nordic Valley Ski Resort Base Development. At that time, the sanitary sewer feasibility letter will be pursued.

(For the full report - See attached Nordic Valley Ski Resort Base Development Feasibility Study: Wastewater Mitigation - Exhibit 5)

Phase 1				
Residential	Unit Count	Residential Equivalents (RE)		
Single/Multi Family	320	320		
Retail & Restaurant	Unit Count	Demand (GPD)	Total Demand (GPD)	Residential Equivalents (RE)
Restaurant (Seats)	666.67	35	23,333	72.92
Retail (People)	59	10	591	103.69
Total				177
Total REs	497			
Total GPD	158,915			
Total Acre-ft/Year	178.12			

Phase 1 Wastewater Demand Summary

	RE	GPD	Acre-ft/year
Phase 1	497	158,915	178.12
Phase 2	487	155,712	174.53
Total	983	314,627	352.66

Proposed Total Wastewater Demand Summary

Phase 2				
Residential	Unit Count	Residential Equivalents (RE)		
Single/Multi Family	443	443		
Retail & Restaurant	Unit Count	Demand (GPD)	Total Demand (GPD)	Residential Equivalents (RE)
Restaurant (Seats)	0	35	0	0.00
Retail (People)	38	10	383	44
Total				44
Total REs	487			
Total GPD	155,712			
Total Acre-ft/Year	174.53			

Phase 2 Wastewater Demand Summary

Lewis Young Robertson and Burningham, Inc. (“LYRB”) was retained by Nordic Valley (the “Developer”) to complete a Cost Benefit Analysis related to the rezoning application for the Nordic Valley Development Master Plan (the “Development”), a multi-use resort development in and around the Nordic Valley Ski Resort. LYRB has prepared an analysis of the fiscal and economic benefits to be derived from the Development, as well as the corresponding costs associated with the Development. The assumptions used in this analysis are based on data presented by the Developer, comparable community data, and current economic and market factors. This report is prepared in good faith as a best guess estimate of the costs and benefits of the Development. Prevailing economic and other conditions may influence the actual costs and benefits either favorably or unfavorably. But for these unknown and unpredictable events, the information contained in this report is considered accurate accounting of the reasonable expectations of the Development.

The Development will create both a net fiscal benefit and an overall economic benefit. The County and other taxing entities will receive fiscal benefits, including: 1) property tax, 2) sales tax, 3) tourism tax, 4) transportation sales tax, 5) Class B&C Road Funds, and 6) income tax. The proposed Development will produce \$66.70 million in fiscal benefits to the County over the 25-year analysis period.

Additionally, the Development will produce \$118.65 million in fiscal benefits to the other taxing entities over the 25-year analysis period. The economic benefits of the Development include: 1) job creation, 2) construction wages and supplies, and 3) local purchases by new County residents. The proposed Development will create a \$471.74 million economic impact on the local economy during the 25-year analysis period.

(For full report - See attached Cost Benefit Analysis from Lewis Young Robertson and Burningham, Inc. , Exhibit 1)

TABLE 4.1: NORDIC VALLEY COST-BENEFIT

	YEAR 1	YEAR 5	YEAR 10	YEAR 15	YEAR 20	YEAR 25	TOTAL
REVENUE							
Property Tax	\$342,461	\$1,072,981	\$1,821,980	\$1,961,729	\$2,112,278	\$2,274,462	\$42,280,256
Sales Tax	\$101,282	\$239,488	\$369,649	\$415,870	\$468,357	\$528,034	\$9,209,320
Tourism Tax	\$9,789	\$298,689	\$636,157	\$702,369	\$775,472	\$856,183	\$14,863,563
Class B&C Road Funds	\$1,275	\$6,941	\$15,633	\$16,922	\$18,683	\$20,629	\$349,882
Total Revenue	\$454,806	\$1,618,099	\$2,843,113	\$3,096,890	\$3,374,790	\$3,679,307	\$66,703,021
EXPENSE							
General Government	(\$8,619)	(\$50,413)	(\$111,715)	(\$132,874)	(\$158,042)	(\$187,976)	(\$2,809,674)
Public Safety	(\$14,908)	(\$87,199)	(\$193,229)	(\$229,829)	(\$273,360)	(\$325,137)	(\$4,859,810)
Streets and Public Improvements	(\$15,402)	(\$90,087)	(\$199,631)	(\$237,443)	(\$282,416)	(\$335,909)	(\$5,020,815)
Parks, Recreation & Public Facilities	(\$5,262)	(\$30,777)	(\$68,202)	(\$81,120)	(\$96,485)	(\$114,760)	(\$1,715,313)
Total Expense	(\$44,192)	(\$258,477)	(\$572,777)	(\$681,266)	(\$810,303)	(\$963,782)	(\$14,405,612)
NET BENEFIT/(COST)	\$410,615	\$1,359,622	\$2,270,336	\$2,415,624	\$2,564,487	\$2,715,525	\$52,297,409

Nordic Valley Cost-Benefit Summary Table

Based on the development assumptions utilized in this analysis, the Development produces a net benefit to Weber County with \$52.30 million of cumulative net revenue projected over 25 years. The absorption and timing of the development will impact the current projections. The development may provide additional benefit to the County through additional development, business and guest purchases and other multiplier effects not analyzed in this study.

TABLE 5.1: ECONOMIC IMPACTS

	YEAR 1	YEAR 5	YEAR 10	YEAR 15	YEAR 20	YEAR 25	TOTAL
ECONOMIC IMPACT							
New Job Wages (125 Jobs)	\$5,000,000	\$5,412,161	\$5,975,463	\$6,597,394	\$7,284,056	\$8,042,186	\$160,151,499
Construction	\$2,500,000	\$2,759,532	\$3,122,157	-	-	-	\$28,008,454
New Resident Per Capita Spending	\$1,180,347	\$5,937,504	\$11,875,008	\$13,435,481	\$15,201,014	\$17,198,552	\$283,577,851
TOTAL IMPACT	\$8,680,347	\$14,109,197	\$20,972,628	\$20,032,875	\$22,485,070	\$25,240,738	\$471,737,804

Nordic Valley Economic Impacts Summary Table

TABLE 5.2: NEW JOB WAGES

	ASSUMPTION
NEW JOB WAGES	
New Jobs	125
Average Annual Salaries	\$51,248
Annual Salary Increases	2.0%
Average Annual Cumulative Wages	\$6,406,060
TOTAL CUMULATIVE NEW JOB WAGES	\$160,151,499

Nordic Valley New Job Wages Summary Table

TABLE 5.3: CONSTRUCTION WAGES

	ASSUMPTION
CONSTRUCTION WAGES	
Average Annual Construction Hours	100,000
Average Hourly Wage	\$28.01
Annual Salary Increases	2.5%
Total Construction Hours	1,000,000
Average Annual Construction Wages	\$2,800,845
TOTAL CONSTRUCTION WAGES	\$28,008,454

Nordic Valley Construction Wages Summary Table

ECONOMIC IMPACTS

In addition to the \$52.20 million fiscal benefit, the proposed Development will have a substantial economic benefit for the local community over the 25-year analysis period. It is projected that the Development could generate a \$471.74 million economic impact in the following areas.

- New Job Wages
- Construction Wages and Materials
- New Residents Per Capita Spending

The actual economic impact of the Development is likely much higher, due to additional indirect and induced benefits. Positive economic impacts will likely be felt through associated business and economic activity, including employment multipliers.

NEW JOBS

It is anticipated that 125 new jobs will be created by the proposed Development for the resort operations alone with additional jobs created as hotels, nightly rentals and village commercial uses are developed. Future employee estimates were provided by the Developer. The jobs will produce \$160.15 million in cumulative wages during the 25-year analysis period. The analysis assumes an annual salary increase of 2 percent. The salaries were then multiplied by the total annual jobs

CONSTRUCTION

In addition to permanent jobs and wages created by the Development, there will be a significant number of construction jobs and wages as the Development is constructed. It is anticipated that construction will begin in 2023 with a final build out date of 2032. This 10-year build out period will have approximately 1 million hours of construction labor that will generate \$28.01 million in construction wages.

(For the full report - See attached Cost Benefit Analysis from Lewis Young Robertson and Burningham, Inc. , Exhibit 1)