

# Exhibit S

Minutes of the Ogden Valley Township Planning Commission meeting held February 26, 2013 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Pen Hollist, Chair, Ann Miller, John Howell, Greg Graves, Laura Warburton, Kevin Parson,  
Member(s) Excused: Dennis Montgomery

Staff Present: Rob Scott, Director; Jim Gentry, Asst. Director, Ben Hatfield, Planner; Sean Wilkinson, Planner,  
Scott Mendoza, Planner, Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

- *Pledge of Allegiance*
- *Roll Call*

Feb. 26<sup>th</sup>

## 1. Minutes:

- 1.1. Approval of the January 08, 2012 work session and the January 29, 2013 regular meeting minutes

Chair Hollist declared the minutes of the January 08, 2012 work session and the January 29, 2013 regular meeting approved as read

## 2. Consent Agenda

- 2.1 CUP 2013-02 Consideration and action on an administrative application for a Conditional Use for a 400,000 gallon water tank, well, and pump house for Powder Mountain, Powder Mountain Water, and Sewer District, Applicant, Gregg Greer Agent

**MOTION:** Commissioner Parson moved to approve Consent Agenda Item 2.1 CUP 2013-02 subject to staff and agency comments. Commissioner Miller seconded. Vote: Motion carried by a unanimous vote.

## 3. Petitions, Applications and Public Hearings

### 3.1 Administrative Items:

#### a. New Business

Commissioner Warburton indicated that she had dinner with her family and the Summit series; however, there was nothing else discussed about the project. She will not make decisions tonight based upon having dinner there and she believes she can hear the evidence and make a fair decision.

**MOTION:** Commissioner Parson indicated that due to the fact that Commissioner Warburton does not feel that there would be a problem with her decision making, he would move that there is no conflict. Commissioner Howell seconded. A vote was taken. Motion carried 6-0.

Kevin Parson reported that he conducted a pottery service with the Harvest Group to test the clay at the site; he harvested some dirt, ran it through some tests to see if it would work for them to do a pottery service there. He doesn't believe he has a conflict.

**MOTION:** Commissioner Howell moved that Commissioner Parson does not constitute a conflict of interest. Commissioner Miller seconded. A vote was taken. Motion carried 6-0.

1. **CUP 2013-03** Consideration and action on an administrative application, Summit at Powder Mountain Phase 1, consisting of a 141 unit Planned Residential Unit Development (PRUD) located at Powder Mountain, Western America Holding LLC, Applicant, Russ Watts (Summit Eden), Agent

On November 19, 2012 the Weber County Commission approved a Zoning Development Agreement and Rezone Ordinance with Western America Holding LLC for approximately 4,297 acres at Powder Mountain. The agreement outlined the requirements for development to occur and provided an overall density entitlement of 2,800 units. Western America Holding LLC has allowed Summit Eden to submit a CUP application for a 141 unit PRUD as the first phase of development. It is anticipated that Summit Eden will be the future property owner and developer of Powder Mountain. The PRUD boundary contains approximately 594 total acres with approximately 384 acres (64%) of open space. The developer has included an extra 40 acres of developable land that may be used to meet the FV-3 Zone area requirements if certain lots as designated on the site plan are further divided to create additional units. In addition to the PRUD the first development phase consists of three applications, ie., road dedication, and access easement.

The PRUD acts as a preliminary subdivision submittal as well as a site plan, but not final subdivision approval. The PRUD has 103 lots with 141 total units and a variety of lot and housing types. There are no other commercial uses proposed in this PRUD, but there are several parcels designated as "Future Development Parcel" where commercial development may occur if the current zoning is changed. Approval of this PRUD does not grant approval of future uses on these parcels.

The architectural style of this PRUD is termed by the developers "modern mountain design" and it is quite different compared to other developments in the Ogden Valley. The style uses a variety of wood, stone, and metal materials with shed and nearly flat roofs. Typical pitched roofs are not used except on a few structures in the village area. The Planning Commission must consider whether the architectural design of the PRUD fits with this site and with development beyond this project, i.e., the existing dwellings, condominiums, and commercial buildings already built at Powder Mountain. In addition to housing styles, the Planning Commission should also consider building locations. Commissioner Parson asked if the design for the structures at this time, and Sean Wilkinson replied yes, the design will need to be determined at this time, which is why they wanted to see additional architectural renderings.

The site plan shows building envelopes and setbacks, but building footprints have not been identified. This may not be a problem for single-family dwellings, but some of the lots are proposed to have up to 20 accessory buildings. The proposed accessory buildings do not comply with this section because there are no renderings of the structures, their dimensions and locations have not been identified, and their proposed use as "casitas" or "accessory suites" is not allowed in the zoning ordinance. Until these issues are resolved and the proposed accessory structures are brought into compliance with the applicable requirements, staff recommends that they not be approved as part of this PRUD.

The PRUD has eight different streets and all of these streets are proposed to be public, though the proposed right-of-way widths vary from 66 feet to 36 feet. The Road Dedication Plat covers these streets. The County Engineering Division asked that it be clarified which streets will be public and which streets will be private. Sidewalks are not proposed except in a small portion of the Village on Street A where concrete and pavers are proposed. There are also four ski crossings (two underpasses and two bridges) shown on the site plan.

Most of the trails within the PRUD boundary will be private. Prescriptive easements to some of those trails may exist. SB201 Commissioner Warburton indicated that this bill on eminent domain for pathways is as closer than it has ever been to passing. Senator Bramble is running it for the Senate, although she believes the likelihood that it would pass the House is slim.

There are landscaping requirements in the Village. No lighting or signage is proposed. Staff has received feasibility or will serve letters from Powder Mountain Water and Sewer District subject to a list of requirements. There will be no final subdivision approvals given until the water has been tested.

Cache County has been approached and today or tomorrow they were going to determine how they would proceed. There is no interlocal agreement in place for the Planning Commission to consider. The applicant is proposing a 1% or 1 ½% real estate transfer fee and those fees are required to go back into the development.

Mr. Wilkinson summarized of list of Planning Commission Considerations regarding this conditional use application.

Staff Recommendation:

The PRUD application has provided enough information to be considered by the Planning Commission, but the PRUD information is far from finalized. The Planning Commission should consider the items addressed in the "Summary of Planning Commission Consideration" section to determine if sufficient compliance with Chapter 22-C (Conditional Uses), 22-D (PRUD), other applicable ordinance requirements, and the Zoning Development Agreement have been demonstrated. The Planning Commission needs to include a recommendation for the access exception application as part of its PRUD recommendation. The Planning Commission has the following options:

1. If in the Planning Commission's determination, sufficient information has been presented to show compliance, then a recommendation for approval can be made to the County Commission, subject to the conditions and terms listed in this staff report.
2. If the Planning Commission determines that additional information is required, then a recommendation to table the PRUD is appropriate.
3. If the Planning Commission determines that the PRUD does not comply, then a recommendation can be made to the County Commission for denial.

Commissioner Warburton asked Sean Wilkinson if he felt that this application process could proceed even though additional information has been noted that it is required. Mr. Wilkinson indicated that if the PC determines that there is not sufficient information, the Planning Commission should specifically list their findings in any motion they may consider.

Chair Hollist outlined the meeting procedure for the public comment period. He said they are gratified that they have so many people here. The applicant will have 10 minutes for their presentation. If they represent a board or a committee, as a member of the community they make speak for 5 minutes, and others will have 3 minutes.

Russ Watts, representing the Summit Group said they have organized a development team. They have the great opportunity to work with a group that works with Powder Mountain. They care about the community and care about the mountain. They request that another meeting be held in two weeks to further address the issues. For the past four weeks they have had meetings on Mondays mornings with the review agencies. They also held a meeting with the community last Wednesday evening. Today they want to walk through the process that they have gone through. They would like to come back to the Planning Commission with the DRR-1 Rezoning in the near future.

Russ Watts said that the casitas are off the table at this point until they submit further information. Josh Runhaar, Cache County, indicated this afternoon just before this meeting that that they are very interested in entering an inter-local agreement.

Regarding trails, in their overall master plan, there is approximately 50 miles of trails and they will have trails in their private communities.

Eric Langvardt addressed a few items as it relates to the planning and indicated that they worked with the Engineering Department regarding road elevations, etc., and some of those issues are variance issues. Ted Black, Weber Fire District, has commented on the private drives and said they could go down on the inside radiuses. Regarding the Hillside Review, he believes the lots meet the minimum size requirements and would like to discuss it further with Sean Wilkinson. It is primarily a second home community and the nests in the Village have one unit per parking space. Parking for the retreat center nests (500 sq. ft. cabin sites nested in the trees) would be at the retreat center and they would hike in. They have not shown shrubs, because they feel that they can do that if required. He can guarantee that they would provide more landscaping than is shown on the plan.

Commissioner Parson said in terms of the trails, his concern is for the benefit of the public and that they be open for public use. Eric Langvardt indicated that they have very unique types of trails. They have shown the mix of trails in Phase 1.

Commissioner Miller asked Russ Watts to clarify which communities they have existing trails within, and Russ Watts indicated that they have trails at the Fairways and Trappers Ridge. On the plat it shows that trails are part of the common area and that they are maintained and controlled by the HOA. Of course, they have to maintain the trails. This process has worked really well in those two communities. Commissioner Warburton indicated that that is a great place for the real estate transfer fees.

Commissioner Howell asked Russ Watts to clarify the parking areas for the nesting unit and Mr. Watts indicated that you have to park in the village area and walk down to the nesting unit.

Ray Bertoldi said in the nest product there is about a 500-600 ft. footprint. Also, there is a mix of flat roofs and pitched roofs. Commissioner Parson asked if they are catching water off the roofs. Mr. Bertoldi said that part of the idea of doing areas where there is a flat roof is that they can control ice, water, snow, etc. and allows you to control run off and other safety issues. That goes along with modern mountain architectural (environmental conservatism).

Commissioner Warburton indicated that she believes there is a law that does not allow the collection of rainwater from roofs. Commissioner Graves said it is allowed, but it is limited (approximately a couple of rain barrels).

Chair Hollist asked Russ Watts a question regarding the Yurts and how the second structure meets with the Mountain Modern Architecture, and Mr. Watts indicated that they are compatible.

Roadways – minimizing roads on the mountain. In that row, it is within the row where snow is stored. What consideration have they given to snow storage? The road with in 26 ft. of asphalt and in the 8 ft. on either side of the asphalt is where they plan to store the snow.

Chair Hollist asked about if the bridge height would accommodate the heavy equipment brought in for wildfire suppression. Russ Watts indicated that there would be two ski over bridges and they would just pack the snow down, so there would be no heavy equipment will be taken over the ski bridges.

Chair Hollist said he understands that the applicants have put the accessory buildings off the table, which he believes is wise; However, when or if they put them back on the table they will need to know what is their definition of a lot, unit and the County Commission's definition of a lot and unit.

Commissioner Warburton indicated that she appreciates that they want to not including lighting but believes it can get very dark. Russ Watts indicated that they will bring this information back.

Richard Webb, representing Back Country Horsemen, asked if there is an ordinance that requires non-motorized pathways. Sean Wilkinson replied that there is in the subdivision ordinance, not the zoning ordinance. Chair Hollist said that staff indicated that the proposal complies with the general plan. He personally is not a fan of mountain of the proposed architecture. Back Country donated about \$500,000 last year maintaining private and public land trails. They would hope that they can have some access in the Powder Mountain areas for trails. They would volunteer to take care of the maintenance of those trails if allowed to use them. He has not had any conversations with Summit regarding their request. Commissioner Warburton disclosed that she is a member of the Back Country Horsemen and applauds the work Mr. Webb has done.

Kevin Baumgard, Huntsville, indicated his support for the Summit Group.

John Klisch, Eden, indicated that he is a hiker and at the community meeting last week, he was told that the trails would be private and that the public would be allowed to use those trails with permission and with a guide.

Mayor Jim Truett of Huntsville complimented the Summit Group for their open forum style. He urged them to continue that open forum through the next phases. He complimented Ray Bertoldi.

Steve Clarke, Eden, complimented the Summit Group for their approach. The concern he has is the mention of the parking plan. During holidays the units will be over full. Creative ways to handle parking can be addressed if they want to and he would encourage that. It seems that they should have a definition of what constitutes accessory building. Regarding trails – one opportunity that Summit might have there is to extend the trail from Wolf Creek up to the trail network that there will be on top of the mountain. The issue of private trails could be addressed by creating a trail that doesn't go through the home areas.

Lee Schussman, Eden, said he supports how the Summit Group has gone about this development. He urged the Planning Commission to make sure they feel comfortable going forward without the required information, especially since Sean Wilkinson indicated that the information staff has received is far from being finalized.

Kim Wheatley, Huntsville, commended the Summit Group with the open forum and their approach to development. It seems to him that they have been given just a small sliver of what will be proposed. He urged that they proceed cautiously on the earlier phases and believes they need to receive the whole picture.

6:38 p.m. – Rebuttal

Russ Watts indicated that they appreciate the public support which they have been given. The design comments limit the maximum size home to 4,000 sq. ft. living space. They are only allowed so much footage based upon the type of parcel you buy. Because of sensitivity to the mountain they want to ensure that the home fits on the lot.

They are just saying that they want to control the trails. Their plan is to meet with John's group to work out how best to have the control how they use them. Commissioner Warburton said if there is a bond requested, it would change the scenario for her. Private is private to her, but as soon as you start taking public money, that changes the game.

Commissioner Howell asked if they would have CCR's. Russ Watts replied yes and that every lot that is purchased will have a maximum 4,000 sq. ft. lot size.

Commissioner Miller said that the nests will be up on stilts, just barely off the ground. The parking will be on the streets.

Commissioner Graves indicated that regarding the 1% reinvesting fee, the staff report. Sean Wilkinson said the development agreement does not say 1 1/2 % but that percentage was discussed up until the time that the MOU was signed.

Chair Hollist asked Russ Watts what happens if the 1,500 ft. well does not produce 500 gallons per minute. Mr. Watts replied that they have 1400 acre feet of water rights with Weber Basin Water Conservancy District. They have 15 well sites on the 10,000 acres that are approved to drill and they have picked the number one site to drill down to the level it takes (at least 1,300 ft.) to produce the 500 gallons per minute. They are required to build a 400,000 gallon storage tank which covers approximately 700 homes. Chair Hollist said they received a letter from Eden Water Works who is concerned that their water would be drawn down. Russ Watts said that they are not within Eden Water Works source protection area.

Chair Hollist asked if the mountain modern design would extend to all units at build out included in the MOU and Russ Watts said that the element design will be the look of the community.

Regarding the financial plan - the definition of terms with the project land acquisition, etc., how does that relate to the Summit Group and purchase at \$24 Million. Russ Watts said they have not closed the property purchase deal yet. Chair Hollist asked what does equity mean? Russ Watts said the founders of the Summit team have put an amount of cash into the project to be used to fund the project. Russ Watts said they have been working with the County Commission regarding a bond for the public road, sewer, and water but it does not include any improvements on the state road to mid mountain.

Russ Watts indicated that right now they will expand their Park and Ride concept. The impact of parking from the Summit Group will not be that large. Their goal is to get as many people to ride to the mountain from the park and ride lot.

Rob Scott indicated that earlier they requested another meeting in two weeks, what is their timeframe for that meeting? If the Planning Commission is inclined to table, from a staff perspective, they would have to have all their information to them today. They could do three weeks, but not two weeks.

Russ Watts indicated that regarding the bond for the public elements; public, sewer and water, but they are working on a backup plan reserve which is being worked out with the County Commission at this time. Commissioner Warburton indicated that the bond is to insure, not a bond that will raise their taxes.

Commissioner Miller spoke of her concern of the architectural look of the nests. She wondered if there are other communities that have the mountain-modern architecture so she could arrive at a better understanding of the concept. Ray Bertoldi said they can come back with some enhanced 3-D models showing the natural materials. He explained the mountain-modern concept and what natural materials they would be using. They want to make as little visual impact as possible and be sensitive to the environment.

In answer to a question by Commissioner Howell, Ray Bertoldi indicated that they will utilize propane.

Commissioner Graves said regarding the drop from 1 ½% to 1% real estate transfer fee. Sean Wilkinson indicated that the development agreement now states that they will provide a reinvestment fee.

Commissioner Howell started to formulate a motion and had questions regarding the specific issues that still need to be identified. Chris Allred, Legal Counsel, said it is important if the item is tabled that the applicant knows specifically what issues need to be addressed. Commissioner Howell indicated that the items are listed in the staff report. Commissioner Miller said if they look at Page 6 of the staff report they can identify those issues they are still concerned about.

Chair Hollist indicated that he is interested in bring back onto the table those items of what is a lot, what is a unit, what is an accessory building and how that impacts not only these 141 units but also the total build out of 2,800 units. If they are tabling the item, they need to give the applicant a list of those items the Planning Commission wishes the applicant to address.

Sean Wilkinson said that the Planning Commission needs to determine if there is sufficient information to qualify as a PRUD; has the developer presented enough detail. Does the planning commission understand what the development will look like based on the information that has been provided?

Chair Hollist said one reason to table is that they need to know the building footprint on the lots. On the drawings they have seen, it is difficult to determine the building footprint. Sean Wilkinson said that is something that has been discussed with the developer from day one. This is not a typical PRUD, this is custom home design that they are talking about and is something that they really need to consider.

Sean Wilkinson indicated that the accessory units are not part of this submittal at this time.

As part of the Access Exemption Application, there are some variances that would need to be discussed prior to subdivision approval. The restricted lot information can be provided to staff and not necessarily something that the planning commission needs to consider at this time. Landscaping design is something that the Planning Commission needs to consider.

The Development in Cache County cannot be approved at this point because there is no interlocal agreement in place.

**Variances:**

Parking variances: Sean Wilkinson said that the application does not have the required two parking spaces for a 400 ft. unit, but the Planning Commission can give a variance.

**Architectural Design:**

Commissioner Miller said they would like to see design information with 3D drawings in order to gain a better understanding of what the mountain modern architecture would look like and what they could expect to see.

Sean Wilkinson said it comes down to six questions as listed in the staff report and whether they have sufficient information.

Rob Scott there is a couple of referral agencies that need to provide information; the RDCC and the Fire District.

Sean Wilkinson said they need private versus public road and trails information.

Chair Hollist summarized that the following issues which need further clarification or additional information:

- Trails: public and private
- Roads: public and private
- Real estate transfer fee: 1% or 1 ½%
- The information from the RDCC and Weber Fire District
- Information so that the planning commission can answer or be satisfied with the six questions as listed in the staff report.
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MOTION: Commissioner Howell moved to table CUP 2013-03, an administrative application, for Summit at Powder Mountain Phase 1, consisting of a 141 unit Planned Residential Unit Development (PRUD) located at Powder Mountain, Western America Holding LLC, Applicant, Russ Watts (Summit Eden), Agent until March 19, 2013 based on the finding that there are several items that need to be addressed as follows:

1) Architecture, 2) parking variances, 3) interlocal agreement with Cache County, 4) trails – private and public, 5) roads – private and public, 6) real estate transfer fee: 1% or 1 ½%, 7) referral agency action, and the following six questions as listed in the staff report:

1. The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
2. Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
3. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
4. The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
5. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or Master Plan proposals of Weber County as being a desirable future residential density.
6. The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

Commissioner Graves seconded the motion.

After a few friendly amendments, the issue of back taxes being paid was added to the motion and architectural design guidelines which include 3D renderings of the structures and landscaping plan, and that architecture, location detail and the parking variances removed.

VOTE: Motion carried 6-0.

**2. CUP 2013-01** Consideration and action on an administrative application regarding a Conditional Use Permit request for an agri-tourism operation located at approximately 465 North and 9000 East, Patricia Dickens/Kelley Creek Farm, Applicant

Scott Mendoza reported on the history of the property and indicated that the farm, known as Kelley Creek Farm, consists of approximately 80 acres and lies almost entirely in the Agricultural Valley-3 (AV-3) Zone (3 acres lay in the Forest-5 Zone) which lists Agri-tourism as a Conditional Use. It states that an agri-tourism operation must *"meet the requirements of Chapter 46 (Agri-tourism) of the Weber County Zoning Ordinance."*

The proposed activities/uses, that Kelley Creek Farm will provide, consist of 1) Special Occasion Agri-tourism (e.g., weddings, family reunion, corporate picnic, fund raiser etc.), 2) Special Events (e.g., barn dance, sheep dog trial, etc.), 3. Motor Coach/Caravan Area (nine sites), 4. Educational Classes (e.g., fly casting, sheep herding, wool growing demonstrations, farm hand experience, etc.), 5. Farm Tours

No products, other than those supplied by a hired caterer, florist, or event planner, will be provided to agri-tourists; however, the farm will continue to market lamb, livestock pasture, grass hay, and alfalfa. See Exhibit "C" for activity/use areas. Kelley Creek Farm activities will take place primarily on the farm grounds; however, an occasional "Special Event" (e.g., barn dance) may be held in the existing barn. Special Events will comply with the requirements of the Weber County Special Event Ordinance as well as the requirements of the agencies that review the event at the time of application.

Agri-tourism activities will be available all days of the week but most activities are anticipated to take place Friday through Sunday, between the hours of 9 AM and 10:30 PM. The Ordinance requires that activities end by 10 PM; however, the applicant is proposing a 10:30 PM closing time. The proposal for a 10:30 PM closing time is because some occasional activities, such as a barn dance or dinner event, may take place in the later evening hours.



Minutes of the Ogden Valley Planning Commission Work Session held March 19, 2013, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Chair Hollist, Chair; Ann Miller, Dennis Montgomery; John Howell; Greg Graves; Kevin Parson

**Absent/Excused:** Laura Warburton;

**Staff Present:** Rob Scott, Planning Director; Sean Wilkinson, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

\*Pledge of Allegiance

\*Roll Call

March 19th

## 1. Petitions, Applications, and Public Hearings:

### 1.1. Administrative Items:

#### a. Old Business:

1. **CUP 2013-03:** Consideration and action on a administrative application, Summit at Powder Mountain Phase 1, consisting of a 154 Unit Planned Residential Unit Development (PRUD) located at Powder Mountain (Western America Holding, LLC, Applicant; Russ Watts, (Summit Eden), Agent)

Sean Wilkinson stated that this item was tabled February 26th to allow the applicants to bring back additional information to the Planning Commission. Additional information was requested for the following issues; architectural designs including new renderings, updated landscape plans for the village and nest areas, an interlocal agreement with Cache County, clarifications on public versus private trails, public versus private roads, the 1% versus 1.5% Real Estate Transfer Fee, additional referral and review agency comments, and payment of delinquent taxes on the property within the PRUD boundary. Since the last meeting, the site plan has changed. Lots 76 and 77 have been combined to make Lot 76 larger so the overall numbering has been reduced by one lot from 117 to 116 Lots but the unit number is still the same. The 141 units proposed previously have jumped up to 154 as explained previously. The 13 Lots were previously designed for future subdivision, but the developers have decided to include those lots as part of this Phase 1 approval, bringing the total to 154. In addition, there have been several lots modified due to the requirements of Chapter 36B Hillside Development Review. Some of the lot boundaries were modified an one estate lot was replaced with one village single family lot.

Architecture - The architectural renderings of the different housing types with the architectural style of Modern Mountain Design are provided. The Planning Commission was asked to determine if sufficient information had been provided previously to show what the overall PRUD would be like. The developers have now provided sufficient information based on what is in Exhibit C. Previously, we had renderings of only the flat roofs and the applicant has provided several building styles and roof styles and staff feels there is sufficient information for the architectural design. Staff asked the Planning Commission to consider and recommend to the County Commission that the Design Review Board be set up as part of this development; they would like a certification of approval from the Design Review Board for every building permit application that comes in to Weber County. This is for verification that the design was looked at and approved.

Road and Traffic Circulation – The roads have now been designated as either Private or Public. Road E is a public road that serves the Conference Center. There are variations of right-of-ways widths, pavement standards, and other design elements that will need a variance from the County Commission when this goes through the subdivision process. Staff would request that you also consider those as recommendations to the County Commission. The secondary access that will be provided for a connection to the east would eventually connect to Vista, Evergreen, Sunridge, and Highway 39. The developers have shown that the future secondary access may be moved to better fit this development and provide a better access.

Trails - After meeting with the Planning Division and Weber Pathways, the developers have committed to provide access and connection to existing trails in the Weber Pathways Ogden Valley Master Plan. The developers have also stated that future applications in the DRR-1 Zone will include a trails plan for the entire development. Trails will be provided within the PRUD boundary to meet the Ogden Valley Pathways zoning ordinance requirement.

Landscaping – Landscaping was not required for the single family units but was in the village and nest areas; the shrubs have now been removed from the landscape plan so there will be approximately 350 additional trees. The Planning Commission needs to decide if the trees are sufficient with the existing natural vegetation that is there.

Cache County - Cache County has stated that they are willing to work with Weber County on an interlocal agreement. The agreement has not been drafted yet, but is being discussed. That will be something that will be completed prior to including those lots in Cache County as part of this development. In making a recommendation to the County Commission, the Planning Commission can include those lots subject to approval of an interlocal agreement.

Real Estate Transfer Fee - The developers have agreed to increase that fee to 1.5% rather than 1%. We have also received a couple of new agency review comments from the Weber Fire District and the Division of Wildlife Resources. The Fire District has asked for a parcel of land for a future fire station and the developers have agreed to provide that for both the Fire District and Sheriff's Office, but that parcel is located outside of this phase of development. In the Development Agreement, the Sheriff can request that facility be built at their convenience.

The Division of Wildlife Resources - The development agreement also states that the developer must consider DWR Community requirements as part of this development phase. There are large open space areas and the development is somewhat concentrated in smaller areas. They believe that compliance can be maintained with the Division of Wildlife Resources' review comments. They have also received the final copy of the Community Wildfire Prevention Plan that was worked on with the Fire District, Forest Service, DWR, and several other agencies.

Payment of Delinquent Taxes - The subdivision ordinance requires any delinquent property taxes be paid prior to final subdivision approval from the County Commission.

Commissioner Howell said his concerns are with two issues, one is having enough parking in the nest areas; the proposal doesn't allow for guest parking; and the other concern is the flat roofs. With Powder Mountain having an annual snowfall of 500 inches, that is almost 42 feet and with the design of the houses he didn't know if those roofs would handle that snow load. Sean Wilkinson replied that the developers would have to meet public road standards. The County Engineer is concerned with snow removal and also having sufficient area within the right-of-way for walking or parking. These issues will be addressed as the subdivision process proceeds.

Chair Hollist referred to Page 6 of 8 of the staff report on sewer; he had three questions with the first that talks about the feasibility letter from Powder Mountain Water and Sewer. Does that letter have to be updated for the 13 additional units? Second, where you said that the PRUD approval is also a preliminary subdivision approval, would the water and sewer construction permit from the Division of Drinking Water for expansion of the water system be required prior to this subdivision receiving final approval; can they proceed ahead with the preliminary subdivision approval since we have that document without that expansion of water? Mr. Wilkinson replied the PRUD Chapter allows for development to proceed with just those will serve letters or feasibility letters in place but prior to final subdivision approval where lots are actually platted and sold, all of that has to be taken care of at that point.

Chair Hollist said that this third question has to do with the quote in Section 6.6 between Weber County and Western America Holding where it talks about, "*total amount of dwellings and supporting buildings ..... and county ordinances.*" At what stage must the developer demonstrate that ability; at the PRUD stage, the subdivision final approval stage, or the building permit stage. Mr. Wilkinson replied that before any construction is going to take place, they certainly have to demonstrate that. As staff, they are saying before final subdivision approval is granted those items will have to be addressed.

Parking - The Planning Commission has the ability to vary the number of parking spaces required. The quote is in Chapter 24, "*if in its determination ..... equitable and warranted.*" If there is going to be a reduction in the number of parking spaces for the nest units; they will want to consider whether that use meets that criteria or if there is something unique or unusual about the development that would allow that to take place. Sean Wilkinson indicated that Commissioner Howell has raised some questions and he would suggest that this Planning Commission have a discussion with the developer about that. The Planning Commission can vary the parking standards in this case and if they decide to go with a variance, that needs to be included as part of the recommendation to the County Commission.

Procedural issues were discussed at this time.

Chair Hollist asked Mr. Scott if they make these findings after the public discussion is closed when the Planning Commission is deliberating? Rob Scott replied that it really should be part of the motion with the person making their motion and supported by specific findings.

Commissioner Miller said that they had talked about accessory buildings and that seems to be off the table. Mr. Wilkinson replied the reason that was put in there was for this Planning Commission to make a finding that no accessory buildings are proposed as part of this phase so that it's on the record when it goes forward to the County Commission.

Russ Watts, Applicant, thanked the Planning Commission for this special meeting and complimented the Planning Division for having a meeting every Monday morning with 20-30 people. It's been coordinated by the Planning Staff and every division has been in those meetings and appreciated their efforts in making the process go a lot smoother. He wanted to address a couple of items such as their sensitivity to the mountain and how they placed the units, homes, and lots. They spent about seven months locating trees and hillsides trying not to cut into the mountain more than they need to. In some communities, there is asphalt everywhere and at Powder Mountain they are trying to eliminate that by not impacting the mountain. Most of our people buying property don't even own a vehicle. They fly in to the airport, then they shuttle them to the events that are up there. They are looking at shuttling for most of the people that are buying homes and living there. Their request to this Planning Commission is to provide two parking areas with every lot like a standard subdivision. In the nest area which will be 500 sq. ft. cabins nested in the trees, if someone comes in and has a car, they require a parking pass to park in the community. They have three or four different approaches with the community being the number one priority.

Commissioner Miller asked if you are shuttling people up there, how do they get around once they are there? Russ Watts replied that they have onsite shuttles. They have community shuttles that will be shuttling residents or guests within the community; which is a different shuttle system than the one that comes from the airport.

Commissioner Howell said that they have indicated that they didn't want it all asphalt; but do the people in the nest area have some sort of sticker indicating they can be there at that particular place. Mr. Watts said because the nest area will be fractional ownership, if they come for a week and have a car, they will be issued a parking pass, a key, and they will have that unit for that period of time. In those areas they have one stall per unit.

Ray Bertoldi, with Bertoldi Architects, said they talked about the flat roofs design where one of the benefits is they are keeping the snow on the roof rather than letting it sliding off against the side of the building. The key to the vertical surfaces is they are going to have snow piled against the building so the types of materials that they would use are important for the first four or five feet. They are also looking at building them off of the ground and it's not accumulating snow from that standpoint. With any development that is in a snow environment, snow management is always a big deal, but if you look at the elevations such as Alta at 8530, Powder Mountain at 8900, and you look at a lot of the roof structures and the buildings there is obviously going to be a snow management plan.

Russ Watts said that they are in agreement with the Planning Division requesting that they have a design review board that would review all plans, approve them, and submit a letter of approval to the county before the issuance of a building permit. The Planning staff does not have to worry about the implementation of design guidelines; they will make sure they will have those as part of their approval process.

Chair Hollist said that he would like clarification of what constitutes a unit. As he understood it, the language with Weber County uses the term unit and there are 154 of those. Russ Watts replied in his experience a unit is a living structure, non-commercial, where someone resides, that has plumbing and kitchen facilities. It could be an apartment, a nest cabin, or an estate home.

Chair Hollist said let's talk about the concept of lot and the most instructive place to go with the newly numbered Lot 76 which is a rather long piece that looks like a building envelope at one end and five nests at the other end. Would there be six units and one lot? Russ Watts replied that is correct.

Commissioner Howell asked in looking at that lot with the five nests at the end, how would they get to that? Mr. Watts replied the building there is the Micro Conference Center. When they come with their company to a conference, they rent

the cabin or they own a fraction of the cabin; they get picked up and taken to the conference site and they are able to walk back and forth from the center to the cabin.

Chair Hollist asked on the concept of mountain modern design, where is the closest example of this concept that he could go to. Greg Mauro replied there is a development at the base of North Star called Martis Camp in Tahoe California that is considered the most successful resort development in the country right now. They sold 114 home sites last year and 32 in January and half of the development is mountain modern design. Russ Watts said if they come up to see their Sky Lodge, that was approved last fall, it's all modern mountain. Ray Bertoldi added in the spirit of that architecture, it's very similar to the Edgewater Beach project they presented about eight months ago.

Chair Hollist said they brought up the issue about the Yurt and his recollection was that the Yurt was a temporary structure. Russ Watts replied that it was approved to be a temporary structure for entertaining. The site is a hotel site and they built the Yurt there to be used for their Advance with Summit.

Chair Hollist said that he struggled with this modern mountain design so then he decided to take a road trip to see if he could see the transition from what he was used to, to the modern mountain design and he did see the transition. Mr. Watts replied that he would like to discuss the architecture. They brought the Yurt modular concept in and they have also been integrating the barn architecture. They want to show the next phase which is their lodge and hotels because they have the elements of the barn mixed with the modern design and they will see how it actually works together.

Chair Hollist said his second observation was that was a substantial amount of the real estate that was obstructed by the 8-12 roof pitches by Powder Ridge Condominiums. The Yurts hugged the ground and it was easy to see over those; they just shrank into the foreground and what they saw was the magnificence that was beyond them. How much of that mountain are they going to be concerned about? Russ Watts replied that their first two or three phases will be focused from Hidden Lake. Greg Mauro added that in the mid-mountain area there are substantial out parcels and it comes down to whether they can work collectively with other parties and redevelop that.

Chair Hollist said that he didn't think that the road they have drawn on Map L1.2 is in the same place that the existing road sits. It seems that road dumps you out four contours higher. Russ Watts replied that they do follow the existing road. Greg Mauro said there is another dirt road below that road but they are not cutting a new road.

Commissioner Howell said on Exhibit Q, from the State of Utah Committee of Fire Planning, they have a number of issues that have increased due to the Wildland Urban interface with the wildfire risk. One of their issues was the homes built with flammable material. Russ Watts replied that they have to follow the fire code and they have to build non-combustible up to a certain height. They are going to overlay that and have spent the last three months with the Division of Natural Resources and all those divisions that tie in with that. They are in the process of overlaying that plan with these design guidelines but they have to go by code, come up a certain height above ground, before they can start any surface that is burnable.

Commissioner Graves said touching on the architecture and understanding modern mountain style, on Page 10 of the examples presented, there are Modern Mountain and the other that looks like more like traditional postal beam. He looked at that and also the illustrations found in Exhibits F, A1-10 and A1-11, where they have more of the flat roof and more linear. The first picture in page 10 in this booklet that matches what is shown here, those he likes and can see that they can have something rather unique and still fit in.

Ray Bertoldi said there is an element here that is missing and that's what the homeowner's vision would be. There are design guidelines that are going to guide the architects that are doing these homes and reviewing the process to make sure that what is being presented fits in with the character of form, color, and the material. Russ Watts added in our design guideline and also part of our lot criteria, most of our lots can't go above 25 feet, and what happens is when the hill slopes, an A-Frame would be almost impossible and force the design to be more lineal design.

Chair Hollist said that there has not been a lighting plan submitted and his understanding is they are not going to submit one. When he looked at L1.2 and that entire first phase of their development, any light would be seen from the center part of the valley. One of the annoying features about the valley is the light on top of James Peak, and for them to

proceed into a development without a real rigid light plan is frightening. Russ Watts replied they came in for their PRUD approval for a residential setting and would be back with a lighting plan based on the lots in a commercial setting that would show all of the direct down lights, the color of the lights, and at this time they are not building that part of the project.

Commissioner Miller said on Page 25, it states, "*the following materials are not allowed: no artificial plastic,*" what is artificial plastic? Russ Watts replied fiberglass where they see some homes with vinyl or a hard; board fiberglass combination product.

Chair Hollist said on Page 8 of the Design Guidelines, in reference to the rain water and gray water. They saw rain water captured and used in Australia and they thought that was a good idea. He went and approached the Weber Morgan Health Department with the idea that they would build it into his home and use that water to irrigate Xeriscape landscaping. They were not very receptive to this. Russ Watts replied they met with the state and they found out that they are now allowing what is called rain water harvesting. Greg Mauro said that Michael Ogden is one of the advisors to their project and he said the laws have changed in four states. He is the nationally renowned purple pipe expert, and also a rain and gray water expert. They brought him to the project and he is working with them to help change the law.

Commissioner Howell said that in Australia they collect the water off of the roof, and have a process to purify it for drinking. They also have septic systems that are self contained that are not acceptable here but he believes they should be. Russ Watts replied that there is a trend of how they can be more self-sustaining and every conference that you go to talks about being more self-sustainable and using the natural resources.

Chair Hollist said where it talks about pervious pavement is that possible, and do they have materials of that nature to create a pervious road? Russ Watts replied they have this new concrete that is called grass blocks, where they are concrete with built-in patterns and grass in between so there is surface with structure. Commissioner Graves added there are other products that are better than that and it's not cheap but it is there.

Russ Watts said that they spent double the amount of time in engineering to make sure they didn't overcut or overfill and this road that is going in they basically ended up with about 2,500 yards of excess material. They spent a lot of time because they don't want to overcut or overfill and end up with 100,000 yards of material. They are trying to minimize as much as they can.

Chair Hollist said that on Page 12 it talks about asphalt composition flat shingles and slate tiles; is that actually possible on a flat roof at that elevation. Russ Watts replied that is not on a flat roof. There are some designs where the roof tips, that is where they would use that hard surface but the flat roof would be a membrane, green roof, or metal.

Chair Hollist asked about the garages and carports. Mr. Watts replied that they have talked about their nest concept and a small casita outside the house to reduce the mass. You can see where they have a pergola where it was connecting a casita to a house and they may have that pergola extended so it covers a car. They are called carports but they won't look like carports. They may be an extension of columns and a pergola that connects the casita to the house.

In reply to a question by Chair Hollis, Russ Watts replied that as part of this approval, they know by code that they can't build those ancillary elements as part of this phase. When they come back for DRR-1 Zone review, they are going to walk through the concept of why those are important. Greg Mauro added that the idea is minimizing the masking of the hillside as much as possible. If they take someone who would have done a four-bedroom and remake one of the bedrooms to a structure that is potentially tucked down at a lower elevation, single story, and blend it in with some trees so it's not seen from the neighborhood, everyone wins.

Sean Wilkinson stated that the PRUD Chapter requires that units which are to be used as time shares, or nightly rentals, to be designated on the approved site plan.

Chair Hollist said before they proceed with a motion, they need to review specific findings and include that in their motion.

There was a discussion by the Planning Commission and staff as to the specific items that would be added to the motion.

**MOTION:** Commissioner Miller moved to recommend approval of CUP2013-03 subject to the staff report conditions of approval and compliance with review agency requirements subject on the following: The interlocal agreement with Cache County, clarification on public versus private roads, payment of delinquent property taxes within the PRUD boundary, certification from the Summit Eden Design Review Board that each house plan submitted for a building permit complies with other design guidelines and the PRUD approval, secondary access road in Cache County, parking space adjustments varying from two spaces to one space for the nest unit, designating timeshares on the site plan, negotiated maintenance agreement between the County and who will plow the roads. Commissioner Parson seconded the motion.

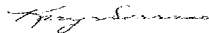
**DISCUSSION:** Commissioner Graves said the things that they didn't put in the motion are part of staff's recommendations, like the 1-1/2% versus the 1% which they agreed to, and the findings for which they tabled at the last meeting, which have been addressed sufficiently for them to make this motion and move forward. Chair Hollist asked Legal Counsel if there was anything missing that he might have heard on this important development. Chris Allred replied no, that he believed their motion was thorough and appropriate.

**VOTE:** A vote was taken with all members present voting aye. (Motion Carried 5-0)

Commissioner Montgomery abstained from voting citing a conflict of interest.

2. **Adjourn:** The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning