

OGDEN VALLEY PLANNING COMMISSION

PLANNING MEETING AGENDA

February 23, 2016
5:00 p.m.

Pledge of Allegiance

Roll Call:

1. Minutes: Approval of the October 27, 2015, December 01, 2015, January 05, 2016, and February 02, 2016 Meeting Minutes
 2. Consent Agenda:
 - 2.1. CUP 2015-06 Consideration and action on a time six month time extension for a Conditional Use Permit to install an 82 foot monopine cell tower located at Snow Basin above Becker Lift and a new 12 foot by 26 foot pre-fabricated equipment shelter located at approximately 3925 Snowbasin Road in the Destination and Recreational Resort-1 (DRR-1) Zone. (Pete Simmons, Agent for Verizon)
 - 2.2 CUP 2014-29 Consideration and action on a request for a six month time extension for an approved conditional use permit for a condominium project (Pine Canyon Lodge) at approximately 3567 Nordic Valley Way in the Commercial Valley Resort-1 (CVR-1) Zone, including lockout rooms and an average building height of 46 feet. (Skyline Mountain Base, LLC, Applicant)
 3. Legislative Items:
 - a. New Business: Public Meeting
 1. ZTA 2014-31 Consideration and action on a request to amend the 2015 Wolf Creek addendum to add "Conceptual Development Plan" to match the addendum for Wolf Creek Zoning Development Agreement (Contract 2015-31). (John Lewis, Applicant)
 4. Public Comment for Items not on the Agenda
 5. Remarks from Planning Commissioners
 6. Planning Director Report
 7. Remarks from Legal Counsel
 8. Adjourn to Convene to a Work Session
- WS1. DISCUSSION: Review and discussion of the following sections of the proposed Ogden Valley General Plan: Introduction, Community Character, and Residential Development.

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Ogden Valley Planning Commission Regular meeting October 27, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Greg Graves, John Howell; Kevin Parson; Will Haymond; Stephen Waldrip, Jami Taylor

Absent/Excused:

Staff Present: Scott Mendoza, Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner
Ronda Kippen, Planner I; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

1. **Minutes:** Approval of the October 06, 2015 meeting minutes

MOTION: Chair Warburton approved the meeting minutes as written.

2. **Consent Agenda:**

- 2.1. **UVS100515:** Consideration and action on final approval of the Summit at Ski Lake No. 13, (5 Lots) in the Forest Valley 3 (FV-3) Zone located at 6740 Via Cortina Street. (Valley Enterprise Investment Company, LLC, Applicant)
- 2.2. **CUP 2014-22:** Consideration and action on a request for a 6-month time extension for an approved accessory apartment conditional use permit located at 3778 North Willowbrook Lane Eden, UT (Rachel Nielsen, Applicant)

MOTION: Commissioner Parson moved to approve Items 2.1. UVS100515 and 2.2. CUP 2014-22. Commissioner Howell seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting aye. Motion Carried (7-0).

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

- 3.1. **Legislative Items**

- a. **Old Business: None**

- b. **New Business:**

1. **ZTA 2015-05:** Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub - John Lewis, Applicant

Jim Gentry said they have a petition to amend the Commercial Valley Recreation (CVR-1) Zone, to add a couple of uses to that zone. The first one is a brewpub as part of the restaurant and included is the new definition what is brewpub that comes from the Planner's dictionary that states, "A restaurant that prepares handcrafted natural beer, ale, distilled spirits, etc. as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than 5,000 barrels (One barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed 30% of the total floor area of the restaurant's space. Wholesaling shall be permitted, but is limited to 30% of the total sales of the restaurant." This is the definition that they are looking to add and the use into the CVR-1 and the other use is to add reception/banquet facilities.

Chair Warburton asked if he looked into state code to see if this definition fits state code. Mr. Gentry replied that he could not find it in state code but he called several other restaurants and Rooster's does more than what is being proposed here.

Eric Householder, Householder Group, representing Wolf Creek, said this is the follow-up that they did this past summer, and this is a use that they wanted to add to the zone they went to.

Miranda Menzies, resident of Wolf Creek, connected to HOA's but was speaking as a private citizen. She supported having this in commercial activities within their resort, and she had seven guests visited this weekend. Just having a place where they could enjoy a variety of beverages in conjunction with the resort was welcomed.

Jan Fullmer, resident of Wolf Creek, said that what is being requested was consistent with the information they collected from 14 communities last September; in terms of establishing small commercial establishments as part of the input by the

communities. They had a meeting on September 17, 2014 with approximately 220 valley residents, and they collected the data from that meeting, and is consistent with what the communities would like to see.

Closed for public hearing.

MOTION: Commissioner Parson moved to recommend to the County Commission for approval of ZTA 2015-05, consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub. Commissioner Hammond seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting “aye.” Motion Carried (7-0).

2. ZTA 2015-06: Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101) Definitions (Section 1-7) Subdivisions (Title 106), General Provisions (Chapter 1), Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the subdivision code and related to the names of the Planning Commissions and the planning areas.

Charles Ewert said that they have an administrative clerical error when the County Code was codified by the Codifiers Unicode. At the same time this was being codified, they had adopted a new subdivision code. That code didn’t get into the codified version; and what is online is not the codified adopted version. This has to go back through the process to make sure that due process is preserved and readopted. Prior to codification, a lot of different chapters and land use code had their own definitions; some of those definition sections had the same terms with the different definitions. These were significant enough to cause the codifiers to go through and rectify those. The codifiers created a new definition section at the beginning of the Land Use Code Section 101-7; that has all the definitions from the Land Use Code and they connected all the terminologies. Without having the definitions of the 2012 Code; they couldn’t see the whole picture. As they went through the definition sections; it’s important to note that it was mostly clerical edits, to ensure that it says what they mean it to say. He asked if they wanted to precede page by page to see if there were any issues.

Chair Warburton said that she didn’t want to go page by page, but if the Planning Commission had specific questions, they could ask staff and this is a cleanup. Mr. Ewert replied there is one item that was not a cleanup that was a change in state code that they can no longer use the term “township.”

Commissioner Parson referred to Page 7, Line 191, Protection Strip. He read the definition and said being this is in blue that has been added; and they are just tightening up the definition. His question was on the last line and asked if somebody had to come in separately and record the agreement? Mr. Ewert replied that this wasn’t new even through this was underlined, they had a different term for that, and this deleted the 2012 term, and replaced that 2012 term. If there is a protection strip, and there is an agreement that runs with that protection strip, in that agreement that shall expire after ten years. For example; if someone was to subdivide a piece of property, build a road, and they kept a protection strip off to the side, keeping whoever the adjacent landowner from accessing their new road. Even though it’s a public road, they built it, put the money into it, and so the protection strip keeps them from developing their land, getting access from the road without paying. They have provided some protection here, to get some return on their investment.

Commissioner Waldrip asked changing the word township to planning area, is that going to have to be done retroactively to the entire code, or is that going to be done piecemeal as they go forward. Mr. Ewert replied said this is everything and he searched through the whole code for township and this should be it.

Opened for public hearing, and there were no public comments. Chair Warburton closed for public hearing.

MOTION: Commissioner Waldrip moved to recommend to the County Commission approval of ZTA2015-06 on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101) Definitions (Section 1-7) Subdivisions (Title 106), General Provisions (Chapter 1), Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the subdivision code and related to the names of the Planning Commissions and the planning areas. Commissioner Parson

seconded. A vote was taken with Commissioner Graves, Howell, Parson, Haymond Waldrip, Taylor, and Chair Warburton voting aye. Motion Carried (7-0).

3. ZTA 2015-03: Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code - Paul Strange, Summit Mountain Holding Group, Applicant

Director Mendoza said on June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during the work sessions. Based on the input received from the Planning Commission, the applicant has prepared a final version of the proposal with the exception of one. He would like to bring to their attention to Item #8 on page 4 of the staff report, Requested Amendment to Title 108 (Standards), Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards). This is the only one of the 12 proposed amendments that they haven't seen yet. He asked for guidance on how this commission would like to proceed with the presentation. He could go item by item or summarize everything; there are several pages that are being amended, but those amendments are fairly simple.

Chair Warburton said that everyone has read through the packet and she knew that some of the commissioner's had questions.

Commissioner Taylor said she wasn't there for the two meetings; and she read through everything. She would like a bit of review because she was not familiar with the discussions; if staff could recap as to what was recommended by the Planning Commission, and have adjustments as indicated in the staff report. Director Mendoza replied that everything that has been presented reflects the Planning Commission input to date. He has a lot of notes on what was being proposed, and between him and Mr. Strange, they provided enough information on where they ended up. Commissioner Taylor said that she just wanted a generalized idea; there are a lot of changes to the general plan that she was not familiar with.

Chair Warburton asked if there is one that she looked through that she had more issues with or does she have issues with every single one. Commissioner Taylor replied that she didn't have issues with every single one.

Commissioner Taylor said she had issue with on Item #1 and the other issue was with the second kitchen. It seemed that both of those seem to allow for a lot of additional people renting units and increasing the density overall. Director Mendoza replied that they could get with the planning staff recommendation; and staff was in support of the majority of these proposed changes. It would provide a lot of flexibility for resorts as they start their development beyond their master planning and move into the development phase. This would streamline a lot of their process and provide a certainty to act as an incentive in some cases; if they had somebody out there considering rezoning a thousand acres minimum, more to the resort zone, and they are willing to follow the County standards. This would not just affect Powder Mountain; this included Snow Basin and what they need to consider with the information in the past with the GIS and the Traffic Impact Study. These items that do not have staff's recommendations are tied to impacts that they haven't had a chance to consider prior to approving a Master Plan Community.

Director Mendoza referred to Item #8, and said this is within Chapter 2, Ogden Valley Landscaping Code, and this ended up creating a new subsection that exempts resort zones developments located above 6,200 ft. The attached map in the packet showed those areas in the Ogden Valley that were above that 6,200 foot level. If it didn't have a Planning Commission review, or if it's exempt from some landscaping standards, it may alleviate a concern when they are thinking about landscaping or commercial project that doesn't have landscaping to an existing project. A new subsection within this chapter, it would exempt the resorts from certain standards related to general landscaping, and all standards related to landscaping, screening, and buffering parking areas. On Page 3-7 Exhibit E, is the specific language that is being proposed that has been highlighted so they can see the subsection that the applicant is looking to be exempt from and the overall section within that chapter and staff has no serious concerns with what was proposed here.

Commissioner Parson asked on Page 3 of 8, line 98 and those are those the ones with exemption? Director Mendoza replied yes within that Section 108-2-5, the request is to be exempt from a, b, d, e, f, and h from that subsection there.

Within Section 108-2-6, on Page 5 of 8, Line 198, the request is to be exempt from all standards within that section, and that continues on Page 6 of 8 and Page 7 of 8.

Commissioner Graves said on Page 3 of 8, Line 121h Plant Materials; that section talked about general standards of stuff that were normally purchased, installed in any kind of commercial venture and it doesn't matter whether low or high elevations. They had several conditions that talks about plant material, so what was the reasoning for being exempt from that. They still have to purchase something that would come from some kind of nursery to be installed. These are standard things come from some kind of nursery to be installed. These are standard things that guarantee that there is some kind of quality in the stuff that is planted. Director Mendoza replied there is not a guarantee that there will be a purchase. Any of these items above the 6,200 feet would not apply. It will apply if they were less than 6,200 ft.; the plant materials section would apply because everything else would apply. The reason for being exempt from Line 121h, had to do with the fact that that it added to some clarity, if the resort does nothing, there would not be any requirement for doing landscaping. But there would be a requirement because of storm water standards, and they will have to do something to retain soils on the site.

Commissioner Taylor said that Commissioner Graves brought up a good point that it is possible; that these standards are set in place for below 6,200 ft. for a reason. She wondered if there was a possible way to have a different set of standards for above 6,200 ft. so that these sensitive lands were not becoming completely demolished.

Commissioner Graves said one possible suggestion; for them to be required to develop and submit their own landscape plan, and at least there will be something in place being submitted. A lot of this was because they felt too restrictive, they should use their freedom to develop their plan, bring in their landscaping plan and present it to this commission. They have all the freedom they want to develop their plan; put enough thought and effort into it, to convince this commission that this appropriate for what they want to do.

Commissioner Waldrip asked for clarification; as to these areas in red would be encompassed by this proposed ordinance, as far as that particular section removing those restrictions. Director Mendoza replied that the areas in red are above 6,200 ft. and when it comes to the site plan; they would have to confirm and verify that they are.

Commissioner Graves said the other question has to do with a complete exemption from any screening and buffering; Section 108-2-7, Line 264, and is that correct. He assumed that there was no landscaping or buffering, because on Item F, Line 258, Page 7 of 8, it talked about screening of trash dumpsters, and if that went away then there was no standard regarding that, and they would have to make that choice. Director Mendoza replied that was no real standard.

Commissioner Haymond asked to go through staff recommendations with the five items? Director Mendoza replied based on the proposal conformance to the general plan section; and they have pointed out two areas where they feel that the proposal did comply, and one that didn't comply. The one that didn't comply had to do with density, and what could be more of an impact due to hotel rooms, or overall more opportunities for nightly rentals. The General Plan speaks to these proposals; based on its compliance and the general plan speaks to this. Based on the compliance and non-compliance, the Planning Division suggested that this commission support the proposal, Items 1 through 12 except for proposed amendment #1, the definition of a lockout sleeping room. The reason is this amendment would allow for an attached lockout sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any residential accommodations in the resort zone, but it would allow a detached lockout.

Director Mendoza said that lockout sleeping room is limited to only condominium unit with a limit of two. This amendment has the ability to increase the number of residential types of units and other nightly accommodation units, without diminishing any of the units that they have approved as part of the zoning development agreement. An increase to the number of units a hotel rooms could certainly have an impact on public services or transportation. On #2 what staff suggests is to not support the removal of the existing limitation of the two lockouts. Today there is a limit on condominium units only, and a condo can have a lockout but it is limited to two. On #3 the proposed addition of the use accessory dwelling unit; this would be in the land use table of the resort zone. The applicant suggested adding accessory dwelling unit to the list of permitted uses. Accessory dwelling unit is exactly that, where some can stay nightly, but they can live long term and that hadn't been presented to the Planning Commission, County Commission, or the public in terms of public traffic. On #4 this is the proposed addition to use additional kitchen, and not use as a additional kitchen. The county subdivision code says that there can only one dwelling on one lot. Sometimes a building plan will be submitted that may

have 1 or 1-1/2 or in some cases 2 full kitchens. When these plans are reviewed, they could see that a home could actually function as two homes.

Director Mendoza said where it could qualify by definition. For example upstairs has everything needed to be a home, and downstairs because of all the kitchen amenities qualifies as a single family dwelling. What the county has done as a policy for decades, has allowed the landowner to build the home they want to. However; there is a second kitchen covenant, where the applicant signs, promise, and acknowledge that their home has two full kitchens, and they promise that it will function as one for their family. It is just as one. On #5 it further addresses second kitchen that has been clarified with this proposed use section. This would be numbered Section 104-29-10, Second Kitchens, and Page 23 Exhibit C, that a new short section has been proposed there. Staff is recommending supporting all the proposals except for these five.

Paul Strange, Summit Mountain Holding Group, applicant said there are a couple of items that he would like to clarify; one of the concepts that they talked about extensively during the work sessions, in the DRR-1 Zone is trying to give some discretion to the developer. The county and the developer would be able to react more quickly; to do it in a market sense that the developer is not going to do anything stupid just because the market forces him to do it. For example; the issue with the dumpster, is that something that needs to be reviewed by planning staff, or is that something that gets left with the developer to make sure they develop in a way that the results is sales. That also applies in concept of landscape where there is more of an issue in the context that they own the entire area, and 20% of it must be landscaped. That may be the size of the lot that could have another building next to the lot, there may not be frontage with more of a main street feel, or it may be against the sidewalk. With regards to the plant materials; it seemed to flow from the rest and their goal is to use local natural materials and have things grow back to be natural. Their goal is not to have trees in a planter box every 50 feet that will take away from feeling like they are in the mountain.

Paul Strange said that the area that is covered by this is Snow Basin and Powder Mountain; Nordic Valley is not in the DRR-1 Zone, nor do they have anything above 6,200 ft. The county has some challenges in enforcement, once someone buys a lot they are restricted on that home they can build on that lot. They are limited to 5,500 sq. ft. total, 4,500 sq. ft. above grade; so anything that is being done whether it's lockouts inside or outside, that all comes down to their square footage. One of the things that changed is the detached lockouts prior to work session; it did not account for density, and it was clear that was an issue. He felt like he came to a middle ground; that anything that is detached would have a density consequence, and that changed from before. The second kitchen does not have a code supporting the covenant; it also states that they are going to use their home as a single family home, but they are in a recreational resort zone which is a place that they can rent.

Commissioner Waldrip asked what reason this commission would recommend approval; on a broad revision to standards that had been in place for some amount of time, that has been in place for a long period of time. They are dealing with the implications that go beyond their plan and property today. They are dealing with the potential for something to happen many years from now, and many miles from where they currently are. Chair Warburton replied that is what a petitioner does, he brings his ideas and works it through, then makes it public, and if Snow Basin had an issue, they could have been here to comment. This started back in June, and this is a legislative process; there is a recommendation, there are comments from the public, and then they move forward. Mr. Strange said they have worked long and hard with staff with that concept. That is why they strictly limited this to above 6,200 feet as a precedent to limit that; and from a professional planning perspective that was not a great way to do things. They did try to make an attempt to limit it as much as they could and how these were going to impact, and what the impacts would be.

Commissioner Waldrip said that while they control a significant portion of that area up there, there are areas outside of their control. Having participated in development activities and seen others that aren't as restrained or conscientious, the removal of standards potentially has a negative impact on the efforts that they are making. They go up the road and there are areas up there that has no limits and they don't have to be rational economic actors. Mr. Strange replied those areas are not zoned DRR-1; the only area that was zoned DRR-1 is the area that they own.

Commissioner Waldrip asked if Powder Mountain were to sell a portion of this property at some point in the future, the zoning would continue. Director Mendoza replied yes.

Opened for Public Comments

Jan Fullmer, who resides in Eden UT, asked what defines a kitchen; and based on their definition of a kitchen, is kitchens allowed in lockouts? The reason for her question is that Nordic Valley has lockouts associated with the units, if they have a kitchen. Based on what the definition of kitchen, can lockouts have that definition of a kitchen? Director Mendoza replied that they refer to the Building Code IBC or the residential IRC, and that code tells us the types of amenities that need to be in a kitchen but in general it will have a list of those amenities to be able to prepare food adequately. The term lockout sleeping rooms in the current language; means a sleeping room in a condominium dwelling unit, or a condominium rental hotel with separate common areas and toilet facilities, but no cooking facilities except a hotplate.

Miranda Menzies, 3807 N Ridge Trail in Eden, said that she believes that staff's overall recommendation sounds very reasonable. The overall process they have gone through the last two years, the master plan for the entire resort was discussed at length, and there were opportunities for public comment. Under the Land Use Code that was in place at that time, the rules under which people were thinking about that master plan at that time; had a set of restrictions that would be applied when this master plan was put in place. Now what they have is a proposal to change many of those restrictions, and one is the concept of a detached lockout, but this sounds like multiple cabins in the woods on the property. Is there water connection for each individual cabin; how is the Division of Drinking Water going to assess the demands for water from this development, versus if they have one house with one family, or they have a condominium unit that has two lockout rooms. There is a defined amount that they know the sort of impact that would occur to the public facilities, so how does that work. In the proposal the Planning Director can approve a dwelling up to 7,500 sq. ft.; is that not a rather large building, that it would be appropriate to have some Planning Commission discussion of that proposed use, and consider making any large building that is being proposed be changed to a conditional use in order to protect the owners of the adjacent property.

Gary Fulmer, who resides in Eden, said that he agreed with Miranda Menzies and in the past work sessions they have discussed concepts that the developer is allowing a certain size square foot on every lot. A question was raised what if you build a lodge concept, the main building being 1,000 sq. ft. and the detached is lockouts. His concern was what happened with that concept because it was some concern about that. The question was raised that in fact detached lockouts like that, and it is within 5,500 sq. ft, do they require separate water and sewer utilities, and that is a valid point to consider. He thinks that Commissioner Graves raised a good point in that there needs to be some consideration to have some sort of plan.

Kimble Wheatley, 394 S 10000 E in Huntsville, said that he is not speaking to the proposal part but to the process. He attended the work session and meetings along with a couple of other people; and it seems to him that the petitioner has a process where a lot of changes to the ordinance that was proposed in a bundle. They had two or three good solid discussions, and tonight there is no way for the public to understand what is going on here. He will just have to trust staff and the commission, because no one else understands how big these changes are.

Close for public comments.

Paul Strange said the issue of the kitchen comes down to the stove, and they could have a fridge. The difference with a lockout, it doesn't have a kitchen. If it has a kitchen then it becomes an accessory dwelling unit under the code and requires to density point. If it does become a standalone home, that kitchen standard is applied to that point. As for what would be required for the water perspective, the Division of Drinking Water looks at the issues; the number of bedrooms, toilets, and all these things will add up together for their determination. As for their lot size, not all the lots are 5,500 sq. ft., there are some that are down to 1,050 sq. ft., and there's a section of lots that are 3,500 sq. ft. above grade. There are not rows and rows of 5,500 sq. ft. of homes and each one of those takes up one density point to build a home.

Chair Warburton said for clarification, if they have a 5,500 sq. ft. home and they want to put a 500 foot separate attachment, then they would only be able to build a 4,000 sq. ft. home, and that would take away from the square footage, so they would never be able to build the original square footage. Mr. Strange added it would also cost them 1.33 in density point if it were detached lockout under this proposal. One density point if they built 5,500 sq. ft. house; if they built a 50,000 sq. ft. house its one density point. If they were to do a detached lockouts, and there is a compromise between the attached lockouts and detached lockouts. If they build two of those they are limiting the size of their above ground above grade; so their home is going to be 3,500 sq. ft. and it's going to be 1.66 units.

Chair Warburton asked to define the setbacks in code that would have to be followed by the director; on a building that is 7,500 sq. ft. Director Mendoza replied they have had this discussion with the same concerns that the public had, so this ended up at 7,500 sq. ft. rather than 100,000 sq. ft. Within the resort zone there is a requirement for example a multi-family dwelling, there is a requirement of 200 feet, so it doesn't have a setback that would normally be on a regular commercial lot in the CV-2 Zone. These resort zones when they have larger buildings, they have a buffer requirement of hundreds of feet. In the resort zone if they go above 35 feet, if it is a multi-family dwelling, it may have some traffic or transient, it is 200 feet for a buffer.

Commissioner Taylor asked why this couldn't be done conditionally specifically to Summit with their recreational area, zoning, and their master plan versus overall changes being recommended. Director Mendoza replied that the Destination Recreation Resort Zone has its own chapter; within the chapter it has a section of allowed uses. Within that allowed uses it has two sections; one is a list of committed uses where the county went through a process and identified uses that the county and public felt were appropriate for that particular zone. They listed them under permitted uses that may have some impact in some way those uses were taken and put in a column of conditional uses. It would take a text amendment to pull something from conditional to make it permitted or visa-versa.

Commissioner Taylor said that she understood that, but is there a possible way for Summit Group to have a change their landscaping master plan as a conditional use, and if there is another option, in case this changes hands and the new owner may not do what is required. Chair Warburton replied that she is correct but they need to look at this as if it is not Summit and anyone that follows them, they would have to go by the exact same rules.

Commissioner Parson said he needed clarification on the lockout sleeping room, so as long as the lockout sleeping room does have a stove, it's not considered a kitchen, then it counts for 3.3 if it's detached, and as soon as it has stove it is an accessory dwelling unit, is that correct. Mr. Strange replied that is correct.

Commissioner Waldrip referred to Section 104-29-8, Exhibit C, Pages 16 through 23, there are number of changes to conditional permitted uses in the list of permitted uses, and on Page 22 of 23, there are number of new permitted uses that have not been discussed, however; his question related to these additional permitted uses, what standards are in code currently for some of these uses. Is there a county statute that would limit or govern the size of a use? Private stables, educational facilities, those are pretty broad categories as far as permitted uses. Mr. Strange replied that one of the rules is if it's not permitted its conditional, and he pulled out everything that were not in the DRR-1 Zone, and he was just trying to make it very clear on this. Director Mendoza said the uses are in other chapters and there are standards to some of these but not all and the same setbacks would apply.

MOTION: Commissioner Waldrip moved to table the public hearing to consider hearing consideration of ZTA 2015-03 to amend Section 101-1-7, the Ogden Valley Destination and Recreation Resort Zone Chapter, the Design Review Chapter, Ogden Valley Architectural Landscape and Screening Design Standards Chapter, the Parking and Loading, Vehicle Traffic, and Access Regulations Chapter, the Accessory Apartments Chapter, and the Ogden Valley Signs Chapter within the Weber County Land Use Code until their next meeting. In the meantime, he would like to have staff and the applicant come together on a staff report that fully supports, or very clearly defines those areas in which there is not an agreement so that staff and the applicant agrees to what is proposed. He hesitates that they approve any part of this separately because it's a comprehensive plan. There are major changes to the code in parts of this, and challenges in other parts. The specific concerns he has are with the discrepancy between the proposed additions of the use of second kitchens to the list of permitted uses, where there is a discrepancy between the applicant and staff. He believes that they have dealt with some of the other issues, but as an overarching viewpoint and this is a comprehensive revision that would bring the DRR-1 Resort Zone in some cases into compliance with other portions of the code. In some cases with new provisions that are not contained in other portions of the code. He does not believe that in total, it is completely clear what the impact of the totality of the changes are, or if he could defend a vote one way or another on any of the provisions. Commissioner Howell seconded.

DISCUSSION: Chair Warburton said that they have discussed many issues, but they need to discuss this as if they could pass it. Scott Mendoza said the applicant is suggesting or may consider moving forward with the staff recommendation as is, and coming back and addressing the items having to do with density or any other items that this commission has concerns with. Chair Warburton said that if staff feels that it's defined, and since this motion already has a second, they could move to deny the motion at this point. Mr. Mendoza said that it's not his recommendation, but wanted to let the

Planning Commission members know that the applicant is more comfortable in proceeding with the staff recommendation as is. Commissioner Waldrip said that he doesn't feel there is enough information on the totality of the changes to proceed with staff's recommendation. Chair Warburton asked if he had studied this issue and did he call the Planning Staff about his concerns and get recommendations. Commissioner Waldrip replied no, and that he didn't have to vote. Chair Warburton replied that he didn't have to vote one way or another, but they have to think about the applicant. Commissioner Waldrip said that his belief is that the applicant and staff could work out these issues and present a clean ordinance. His concern is that if they pass a portion of this; according to staff there are unforeseen impacts. Courtlan Erickson, Legal Counsel, said that he may have misunderstood a comment about not having to vote; by procedure, each member present through the whole discussion must vote.

Commission Taylor said that she disagreed; from her understanding, with the exception of Item #8, she agreed with staff on their opinion. There are some things that are being requested that she does not agree with but neither does staff. This is laid out pretty clearly and it makes sense to her. Chair Warburton asked if she was comfortable with what staff recommends, except for Item #8. She would require a landscape plan, not necessarily landscape standards as mentioned in other parts of the code. Commissioner Taylor replied that it should be something that is conducive with the Ogden Valley General Plan. With the work that's been done and the way it's been laid out, she agrees with what staff is saying, and she thinks it's explainable enough to move forward. Commissioner Haymond said that he agreed with what was just said; however, one thing that was not talked about that was mentioned was the 7,500 sq. ft. Those that attended the meetings negotiated back and forth, and they came up with what they thought was a good compromise, but that is a concern that he has.

Commissioner Parson said that he did have a question on the 7,500 sq. ft, but after Director Mendoza talked to them, he was good with it. He believed there should be a landscape plan. Commissioner Graves said at the least, they need a conceptual plan with a description of the intent. Commissioner Parson said he needed clarity with Item #3 and #1. Paul Strange replied that they are talking about different things; the lockouts do not have a kitchen, and they could be attached or detached. The detached lockouts are 3.3 and staff is recommending supporting for that. In attached lockouts they didn't change anything other than adding a microwave. All they have added is that the lockouts could be in more uses and attached to more things, and they took away the limit. The other is the accessory dwelling, which is detached with a kitchen, and the accessory apartment is not a density requirement. Commissioner Haymond said that staff's recommendation to keep the limit on lockouts. Paul Strange replied that staff's recommendation was that they not to be allowed to be added to any additional building types and keep the limit. Chair Warburton said that they have amended Item #3, including the definition of Item #8. Commissioner Waldrip asked on the setbacks, to change the setbacks to zero; is that something staff was comfortable with? Scott Mendoza replied yes. Commissioner Graves said he could support staff's recommendation if they were not recommending approval of something where there isn't an agreement and there are other things that need to be fixed.

VOTE: A vote was take and Commissioners Waldrip, Graves, and Howell voted "aye" to table. Commissioners Parson, Haymond, Taylor, and Chair Warburton voted "nay." Motion Failed (4-3).

MOTION: Commissioner Parson moved to recommend approval to the County Commission of ZTA 2015-03 to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code, pending all staff recommendations with the exception of Item #3, the proposed addition of the accessory dwelling unit. The accessory dwelling unit will be accepted; however it needs to count for one density point. Also, to include a change in their ability to Item #8, Page 4 of 6, Request to amend Title 108 Standard, Chapter 2, the Ogden Valley Architectural, Landscape, and Screening Design Standards. Summit needs to provide a conceptual plan for remediation and landscaping above 6,200 feet that goes with the Destination Recreation Resort Zone.

Friendly Amendment: Commissioner Parson added that the conceptual plan for remediation and conceptual landscaping plan with Planning staff approval.

Courtlan Ericson said that he wanted to clarify; Commissioner Parson made reference to Summit submitting something and are they only requiring that in this instance. Chair Warburton replied that this code amendment is not just for Summit and

they are not spot zoning. Mr. Ericson said that the other thing he heard differently was the phrasing and he wanted to make it very clear for the record, on Page 6 of 6, staff made five recommendations for exceptions from what the applicant was asking for, and he heard it stated two different ways and he would appreciate knowing the exact intent.

Friendly Amendment: Commissioner Parson said that Summit needs to provide a conceptual plan for remediation and landscaping above 6,200 feet that goes with the Destination Recreation Resort Zone.

Friendly Amendment: Commissioner Parson said on staff's recommendations with the exception of Item #3, the proposed addition of the accessory dwelling unit will be permitted; however, it needs to count for one density point. They will add to this Item #6, the Landscape Conceptual Plan for the Destination Recreation Resort Zone as it applies to over 6,200 feet and there has to be a landscaping plan. Also, to include staff's recommendation on Items #1, #2, #4, #5 and add #6.

Friendly Amendment: Commissioner Taylor said to require that the landscaping plan be brought to the Planning Commission instead of staff. Commissioner Parson said that he did not accept this friendly amendment.

DISCUSSION: Commissioner Taylor said she would like the landscaping plan to come to the Planning Commission. She would like to see something written up in the ordinances that talks about what landscaping should be buffered and there needs to be more clarity. Commissioner Graves said so far they are just requiring a plan to be written up. Commissioner Taylor replied that there are no specifics in regard to that plan. Commissioner Graves said there is no definition with this plan other than a general description. Commissioner Waldrip asked Commissioner Parson if he was restricting the requirement for only landscaping or was he talking about screening and buffering. Commissioner Parson replied no, he just wanted to have accountability so there is a thought process that goes along with the completion of their design that includes landscaping in some way. Commissioner Graves asked if he wants them to address screening and buffering as well in the brief description that will be in the landscape conceptual plan. Commissioner Parson said if they feel it needs to be further clarified.

Scott Mendoza said it seems that the applicant is comfortable allowing some discretion in adjusting the requirements for landscaping; however, not just open and unregulated. They could consider allowing the Planning Commission to have discretion, as long as a plan is submitted and they could mimic what he has done in the Parking Chapter. Where his is saying that within the resort where the Master Plan has been approved by the Planning Commission; the Planning Commission may modify the provisions of landscape standards.

Chair Warburton said that she was okay that they are asking for a plan, and she likes what's on the table right now. Commissioner Graves said that his original intent was very similar to what the director was describing, which is to have a submittal that basically is what was described in the motion. Commissioner Waldrip said there is a difference between what the commissioner just said and what the Director just said, and what the proposal was for Mr. Strange; to create discretion where currently there is none, to create a plan similar to the parking plan which then becomes submitted and they can decide if they like it or not. If they came in with a landscaping, screening, and buffering plan that came before this body at the same time as the parking plan, it would be a comprehensive document that would come forward, that might meet Commissioner Taylor's concern of what they are reviewing and what standard they are reviewing. Paul Strange said within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Commission may modify any provision of this chapter by approving a Landscape, Screening and Buffering Conceptual Plan, created by the developer as defined in the applicable zoning development agreement, if the Planning Commission determines that the plan is consistent with the approved plot master plan.

Friendly Amendment: Commissioner Graves said to allow the Planning Commission to modify any provision within the Ogden Valley Architectural Landscaping Screening Design Standards Chapter; by approving an overall landscape, screening, and buffering plan prepared by the developer that is consistent with the master plan that has the ability to approve that. Commissioner Parson approved the friendly amendment.

VOTE: A vote was taken with Commissioners Taylor, Howell, Graves, Parson, Haymond, and Chair Warburton voting "aye." Commissioner Waldrip voting "nay." Motion Carried (6-1).

4. Elections: Vice Chair for the remainder of 2015:

Commissioner Waldrip nominated Commissioner Hammond for vice chair. Commissioner Taylor seconded.

A vote was taken with Commissioner Graves, Howell, Parson, Waldrip, Taylor, Chair Warburton voting aye and Commissioner Haymond voted nay. Motion Carried (6-1)

5. **Public Comment for Items not on the Agenda:** None
6. **Remarks from Planning Commissioners:** Chair Warburton said that she would not want to see CUP's on the consent agenda. It was agreed by Commissioner Waldrip and Commissioner Taylor. Commissioner Waldrip congratulated Scott Mendoza on his position.
7. **Planning Director Report:** Director Mendoza said that there are some things going on and there may be some structural changes, so that may not be the case. Staff will update the commission as soon as they have the information.
8. **Remarks from Legal Counsel:** None
9. **Adjournment:** The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting December 01, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Jami Taylor, Greg Graves, Stephen Waldrip, Will Haymond, Kevin Parson,

Absent/Excused: John Howell

Staff Present: Sean Wilkinson, Planning Director; Scott Mendoza, Asst. Director; Jim Gentry, Principle Planner; Charles Ewert, Principle Planner; Ronda Kippen, Planner; Ben Hatfield, Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the September 22, 2015 meeting minutes

Chair Warburton approved the September 22, 2015 meeting minutes as written.

2. **Consent Agenda:**

- 2.1. **CUP 2015-21:** Consideration and action for a conditional use permit request for "Motorcycle and motor scooters sales and service" and "Snowmobile, ATV sales and repair" to be located at 4930 E 2550 N, Suite 6, Eden UT in the Commercial Valley-2 (CV-2) Zone (Kenny Watkins agent for Dog and Bone, LLC)
- 2.2. **CUP 2015-22:** Consideration and action for a conditional use permit request for "Automobile, new or used sales/service" to be located at 4930 E 2550 N, Suites 3-5, Eden UT in the Commercial Valley-2 (CV-2) Zone (Shawn Tuttle agent for Dog and Bone, LLC)
- 2.3. **CUP 2015-23:** Consideration and action for approval of a conditional use permit for a manufacturing building with a height of 30 feet to house a distillery to be for Eden Self Storage, LLC)

MOTION: Commissioner Waldrip moved to approve consent agenda items 2.1. CUP 2015-21; 2.2. CUP 2015-22; and 2.3. CUP 2015-23 and made note that the Planning Commission approval was based on the content of the staff reports as presented in their packet. Commissioner Parson seconded. A vote was taken with Commissioner Haymond, Taylor, Parson, Graves, Waldrip, and Chair Warburton voting aye. Motion Carried (6-0)

Chair Warburton said the next item is a discussion item and not anything that they would be voting on.

3. **Administrative Items:**

- a. **New Business:**

1. **Discussion** Aspen Falls Cluster Subdivision – Nate Boswell, 4091 N 4200 E, Eden UT

Jim Gentry said that there is a petitioner that would like to discuss the possibility of converting open space in a cluster subdivision from public use to private use. As part of the subdivision it was approved with the bonus density for the public open space. The petitioner is proposing that they close the public open space and make it a private open space. The applicant is here and would like to have a discussion.

Chair Warburton asked staff to clarify as to why it is open space and why it is currently public and not private. Mr. Gentry replied that this was not the developer that did the subdivision; it was to get the additional bonus density for additional units. They had some other private common area but they did some public which gave that developer a 20% bonus density.

Chair Warburton asked that there is clearly enough land to make it private; so would they have to give up their bonus density in order to do that? Mr. Gentry replied that would be part of the discussion and staff has talked to him about losing one unit. Currently there are two owners or two homes in this development and they control the rest of the lots.

Nate Boswell, 4091 N 4200 E, Eden UT, Petitioner said that he wanted to discuss this item and the possibilities. His family bought the subdivision in 2009 and the previous developer had about 90% done of the development. They assumed that agreement with Weber County, and finished the agreement in order to build their homes. There are 27 acres with 10 half acre residential lots; there is a portion of open space, and there is agricultural preservation. It was their fault for not doing their due diligence and the assumption that the open space was for the ten lot owners to be used. After they bought

the land and went through everything; they realized that the open space was public. That brought up some concerns and they wanted to figure out a way to get that open space to private because of the concerns listed in his narrative. Some of their concerns has been the detention pond, people swimming there, and unable to do anything about it because it was designated for public use. There is a walking trail that surrounds the pond and up to a private road; there have been people on their ATV's driving through the walking trails. There are vehicles that go to the back, get stuck, and there have been a lot of unusual activity. They wanted to figure out a way to make this open space private.

Commissioner Waldrip asked from where was the public accessing to this open space? Mr. Boswell replied they have a fence that goes along the property line out of the development due to a private road. Technically, the public can't use this road because the original developer had designed a private gate to use that road, and the only current public access is on that corner of the trail by that detention pond.

Commissioner Waldrip asked this three foot wide gate is not wide enough for a ATV or car, but is there a gate right now. Mr. Boswell replied no, they have been accessing through their private road. They would like to have a fence all the way around that property with a gate and be able to say private property for those ten lot owners instead of the public.

Commissioner Parson asked if they have thought about how many lots they would be willing to give up to get that done and how many acres is that open space. Nate Boswell replied that they have been working with staff; to their understanding they would have to give up a lot, and they would be willing give up the lot to continue with that. There are 27 acres, with ten lots, but they would lose one; each property owner would have three acres. The open space is seven acres.

Commissioner Parson asked how deep was the pond is. Mr. Boswell replied its 12 feet deep and in the original plan was to have a fence around that pond. As concerned parents and neighbors they built a six fence around that pond; but that doesn't deter the kids from getting in there.

Commissioner Waldrip asked if that fence around that pond have gate access as well. Mr. Boswell replied that there is a three foot gate on one side and a 10-12 foot gate on the other side.

Chair Warburton asked if they have the authority to police that area if someone went across their property. Mr. Boswell replied obviously that's an access to the public; unless they go through that gate anywhere else is private.

Chair Warburton asked if it's public, then who takes care of the pond, maintains the upkeep, or pays the cost. If this was mandated that it was public, did the county take responsibility for keeping that up. Do they keep up the fence that goes partially around the property? Mr. Boswell replied no, the property owners have been maintaining that, it falls on their shoulders, and that is quite discerning to them.

Chair Warburton asked if someone drowned, who would be accountable. Director Wilkinson replied that he would have counsel answer that question. He was the planner that helped with the original subdivision, and the intent was that in order to get that additional lot that the public would receive this benefit of being able to use the open space. As far as maintaining it that is up to the Homeowners Association within the subdivision; the public would just enjoy the benefit of being able to use it. There was no responsibility given to the county or anything like that for maintenance or upkeep.

Chair Warburton asked why was this not at the Board of Adjustment? Director Wilkinson replied that it would require an amendment to the subdivision to remove that easement that allowed the public on that property. It goes to the land use authority rather than the appeal authority.

Commissioner Waldrip asked who has the ownership of the ten individual lots, public open space, and agricultural preservation easement. Are those all held in single ownership with one entity or owner, or multiple entities and owners involved in this? Mr. Boswell replied that the agricultural preservation and open space are held in an entity that he and his in-law are owners. The other lots are either owned by him or his in-laws and he owns more of the lots and has controlling interest on that.

Commissioner Waldrip said in looking back to 2006; they are changing something that had been dedicated as public use, and potentially taking something away from the public. That's a fairly significant step; are there other mitigation efforts that they can do as far as access on the roadway, which seems to be the number one issue. A fence or a gate across the

roadway is probably less expensive than losing a lot; to restrict access where they have a three foot gate access that may go a long way to mitigate getting some of those impacts without unwinding something that is almost 9-10 years old. That would be something that he would suggest to look back at the economics of that before they come back with their proposal.

Nate Boswell said that along this open space there is a walking trail; if they were able to go private, that land would obviously go back to private, and it wouldn't be open space and they would be happy to keep that. Chair Warburton asked so who built that trail and is that part of Pathways? Director Wilkinson replied the intent was as 4100 north continues that trail continues and eventually connects to Wolf Creek Drive. Right now it's just a section of the trail that doesn't go anywhere.

Commissioner Taylor asked staff if there are other cluster subdivisions that are in this situation and is there precedence for this. Mr. Gentry replied there was other cluster subdivision that had open space that was open to the public; but they might not have ponds or water attractions or things like that.

Commissioner Waldrip asked if there was anything where they would know with a unique situation where there is a body of water on a public type access. Mr. Gentry replied it is usually the HOA because of the liability for the water features.

Commissioner Parson said that he would hope that the county with this subdivision there is a trail that they are responsible for maintaining and people should know. Mr. Gentry replied that if this went from open space to the public; if it is approved they may recommend that this trail stay public.

4. Public Comment for Items not on the Agenda: None

5. Remarks from Planning Commissioners: Commissioner Haymond asked if this Planning Commission the architectural review board for all the designs that come before them. Did staff go through and make sure that it fit within their loose guidelines and maybe this should be something for a work session. Director Wilkinson replied yes; within the parameters of the architectural and screening standards code that they have, and that is something that they can do.

6. Planning Director Report: Director Wilkinson clarified that for the time being, he is technically serving as the Planning Director. Scott Mendoza is the Assistant Planning Director and they will work into the New Year and figure out the transition and how that will work out.

7. Remarks from Legal Counsel: Courtlan Erickson said they had previous talked about items going from a consent agenda. He suggested talking about this in the future to determine what should or should not be put on the consent agenda.

8. Adjourn to Convene to a Work Session

WS1. DISCUSSION: Ogden Valley General Plan

Charles Ewert said that he would like to bring an update of where they are with the general plan. They had previous open houses about a month ago, followed by a month long public review and public comment period. They had over 100 people at the open houses and they received more comments than they have been able to count thus far. It is premature of how they worked together and how to put them into the context of the draft plan. The good news is there are a lot of good and positive comments that they can easily incorporate into the draft plan. There are two key challenges that the planning commission should be aware of. The first is how are the Transfer Development Rights going to work and the other is the element of the Transportation Plan. In looking at the map, the idea was using the green spaces as Transferable Development Units as sending areas, the yellow spaces as receiving areas, the red spaces as receiving areas, and the resorts as receiving areas. There are a number of ideas of doing this better, and the biggest concern was that there was too much yellow.

Charles Ewert said that they wanted to go back and rework some of the criteria on that; there are a couple of good ideas, one of them being to just focus on allowing transfers to go to cluster developments and let those clusters be where they are going to be. They are working through some of the issues and going through the best approach to make this work. The good news was that the plan does not hinge on TDR's and how to make them work. The one that this commission

will see will have more emphasis on voluntary reductions and county private/public partnership to try and incentivize reduction.

Charles Ewert said they have had some conversation about incentivizing on a tax basis; its difficult form a taxing angle primarily because the tax is set at the state level. If they do want to address that it would be through the legislature and figure out how to work through that. The Home Owners Association open space common area is taxed at a lesser rate than even agricultural land is, yet open space on the mountain side is still taxed as agricultural land, so it's something to work with and try to figure how to incentivize that. With the same argument, why wouldn't they be able to all people to volunteer to be in perpetual open space without having to run cows on the property? They are going to proceed with draft two with a good open time period for more review. That should speak with some of the concerns about not having enough time to really digest everything.

Commissioner Parson asked if there was a 128 acre piece with a farm and it's put into a trust; as an incentive for being farmed, does it still get taxed as a regular piece of property. Mr. Ewert replied right now if it's over five acres or five acres and a quarter, and they have a house on it, they get taxed less at an agricultural rate. This is bringing problems to the tax assessor and treasurer in helping them to try and get that figured out. Chair Warburton suggested having Shana Frances speak in reference to the land trust issue.

Charles Ewert said that the second item is what people have called the belt way. This is the streets and roads on the map with the red dash. The transportation element that was adopted from the transportation master plan that the Engineering Department did last year; seemed to be one of the greatest concerns. They believe that this could be removed from the map; and the reason for being removed is that roadway used to be in the 1967 Weber County Master Plan. It has been adopted since that time, and he was able to trace the adoption of this map that has been in existence for a very long time. When they have a number of people moving into an area who are completely unaware that it exists; that master plan came up and that roadway came up in 2009, and the Planning Commission had a debate over it was even there. The point is the vision has shifted; this is a prime open space area, and in 1967 the plan was one acre development in the valley. The current goal is prime agricultural open space and not intended to be developed. That will be one that will come forward and asked to be removed; and he has been telling people that this needs to be brought up in a public meeting to get it thoroughly vetted on the record on why they are removing that.

Commissioner Parson said where that goes through Trappers Ridge; it ends right there and at that point moving back to the south around that is that Summit's property? Mr. Ewert replied they have Summit in there that is zoned O-1, DWR Conservation Easements. Coming further south is the Browning Ranch that it goes through and Land Trusts also has concerns with that going there. The values have shifted and they have some open spaces everywhere and they define the valley and they want to protect them.

Jim Carter, with Logan Simpson, said he was the contractor working on helping the county to come up with a draft plan and continue to work on the project. Tracy Gilmore handed this presentation to show this commission. They put together a series of boards for the open houses. They had two open houses in conjunction with a plan rollout, and some of you attended, saw the boards and know what's on the boards. What public events had taken place, how the plan had been evolved, the role of the advisory committee, the workshops, and a summary of what had taken place and where they were with the process. After much discussion, they decided to condense each section of the plan and what it was focusing on, and what they are trying to do. What he would like to present is the 3-D Rendering Exercise in the plan; which was to take the entitlement (the number of units) that were approved by zoning that were authorized but hadn't been built and plug them into the map. This would give the people a feel for what it would look like. He asked Chair Warburton if he should scroll through this very quickly. Chair Warburton asked the other commissioners what they would like and the consensus was to go through the power point.

Jim Carter gave a presentation and the following issues:

- INTRODUCTION
- CREATING THE PLAN THROUGH PUBLIC INVOLVEMENT
- USING THE GENERAL PLAN
 - LAND USE
 - o Present and Future Conditions
 - o Goals, Policies, and Implementation
 - RESIDENTIAL DEVELOPMENT & HOUSING

- Present and Future Conditions
- Goals, Policies, and Implementation
- COMMERCIAL DEVELOPMENT
 - Present and Future Conditions
 - Goals, Policies, and Implementation
- COMMUNITY CHARACTER
 - Present and Future Conditions
 - Goals, Policies, and Implementation
- TRANSPORTATION AND MOBILITY
 - Present and Future Conditions
 - Goals, Policies, and Implementation
- UTILITIES AND PUBLIC SERVICES
 - Present and Future Conditions
 - Goals, Policies, and Implementation
- PARKS AND RECREATION
 - Present and Future Conditions
 - Goals, Policies, and Implementation

Chair Warburton said that they all had the same development; if somebody decided to sell their land, they can no longer build on their land, they can only farm it, graze it, or do what they want. This commission sends them over to cluster or village is it one for one or is that part of the problem. Mr. Carter replied that is the idea proposed here, front door to front door.

Chair Warburton said that they don't have to sell, a sending area doesn't have to sell and they could still build without losing any rights. How do they make that advantages and how do they make people to want to do it. Mr. Carter replied the encouraging thing is that there have been transactions already; the receiving areas have been resorts, but it has happened so the market has set a price to what the buyers are willing to pay. They have tried to help other communities with TDR's and its very complex; if the government gets involved in setting up a market. If a developer has an idea about a project; and can find a landowner is willing to sell 20 units, then the developer comes to the county and indicates what he wants to do with these units, and they go through the normal review process and it could work.

Chair Warburton said that right now what is platted, allowed, and on the way is around 7,800 more units and now they have 3,700 units. Mr Carter replied that they received comments not to abandon the idea of reducing the overall entitlement so early in the process. As a consultant, the trick is to try and assist the county at developing a plan that addresses the county needs sufficiently supportable to be adopted and implemented. The one thing that is interesting in this case; that they do have a market for development units. There's a conservation easement deal that is close but is \$150,000 away from making this work for the landowner; if they bring in a developer that could cover the \$150,000 to pull off 20 units and take them somewhere else. They have worked through this we worked through that and have agreed in this draft plan and how it would be complete plan. Identifying the sending and receiving areas; they need to back away from that. He recommends that they identify sending areas but not specifically receiving area; except to take some off the table.

Commissioner Taylor said she did get to hear a conversation about sending and receiving areas, and it's unfair to be able to say you can send but you can't receive on these TDR rights. Were there a lot of comments from people because that was on the board of who can send and who could receive? Mr. Carter replied that they did receive a lot of comments, and the whole purpose of the TDR's is to preserve something. The ways to preserve is by mapping what it is, say you want to preserve this land and keep like it that way it is now. Or they can identify attributes that they want to preserve, say they want to preserve significant vegetation, current corridors, big vistas of the mountains, viable agricultural operations, and then wait to see what happens. They need to think how this would happen and get enough detail for the general plan so people would see the pitfalls and have the confidence to work through those. They may end up focusing on qualities and areas on the kinds of attributes where suitable areas would be receiving areas.

Shanna Frances who resides in Eden asked Commissioner Parson if he was talking about the difference of tax benefits.

Commissioner Parson replied that he was talking about zoned open space and if was taxed at a lower level between the two. He was looking at it as if were a land trust and they are still farming it, where does the tax base hits on that parcel. Do they still pay it as if it were still an agricultural piece that still has a conservation easement on it? Shanna Frances replied basically right now its taxed similar to regular open space but they wouldn't have to farm it, it would still be close to green belt. They are trying to get it even lower and there's no option in the future that it could have homes on it. If there is a conservation easement, each one individually is written up that would designate what is allowed and what is not.

Sharon Holmstrom who resides in Eden said her concern is as she has watched the shifting at Wolf Creek. There was a lot of open space that was designated to allow them to have the original density. Over the years it's become the shape shifter; the problem is if it's zoned O-1, if there is not a conservation easement on the O-1 property, then it can be shifted around. So when they have land that is designated as open space and it's been used to remove density, they should have a conservation easement on that.

Commissioner Waldrip asked if they took that approach, to designate O-1 space as conservation space, it would require either a voluntary or somebody has to pay, is that correct? Mr. Ewert replied that depends on if they are willing to sell it or voluntarily part with it. If they were thinking about just rights, the county has several open space easements and they require that as part of the cluster subdivision code. He would recommend if they are looking to get this as permanent, that they are accordingly appropriate conservation easement entity with the land trust DWR, elks unlimited, ducks unlimited, trout unlimited, and those kinds of things.

Charles Ewert said the whole idea is to get some voluntary reductions; not specified in the plan and these are things that they don't want to be as specific about, because they want to have some flexibility in creating new ideas. Maybe they could work with commerce, with poor profit sector, they are just trying to come up with new ideas to and capture some of that open space voluntarily.

Commissioner Parson said that the next time that map comes out; it's not going to be blown out with the green and the yellow. Mr. Ewert replied that they are going through the comments and make sure they are in par with what the people want them to go. They are going to focus on two different alternatives; are they going to focus on areas in the valley that are prime open space land that they are sure they want to keep open, and create some programs to keep that as open as possible, and encourage people not develop that land.

Commissioner Warburton said that originally she didn't want any sending or receiving, but then she thought if they are trying to create nodes or villages. That would make a lot of sense to make those receiving areas, so they would encourage higher density buildings in those areas while preserving open space or preserving land. Mr. Ewert replied that there has not been a lot of conversation to eliminate the red space. The challenge they are going to have is they don't have other sending areas in the valley floor. It's finding the right developer to do the right project in those village centers, in order that they can go grab those development units elsewhere.

Jim Carter said that Dave Peterson, Planning Director in Farmington City, had indicated that they didn't want to see development in these various areas which happened to be farms out on the shore land for Great Salt Lake. They had identified some parcels in places in the city; and if any developers can go out and get conservation easements from these four farmers, they will give them bonus density on their project. This is moving density up to the resorts and they knew where it was coming from, and they didn't want them to buy density off a parcel that's never going to be built because they can get it cheap. They want to strip the entitlements off of these particular pieces of land. The idea here currently is to be very specific in identifying the areas from which the county would be willing to consider a transfer development rights from these areas..

Chair Warburton said that would work if they were in the same situation that Ogden Valley is. Mr. Carter replied if Ogden Valley would say they can identify six key areas; and they are key to them because they are large enough to be farmed viably, the big views, the river corridor. Whatever they are then announce these are going to be their sending areas, if they are able to get density off of any of these six, they could bring it to them and they would have made step one out of a three or four step project. Step two would be where they are going to move these, what's it going to look like, why is that a good place to move them there. Then they would go through the review process.

Chair Warburton said that if they want to build one family unit, they need to go get 1-1/2 TDR's and that's the only way they are going to decrease if it's desirable enough; and there is enough money for the developer, then the people that are selling their development will be paid appropriately. Commissioner Waldrip said that he wondered if there were some unintended consequences; would houses be worth more, it would increase the value, which is one of the concerns that came out of this.

Commissioner Parson voiced his opinion about having trails, the materials currently used, and having them up to better standards. Having trails in the Ogden Canyon and being an asset to the recreation element. The transportation element of UDOT and getting them to come together and treat the shoulders of their roads like open space. Defining the TDR aspect and he sees the transfer of development areas; with the county stepping up and getting a big piece of property, and saying this is a parking area, they are going to farm it, they are going to graze it, and park cars on it and facilitating the recreation element and leisure .

Director Wilkinson said as they frame this discussion; they need to keep in mind who is their legislative body as well. They have their County Commissioners; they are very pro-property rights, and they need to make sure that is something they are framing their discussion around. Words like mandatory, you get to, you do not, and prohibitions of doing certain things, and words like that and ideas like that are not going to be viewed favorably.

Chair Warburton said that the County Commissioners are currently having a discussion about what to with all the big organizations that come up; as far as funds and charging fees. Commissioner Waldrip said as part of their study; there was a 15 page Economic Analysis. The one issue there's some review on the taxing assumptions that were made in there that Mr. Bond looked at and there might be a 10% difference on the low side. In looking at that, his opinion is they're only subsidized in the valley, if they have a million dollars of general government spending assessed to the valley. If they look at that Fiscal Impact Study that came from Zions Bank; total revenue is associated with the valley or \$2.459,000 and that's several categories, with taxes being one of the largest one. If they go to bottom line expenditures it shows \$2.692,573. That's general government \$940,000.00 and that's just a number assessing the valley. The one area where they are subsidized, are road expenditures are \$1.300,000 and the revenues from B&C State Road Funds are \$900,000.00. There are some other questions on revenues and this is a very simple document for a complex analysis.

Chair Warburton asked Kim Wheatley if he would consider on big projects like this, that there's one document especially if it's a multipage document that comes from the GEM Committee, with as many signatures that he would like on it. The likelihood of it actually being studied and read for the Planning Commission would be much greater if they had one communal document. Kim Whitley replied there are probably 20 people in the valley that really dug into this and probably understand it more than most of them. He tried to write something that they would sign onto, a few did but these people all have their own niche.

Miranda Menzies, Elkridge Trail in Eden, said the reason she is speaking is in response to Commissioner Parson's remarks about trails. She is on the board of Weber Pathways but he is correct in that the plan was for there to be a trail along the power line. There is also a planned trail that is above Wolf Creek going all the way across to Gertsen. Neither of those trails aligns with the quote Belt Way Road; when the roadway was changed from being an extension of Elk Horn Drive, which was shown on the 67 map to being the straight line that is there now. That trail ways was more about recreation and less about transportation. She would like to honor Mr. Ewert's suggestion about getting the beltway off, and it is never mentioned again in the entire study.

Ron Gleason, 252 N 8750 E, Huntsville, said he would like to make a comment on the water group. He was a member of that group and was the only individual citizen that stayed on that group. He stayed because he was involved with the water board up in Greenhills for a number of years so he thought he could bring some respective to it. He didn't know if there was a lot of use keeping that group together; moving forward with it is more State Government Agencies there that are more into protecting themselves and making sure that some other group isn't taking action on something that they should have. One thing that may help is to get more water companies and improvement districts to get involved.

Chair Warburton asked if it would useful to have a consistent committee or board where all the companies sent a representative once a quarter. Mr. Gleason replied that some use could come of it. Don't know if it was possible, but maybe Miranda Menzies to see if she might have some ideas. There are many more state agencies involved and it would have to come down from the state.

Ron Gleason said that he would like to talk about taxes and in the land use, there is a comment about making sure the appropriate taxes collected for second homes. This is something that should not be in the general plan. This is something which is law today. There is a Utah Tax Code that explains how it works, how the County Assessor and Treasure should collect money. That should be implemented but it should not be part of general plan.

Kim Wheatley, 394 S 10000 E in Huntsville, said what they have here is a good start. They are into this about a year, and spent most of that time getting a lot of input across the board. In the current plan they do pretty much the same thing with the vision, the rural character, and the vision is pretty consistent with what they have. In the current plan they stop with that and in this plan goes to policies. There are some 60 policies listed under this plan; there is a bunch of them for each section, and there is a lot of them that are compounded within one sentence there might be three policy statements. In the County Commission world policy is very important to consider; why they have it, why they adopt it, why it makes sense, why they should use it to replace what they currently have, and they do it one by one and very carefully. These policies are very difficult to understand, they are very broad, and now they have them on the table. They have a good draft one, get a better draft two, and they need to take their time to get to the next draft. They need to do this right and they have a pretty good plan that's been working for a long time, and let's not replace it with something that is far worse. In the contract that they have with Logan Simpson, their expectation for them to carry this through to adoption by the County Commission. We have a great start and the one thing that is missing out of this, is the economic context for this entire plan. They have to treat the valley as an economic engine for Weber County; and they are either consciously abandoning that approach, or saying that they can't protect the resorts, and protect the valley from having all of this density to happen. The future generations are not going to have the opportunity that this generation does, so let's take the time, there are a lot of people involved, so let's get out of this dilemma that we have.

Kirk Langford, who resides in Eden, said that he hoped they received his comments and it's a lot to digest. He did address quite a few issues and he did want to address a couple of them. They talked about a lot about open space, and their open space in the valley is farms and ranches. They have open space in Middle Fork, and across Flat Rock Mountain, and the 500 acres that is O-1 that never got the easement put on it so it's not protected. Without an easement there is no protection in perpetuity, it's just open today to remind people and later on if the legislatures decide to change that, they might have public outcry. That open space that they have is farms and agriculture and right now, the best policy would be to reduce density. Don't let the county hand out anymore free density out and don't give Powder Mountain 2,003 units. Don't give a bonus of 3 to 1 next time they transfer the resort plan. If they want open space, keep those large landowners farming and ranching, and they are doing more of that now and that's how they protect the open space. The Ogden Canyon has yellow paint, and they are moving the road over ten feet, and changing the river channel. That is a scenic historic natural area that needs to be preserved for future generations.

Shanna Francis, who resides in Eden, asked if there was any way to transfer, where people could buy development rights on the west side of unincorporated Weber County. The response was no.

Commissioner Waldrip expressed his gratitude to the individuals of Logan Simpson who put a lot of effort into this and also to our staff who have put a lot of work into this document. The people in this community are trying to channel this collective conscientious of Ogden Valley down into something that enough of us can agree on. As he looks back at the population of the valley, there were 823 housing units in 1970. There was a population of 2,148 according to census and from talking to his father-in-law, he knew every single person that lived in the valley. There were a few rental homes that were being rented to young families that were trying to get their farms established or do something up in the valley. He looks at it today 45 years later, and they have 214 as of 2010. Looking at that trend, what happened to renter occupancy where we're at 54% from 10 years ago, and they have a vacancy rate of 53.9%. Then he thinks about his son who was born in 2000, and what is he going to look at 2045. If he extrapolate those numbers out into 2045, it comes pretty close to what this projection is listed on the back side of this sheet. Where they are looking at almost 12,000 housing units in a population of 15,000 plus; if they simply do nothing that's what they will get. That's the challenge that he sees in this document is they are trying to talk around controlling the level of investment in the valley to a reasonable level. In reading through these reports, there are going to be hard decisions to be made, and they will affect some people more negatively than others, and that is the unfortunate reality that they live. As he looked at it, he appreciated the comment to slow down and take their time. The law of unattended consequences happens, with 63 crossing policies they will get unattended consequences. He would recommend making sure when they enact law, they need to make sure that as they do this that they are enacting enough time that they understand what the impact of what those actions will be. They have an obligation to be very careful and perhaps sacrifice in order to make that happen.

Commissioner Taylor asked what the process is going forward with the general plan, at this point they have another draft coming, and what is their timeline? She suggested when they have these sessions, to have a work session at the end

each time they meet, so they can focus on a specific part of the general plan. Mr. Ewert replied right now they are hoping to have the second draft January 4, and they will know later on this week. That month long review period is intended to get to a goal; with the end being a better product. Logan Simpson is contracted for two drafts, any drafting beyond that is staff. They want to make sure that they get a good plan in place that the public can live with. They don't want to let the quest for perfection get in the way for progress.

Chair Warburton said whether they do 30 or 40 days; she wouldn't be able to approve anything with four or five day's notification, and to be able to digest and to be able to come back with good solid information, is not going to happen. Mr. Ewert replied that the plan is to get Draft 2 out; and goal at the end of the review period, is to have another public open house, which comes right before the Planning Commission meeting with a hearing.

Charles Ewert said that state has mandated that they have a county resource management plan as part of the general plan. The timing didn't line up as well, and they didn't contract for that with Logan Simpson. In Resource Management there are 27 resources; and they need to have some kind of management plan for those resources. The state code requires them to primarily focus on public plan, with the intent that it will give the county better local ability to negotiate with the Federal on Federal Land Management Policies. The state is going to take all of these resources management plans that the various counties create; and stitch them into one resource management plan statewide, and that would help the state negotiate with the Federal as well. They will be working on that as well as this process; and they don't want to inhibit the first seven chapters, while they work on Chapter 8.

Commission Waldrip said when they do have the review of Draft 2, that they will be able to break it up into more manageable pieces in the course of four or five meetings, breakout work sessions afterwards to get specific comments on section so it's not so overwhelming and frustrating to everybody's opinions on it. If it's possible to take two chapters each work session and go through each of them in detail and break out those 63 policies so they can focus on each of them. He is not talking about creating new committees; and it would allow more time for people to be involved through that process.

Chair Warburton asked the commissioner's if they would like to have a breakdown into two chapters at a time. The consensus was to do two chapters per work sessions for discussion.

Jim Carter said as a Planning Commissioner on in his town; they are going through the general plan update process, and what they've done is basically what Chair Warburton had described, when they got to the second draft after they went through the public review process, they requested that the staff bring in a couple of chapters at a time. Some of the chapters there were two meetings that were big deals for them. They have been able to work through the plan, and went through it line by line, and it hasn't been too burdensome to do.

Commissioner Waldrip asked staff how they sent out for public notice. Mr. Ewert replied how they have been sending it out, they have an email chain. Anyone who wanted to be involved or have been involved, whether it's been through the website or through the various public meetings they've had, they have been asking for email addresses, and adding them to their email list. They've had something running in the paper every two weeks and the next update is for people to submit their email if they are not getting an email blast.

Chair Warburton asked that commissioner's if they would like emails sent to everybody. Director Wilkinson said there are several things that staff can do in addition to the emails. On the electronic school signs they could advertise the meetings. He didn't think it was a bad idea to have people come to these work sessions; but if they are going to get work done, they need to determine if it's a work session, or if they want to get public comment. Otherwise they are not going to have the opportunity to discuss this among the Planning Commission.

9. Adjournment: The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting January 05, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Jami Taylor, John Howell, Greg Graves, Stephen Waldrip, Kevin Parson

Absent/Excused: Will Haymond,

Staff Present: Sean Wilkinson, Planning Director; Scott Mendoza, Asst Planning Director; Ronda Kippen, Planner; Ben Hatfield, Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Chair Warburton said that Commissioner Haymond is excused and Commissioner Waldrip would be arriving late. She asked the Planning Commissioners if there were any ex parte to declare, there were none.

1. Consent Agenda:

- 1.1. UVS92004DP:** Consideration and action for a final plat approval of Summit Eden Village Nests Condominium Subdivision located at the Powder Mountain Ski Resort (Daybreak Ridge) in the Ogden Valley Destination and Recreation Resort-1 (DRR-1) Zone (Summit Mountain Holding Group, LLC, Applicant)

Commissioner Parson moved to approve consent agenda UVS92004DP as it stands. Chair Warburton seconded. A vote was taken with Commissioner Taylor, Howell Graves, Parson and Chair Warburton voting aye. Motion Carried (5-0)

2. Remarks from Planning Commissioners: None

- 3. Planning Director Report:** Scott Mendoza said as of two weeks ago, the county hired a new Planning Director, his name is Rick Grover, and would be starting on Jan 25, 2016. So on that date they will be having a new director and their structure will be a Director, an Assistant Planning Director, 2 Principal Planners, and 2 Planners. They are excited to be able to work with him and have this Planning Commission meet the new Director.

4. Remarks from Legal Counsel: None

5. Adjourn to Convene to a Work Session:

WS1. DISCUSSION: Amendments/Corrections to the Weber County Zoning Map

Ben Hatfield said he would like to give a history of zoning for Ogden Valley and their zoning maps. How the zoning came about was that the county was directed by a number of planning movements that were popular at that time. Finally state code required that a Planning Commissioner be put into effect. So the county had one Planning Commission for the entire county and that included all the cities. Much of the zoning they did was related to Ogden City and they did not have assigned zoning beyond certain boundaries. As different cities came along with different requests, the county would handle those. As different cities would incorporate, they would hand over the zoning obligations to those cities. That divided at approximately the 1960's and is also about the same time the latest complete set of records of property ownerships. There were maps and ownership maps prior to that, however; the best complete set that they had for the Ogden Valley happened to be in 1966. Staff had discovered a number of old zoning maps in trying to put together the past as to what happened. The previous maps they would make a Mylar of these ownership maps; upon them they would make an edit, and they would draft on these large Mylar's. On the side they would make these notes and edits, this happened on March 1962; and those were handmade edits drafted out by staff.

Ben Hatfield said at some period of time because of the scale of the county, it became difficult to make those edits as property become smaller. The maps needed to show finer details, so they made different quadrants, such as the north half of Ogden Valley, the south half of Ogden Valley, Birch Creek and so on. They had a series of those maps that they could go back and track different zoning changes. Later on it was decided to consolidate those into cad files and computer drafted files; they then took those and updated them into the Geographic Information System (GIS) that they could actually see. Since then they have occasionally made updates and caught up with different rezones to that data set. As a whole since the 1960's, never has the county zoning map been readopted officially. As staff they kept seeing these errors that occurred and felt that it would be appropriate at some point to readopt in whole the zoning map. This was to include any corrections that needed

to be made so that they were clear and moving forward; and now that they have the technology of GIS and the accuracy to fall back onto that.

Ben Hatfield said in the process of parcelization; as parcels were created and subdivided; the Planning Commission reviewed that and then those deeds were executed prior to being sent to the recorder's office. Occasionally those will happen and will not follow the zoning map. Some examples of that; say a developer comes in and they want a rezone all the certain area, and as he gets into plat and they find property lines that didn't always match. The same problem happened when somebody annexed into a city, and they did an annexation but the ownership didn't always match up to states incline or property lines. In the parcel data, staff could see these little slivers; sometimes in the past the recorder's office and ownership plats would put a question mark if there's an overlap, a gap, or something going on it. As planning staff they saw those and realized that these didn't meet the width requirements, area requirements, or the zones. So how did this get created illegally since these don't meet the zone requirements and what did they do with them?

Ben Hatfield said that most of the staff that got hired on in the mid 2000's; found all this data and they started doing some research. They finally figured out some of these maps that they could rely on that were more consistent with the ordinances. There were some maps that they could not figure out, why that still had them, or how they got the zones. These Mylar's were getting quite damaged so they scanned some of them; and they might go back and do some better scans to get finer details on some of those. He has looked at the originals versus the GIS data; there were a number of inconsistencies and at some point they needed to clean some of these up.

Commission Waldrip arrived at this time.

Ben Hatfield went through the Power Point of the Ogden Valley Zoning Map Amendments and described the current zoning maps and the proposed changes on the map. He explained the issues with Wolf Creek zoning and made some suggestions of fixing the problems there.

Commissioner Taylor said that he had mentioned that it could affect someone financially if they changed a zone. Mr. Hatfield replied said that he mentioned some financial that he could them what it would mean to someone to financially change a zone like that. Mr. Hatfield replied that the whole core as he took on Wolf Creek, there were mixed uses everywhere. He tried match with the property lines with the zones but there were stuff everywhere; with areas in the Forest Zones versus Residential Zones. As he got into CV-2 AND CVR-1 Zone, they would have condo-hotels and those types of decisions, a lot of those parcels are split zones. They are dealing with open space versus FR-3 with very high density like Moose Hollow. He was not going to touch those because those involved financial decisions. As a staff member he would recommend that Wolf Creek come back and proposed a better Master Plan to fix and regulate some of these zoning issues.

Ben Hatfield said the other question that came up was noticing; and this had been discussed with staff and legal counsel on how to do this. He has looked at every blue line and now many property owners were there; it was pretty much the whole valley. He asked if they wanted to send out individual notices to everyone; or was there a way that they could do this where they could notify everybody at once. Staff could post a couple of articles in the paper, post a couple of hearings with the Planning Commission, and they could also create a GIS where it could toggle back and forth on their website. They could direct the public to come back to their website, toggle back and forth, and see if there were any changes to their property. If people had any questions about anything, they could come see staff and talk about that.

Chair Warburton asked what does the law says about noticing. Courtlan Erickson, Legal Counsel said in State Code there is a section in the preparation and adoption of any land use ordinance for a zoning map. *"The Planning Commission shall provide notice as required by Subsection 17-27a-205, Subsection 4, before holding a public hearing."* The section that it referred to states, *"If the county plans to hold a public hearing in accordance with subsection, to adopt a zoning map or map amendment, the county shall send a courtesy notice to each owner of private real property, whose property is located entirely or partially with the proposed map. At least 10 days prior to the scheduled day of public hearing."* Then it lists the notice for requirements for the notice; including identifying with specificity each owner of record of real property, that would be affected by the proposed zoning map or map amendments. State occurrence on which the real property is located, state the proposed new zone for the real property, and some other requirements. They've had some discussion about whether there's some flexibility, and they are going to continue talking with planning.

Chair Warburton asked if there was anything in the state code referring to electronic notifications if they had that on file. Mr. Hatfield replied that was not the direction they were heading, they were thinking they could send individual notices to every property owner.

Commissioner Parson said if they look at some of those split parcels; it will be a surprise for some people, specifically for someone who has some property that was intending for that sliver of property to be commercial. Mr. Hatfield replied that it would be difficult for somebody to build a garage on their building, and staff would have to say which setbacks the parcel applied to. Planning staff does have some language in their code that directs them on how to amend the boundaries. That is what he has provided as they look at creating those boundaries along property lines.

Commissioner Graves said if they have go somewhere and look for themselves; staff would allow a lot of them to weed themselves out. Mr. Hatfield replied that they would be sending out notice to a large area, so there might be people between the blue lines on the map that this would does not affect all of them.

Ben Hatfield said that there is another option they can look at as well as the language in the code. If staff had some difference in looking at the zoning map; that could determine that zoning line is within 50 feet of a subdivision, change the zoning map to match the property line. In order to amend the map; they would need to come to the Planning Commission. Assistant Director Mendoza said that they would bring that back to them, it would be noticed appropriately, with very careful language when they noticed so it didn't cause any alarms. Those that are impacted beyond a mere shift, they will reach out to those people.

Ben Hatfield said that he could interpret the map by using the parcel alignment there. The intent was for that property that is zoned, that was allowed those uses and setbacks; unless there were some really unique cases where they rezoned a portion of their property. There was a study done where they looked at the land use of each property, and this was presented before the general plan came. The Planning Department had an intern a couple of years ago; that they assigned him to look at the photo and interpret what was going on. If there was a house on there, was it a vacant lot, was it being farmed, or it if was just weeds. They had a lot of interesting data when they surveyed that area, and sometimes they went out and verified some of that. He has that as a reference to look at and several years of photographs.

WS2. DISCUSSION: Bed & Breakfast in the Shoreline Zone

Assistant Director Mendoza said that he received a phone and the question that was asked, would the Planning Commission consider allowing a Bed and Breakfast in the Shoreline Zone. In the Shoreline Zone there aren't a lot of uses that are allowed. There are about ten listed uses that are allowed and a couple of conditional uses. He would like for them to focus and the purpose and intent; and read through that very quickly.

Chair Warburton asked what the state code was when it is a manmade reservoir. She thought that single family dwellings could be near a natural body of water but not if it was manmade. Assistant Director Mendoza replied in the sensitive land code there are setbacks from the reservoir. That is because the shoreline whether it was manmade or not, has developed into a habitat; in order to protect that in the sensitive land code, it is 100 feet from the high water mark of the reservoir line. In the photo of zoning map there's the current land use pattern that's about pastures with farmland and homes. In the last ten years they changed the shoreline code; it used to limit single family dwelling to the height of five feet. Within the last ten years the county has amended the code and made it possible to have it 35 foot tall homes.

Ben Hatfield said that they also have Shoreline Zones (S-1) out west as well. Assistant Director Mendoza added that any changes that they make they would also include Western Weber. Within the shoreline zone the minimum lot area is five acres; the minimum lot width is 300 feet and single family dwellings are permitted. Can they envision single family dwellings that have overnight visitors?

Commissioner Parson left at this time.

Assistant Director Mendoza said they may have a B&B Dwelling and a B&B Inn. The Bed and Breakfast Dwelling could be owner occupied and they may be more open to a B&B Dwelling and not so much a B&B Inn or hotel. Commissioner Waldrip replied that a dwelling not more than two rooms, an inn not more than seven, and a hotel is 6-20 rooms.

There was a discussion among the Planning Commissioners and they preferred to get a draft before making any decisions and they would prefer a B&B Dwelling and not the B&B Inn or hotel, and to make it conditional so that they could have some review.

6. **Adjournment:** The meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting February 2, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Greg Graves, John Howell, Kevin Parson; Will Haymond; Stephen Waldrip, Jami Taylor

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary, Iris Hennen, Code Enforcement officer

Pledge of Allegiance

Roll Call

- 1. Ogden Valley General Plan Public Hearing:** A public hearing to receive public comment regarding the first half (Introduction, Community Character, Land Use, and Residential Development) of the proposed Ogden Valley General Plan.

Chair Warburton said they have a special meeting and she would outline the criteria by which this meeting would flow. This is a general public hearing; that means that this commission would like to hear what the public has to say. There would be some restrictions to that; it will be three minutes per person, and five minutes for anybody representing a group. To start out staff will present part of the plan; they will talk about this piece by piece. The audience would then have the opportunity to speak about their thoughts and suggestions. There was a rumor that this would be the last time they would be able to speak. That is absolutely not true, there will be several meetings scheduled. This is a general plan update, after that the work gets started. This will always be open to the public because this is a legislative matter.

Charles Ewert said they are here to review the first four sections of the general plan. They have Logan Simpson Design with Jim Carter, representing Logan Simpson; and he has a presentation that he will go through. This presentation is different than what has been seen before; he will hit some of the highlights from the first four sections of the general plan.

Jim Carter, Logan Simpson Design, said that this is a Power Point and he thought it would be best to walk through the first four sections. The majority of information is the planning process, public involvement, how did they get here, and highlights of the four sections that the Planning Commission is interested in hearing about.

General Plan Update Objectives:

- * To reaffirm the values of Valley residents and their vision for the future.
 - o Part of the plan process was to reaffirm that the community's vision has not substantially shifted from previous planning efforts.
- To focus the application of policies and tools from past plans.
 - o The overall vision and goals identified in the General Plan are not significantly different from those of past plans. The policies and implementation steps, however, are intended to be more specific and targeted than in past plans to enable effective implementation to achieve the Plan's objectives.
- To think big!
 - o Although we heard from the public that many of these ideas were not supported, it was a chance for us to explore innovative opportunities together. In doing so we have been able to challenge the status quo thinking in a manner that fosters reasonable ideas necessary for successful implementation.

Public Involvement:

- Assessment and Process
 - o Visioning Workshop
- Visioning
 - o Scenarios Workshop
- Scenario and Choices
 - o Choices
- Plan Development
 - o Draft Plan Open House
 - o PC and CCC Hearing

Planning Context:

- Built Dwelling Units - 3762
- Platted but Vacant Parcels - 2563
- Approved Resort Units - 5300
- Total Built/Platted/Approved Units – 11,625**
- Unplatted, but Zoned Units: Approx. 4,000

Introduction:

- General Plan Development Process
- Community Engagement
 - o Visioning
 - o Scenarios
 - o Choices
- Plan organization
 - o Plan elements
 - o Goals, policies and implementation measures
- Using the General Plan
 - o Blueprint for future decision-making

Community Character:

- Vision
 - The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the surrounding foothills and mountain background.
- Key Ideas
 - Reduce or minimize the impacts of future development
 - Protect key view sheds and valley gateways
 - Develop streetscape and signage standards
 - Develop historical site protection program to minimize loss of historic properties
 - Update current dark sky lighting ordinance for consistency with dark sky policy and current technology

Land Use:

- Vision
 - Land uses in Ogden Valley should complement, not overwhelm or complete with, the rural character of the Valley

- Key Ideas
 - Cap development rights
 - Develop mechanisms for a Transfer of Development Rights program to move development away from sensitive areas
 - Provide for voluntary mechanisms to reduce development rights

Residential Development:

- Vision
 - Ogden Valley should contain a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities and be designed in a manner that protects the Valley’s character.
- Key Ideas
 - Encourage residential development to incorporate a mix of housing types, sizes, and prices
 - Encourage residential development to locate near existing villages, infrastructure and community facilities and services
 - Allow for large lot residential Estate Subdivisions

Jim Carter said that was the end of his presentation and asked if there were any questions. Chair Warburton replied that some of those questions will be discussed at a later date.

Opened for Public Comments

Jody Smith, Chair for the Ogden Valley Land Trust, said she didn’t quite understand that part about Conversation Easement for Ogden Valley. These are not difficult and they hold over 6,000 acres in Ogden Valley. Some have development rights on them; with 525 acres on the Huntsville mountain side. There are 13 development rights but only 8 are available for development. They need more open space; they need a mechanism for funds to do conservation easements. She has talked to the Commissioners without results but she would continue to work with them. In response to the gentleman that said that conservation easements were hard in the valley, she wanted to assure they are not.

Gaye Creager, who resides in Eden, said that she wanted to suggest that the county have the ability and the opportunity to offer density bonus incentives. She thinks it could be a tool that the county would want to always maintain. It could offer that ability to preserve open space for view corridors, for agriculture land, or other sensitive areas. This could be a tool that promotes what they are after.

Kimball Wheatley, who resides in Huntsville, representing the GEM Committee, said that he had a slide presentation.

WELCOME TO EDEN

Land Use Goal #1:

- “...reduction in the overall amount and impact of future land development...”
 - Policy....TDR and VRDR, but not PDR

Who owns our open space and views?

- Government
- County building restrictions and O-1 Zone
- Conservation easements
- Trophy Ranches
- Resorts
- HOA open space
- Local farmers and ranchers
- Homeowners who bought elbow room
- Future home, someday
- Land speculators
- Developers

The Update Proposes that this is for Farmers and Ranchers:

- Cannot receive DR
- Can transfer DR
- Can retire DR

Is this enough to inspire the farmers and ranchers to stick with it?

- Can sell
- Weed Control enforced
- Large lot subdivision
- Are somewhat buffered from residential
- Might be surrounded by residential

The fundamentals of Reducing and Transferring Development Rights:

- TDR requires a market with buyers and sellers
- VRDR requires philanthropists who see the value
- RDR requires tax payers who see the value
- For any to work, retired density needs to stay retired
- For any to work, existing entitlements cannot be devalued with more

This is the way the market works:

- Reduce Density via DR in exchange for
 - Lockout
 - Accessory apartment
 - Small lot cluster
 - Expand commercial
 - Estate infrastructure
 - Lodge, Hotel, B&B
 - Ag and wildlife protection

Chair Warburton said his time was up and asked Mr. Wheatley if this was the presentation that he wanted to present for this meeting. Mr. Wheatley replied yes. Chair Warburton said that it would be better and more productive if he brought this to a work session. This could be set up for a work session because this needed more attention. Mr. Wheatley replied that was fine, he had given a copy of his presentation to the Planning Commission.

Kirk Langford, who resides in Eden, said in the first vision they talked about agriculture lands. When they talked about the key ideas; there is nothing that talked about preserving the agricultural infrastructure, such as water, etc. as stated by Mr. Wheatley, if they don't preserve the farms and agriculture areas, to transfer to the next generation; there would not be any open space in the valley. He believed that they need to go back and rethink through because some of that is weed control. The developers are currently growing dyer's woad, and all kinds of weeds that create a difficult situation for farmers. There's a new movement with the young ones coming up with sustainable farming, local foods, and grass fed beef. There are farms out there growing garlic and other products. It would be nice to have a rural place, and not a general plan that creates another city up in Ogden Valley, and in some regards that is exactly where they are going. He sent this Planning Commission something that he hoped they would read because TDR's are not a panacea. They should look through some of the things that would be required to create a TDR market. If they could not create a TDR market with those elements needed; then be realistic and scratch that off as a tool that's going to work. These decisions effect people's lives and it's not an academic process, an ideological point of view. For the record his is disappointed that people are limited to only speak for three minutes, and it's really not fair at all.

Steve Clarke, who resides in Eden, said that this is the first time in a year that he has been involved in Planning Commission. Due to some personal family issues; they have decided to move to Florida, which is why he has been disengaged with the planning process. In general he liked the document, and the educational way that it was presented, the prolog that engages the citizens and draws them in, in each of these chapters. He liked the idea of goals, policies, and implementation items is important in that it provided some detail that had been absent from other general plans. The Ogden Valley needed to be operating more like an incorporated entity. For example managing maintenance of the developing trail system, involvement of water and sewer, cultural programs, and he suggests that the county look at the dramatic increases in the municipal services. Create a department with one or two people that are suggested in this general plan draft as way of managing the county's involvement in the municipal services. With regard to land use; he labored every time they got into land use issues, with the struggling role of the government and land use planning. The balancing of such concepts as TDR's, zoning, and overlay zones with the existing property rights. After years of effort in this regard; he believes the desire of the people to preserve a rural atmosphere, in a high growth environment, is best served with a stronger government intervention that might be otherwise the case. He supported the proposed soft handed treatment of TDR's, and further supported the government's action by creating walkable mixed uses and high density villages. If they are going to increase the number of homes by six, he didn't see any way for the farmers to function without some kind of higher density compact development in the valley. The villages that are proposed are important.

Stephen Waldrip stated that it troubled him when he starts to hear ranker in this discussion. They all live there and they all need to hang together to the extent that they could do better and the public could help them do better. As the public comes up to the podium; he looks at this commission and they would agree with him, that they appreciate the public input and comments. They all want to make this plan work; but for this to work they require public comments; obviously there are rules that is needed for this plan to work. He wanted to make sure that this area where they sit doesn't become a barrier, that people didn't feel that this commission was not approachable.

Commissioner Howell said of all the meeting that they have had at the school and library; all the comments that everyone has made, it has documented and there are copies of all those documents.

Miranda Menzies, who resides in Eden, said that she had sent written comments to this commission. She would like to urge the Planning Commission; as she had suggested at the beginning of this process, for slightly longer term and slightly bigger. She knew that the documents that were put together started out with a vision and it talked about clear air and clean water. This is about clean air; and on this map of the United States which is put out by the International Energy Conservation Code, and as they can see Utah on the map. It has this portion that sticks out which has a climate zone of 5 and 6. Her point is one of the reasons they have clean air in the valley is because they have relatively few houses and roads with few cars. As they increase the number of cars and houses; if they don't have good insulation on the houses, those houses over time pump out carbonations from their gas stove or gas furnaces, unless they are electrical heated.

Miranda Menzies said that on the map that small portion of blue that sticks from the green is actually Ogden Valley. Ogden Valley by rights should be in the Zone 6 which has a higher insulation that goes with the 2012 IECC. She is asking that the Weber County Building Department seriously consider putting in place a higher level of insulation requirements in the colder areas of the county. The number of degree areas that they have in Ogden Valley; they think it's something like 7,500 which is the number in Huntsville. That 7,500 are closer to Juno Alaska of 8,100 than it is to Ogden at 5,900. On the top of Powder Mountain, she can assure them that the climate up there is essentially Anchorage Alaska. The temperature coming out of the springs 700 feet down is 4 degrees Celsius and that's 40 degrees Fahrenheit. That is the average temperature for the year. Any house is going to be pushing out emissions the entire year; and she would like for them to consider putting in to their documents; a vision, a goal, and an implementation of increasing the situation in the valley. The second thing would be the cars and they need to be considered to be autonomy vehicles; they are going to have development that's driven by people in autonomy vehicles.

Jan Fullmer, who resides in Eden, said she was part of the citizens up from the valley who worked with the consultants on this draft of the plan. It's not perfect; they had to compare it to the plan that was put together in 1998. They can't take away development rights, and when they put this draft together, they tried to keep that in mind. They didn't want to happen when they downsized the development rights, but given that those developments rights are there, there has to be some planning to preserve as much open space as possible. She would ask that the Ogden Valley Planning group look at the plan in 1998. When they look at the vision and the goals, much like industry and major corporation, they always had visions and goals, and the rest of the company marched to that tune. Then management changed, and then what happened they lost sight of those visions and goals; and they had to start the process all over again to develop their visions and goals. The same thing has happened in Weber County; because the management team is really the Commissioners. She would ask that whatever they carry forward to the Weber County Commissioners; that they emphasize that they have to start doing something, and it has to be a priority in the county.

Closed for Public Comments

Charlie Ewert said just to make it clear on the intent of the meeting and how this was supposed to work in design. It was to collect as much comments as possible; put those comments together in an efficient public comment document. Then the Planning Commission could review in their time; come up with their own reasonable, educated, very well formulated recommendation on where they should go with the plan. On February 23, 2016; when they have their work session with the Planning Commission, the work session will be opened in public. They would want the public at tonight's meeting and others to join them. With that in mind the Planning Commission will be deliberating over the individual details that they find in the plan; work toward consensus of how to go about changing the words and policies to make it their plan. From there they will pick up the second plan and go from there to the County Commission.

Chair Warburton said that during the work session is more relaxed. If there was anybody that had more of a structured presentation to present; get with Planning Staff to get on the agenda, and they will work with them according to the time allotted. It is so important that they gather everything and this commission is committed to study everything that they receive through email. She really appreciated getting that information, being able to read it over, and being able to study it before they start making heavy decisions. The other thing is the PDF document; she has asked Mr. Ewert to revert to the PDF Format, and send it out electronically so that it would be available to anyone. She asked him to make it a number document that would make it easy for reference, so when people come to the work sessions, they would be ready and good to go. .

Charles Ewert said that the schedule that they have and has been sent by email is flexible. If the Planning Commission determined they need more, let staff know and they will work through that.

Commissioner Waldrip asked just so that everyone understands the procedures. He asked if everyone had seen a copy of this procedural document and the dates that were on there. He asked if anyone was unclear so they could make sure that they informed the public in this forum; what that procedure and process was, if there were any questions. Chair Warburton replied that she did and maybe she just wasn't clear. What would be more valuable is to tell the public where to go online to get updates that could change. By law they have 48 hours. Director Grover said they would prefer to have it 24 hours.

Commissioner Parson said that as a community member he finds it a bit frustrating; because going through the general plan, he looked through parts of it and thought that the infrastructure and mobility were so important. It is so important for that infrastructure aspect; and the point that Mr. Langford made about markets, moving forward with the concepts of farming. He asked that everyone to come back, join in and give their opinions, and not be frustrated.

Director Grover said this being their first public hearing, they didn't know what to expect as far as public coming out. He had a concern about looking at that next public hearing; if they don't have a time limit, he felt that they may have created a little animosity with everybody. It's important to keep the meetings under control and Chair Warburton did. At the same time, if they look at the next public hearing, they may want to look and see if they really need to have a time limit based upon the amount of public there. He has seen different planning, where plans go through and there is always that great synergism at the very beginning when they have that large concentration of public there. In this process he is getting in midstream, but what he has heard there has been great collaboration from the public, and it's great to have their voices heard. He wanted to make sure when they have their next public meeting; if they noticed that there was not a large crowd, they could think about forgo the clock. There may have been some feelings felt that the public didn't get heard; and this commission does not want that and that is not their intent.

Chair Warburton said that is actually part of their rules and rules can be suspended. If they are going to play fair, it's going to be across the board fair. Director Groves replied that this meeting was handled very well.

2. Adjournment: The meeting was adjourned at 6:05 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a time extension for a conditional use permit to install an 82 foot monopine cell tower at Snow Basin above Becker Lift and a new 12 foot by 26 foot pre-fabricated equipment shelter.

Agenda Date: Tuesday, February 23, 2016

Applicant: Pete Simmons, agent for Verizon

File Number: CUP 2015-06

Property Information

Approximate Address: 3925 Snowbasin Road, Huntsville, UT

Project Area: 1000+ Acres

Zoning: Destination and Recreational Resort - 1 Zone (DRR-1)

Existing Land Use: Ski Resort and existing Public Utility Substation

Proposed Land Use: A new 82 foot monopine cell tower, with a new 12 foot by 26 foot pre-fabricated equipment shelter

Parcel ID: 23-004-0003

Township, Range, Section: T5N, R1E, Section 5

Adjacent Land Use

North:	Forest	South:	Forest
East:	Forest	West:	Forest

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8766

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 29 (DRR-1 Zone)
- Weber County Land Use Code Title Chapter 4 (Conditional Uses)

Background

The applicant is requesting a 6-month time extension for a Conditional Use Permit, which was approved in March of 2015 by the Planning Commission. The conditional use application approval allows an 82 foot monopine cell tower at Snow Basin above Becker Lift and a new 12 foot by 26 foot pre-fabricated equipment shelter. Snowbasin Ski Resort is located at approximately 3925 Snowbasin Road and is Zoned DRR-1 Zone, which allows a “public utility substation” as a conditional use.

The Condition Use code states: “Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire. The land use authority may grant a maximum extension of six months.”

In the applicant’s narrative the construction time line is to start in June and be completed by September of 2016.

Summary of Planning Commission Considerations

- Does the proposed time extension meet the requirements of applicable County Ordinances?
- The Land Use Code lists 6-months as the only criteria for a time extension.

Conditions of Approval

- As approved in March of 2015

Staff Recommendation

Staff recommends approval of a 6-month time extension based on the construction time frame that was provided in the applicant's narrative; 6-months time extension are allowed in Weber County Land Use Code Title Chapter 4 (Conditional Uses), and 6-months is the only criteria listed for a time extension.

Exhibits

- A. Applicant's narrative

January 11, 2016

Weber County Planning Division
2380 Washington Blvd., Ste. 240
Ogden, UT 84401-1473
Attn.: Jim Gentry

Re: Sal Becker – CUP Time Extension Request (CUP 2015-06)

Dear Mr. Gentry,

Back on 3/25/15, Verizon Wireless (VZW) received approval for a conditional use permit to install an 82' stealth monopine and a 12' x 26' equipment shelter at Snowbasin Ski Resort. Since that time, in working with Snowbasin, it was requested that construction should be done in the spring-early summer of 2016 after the resort is closed. VZW has reworked their build plan for 2016 to have this site on-air in September which construction would begin in June.

The CUP is set to expire on 3/25/16 and so VZW would request a single 6-month time extension in order to get the building permit application by June 2016. This would also allow time for VZW to install the facility in order to meet the September on-air date.

On behalf of Verizon Wireless, I would like to thank you for your assistance and look forward to working with Weber County on approval of the requested 6-month time extension. If you have any questions or comments, please feel free to call me at (801) 518-7098.

Sincerely,



Pete Simmons
Senior Real Estate Specialist

Technology  Associates

5710 South Green Street
Salt Lake City, UT 84123
(801) 463-1020 ext. 2110
(801) 518-7098 Cell
(801) 262-0428 Fax
pete.simmons@taec.net



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a six month time extension for an approved conditional use permit for a condominium project (Pine Canyon Lodge) in the CVR-1 Zone, including lockout rooms and an average building height of 46 feet.

Agenda Date: Tuesday, February 23, 2016

Type of Decision: Administrative

Applicant: Skyline Mountain Base, LLC

File Number: CUP2014-29

Property Information

Approximate Address: 3567 Nordic Valley Way Eden, UT 84310

Project Area: Approximately 3.2 acres

Zoning: CVR-1/FV-3

Existing Land Use: Ski Resort and Recreation area

Proposed Land Use: Ski Resort and Recreation area

Parcel ID: 22-023-0086

Township, Range, Section: T7N, R1E, Section 29

Adjacent Land Use

North:	Forest Residential and Agricultural	South:	Forest Residential
East:	Forest Residential and Open Space	West:	Ski Resort and Private Campground

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: JG

Background and Summary

The applicant received approval of a conditional use permit by the Ogden Valley Planning Commission on March 24, 2015, for a 54 unit condominium with 54 lockout rooms and an average building height of 46 feet to be located at 3567 E Nordic Valley Way, Eden. The approval was granted after being reviewed by the Planning Commission and receiving public comment on December 2, 2014, January 6, 2015 and March 24, 2015.

Conditional use permits expire within a maximum period of one year if substantial action is not taken on behalf of the applicant. The applicant has submitted a request for consideration of a six month time extension (see Exhibit A). The Uniform Land Use Code of Weber County, Utah (LUC) §108-4-8 allows for the land use authority to grant a maximum extension of six months. The extension will be contingent upon adherence to all of the conditions of approval by the Ogden Valley Planning Commission (see Exhibit B for the original Notice of Decision and Exhibit C for the final staff report).

Staff Recommendation

The Planning Division recommends approval of file# CUP 2014-29, allowing for a six month time extension for an approved conditional use permit for a condominium project (Pine Canyon Lodge) in the CVR-1 Zone, including lockout rooms and an average building height of 46 feet for the property located at 3567 E Nordic Valley Way, Eden. This recommendation for approval is subject to all review agency requirements and with the following condition:

1. All conditions of approval for the 54 unit condominium with 54 lockout rooms and an average building height of 46 feet heard by the Ogden Valley Planning Commission on March 24, 2015, will be in place and adhered to, on or before September 24, 2016 or the conditional use permit will permanently expire per LUC §108-4-8.

This recommendation is based on the following findings:

1. The proposed use conforms to the goals, objectives and policies of the Ogden Valley General Plan.
2. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
3. The proposed building and uses are proportionately sized to the recreational amenities for which they provide goods and services.
4. The additional building height will allow for a smaller building footprint, reducing storm runoff and overall soil disturbance.
5. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.

Exhibits

- A. Time Extension Request
- B. Notice of Decision
- C. Final Staff Report

Map 1



Map 2

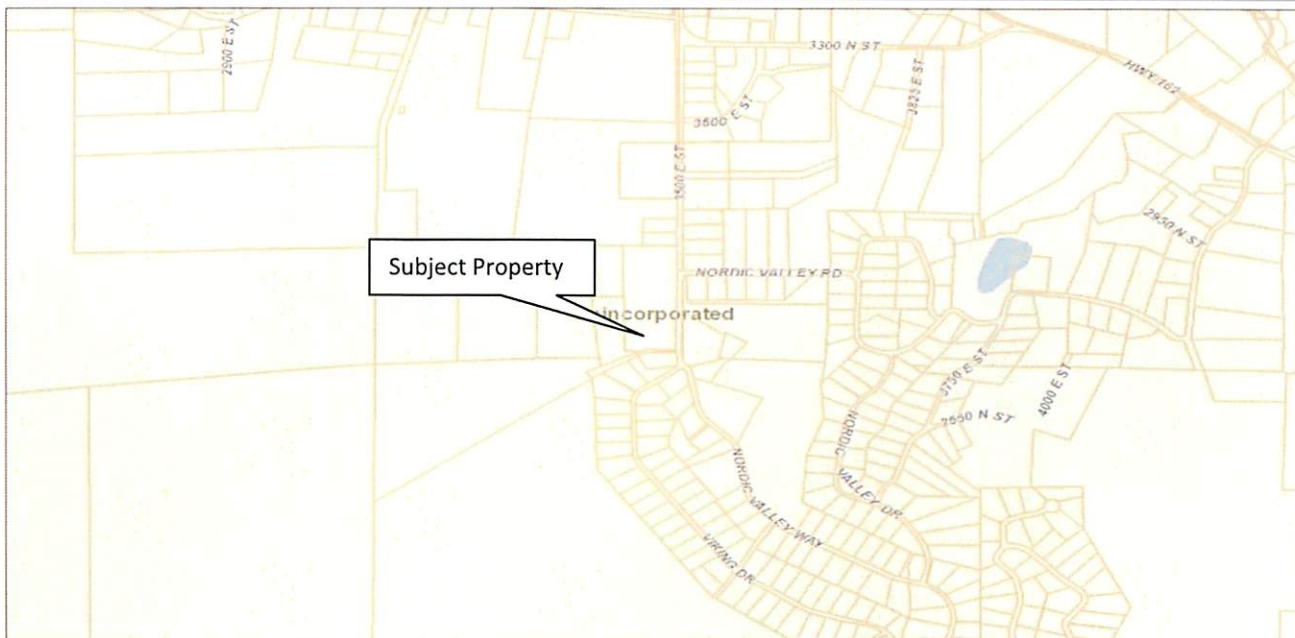


Exhibit A: Time Request



Eden, January 26, 2016

Weber County Planning Division
Miss Ronda Kippen, Planner II
2380 Washington Blvd, Suite 240,
Ogden, Utah, 84401-1473

Attention: M. Ronda Kippen

Concern: Conditional Use Permit 2014-29

Dear Miss Kippen,

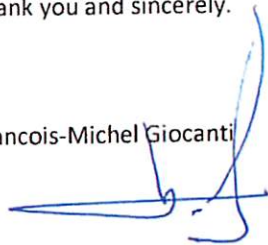
On March 25, 2015, Skyline Mountain Base LLC received, from the Ogden Valley Township Planning Commission a Conditional Use Permit for the building of a 54 unit condominium.

We are requesting an extension of this permit for 6 months.

Please accept this letter as an extension request, and place us on the next planning commission for a six months' extension.

Thank you and sincerely.

Francois-Michel Giocanti



President

Skyline Mountain Base LLC, 3567 Nordic Valley Way, Po Box 689, Eden, Utah 84310 – nordicvalley.com



Exhibit B: Notice of Decision

Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Ogden Valley Township Planning Commission
NOTICE OF DECISION

March 25, 2015

Skyline Mountain Base, LLC
c/o Josh Richards
3567 North Nordic Valley Way
Eden, UT 84310

Case No.: Conditional Use Permit 2014-29

You are hereby notified that your conditional use permit application for a 54 unit condominium with 54 lockout rooms and an average building height of 46 feet located at 3567 E Nordic Valley Way, Eden, was heard and approved by the Ogden Valley Township Planning Commission in a public meeting held on March 24, 2015, after due notice to the general public. The approval was granted subject to the following conditions:

1. The conditional use permit will be contingent on the approval and recordation of a condominium subdivision plat.
2. The maximum average height as measured from the natural existing grade to the highest point on the roof line shall not exceed 46'.
3. All windows, glass store fronts and metal roof areas will consist of non-reflective material.
4. Adequate shielding of all outdoor lighting will be provided in order to conform to LUC §108-16 pertaining to the Ogden Valley Lighting requirements.
5. Minor site plan alterations may be approved by the Planning Director but none so much that will surpass the approvals made by the Planning Commission.
6. Requirements of the Weber County Building Division.
7. Requirements and recommendations of the Weber Fire District.
8. Requirements of the Weber County Engineering Division.
9. Requirements of the Weber-Morgan Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the goals, objectives and policies of the Ogden Valley General Plan.
2. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
3. The proposed building and uses are proportionately sized to the recreational amenities for which they provide goods and services.
4. The additional building height will allow for a smaller building footprint, reducing storm runoff and overall soil disturbance.
5. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.

The next step in the process is to ensure complete compliance with the above listed conditions of approval. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at kippen@co.weber.us.ut or 801-399-8768.

Respectfully,

Ronda Kippen

Weber County Planner II

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



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit for a condominium project (Pine Canyon Lodge) in the CVR-1 Zone, including lockout rooms and an average building height of 46 feet.

Agenda Date: Tuesday, March 24, 2015

Applicant: Skyline Mountain Base, LLC

File Number: CUP2014-29

Property Information

Approximate Address: 3567 Nordic Valley Way Eden, UT 84310

Project Area: Approximately 3.2 acres

Zoning: CVR-1/FV-3

Existing Land Use: Ski Resort and Recreation area

Proposed Land Use: Ski Resort and Recreation area

Parcel ID: 22-023-0086

Township, Range, Section: T7N, R1E, Section 29

Adjacent Land Use

North:	Forest Residential and Agricultural	South:	Forest Residential
East:	Forest Residential and Open Space	West:	Ski Resort and Private Campground

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SW

Type of Decision

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, flag-lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The request for approval of a conditional use permit for a condominium project consisting of 54 condominium units and 54 lockout rooms with an average building height of 54 feet was presented during the December 2, 2014 Ogden Valley Planning Commission meeting. After receiving public comment on the item, and followed by discussion from the Planning Commission, the request was tabled by the Ogden Valley Planning Commission with direction given to the applicant and staff for the additional needed information.

The request was brought back to the Ogden Valley Planning Commission on January 6, 2015. After receiving additional public comment on the item, and followed by discussion from the applicant and the Planning Commission, the applicant requested the item to be tabled to allow for the redesign of the condominium project in an attempt to address the concerns of the Planning Commission as well as the affected property owners.

Summary

The owners of Nordic Valley Ski Resort, located at 3567 East Nordic Valley Drive, are requesting approval of a conditional use permit for a condominium project consisting of 54 units with 54 lockout rooms. The proposed condominium project is conditionally allowed as a "Condominium rental apartment, including lockout rooms" in the Commercial Valley Resort Recreation (CVR-1) Zone per the Uniform Land Use Code of Weber County, Utah (LUC) §104-11-4. The applicant is requesting as part of the conditional use permit, an average building height of 46 feet as conditionally allowed in the CVR-1 Zone per LUC §104-11-4 and defined by the LUC §101-1-7.

The applicant received approval for the first stage of a transitional process of the ski resort in September of last year. If the Planning Commission approves the request for a condominium project and the requested building height, the applicant will begin the process for a condominium subdivision as required in the LUC §106-3.

Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

The following analysis will address the redesigned condominium project conformance to the Ogden Valley General Plan and the LUC. The evaluation of the request will highlight the applicable changes from the initial design and the new design being forwarded for consideration and action.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by “preserving the Valley’s rural character” in the following ways:

- Protecting Sensitive Lands (*page 9-12 of the Ogden Valley General Plan*):
 - The proposed location of the structure 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 proposal is not visible from the designated “Scenic and Entry Corridor”.
 - The proposed location meets the adopted requirements pertaining to stream corridors, wetlands and shorelines.
- Encouraging commercial development in the Ogden Valley within established commercial areas by developing commercial “nodes” within existing communities rather than commercial “strips” along major thoroughfares. The County also supports the continued development of resort-related commercial areas (*page 13 of the Ogden Valley General Plan*).
- The Ogden Valley General Plan Recreation Element identifies the development potential of the Nordic Valley Resort as well as 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 in an effort to “protect as much open space as possible” and “encourage existing resorts to expand in order 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*).

Zoning: The intent and purpose of the CVR-1 Zone per the LUC §104-11-1 is:

“(a) 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.”

The CVR-1 Zone allows for condominium rental apartments, including lockout rooms. A condominium rental apartment has been defined in the LUC §101-1-7 as:

“Condominium rental apartment (condo-tel): The term “condominium rental apartment (condo-tel)” means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.”

The CVR-1 Zone has specific standards identified in the LUC §104-11-6 that shall be met as part of the development process. Those standards are as follows:

- Minimum lot area: 2.5 acre site, with the following minimum area requirement for uses within that site:
 - Condominium rental apartments require, per building, 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.
 - Lockout sleeping room, 500 square feet.

- Other uses: none.
- Minimum lot width: 150 feet minimum frontage.
- Minimum yard setbacks:
 - Front: 30 feet minimum.
 - Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.
 - Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.
- Building height: Conditional use permit is required if over 25 feet in height.

Lot area, lot width, and yard setbacks: The subject property will be divided as part of the platting process required for condominium projects and will consist of approximately 3.2 acres. The acreage requirement has been established by the CVR-1 Zone which requires 7,500 square feet for the first 2 units, 2,000 square feet for each additional unit and 500 square feet for each lock-out room. The proposal adheres to the required lot area, lot width and setbacks.

Building height: In order to reduce the buildings footprint the applicant initially requested an average building height of 54 feet; however, after receiving direction from the Planning Commission as well as input from the affected property owners, the applicant has redesigned the building. The redesign has allocated approximately half of the parking outside and modified the building layout to locate the majority of the height toward the rear of the building instead of along the public right of way. The redesign is an attempt to satisfy the Planning Commission’s desire to soften the effect of the proposed structure (see Exhibit A). The visual impact and height of the condominium project are considerations of the Planning Commission and will require approval.

The revised request is for consideration of an average building height of 46 feet, which is allowed by a conditional use permit and defined in the LUC §101-1-7 as:

“Building, height of: The term "height of building" means the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.”

The applicant’s requested average building height of 46 feet is based on measurements ranging from the highest natural grade line on the North Elevation (71’11”) and lowest natural grade line on the South Elevation (20’7”) as measured to the highest point on the roof line (see Exhibit B-1 & B-2 (A201)). In reviewing the proposal, an overall average building height measured from the highest and lowest natural grade line to the highest point on the roof line, using the combined measurements from all elevations provided, is 45’4” and has been verified by both the architect and County staff.

In comparison to the initial request by the applicant for an average building height of 54’, a range from 44’ at the lowest natural grade to 64’ at highest point of the building as measured along Nordic Valley Way was utilized due to this area being considered the most impactful to the surrounding property owners; however based on an overall range from 12’9” at the lowest natural grade to 64’ the at highest point of the building, an initial overall average was determined by staff to be 45’5”(see Exhibit B-3).

Based on these comparisons, the actual average building height has technically not been reduced; however, the applicant has adequately addressed the concerns of the Planning Commission and the public by moving the majority of the height away from the Nordic Valley Way corridor. The new proposal reflects a reduced average building height along Nordic Valley Way of approximately 10’, measuring 44’6” with ranges from 38’ 9” at the lowest natural grade to 50’ at the highest point of the building.

The actual building height as measured from the new finished grade ranges from 34’4” at the lowest point to 78’2” at the highest point of the building (see Exhibit C-2 (A201)). The initial request reflected an actual building height as measured from the finished grade ranging from 26’ at the lowest point to 71’ at the highest point of the building (see Exhibit B-3).

Additional design standards: The CVR-1 Zone also requires additional design standards including a minimum of ten percent commercial uses other than the condominium rental apartments per LUC §104-11-5. The commercial amenities that have been proposed include office space, retail and restaurant located on the lower level (see Exhibit C-2 (A101)). These amenities will provide 11,778 sq. ft. of commercial use, meeting the required ten percent.

In approving the site plan, the Planning Commission will need to find that the proposed building and uses are sized in proportion to the recreational amenities for which they will provide goods and services.

Conditional Use Review: The proposed uses are conditionally allowed in the CVR-1 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental

effects. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Nordic Mountain Water Inc. (see Exhibit E) for water services and a "Will-Serve Letter" from Wolf Creek Water and Sewer Improvement District (see Exhibit F) for the waste disposal. The applicant has provided the required material to facilitate a review of the proposed project including grading, drainage, and a geotechnical report.

The Engineering Division reviewed the initial civil engineering drawings and conditionally approved the proposal. The most recent proposal is in the process of being reviewed by the Engineering Division and is anticipated to receive a conditional approval based on more detailed plans to be provided with the required subdivision process. As part of this process, the recommendations that have been identified in the Geotechnical Report will need to be identified on the subdivision plans and followed throughout the development of the site.

The Weber Fire District reviewed the initial proposal and conditionally approved the proposal. As with the Engineering Division, a new review is in process with the conditional approval based on more detailed plans to be provided with the required subdivision process.

A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the Engineering Division and Weber Fire District are strictly adhered to.

Design Review: The CVR-1 Zone and the proposed conditional use, mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the building shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. Additional design reviews may be required as the commercial uses within the development are identified to ensure that adequate parking as required by the LUC §108-8 is available and that any proposed signage conforms to the LUC §110-2. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes improvements for the widening of the existing abutting street together with sidewalk, curb and gutter and adequate drive approaches for the ingress and egress to the site and the building along Nordic Valley Way. The applicant has provided 121 parking spaces on the site plan, of which 62 parking spaces are provided as underground parking. The underground parking has been reduced to allow for the reduction in building height. Parking requirements for the future uses of the development will be evaluated as part of the required design review process for the new commercial uses. The underground parking will provide adequate parking for the 106 sleeping units in the building per LUC §108-8-4 which requires one space per two sleeping units. This determination is based on the transient nature of the condo-tel that is defined in the LUC §101-1-7 as:

"... Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit."

Due to the distinct separation of the condo-tel from a condominium dwelling unit, the standards of LUC§108-8-2 do not apply here as earlier thought. The additional requirements for the commercial parking are being proposed as part of the additional 59 outdoor parking stalls located in the future storm detention area (see Exhibit C-1 & C-2 (AS101 & A101)) as permitted by LUC §108-8-7(a) which states:

"Parking space location: Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom."

It appears that all the proposed parking meets the parking standards as outlined in LUC §108-8-7(c) as well as the surface lighting of the off street parking as outlined in LUC §108-2-6 & §108-16.

2) *Considerations relating to outdoor advertising.* The applicant received approval for a monument sign as allowed in LUC §110-2-5 in September of this year. As part of the review, the Planning Division took into consideration the architectural renderings including the location, color, lighting and size of the monument sign for the ski resort. The location of the monument sign has been identified on the site plan as #15 on sheet AS101 (also identified as Exhibit C-1).

3) *Considerations relating to landscaping, screening and buffering.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 (see Exhibit G (L101 & L102) as well as adequate screening of the trash dumpster and all outdoor parking.

When long expanses of building walls and other barriers are part of a proposal as they are with this application, taller trees can be required as part of the landscaping plan to create a softening effect as allowed in LUC §108-2-5(j)(4). If the Planning Commission feels additional landscaping, screening and buffering measures need to be implemented; a specific condition of approval will need to be added.

4) *Considerations relating to buildings and site layout.* The following percentages have been calculated based on the proposed final lot size of 3.2 acres. The proposed condominium project will have an area footprint of 35,213 sq. ft.; which is a reduction of 18,790 sq. ft. from the initial design of 54,003 sq. ft. This decrease is due to the reduction in the underground parking area and the removal of the outdoor pool and plaza area. The footprint will cover 24.5% of the final site; a reduction of 13.5% from the initial design coverage of 38% of the final site. The hard surface paving will cover 18.6% which is a 13.6% increase from the initial proposal of 5% hard surface paving. The landscaping will cover 56.8% which is a minor decrease from the initial proposal 57% of the final site (see Exhibit C-1 (AS101)).

The proposed building has an exterior finish consisting of predominantly natural, muted earth tone colors of hardi-plank batten board, hardi-board tongue and groove, stone veneer, timber and asphalt/metal roofing materials. The metal roof areas, aluminum windows and glass store front must be non-reflective. The proposed colors for the external surfaces are found on sheet A201 (see Exhibit B-1) and identified as follows:

1. "Driftwood" Asphalt Shingles
2. "Earthen Jug" Hardi-Plank Batten Board
3. "Dark Bronze" Standing Seam Metal Roof
4. "Cottonwood" Stone Veneer
5. "Cinnamon" Stained Timber
6. "Coconut Husk" Hardi-Board T&G Beveled
7. "Dark Bronze" Flashing

The exterior lighting will consist of one 20' parking lot light pole (277 V., 10,000 lumens) located at the underground parking entrance and multiple 42" high light bollard area lights (277 V., 1,000 lumens @ 15.5 watts) located along the improved pathways around the building (see Exhibit C-1 (AS101)). The proposed outdoor lighting must be partially or fully shielded as required in LUC §108-16 in order to comply with the Ogden Valley Lighting requirements. As part of the redesigned building, there has been a sizable reduction in windows and window size in an attempt to protect the night sky from interior light pollution. If the Planning Commission feels that additional measures need to be taken to ensure adequate protection of the night sky, a condition of approval will need to be added.

The building and site layout have been reviewed against the design criteria of the CVR-1 Zone in the LUC §104-11, the Design Review in the LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4. It appears that the proposal meets the minimum requirements of the applicable areas of the Uniform Land Use Code of Weber County.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant has provided civil engineered drawings (see Exhibit D) that identify the existing and proposed topography, contour lines, utilities, easements and drainage. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage including retention facilities by providing more detailed drawings as part of the subdivision process.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The Planning Division is unaware of prior development conceptual plans as part of any rezoning agreement that may have been approved for the subject property by Weber County; therefore, considerations pertaining to this portion of the code are not applicable at this time.

Public Notice: To ensure adequate time has been allotted to the affected property owners, a third series of notices have been mailed out to all property owners within 500 feet of the subject property on March 17, 2015 for the March 24, 2015 Ogden Valley Planning Commission meeting.

Summary of Planning Commission Considerations

LUC §108-4-4 states:

“Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.”*

The Planning Commission will need to determine if the proposed condominium project meets the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Are the proposed building and uses sized in proportion to the recreational amenities for which they will provide goods and services?
- Could the additional height of the condominium project be harmful to the adjacent property owners? If yes, what conditions could be put in place to mitigate detrimental effects?
- Does the submittal meet the architectural detail standards required by LUC §108-1 & §108-2? If no, then what conditions/architectural details could be added in order to comply?
- Does additional landscaping and screening need to be implemented to add a softening effect to the structure in order to fully comply with the requirements of LUC §108-1 (Design Review) and §108-2 (Ogden Valley Architectural Standards)?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2014-29, a conditional use permit request for a 54 unit condominium with 54 lockout rooms and an average building height of 46 feet as conditionally allowed in the CVR-1 Zone for the property located at 3567 E Nordic Valley Way, Eden. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The conditional use permit will be contingent on the approval and recordation of a condominium subdivision plat.
2. The maximum average height as measured from the natural existing grade to the highest point on the roof line shall not exceed 46’.
3. All windows, glass store fronts and metal roof areas will consist of non-reflective material.
4. Adequate shielding of all outdoor lighting will be provided in order to conform to LUC §108-16 pertaining to the Ogden Valley Lighting requirements.
5. Minor site plan alterations may be approved by the Planning Director but none so much that will surpass the approvals made by the Planning Commission.
6. Requirements of the Weber County Building Division.
7. Requirements and recommendations of the Weber Fire District.
8. Requirements of the Weber County Engineering Division.
9. Requirements of the Weber-Morgan Health Department.

This recommendation is based on the following findings:

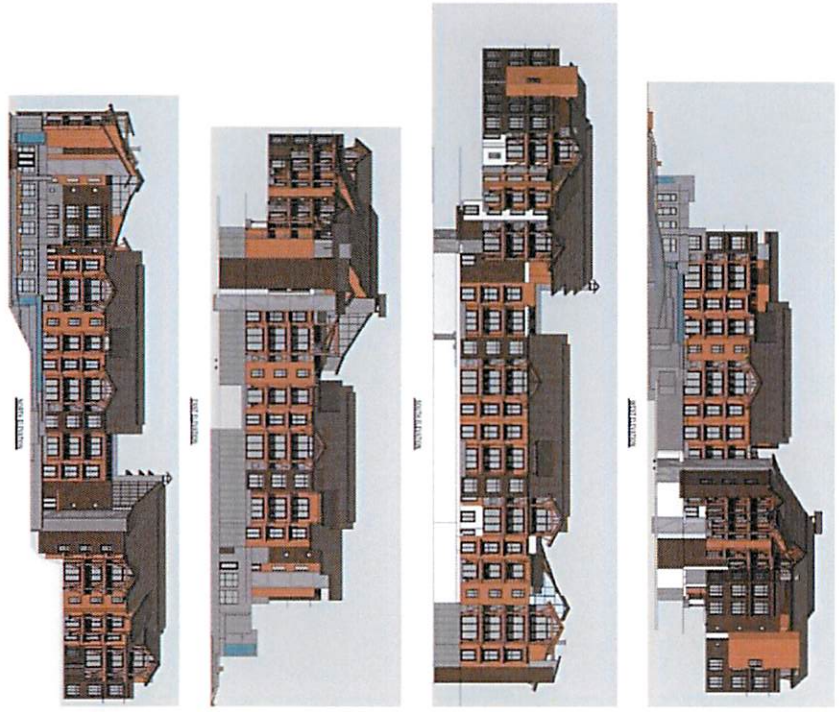
1. The proposed use conforms to the goals, objectives and policies of the Ogden Valley General Plan.
2. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
3. The proposed building and uses are proportionately sized to the recreational amenities for which they provide goods and services.
4. The additional building height will allow for a smaller building footprint, reducing storm runoff and overall soil disturbance.
5. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.

Exhibits

- A. Original/revise building comparison
- B. Architectural Elevations
 - 1. A201 (Architectural Renderings)
 - 2. A201 (Exterior Building Elevations)
 - 3. Original Elevations
- C. Architectural Site Plan
 - 1. AS101 (Site Plan)
 - 2. A101 (Lower Level Floor Plan & Parking)
 - 3. A102 (Second Level Floor Plan)
 - 4. A103 (Third Level Floor Plan)
 - 5. A104 (Fourth Level Floor Plan)
 - 6. A105 (Fifth Level Floor Plan)
 - 7. A106 (Sixth Level Floor Plan)
- D. Civil Drawings
- E. Culinary Water Will-Serve Letter
- F. Sanitary Will-Serve Letter
- G. Landscape & Irrigation Plans

Exhibit A- Original/Revised Building Comparison

Original Proposal



Revised Proposal

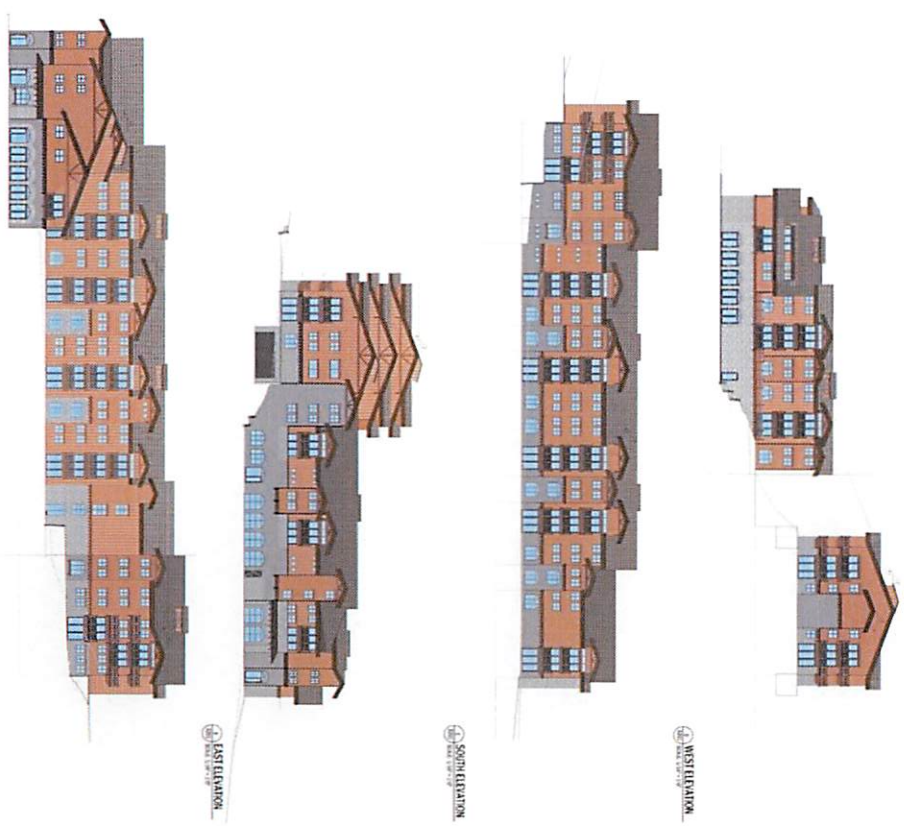
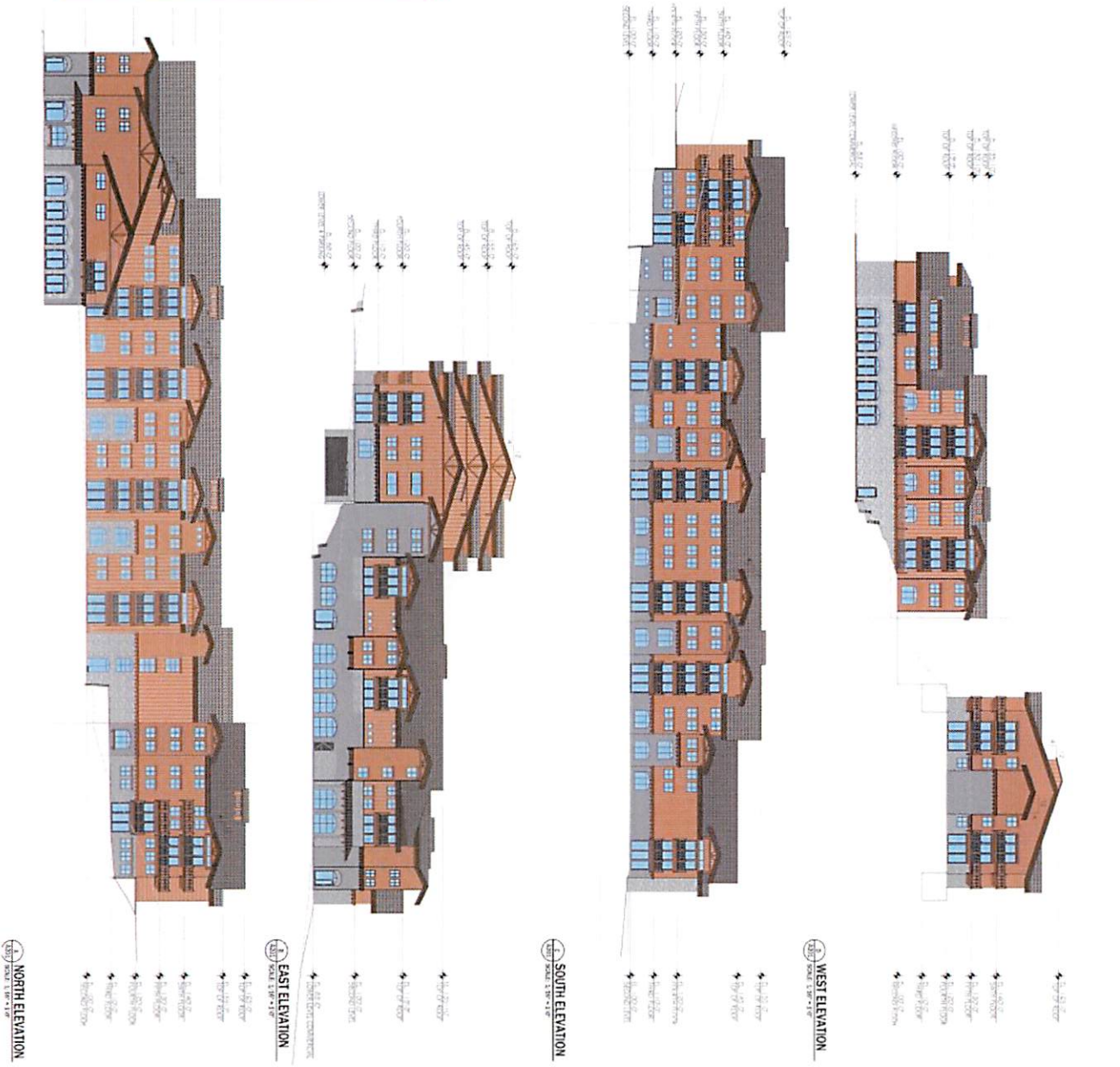


Exhibit B-1 Architectural Renderings



- ELEVATION REMARKS:**
1. EXTERIOR FINISH MATERIALS
 2. WINDOW OPERATIONS
 3. WINDOW SIZES
 4. WINDOW SPACING
 5. WINDOW FINISHES
 6. WINDOW GLASS
 7. WINDOW COORDINATION
 8. WINDOW COORDINATION
 9. WINDOW COORDINATION
 10. WINDOW COORDINATION

EXTERIOR FINISH MATERIALS

AREA	FINISH MATERIAL
WEST	BRICK
SOUTH	BRICK
EAST	BRICK
NORTH	BRICK
TOTAL	BRICK

GENERAL NOTES:

1. EXTERIOR FINISH MATERIALS
2. WINDOW OPERATIONS
3. WINDOW SIZES
4. WINDOW SPACING
5. WINDOW FINISHES
6. WINDOW GLASS
7. WINDOW COORDINATION
8. WINDOW COORDINATION
9. WINDOW COORDINATION
10. WINDOW COORDINATION

OWNER: PINE CANYON LODGE
PROJECT: PINE VALLEY CONDOMINIUMS
LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310

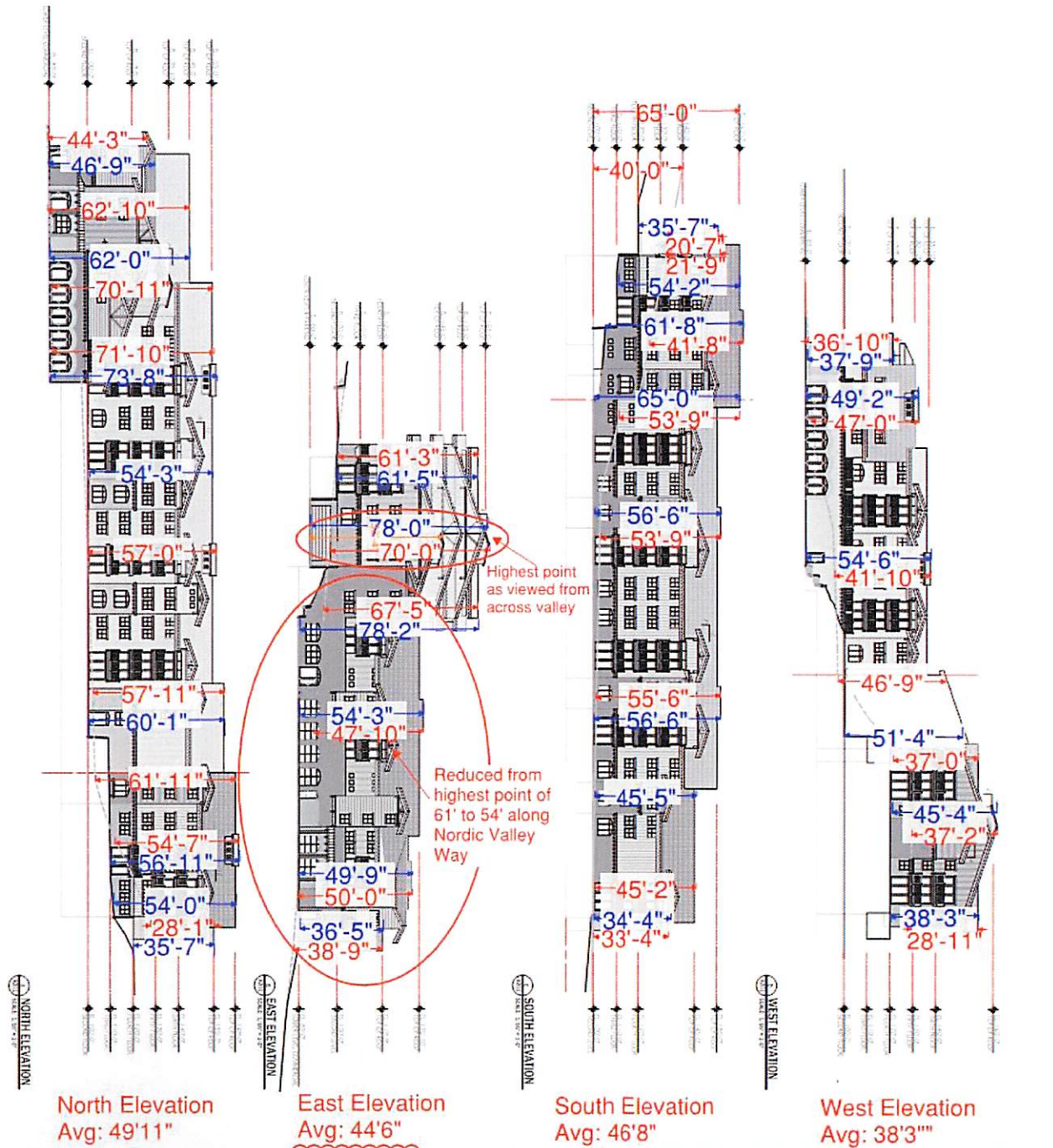
ARCHITECT: W&Z ARCHITECTURE, INC. 1000 N. 1000 W. SUITE 100, EDEN, UTAH 84310

DATE: 11/13/19

SHEET NUMBER: A201

SCALE: 1/8" = 1'-0"

Exhibit B-2 Exterior Building Elevations



North Elevation
Avg: 49'11"

East Elevation
Avg: 44'6"

South Elevation
Avg: 46'8"

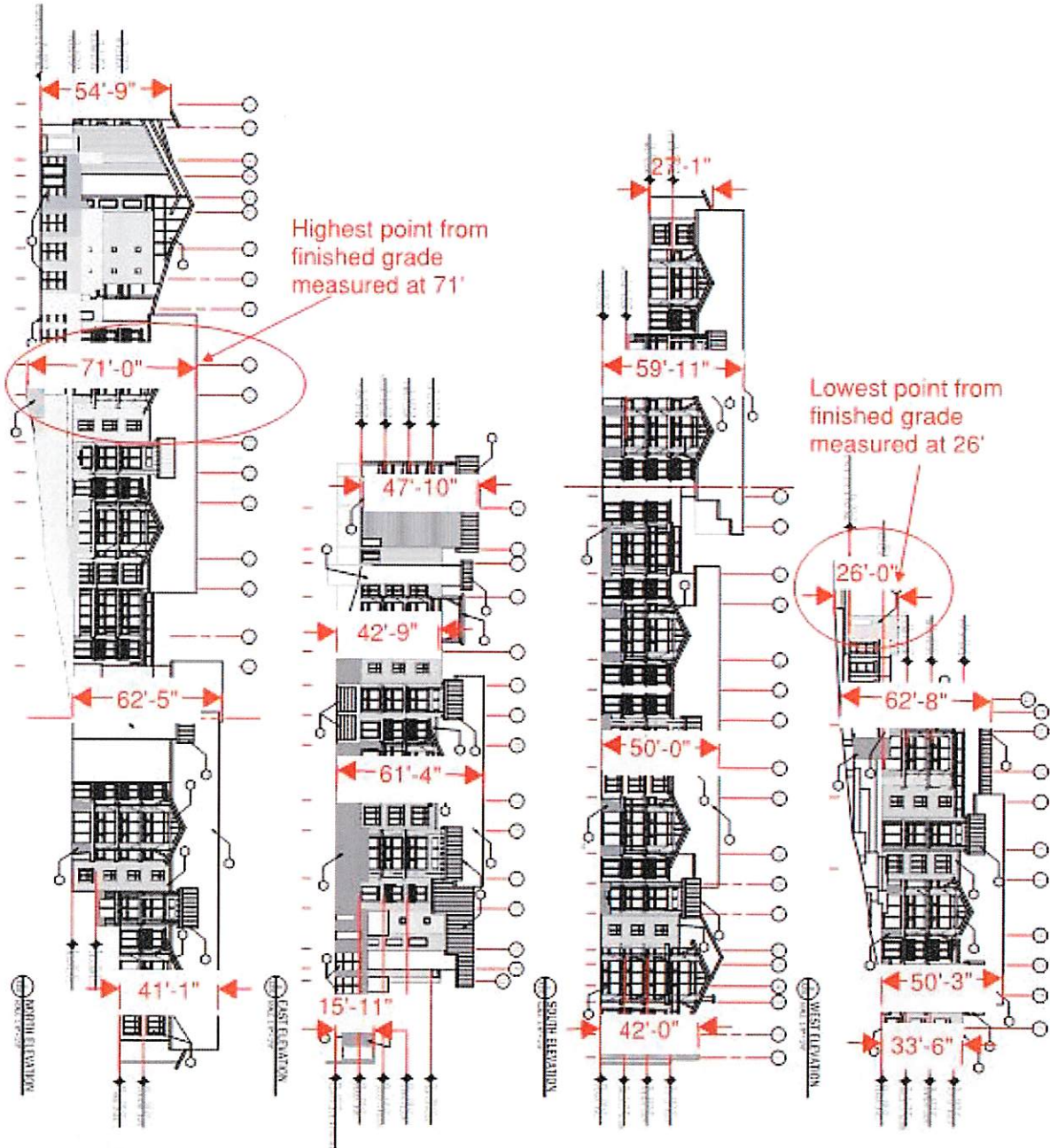
West Elevation
Avg: 38'3"

ITEM	DESCRIPTION	UNIT	AMOUNT
1	CONCRETE	CU YD	10.00
2	BRICK	SQ YD	150.00
3	ROOFING	SQ YD	200.00
4	PAINT	SQ YD	500.00
5	GLASS	SQ YD	100.00
6	STEEL	TON	5.00
7	WOOD	CU YD	20.00
8	MECHANICAL	UNIT	2.00
9	ELECTRICAL	UNIT	1.00
10	PLUMBING	UNIT	1.00
11	LANDSCAPE	SQ YD	50.00
12	ASPHALT	SQ YD	100.00
13	CEMENT	SQ YD	50.00
14	IRON	TON	1.00
15	COPPER	TON	0.50
16	ALUMINUM	TON	0.50
17	ZINC	TON	0.50
18	LEAD	TON	0.50
19	SILVER	TON	0.50
20	GOLD	TON	0.50

*Existing Grade Average Height: 45'4"
*Finished Grade Average Height: 51'11"

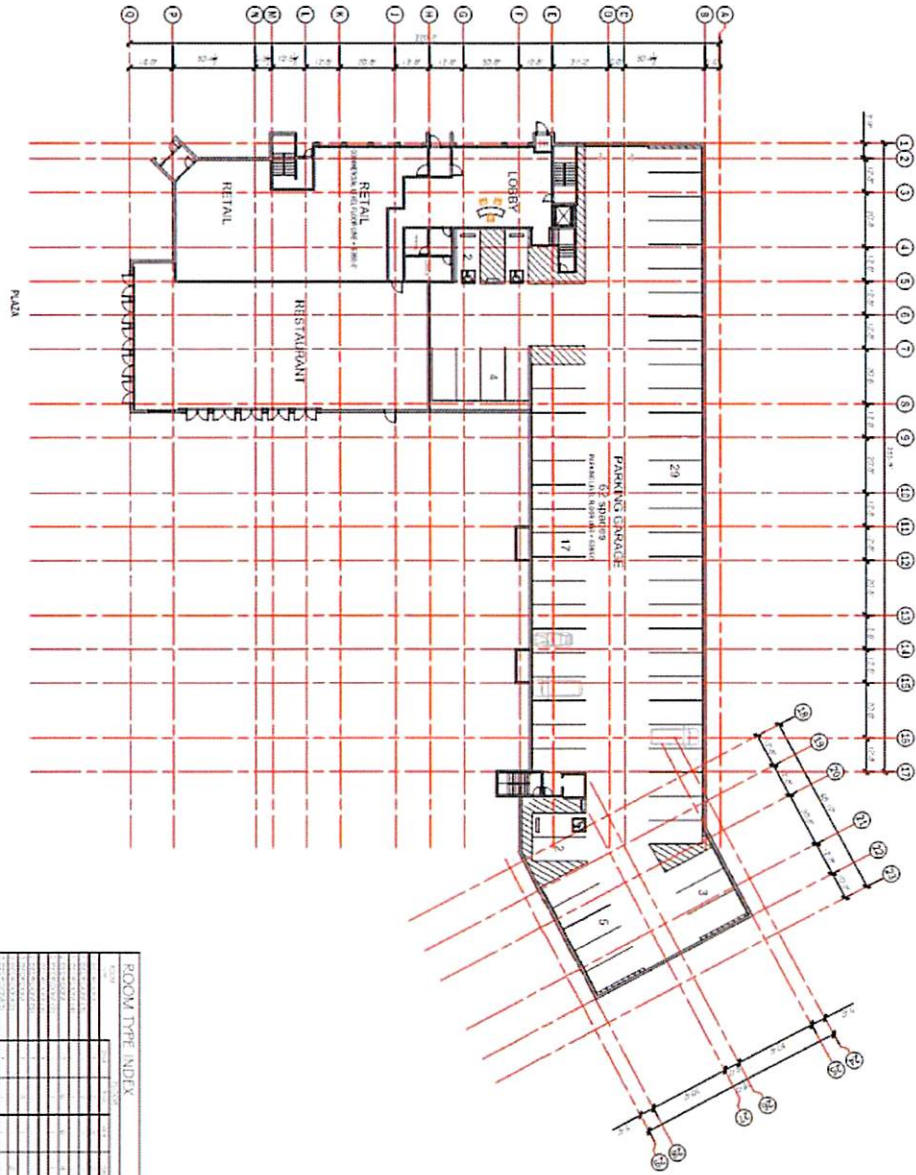
OWNER: PINE CANYON LODGE
 PROJECT: PINE VALLEY CONDOMINIUMS
 LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310
 SHEET NUMBER: A201
 DATE: 1/15/14

Exhibit B-3 Original Proposal Exterior Building Elevations



<p>SECTION HEADINGS</p> <p>1. NORTH ELEVATION</p> <p>2. EAST ELEVATION</p> <p>3. SOUTH ELEVATION</p> <p>4. WEST ELEVATION</p>		<p>EXTERIOR FINISH MATERIALS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>FINISH</th> </tr> <tr> <td>1</td> <td>WALLS</td> <td>CLAY TILE</td> </tr> <tr> <td>2</td> <td>ROOF</td> <td>ASPH/FLT</td> </tr> <tr> <td>3</td> <td>FLOORING</td> <td>WOOD</td> </tr> <tr> <td>4</td> <td>CEILING</td> <td>WOOD</td> </tr> <tr> <td>5</td> <td>PAINT</td> <td>EXTERIOR</td> </tr> <tr> <td>6</td> <td>GLASS</td> <td>CLAY TILE</td> </tr> <tr> <td>7</td> <td>ROOFING</td> <td>ASPH/FLT</td> </tr> <tr> <td>8</td> <td>FLOORING</td> <td>WOOD</td> </tr> <tr> <td>9</td> <td>CEILING</td> <td>WOOD</td> </tr> <tr> <td>10</td> <td>PAINT</td> <td>EXTERIOR</td> </tr> <tr> <td>11</td> <td>GLASS</td> <td>CLAY TILE</td> </tr> <tr> <td>12</td> <td>ROOFING</td> <td>ASPH/FLT</td> </tr> <tr> <td>13</td> <td>FLOORING</td> <td>WOOD</td> </tr> <tr> <td>14</td> <td>CEILING</td> <td>WOOD</td> </tr> <tr> <td>15</td> <td>PAINT</td> <td>EXTERIOR</td> </tr> <tr> <td>16</td> <td>GLASS</td> 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DESCRIPTION	FINISH	1	WALLS	CLAY TILE	2	ROOF	ASPH/FLT	3	FLOORING	WOOD	4	CEILING	WOOD	5	PAINT	EXTERIOR	6	GLASS	CLAY TILE	7	ROOFING	ASPH/FLT	8	FLOORING	WOOD	9	CEILING	WOOD	10	PAINT	EXTERIOR	11	GLASS	CLAY TILE	12	ROOFING	ASPH/FLT	13	FLOORING	WOOD	14	CEILING	WOOD	15	PAINT	EXTERIOR	16	GLASS	CLAY TILE	17	ROOFING	ASPH/FLT	18	FLOORING	WOOD	19	CEILING	WOOD	20	PAINT	EXTERIOR	21	GLASS	CLAY TILE	22	ROOFING	ASPH/FLT	23	FLOORING	WOOD	24	CEILING	WOOD	25	PAINT	EXTERIOR	26	GLASS	CLAY TILE	27	ROOFING	ASPH/FLT	28	FLOORING	WOOD	29	CEILING	WOOD	30	PAINT	EXTERIOR	31	GLASS	CLAY TILE	32	ROOFING	ASPH/FLT	33	FLOORING	WOOD	34	CEILING	WOOD	35	PAINT	EXTERIOR	36	GLASS	CLAY TILE	37	ROOFING	ASPH/FLT	38	FLOORING	WOOD	39	CEILING	WOOD	40	PAINT	EXTERIOR	41	GLASS	CLAY TILE	42	ROOFING	ASPH/FLT	43	FLOORING	WOOD	44	CEILING	WOOD	45	PAINT	EXTERIOR	46	GLASS	CLAY TILE	47	ROOFING	ASPH/FLT	48	FLOORING	WOOD	49	CEILING	WOOD	50	PAINT	EXTERIOR	51	GLASS	CLAY TILE	52	ROOFING	ASPH/FLT	53	FLOORING	WOOD	54	CEILING	WOOD	55	PAINT	EXTERIOR	56	GLASS	CLAY TILE	57	ROOFING	ASPH/FLT	58	FLOORING	WOOD	59	CEILING	WOOD	60	PAINT	EXTERIOR	61	GLASS	CLAY TILE	62	ROOFING	ASPH/FLT	63	FLOORING	WOOD	64	CEILING	WOOD	65	PAINT	EXTERIOR	66	GLASS	CLAY TILE	67	ROOFING	ASPH/FLT	68	FLOORING	WOOD	69	CEILING	WOOD	70	PAINT	EXTERIOR	71	GLASS	CLAY TILE	72	ROOFING	ASPH/FLT	73	FLOORING	WOOD	74	CEILING	WOOD	75	PAINT	EXTERIOR	76	GLASS	CLAY TILE	77	ROOFING	ASPH/FLT	78	FLOORING	WOOD	79	CEILING	WOOD	80	PAINT	EXTERIOR	81	GLASS	CLAY TILE	82	ROOFING	ASPH/FLT	83	FLOORING	WOOD	84	CEILING	WOOD	85	PAINT	EXTERIOR	86	GLASS	CLAY TILE	87	ROOFING	ASPH/FLT	88	FLOORING	WOOD	89	CEILING	WOOD	90	PAINT	EXTERIOR	91	GLASS	CLAY TILE	92	ROOFING	ASPH/FLT	93	FLOORING	WOOD	94	CEILING	WOOD	95	PAINT	EXTERIOR	96	GLASS	CLAY TILE	97	ROOFING	ASPH/FLT	98	FLOORING	WOOD	99	CEILING	WOOD	100	PAINT	EXTERIOR
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<p>OWNER: PINE CANYON LODGE, INC.</p> <p>PROJECT: PINE CANYON CONDOMINIUM</p> <p>LOCATION: 1000 NORDIC VALLEY WAY, EDEN, UTAH 84210</p> <p><small>Checklist indicates: No stamp shall be required unless consent of no/Date Application, for shall it be used for any project other than the originally intended project.</small></p>		<p>EXTERIOR FINISH MATERIALS</p> <p>1. WALLS</p> <p>2. ROOF</p> <p>3. FLOORING</p> <p>4. CEILING</p> <p>5. PAINT</p> <p>6. GLASS</p> <p>7. ROOFING</p> <p>8. FLOORING</p> <p>9. CEILING</p> <p>10. PAINT</p> <p>11. GLASS</p> <p>12. ROOFING</p> <p>13. FLOORING</p> <p>14. CEILING</p> <p>15. PAINT</p> <p>16. GLASS</p> <p>17. ROOFING</p> <p>18. FLOORING</p> <p>19. CEILING</p> <p>20. PAINT</p> <p>21. GLASS</p> <p>22. ROOFING</p> <p>23. FLOORING</p> <p>24. CEILING</p> <p>25. PAINT</p> <p>26. GLASS</p> <p>27. ROOFING</p> <p>28. FLOORING</p> <p>29. CEILING</p> <p>30. PAINT</p> <p>31. GLASS</p> <p>32. ROOFING</p> <p>33. FLOORING</p> <p>34. CEILING</p> <p>35. PAINT</p> <p>36. GLASS</p> <p>37. ROOFING</p> <p>38. FLOORING</p> <p>39. CEILING</p> <p>40. PAINT</p> <p>41. GLASS</p> <p>42. ROOFING</p> <p>43. FLOORING</p> <p>44. CEILING</p> <p>45. PAINT</p> <p>46. GLASS</p> <p>47. ROOFING</p> <p>48. FLOORING</p> <p>49. CEILING</p> <p>50. PAINT</p> <p>51. GLASS</p> <p>52. ROOFING</p> <p>53. FLOORING</p> <p>54. CEILING</p> <p>55. PAINT</p> <p>56. GLASS</p> <p>57. ROOFING</p> <p>58. FLOORING</p> <p>59. CEILING</p> <p>60. PAINT</p> <p>61. GLASS</p> <p>62. ROOFING</p> <p>63. FLOORING</p> <p>64. CEILING</p> <p>65. PAINT</p> <p>66. GLASS</p> <p>67. ROOFING</p> <p>68. FLOORING</p> <p>69. CEILING</p> <p>70. PAINT</p> <p>71. GLASS</p> <p>72. ROOFING</p> <p>73. FLOORING</p> <p>74. CEILING</p> <p>75. PAINT</p> <p>76. GLASS</p> <p>77. ROOFING</p> <p>78. FLOORING</p> <p>79. CEILING</p> <p>80. PAINT</p> <p>81. GLASS</p> <p>82. ROOFING</p> <p>83. FLOORING</p> <p>84. CEILING</p> <p>85. PAINT</p> <p>86. GLASS</p> <p>87. ROOFING</p> <p>88. FLOORING</p> <p>89. CEILING</p> <p>90. PAINT</p> <p>91. GLASS</p> <p>92. ROOFING</p> <p>93. FLOORING</p> <p>94. CEILING</p> <p>95. PAINT</p> <p>96. GLASS</p> <p>97. ROOFING</p> <p>98. FLOORING</p> <p>99. CEILING</p> <p>100. PAINT</p>																																																																																																																																																																																																																																																																																																																
<p>A201</p> <p>EXTERIOR FINISH MATERIALS</p> <p>SHEET NUMBER</p>		<p>SCALE: 1/8" = 1'-0"</p> <p>DATE: 11/11/10</p>																																																																																																																																																																																																																																																																																																																

Exhibit C-2 (A101 Lower Level Floor Plan & Parking)



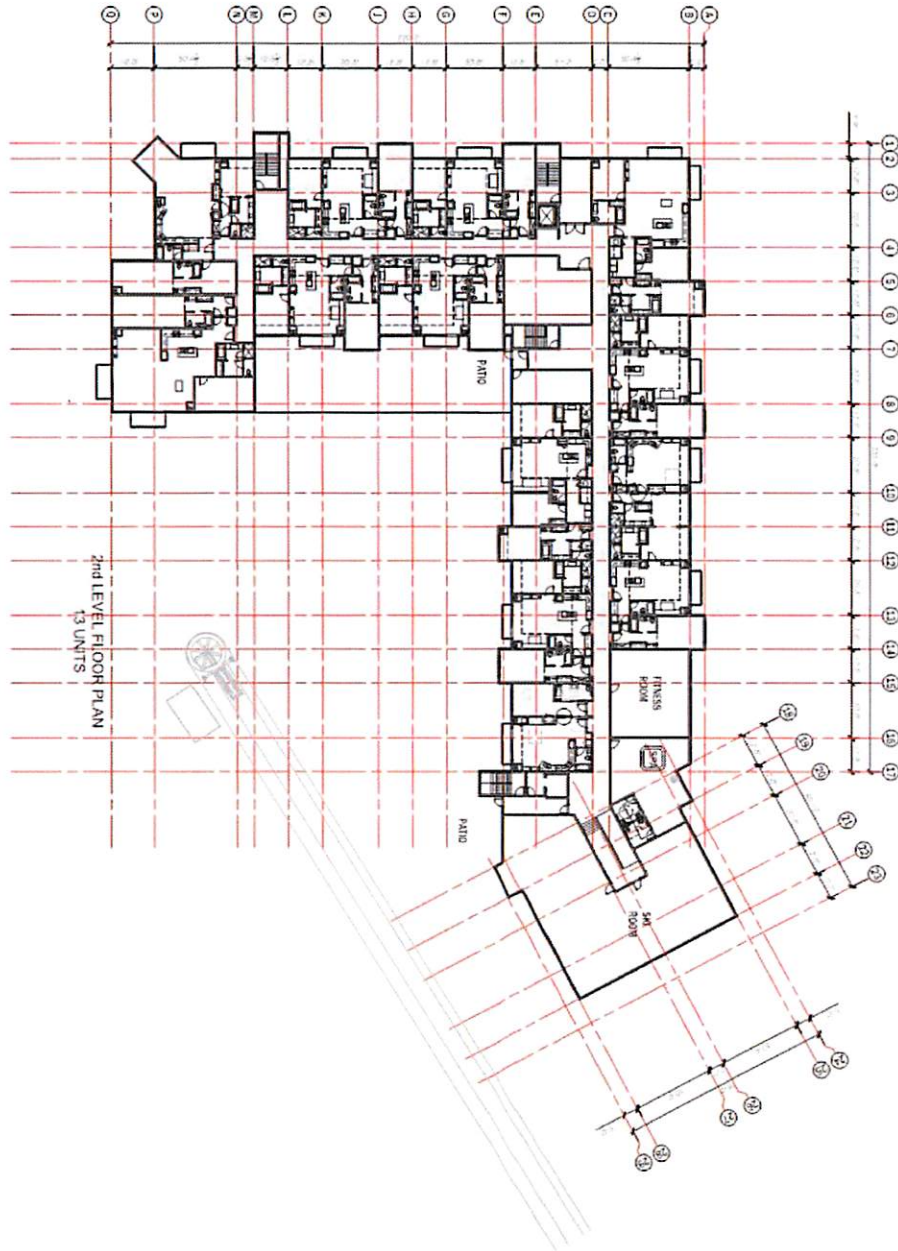
ROOM TYPE INDEX	
NO.	DESCRIPTION
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2	RESTAURANT
3	RETAIL
4	STAIR
5	ELEVATOR
6	MECHANICAL
7	RESTROOM
8	STORAGE
9	UTILITY
10	WATER
11	WASTE
12	WATER
13	WASTE
14	WATER
15	WASTE
16	WATER
17	WASTE
18	WATER
19	WASTE
20	WATER
21	WASTE
22	WATER
23	WASTE
24	WATER
25	WASTE
26	WATER
27	WASTE
28	WATER
29	WASTE

BUILDING AREA		
NO.	DESCRIPTION	AREA (SQ. FT.)
1	LOBBY	1,200
2	RESTAURANT	2,500
3	RETAIL	1,800
4	STAIR	500
5	ELEVATOR	200
6	MECHANICAL	1,000
7	RESTROOM	300
8	STORAGE	1,500
9	UTILITY	1,000
10	WATER	1,000
11	WASTE	1,000
12	WATER	1,000
13	WASTE	1,000
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17	WASTE	1,000
18	WATER	1,000
19	WASTE	1,000
20	WATER	1,000
21	WASTE	1,000
22	WATER	1,000
23	WASTE	1,000
24	WATER	1,000
25	WASTE	1,000
26	WATER	1,000
27	WASTE	1,000
28	WATER	1,000
29	WASTE	1,000

MANUAL FLOOR PLAN

	OWNER: PINE CANYON LODGE, INC.	
	PROJECT: PINE CANYON CONDOMINIUM	
	LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310	
	© 2018 Architecture. This drawing shall not be reproduced without consent of 2018 Architecture, nor shall it be used for any project other than the original intended project.	

Exhibit C-3 (A102 Second Level Floor Plan)



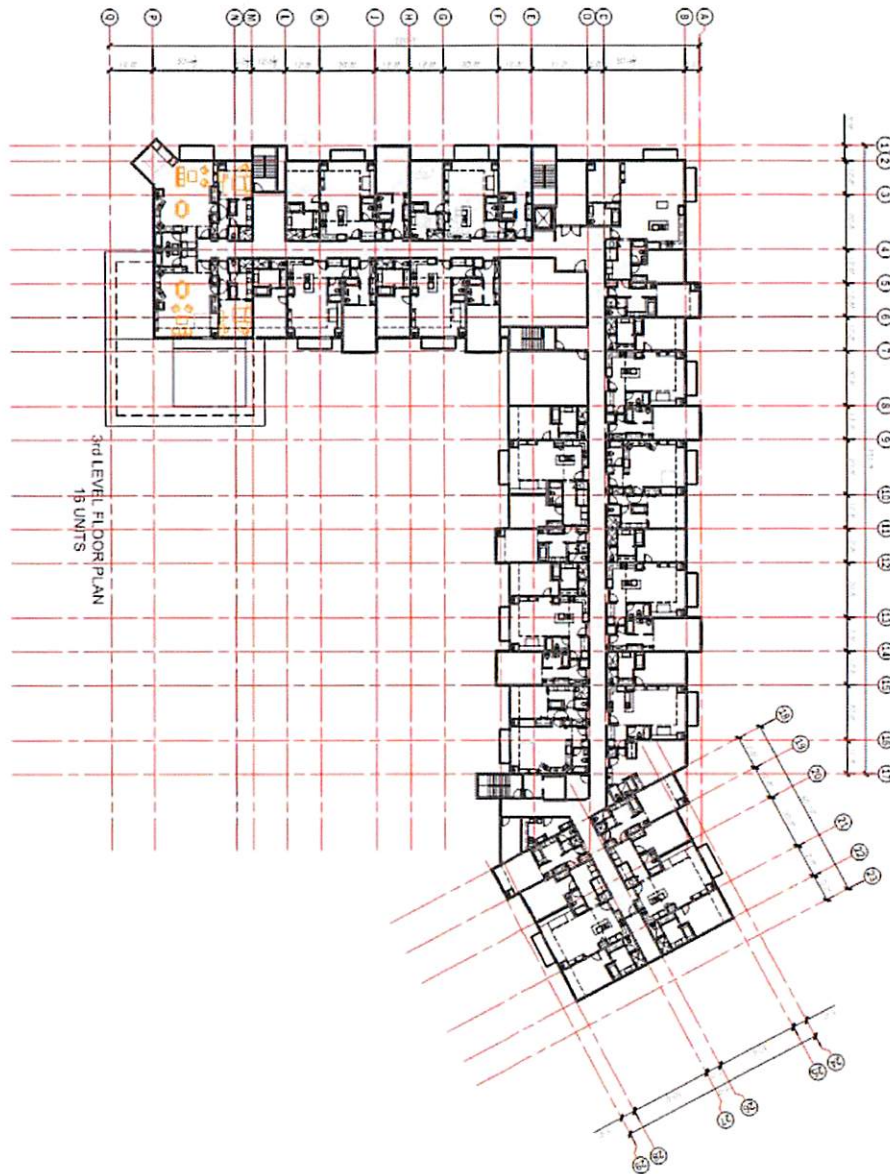




 SECOND LEVEL FLOOR PLAN

SHEET NUMBER A102 <small>REV. 1.1.14</small>	APPROPRIATE INFORMATION		OWNER: PINE CANYON LODGE, INC. PROJECT: PINE CANYON CONDOMINIUM LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310 <small>©2014 Over2Zero Architecture. This drawing shall not be reproduced without consent of Over2Zero Architecture, nor shall it be used for any project other than the originally intended project.</small>	DATE: 11/11/14 DRAWN BY: [Redacted] CHECKED BY: [Redacted]	
			PROJECT: PINE CANYON CONDOMINIUM		

Exhibit C-4 (A103 Third Level Floor Plan)



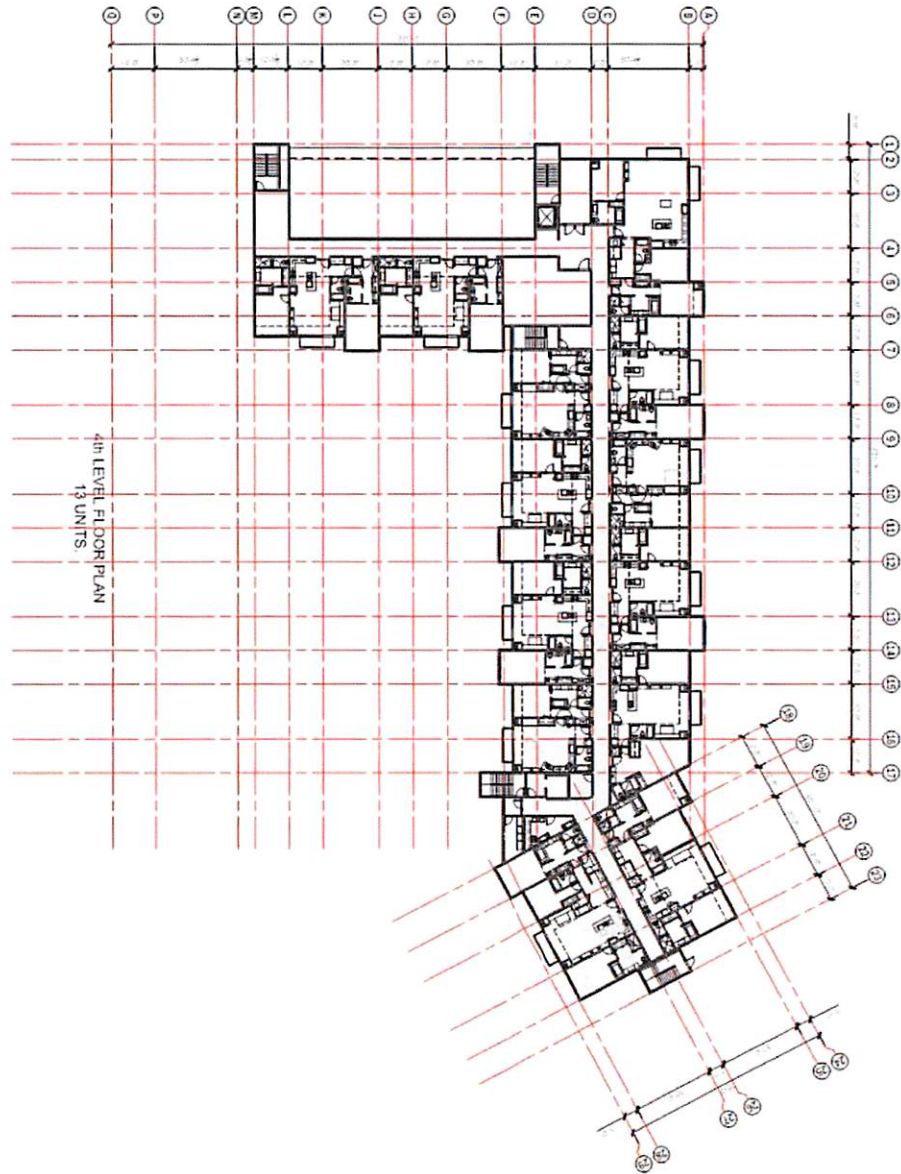




THIRD LEVEL FLOOR PLAN

SHEET NUMBER: A103	THIRD LEVEL FLOOR PLAN		OWNER: PINE CANYON LODGE, INC.	REGISTERED ARCHITECT MARGARET A. JENSEN License No. 10000
			PROJECT: PINE CANYON CONDOMINIUM	
LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310			©2016 Jensen Architecture. This drawing shall not be reproduced without consent of Jensen Architecture, nor shall it be used for any project other than the originally intended project.	

Exhibit C-5 (A104 Fourth Level Floor Plan)



4th LEVEL FLOOR PLAN
13 UNITS

FOURTH LEVEL FLOOR PLAN
A104

 OWNER: PINE CANYON LODGE, INC. PROJECT: PINE CANYON CONDOMINIUM LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310 ©2012 Eden Architecture. The drawing shall not be reproduced without consent of Eden Architecture, nor shall it be used for any project other than the originally intended project.	DATE: 10/13/14 SHEET NUMBER: A104	FOURTH LEVEL FLOOR PLAN FLOOR PLAN	SCALE: 1/8" = 1'-0" NORTH ARROW
	EDEN ARCHITECTURE 1000 N. 1000 W. EDEN, UT 84310 (435) 438-1111 www.edenarch.com	DATE: 10/13/14 SHEET NUMBER: A104	FOURTH LEVEL FLOOR PLAN FLOOR PLAN

Exhibit C-7 (A106 Sixth Level Floor Plan)



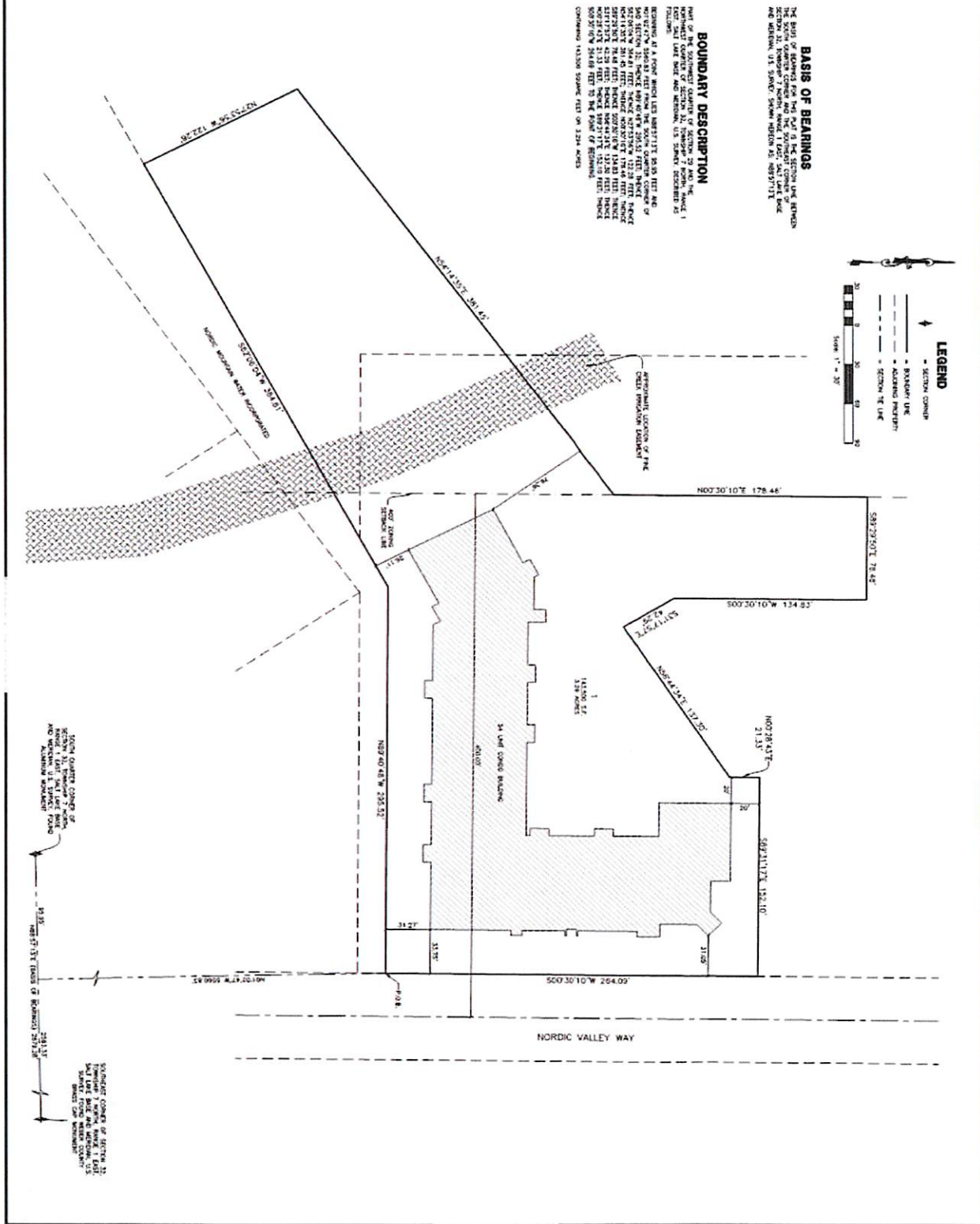




SIXTH LEVEL FLOOR PLAN

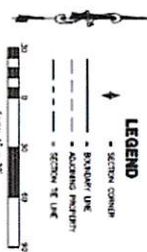
SHEET NUMBER A106 <small>DATE: 2/2/14</small>	ARCHITECT HATHLETIC CORPORATION		OWNER: PINE CANYON LODGE, INC PROJECT: PINE CANYON CONDOMINIUM LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310 <small>©2014 HATHLETIC ARCHITECTURE. This drawing shall not be reproduced without consent of HATHLETIC ARCHITECTURE, nor shall it be used for any project other than the originally intended project.</small>	ARCHITECT HATHLETIC CORPORATION	REGISTERED PROFESSIONAL ENGINEER	
--	---------------------------------------	---	--	---------------------------------------	--	--

Exhibit D Civil Drawings



BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS PLAN IS THE SECTION LINE BETWEEN SECTION 21, TOWNSHIP 37 NORTH, RANGE 12 EAST, MERIDIAN 10 WEST AND SECTION 22, TOWNSHIP 37 NORTH, RANGE 12 EAST, MERIDIAN 10 WEST, U.S. SURVEY. SHOWN HEREIN AS N89°57'13\"/>

BOUNDARY DESCRIPTION
 PART OF THE SOUTHWEST CORNER OF SECTION 22 AND THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 12 EAST, MERIDIAN 10 WEST, U.S. SURVEY, DESCRIBED AS FOLLOWS: 146.50 FEET ALONG THE WEST LINE OF SECTION 22 BEGINNING AT A POINT WHICH LIES N89°57'13\"/>



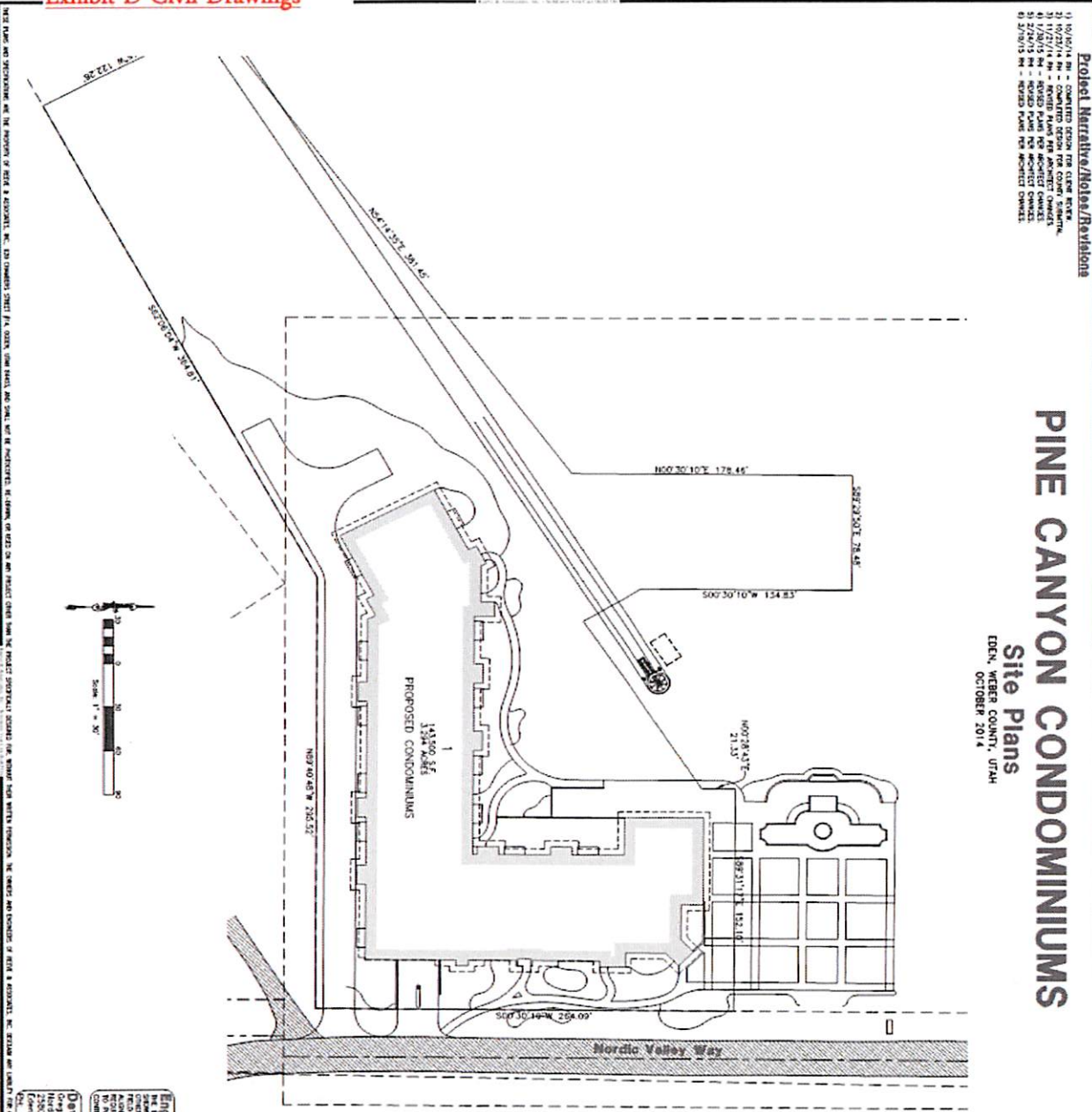
<p>PROJEC T</p> <p>DATE: 11/10/14</p> <p>SCALE: 1/8\"/> </p>	<p>PRELIMINARY PLAN</p> <p>WEBER COUNTY, UTAH</p> <p>PINE CANYON CONDO - BUILDING 1</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION							<p>Reeve & Associates, Inc.</p> <p>REGISTERED PROFESSIONAL ENGINEERS</p> <p>1000 WEST 1000 SOUTH, SUITE 100</p> <p>SALT LAKE CITY, UTAH 84119</p> <p>PHONE: 313.222.2222 FAX: 313.222.2222</p> <p>WWW.REEVE-ASSOCIATES.COM</p>
DATE	DESCRIPTION										

Exhibit D Civil Drawings

- Protect Narrative/Notes/Revisions**
- 1) 10/10/14 RA - COMPLETE DESIGN FOR CIVIL REVIEW
 - 2) 11/27/14 RA - REVISED PLANS FOR ARCHITECT CHANGES
 - 3) 12/15/14 RA - REVISED PLANS FOR ARCHITECT CHANGES
 - 4) 1/29/15 RA - REVISED PLANS FOR ARCHITECT CHANGES
 - 5) 2/26/15 RA - REVISED PLANS FOR ARCHITECT CHANGES
 - 6) 3/23/15 RA - REVISED PLANS FOR ARCHITECT CHANGES

PINE CANYON CONDOMINIUMS

Site Plans
EDEN, WEBER COUNTY, UTAH
EDEN, OCTOBER 2014



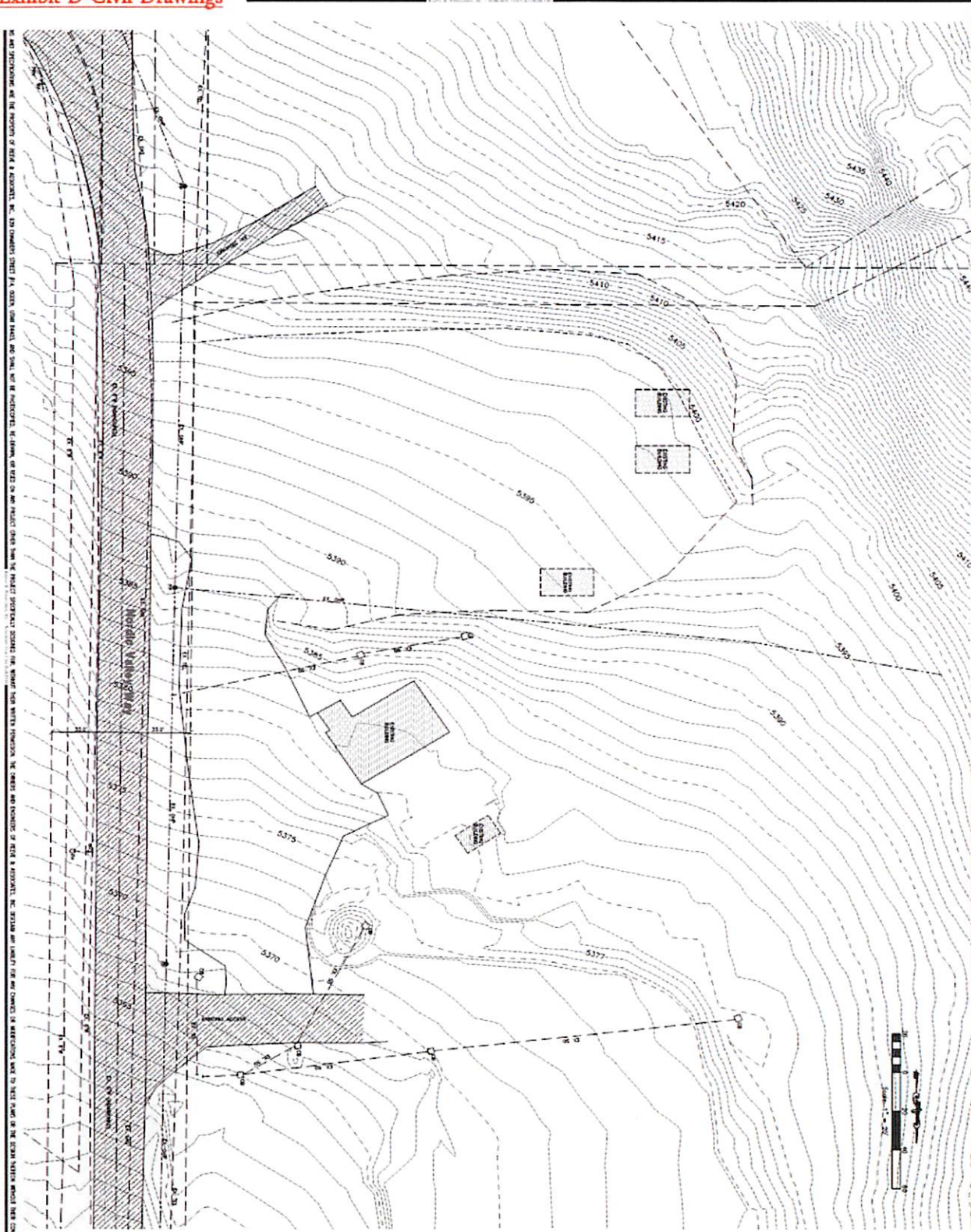
- Sheet Index**
- Sheet 1 - Cover/Index Sheet
 - Sheet 2 - Notes & Legend Sheet
 - Sheet 3 - Existing Site Plan
 - Sheet 4 - Proposed Site Plan
 - Sheet 5 - Grading Plan
 - Sheet 6 - Storm Water Pollution Prevention Plan Exhibit
 - Sheet 7 - Utility Plan
 - Sheet 8 - Storm Water Pollution Prevention Plan Details
 - Sheet 9 - Storm Water Pollution Prevention Plan Details

Engineer's Notice To Contractors
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES...
Developer Contact
Hatch, 541 West...
Call Toll Free 1-800-682-4111

Revised: 3-10-15

	<p>Pine Canyon Condominiums EDEN, WEBER COUNTY, UTAH</p> <p>Cover/Index Sheet</p>	<p>Revised</p> <ul style="list-style-type: none"> 11-21-14 RA - Architect Changes 11-20-14 RA - Architect Changes 2-3-15 RA - Architect Changes 2-24-15 RA - Architect Changes 3-10-15 RA - Architect Changes 	<p>Reeve & Associates, Inc.</p> <p>ARCHITECTS, ENGINEERS, PLANNERS, INTERIORS, ENVIRONMENTAL SCIENTISTS</p>
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Exhibit D Civil Drawings



Revised: 3-10-15

3	Sheet
9	Sheet
Prepared by: RA & Associates, Inc. 1111 N. 1000 E., Suite 100 Provo, UT 84601 Phone: (801) 734-1111 Fax: (801) 734-1112 Website: www.raandassociates.com	

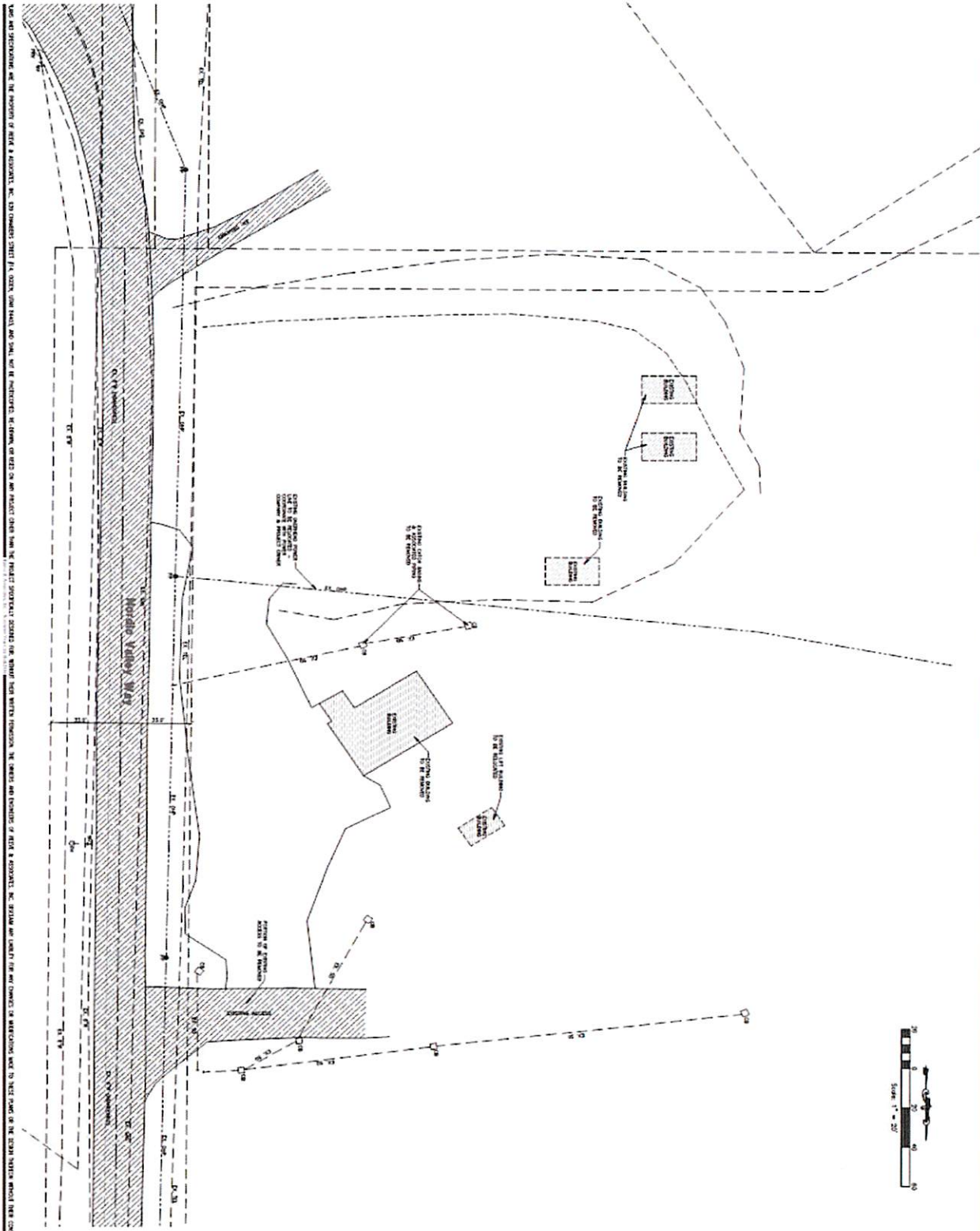
Pine Canyon Condominiums
 EDEN, WEBER COUNTY, UTAH

Existing Site Plan

DATE	DESCRIPTION
11-21-14	Rev. Architect Changes
1-30-15	Rev. Architect Changes
2-2-15	Rev. Architect Changes
2-24-15	Rev. Architect Changes
3-10-15	Rev. Architect Changes

RA **Reeve & Associates, Inc.**

400 S. GARDEN STREET, SUITE 100, PROVO, UTAH 84601
 TEL: (801) 734-1111 FAX: (801) 734-1112
 WWW.RAANDASSOCIATES.COM
 ALL RIGHTS RESERVED © 2015 REEVE & ASSOCIATES, INC.



Revised: 3-10-15



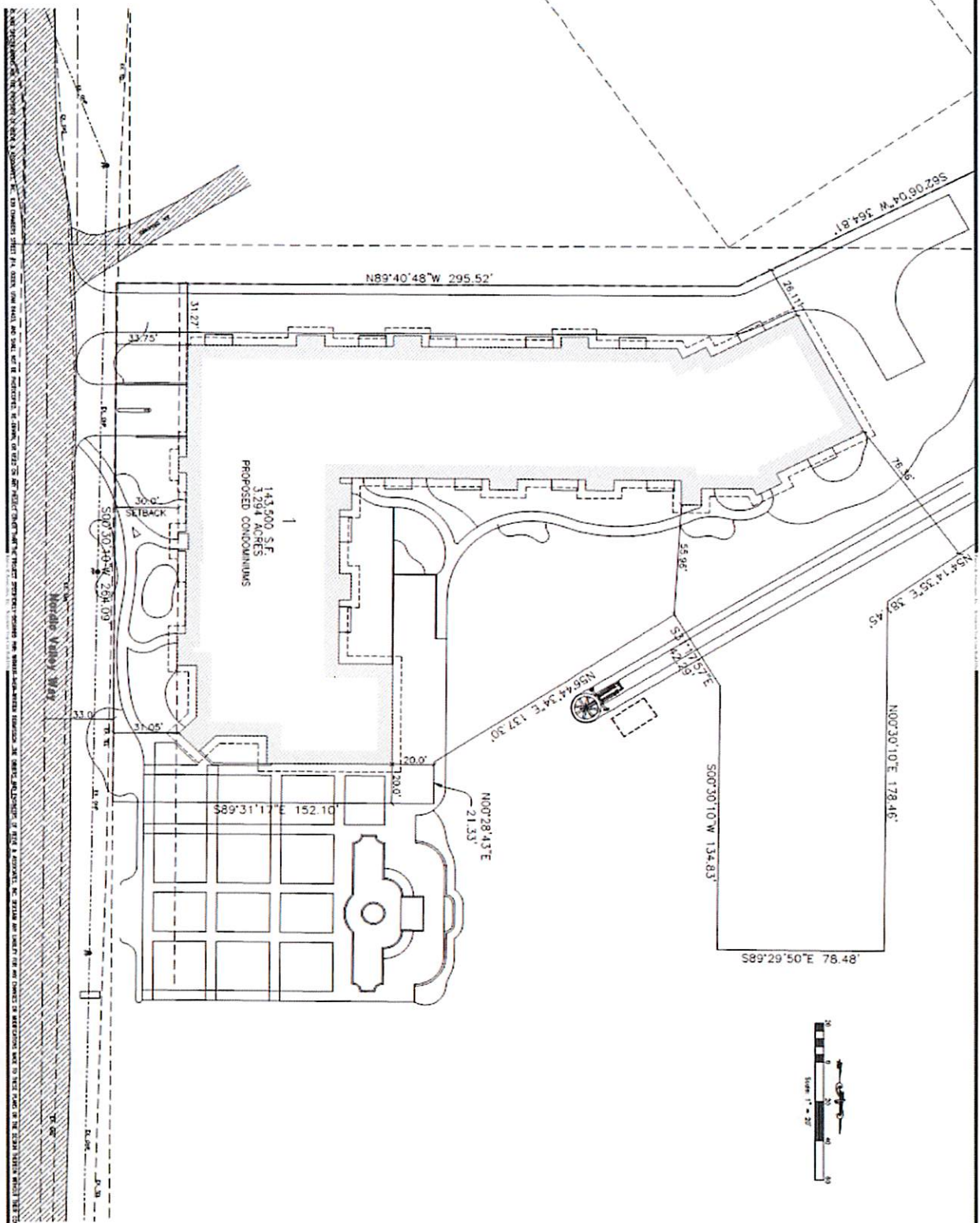
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DATE	DESCRIPTION														
11-21-14, SH	Architect Changes														
1-20-15, SH	Architect Changes														
2-11-15, SH	Architect Changes														
2-24-15, SH	Architect Changes														
3-10-15, SH	Architect Changes														
<p>Project Name: Pine Canyon Condominiums</p> <p>Client: Eden, Weber County, Utah</p> <p>Design: David B. Smith, P.E.</p> <p>Date: March 10, 2015</p> <p>Scale: 1" = 20'</p>															
<p>Sheet: 9</p> <p>of 4 Sheets</p>															

Exhibit D Civil Drawings



Revised: 3-10-15

Project Name	Pine Canyon Condominiums
Owner	Reeve & Associates, Inc.
Architect	Reeve & Associates, Inc.
Engineer	Reeve & Associates, Inc.
Scale	1/8\"/>

Pine Canyon Condominiums
 BOON HARBOR COUNTY, UTAH

Proposed Site Plan

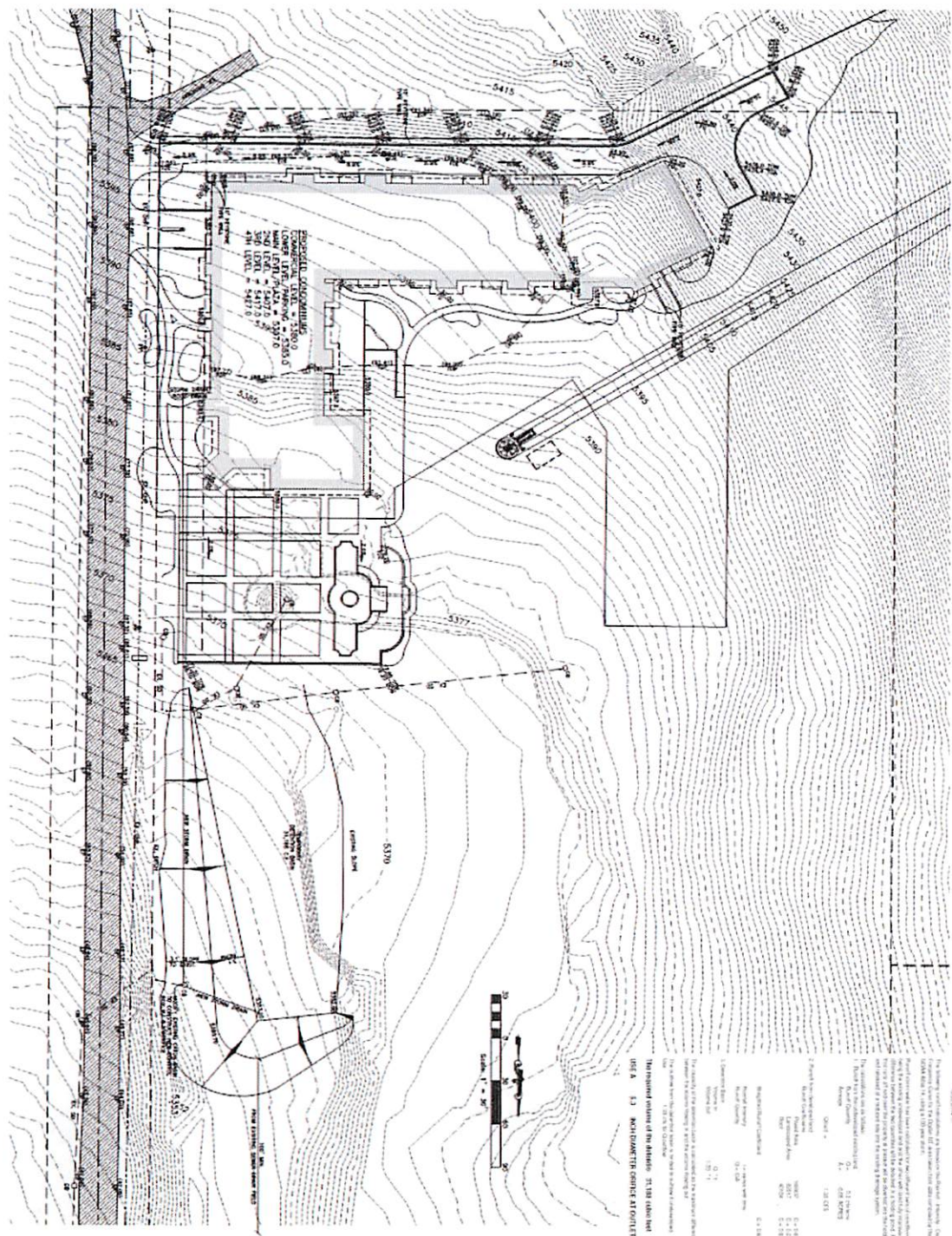
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1-20-15	Rev. Architect Changes
2-2-15	Rev. Architect Changes
2-24-15	Rev. Architect Changes
3-10-15	Rev. Architect Changes

Reeve & Associates, Inc.

450 SOUTH 1000 WEST, SUITE 100, BOON HARBOR, UTAH 84304
 TEL: 435-225-7344 FAX: 435-225-7345
 WWW.REEVE-ASSOCIATES.COM

Exhibit D Civil Drawings

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Storm Runoff Calculations
 NAME: VERRY COMPANY ENERGY

The following runoff calculations are based on the design of a stormwater management system for the proposed development. The calculations are based on the design storm event of 1.5 inches of rain in 24 hours. The runoff is calculated based on the design storm event and the design of the stormwater management system. The runoff is calculated based on the design storm event and the design of the stormwater management system.

Area	Runoff Coefficient	Runoff (inches)
Roof	0.80	1.20
Driveway	0.80	1.20
Garage	0.80	1.20
Impervious Area	0.80	1.20
Permeable Area	0.10	0.15
Total		2.55

The required volume of the detention tank is 11,100 gallons.

SEE A-33 FOR DETENTION TANK DESIGN AND CONSTRUCTION.

Revised: 3-10-15



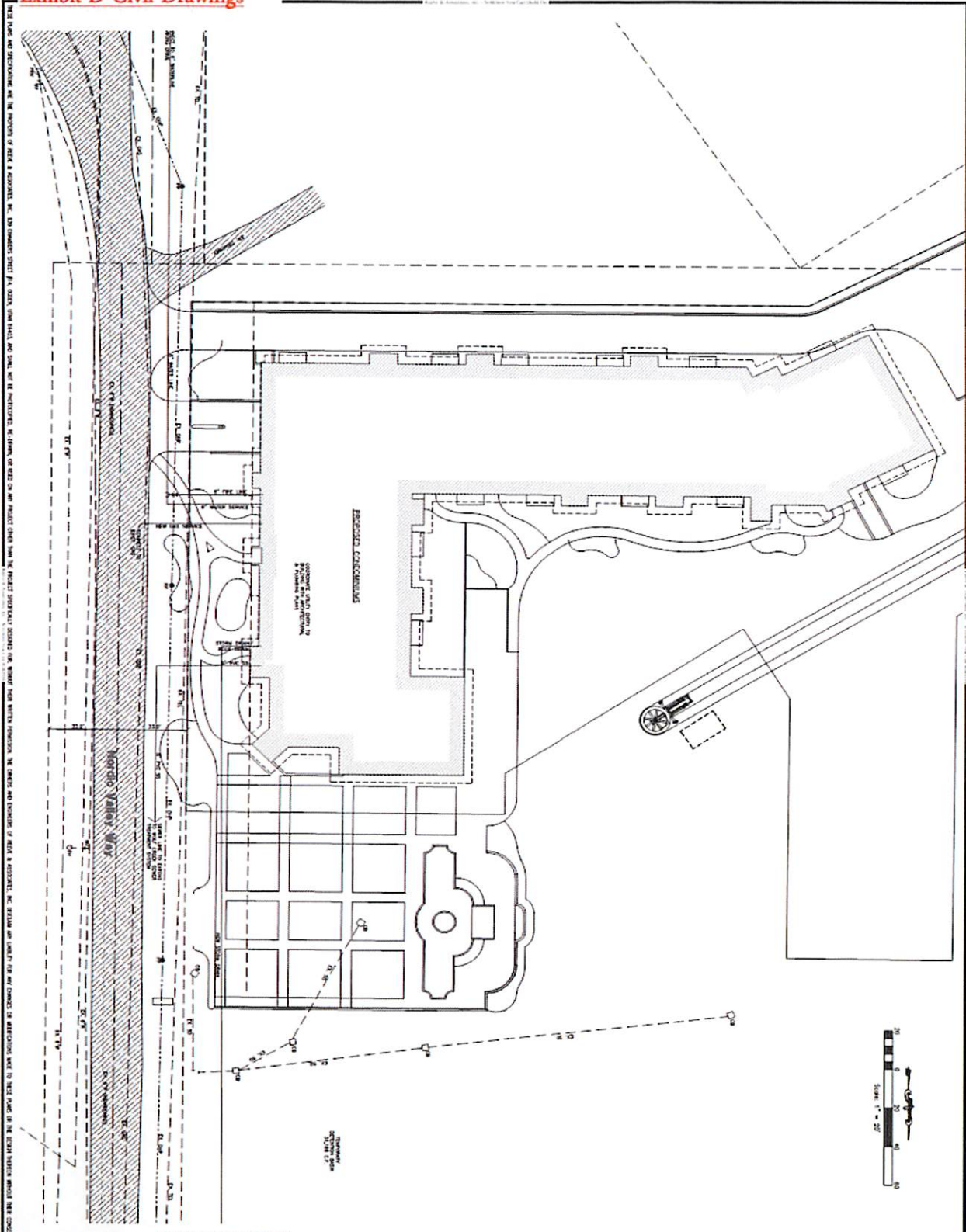
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01	11-21-14	BY: [Signature]	ADD DETENTION TANK																
02	1-20-15	BY: [Signature]	REVISE DETENTION TANK																
03	2-16-15	BY: [Signature]	REVISE DETENTION TANK																
04	3-10-15	BY: [Signature]	REVISE DETENTION TANK																
<p>Project: PINE CANYON CONDOMINIUMS Designer: VERRY COMPANY ENERGY Date: 3-10-15</p>	<p>Reeve & Associates, Inc. is an Equal Opportunity Employer. We are committed to diversity and inclusion in the workplace. We are committed to providing a safe and healthy work environment for all employees. We are committed to providing a high quality work environment for all employees. We are committed to providing a high quality work environment for all employees.</p>																		

Exhibit D Civil Drawings



Revised: 3-10-15

Sheet	9
7	8
6	5
4	3
3	2
2	1
1	0

Pine Canyon Condominiums
EDDY, WEBER COUNTY, UTAH

Utility Plan

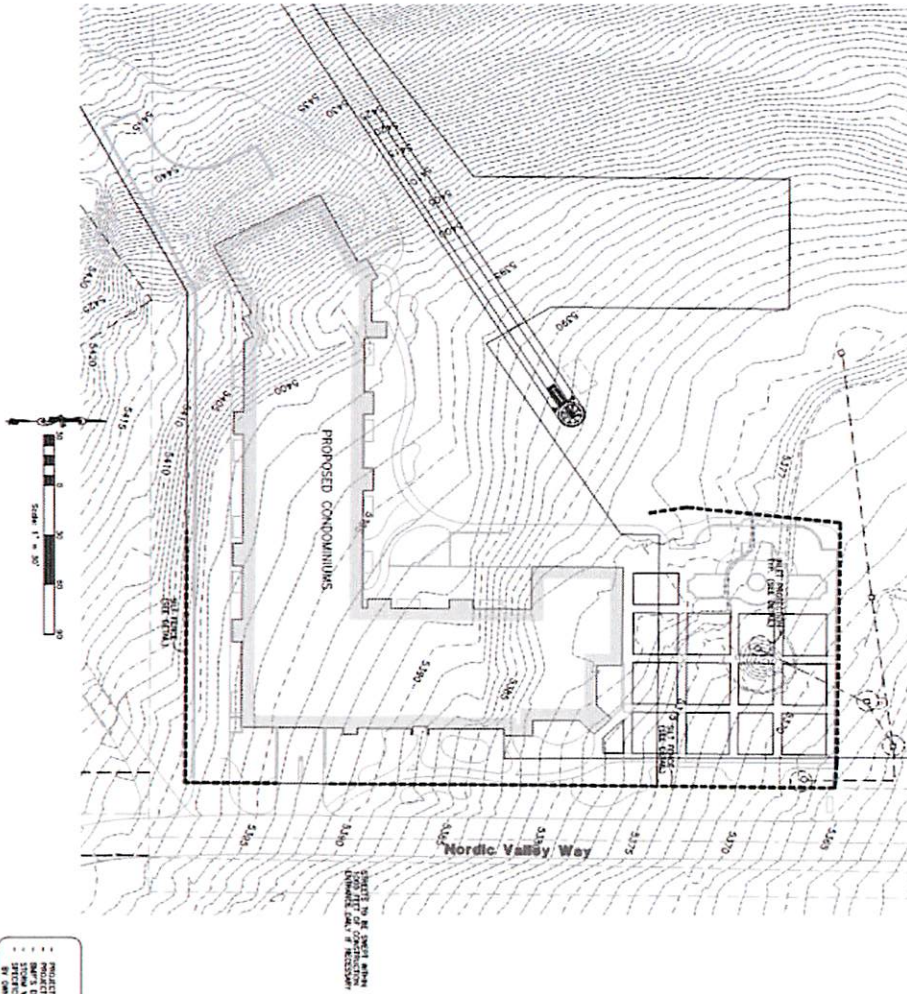
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11-21-14	RA - Architect Changes
11-20-14	RA - Architect Changes
2-2-14	RA - Architect Changes
2-24-13	RA - Architect Changes
3-10-15	RA - Architect Changes

RA **Reeve & Associates, Inc.**

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Exhibit D Civil Drawings

PINE CANYON CONDOMINIUMS
Storm Water Pollution Prevention Plan Exhibit
 EDEN, WEBER COUNTY, UTAH
 OCTOBER 2014



Construction Activity Schedule

PROJECT LICENSING PERMIT	APRIL 2014
PROJECT BEGINNING DATE	APRIL 2014
FINAL UTILITY MARKING CONTACT / INSPECTION	OCTOBER 2014
STREET CONSTRUCTION SCHEDULE (INCLUDING PAVE CONSTRUCTION SCHEDULE TO BE IN ACCORD WITH 5200)	OCTOBER 2014

Revised: 3-10-15

	Pine Canyon Condominiums EDEN, WEBER COUNTY, UTAH Storm Water Pollution Prevention Plan Exhibit	DATE: 11-21-14 PM REVISIONS: 1-30-15 Rev. Architect Changes 2-2-15 Rev. Architect Changes 2-24-15 Rev. Architect Changes 3-10-15 Rev. Architect Changes	
	Prepared By: DAVID L. SMITH, P.E. Checked By: DAVID L. SMITH, P.E. Date: 10/15/14	Project No.: 14-001 Sheet No.: 9 Total Sheets: 9	

Exhibit E Culinary Water "Will-Serve Letter"

Nordic Mountain Water Inc.

Pine Canyon Lodge Inc.
54-Unit Pine Canyon Condominium Complex
Liberty, Utah 84310

Ref: Reservation Service Agreement

Nordic Mountain Water Inc. (NMWI) agrees to provide water for to the 54-unit Pine Canyon Lodge Inc. Condominium Complex under the following Terms and Conditions:

- (1) A 10% Non-refundable deposit is required on the total number of connections reserved multiplied by the current Infrastructure Fee per unit rounded up to nearest full unit. (i.e. 54-units X 10% = 5.4 rounded up to 6 units)
 - a. Reservation of Service is guaranteed for one year at the Infrastructure Fee rate in affect on the date this Reservation Service Agreement is signed by both NMWI and its representatives.
 - b. Options after one year are:
 - i. Pay outstanding balance of total Infrastructure Fees outlined in paragraph c.
 1. A monthly Stand-by fee is in affect thereafter until physical water connection is made. Currently, the standby fee is \$20/condo per month and is subject to change.
 - ii. Forfeit Reservation, deposit is non-refundable, Service Agreement is nullified.
 - iii. Renegotiate this Reservation Service Agreement at the discretion of NMWI. Previous deposits will continue to be credited to balance due while this service agreement is valid.
 - c. Details
 - i. Total Connections 54 condominiums
 - ii. Total Infrastructure Fee is \$405,000 based on 54 units X \$7,500 per unit
 - iii. Initial required non-refundable deposit is \$45,000 based on 6 units @ \$7,500 each
 - iv. Final payment of \$360,000 due 1 year from date this agreement is signed by both parties and the full deposit is paid.
 - v. Monthly charge per condominium (at completion):
 1. \$51.25 based on \$37+\$14.25 for up to 7,500 gals/month.
 2. Overages will be charged incrementally per 1000 gallons for usage exceeding 7,500 gallons – TBD.
 3. Monthly rate guaranteed for 1 year from date this agreement is signed.
 - d. Restrictions
 - i. Any Home Owners Association (HOA) organized by Pine Canyon Condominium Complex or Pine Canyon after this agreement is in place cannot include any culinary water provided by NMWI.
 - ii. No extensions to the water system developed for the Pine Canyon Condominium Complex that includes water provided by NMWI will be allowed beyond the initial 54-condominium units.
 - iii. Pine Canyon cannot resale, manage, restrict, or charge any additional fees for water provided by NMWI under any circumstance.



Exhibit E Culinary Water "Will-Serve Letter"

- iv. The 5⁴-unit Pine Canyon Condominium Complex is considered to have one voting membership in NMWI.
- (2) Developer pays all costs including required modifications to existing NMWI infrastructure necessary to provide NMWI water to this condominium complex. In addition, the resulting water line extension design and all associated construction is subject to the following:
 - a. Must meet all State, County, and County Fire District Specifications and requirements
 - b. Must meet Water System Specifications as identified by NMWI
 - c. All waterline construction must be inspected and approved by NMWI or its identified Agent during all water system construction and/or modification.
 - d. NMWI will take possession of the modified portion of the system at the time of completion.
 - i. Developer will provide a warranty bond to cover costs of the modification during construction and for 1 year following completion of modifications or from date NMWI takes possession, whichever date is later.
- (3) NMWI uses a gravity-flow distribution system. Since an engineering study has not been completed for the proposed Pine Canyon Condominium complex, NMWI cannot guarantee adequate water pressure.
- (4) This agreement is a good faith effort by NMWI and contains terms and conditions as set forth by the NMWI board of directors, however, it may be subject to change pending review by NMWI legal counsel.

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement. We also require purchase of one Membership (see item d paragraph iv) in NMWI at the current rate of \$300 at the time the Infrastructure Fees are paid. If you have any questions, please feel free to contact Bill Green at (801) 791-3976 anytime or through our NMWI office.


Sincerely,

Bill D. Green
President
Nordic Mountain Water

Agreement of Addendum of October 9, 2014:  Date: 10-16-14
Pine Canyon Representative: Josh Richards

Agreement of Addendum of October 9, 2014:  Date: 10/16/2014
Nordic Mountain Water, Inc. Representative: Bill D. Green

Addendum of October 9, 2014:
It is agreed that upon signature of Agreement of Terms above by both parties, this agreement is valid subject to NMWI receiving \$45,000 deposit on or before Oct. 21, 2014. If said deposit is not received by Oct. 21, 2014 this agreement shall become null and void.

Agreement of Addendum of October 9, 2014:  Date: 10-16-14
Pine Canyon Representative: Josh Richards

Agreement of Addendum of October 9, 2014:  Date: 10/16/2014
Nordic Mountain Water, Inc. Representative: Bill D. Green

Exhibit F Sanitary Waste Water "Will-Serve Letter"



Wolf Creek Water and Sewer Improvement District

P.O. Box 658
3632 N. Wolf Creek Dr.
Eden, Utah 84310
(801) 745-3435
Fax (801) 745-3454

October 7, 2014

Pine Canyon Lodge, Inc.
Attention: Jackson Stevens

Subject: Nordic Valley Area Wastewater Treatment Request

Wolf Creek Water and Sewer Improvement District (WCWSID) on 7 October, 2014 this letter is to notify Pine Canyon Lodge, Inc. that WCWSID has the waste water capacity and CAN and WILL serve 56 additional sewer connections from the Nordic Valley Area as requested.

Pine Canyon Lodge, Inc. will be responsible for all associated costs for all required engineering, impact fees, construction drawings, piping installation and all permit approval cost for delivering waste water to the WCWSID treatment plant as approved by WCWSID. Specific terms and conditions to be negotiated in a separate agreement.

Wolf Creek Water and Sewer Improvement District

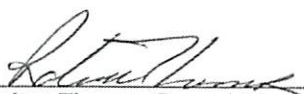
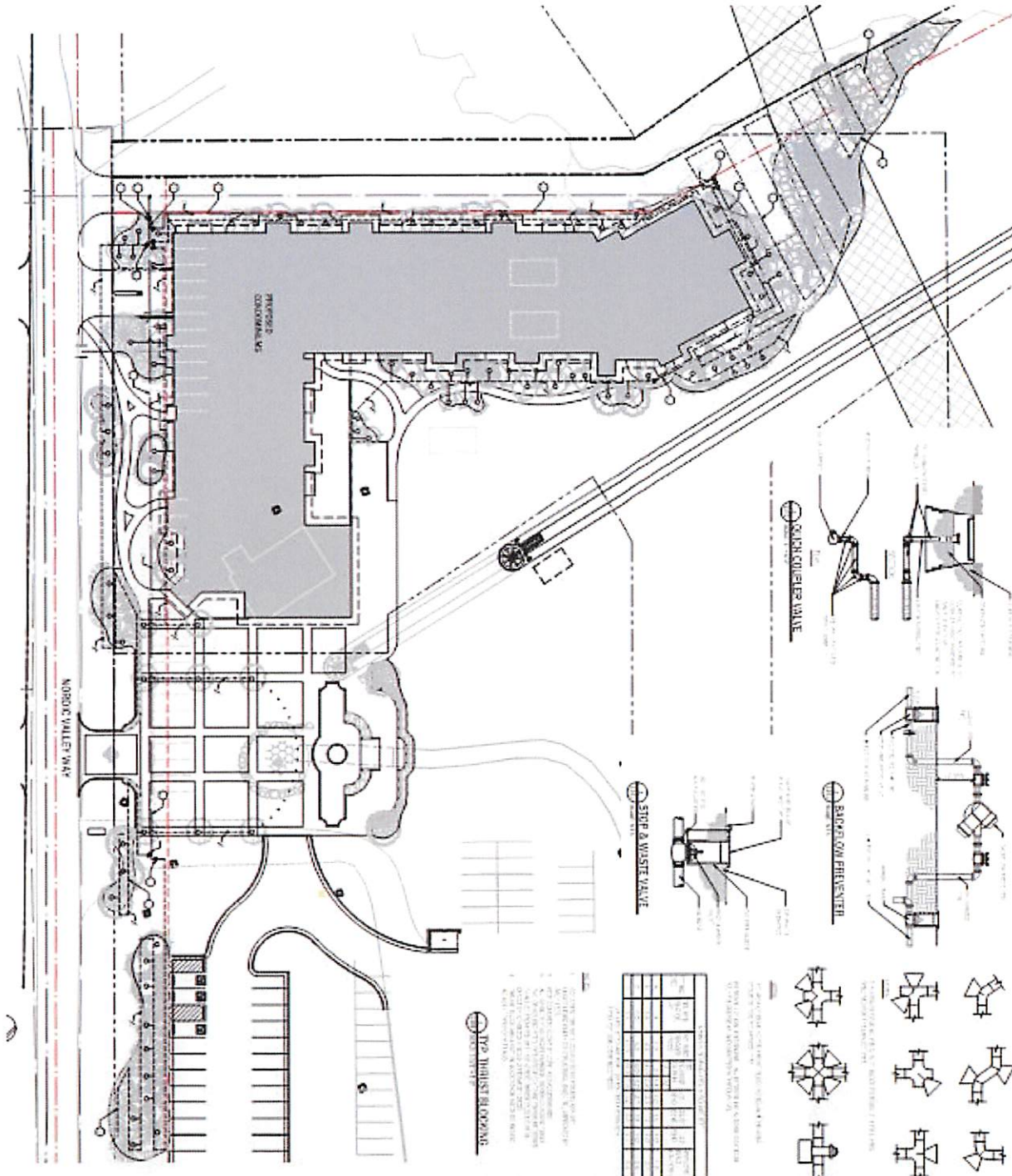

Robert Thomas, General Manager

Exhibit G Irrigation Plans (L101)



SCALE: 1" = 40'

DATE: 10/11/11

PROJECT: L101

OWNER: PINE CANYON LODGE

PROJECT: PINE VALLEY CONDOMINIUMS

ADDRESS: 1567 NORDIC VALLEY WAY, EDEN, UTAH 84101

© 2011 Cedar Rapids, Inc. All rights reserved. This drawing and all its contents are the property of Cedar Rapids, Inc. and shall not be used for any project other than the originally intended project.

GENERAL NOTES:

1. ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION CONTRACT DOCUMENTS.
2. ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION CONTRACT DOCUMENTS.
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10. ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION CONTRACT DOCUMENTS.

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/11/11



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to amend Wolf Creek 2002 "Conceptual Development Plan" to match the 2015 addendum to Wolf Creek Zoning Development Agreement (Contract #2015-31).

Application Type: Legislative

Agenda Date: Tuesday, February 23, 2016

Applicant: John Lewis

File Number: Wolf Creek Zoning Development Agreement ZTA2014-05 (Contract #2015-31).

Property Information

Approximate Address: Wolf Creek

Project Area: Not applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SM

Applicable Ordinances

- Not applicable

Background

Wolf Creek has been a Master Planned Community since 1984 with the most recent comprehensive revision to the Master Plan done in 2002. The 2002 Wolf Creek Master Plan was approved with concept maps and a Zoning Development Agreement.

The addendum to the 2002 Wolf Creek Zoning Development Agreement shows the remaining number of units that are left and the allocation of the units. However, the location of the units within Wolf Creek was not shown in the 2002 recorded agreement. One of the requirements of the Planning Commission and the County Commission in approving the addendum was that Wolf Creek would provide a conceptual drawing to show the development units.

In September of 2015 the conceptual plans and rezoning was approved for The Wolf Creek commercial core. These plans are also part of the conceptual maps that will be tied to the addendum (Contract 2015-31). Any changes to the Wolf Creek addendum and conceptual maps could require an update to the agreement and the maps associated with Wolf Creek.

Conformance to the General Plan

The concept maps conform to the Ogden Valley General Plan by encouraging commercial development within established commercial areas, balancing commercial development and residential growth, and supporting the development of commercial "nodes" within existing communities along major thoroughfares (*The 1998 Ogden Valley General Plan section 5 Commercial Development*).

Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously approved as Contract #2015-31:

- Does the concept plan reflect the addendum?
- Does the proposed amendment coincide with the vision of the area?
- Is the proposed amendment harmonious with the Ogden Valley General Plan?
- Does the proposal to amend the conceptual development plan negatively impact the surrounding properties and uses?

Staff Analysis

Staff has reviewed the conceptual plan and has found the map is consistent with the Development Parcel/Units chart located in the 2015 addendum and finds:

1. A request to amend the "Concept Development Plan" is required per the Zoning Development Agreement addendum.
2. It is in the best interests of both the applicant and the County to have a "Concept Development Plan" that is viable and harmonious with the Ogden Valley General Plan.
3. The amendment to the conceptual design will facilitate the required site improvements in a manner that will coincide with the vision of Wolf Creek.
4. The amendment is not detrimental to the public health, safety, or welfare.
5. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Staff Recommendation

The Planning Division recommends approval of the request to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously approved as Contract #2015-31. The approval is conceptual and road circulations, trails, and connectivity will be reviewed and approved later.

Exhibits

- A. Narrative
- B. The 2015 addendum to Wolf Creek Zoning Development Agreement (Contract #2015-31)
- C. Proposed conceptual plan

2016 Wolf Creek Master Plan Update
January 2016

The Agreement Amending and Clarifying the Weber County Zoning Development Agreement for the Wolf Creek Resort was recorded on December 4, 2015 (C2015-31 2-3 / E#2768159). Section 4 of the Agreement, entitled Master Plan Amendments, reads, "Successor Developers must submit to the Ogden Valley Township Planning Commission proposed drawings for any Amendments to the existing Master Plan covering the Development Parcels within twelve (12) months after the date of this Amendment." This application is intended to address this requirement.

Please see the following attachments;

- Wolf Creek Zoning dated February 2016
- Wolf Creek Master Plan dated February 2016
- Agreement Amending and Clarifying the Weber County Zoning Development Agreement for the Wolf Creek Resort (C2015-31 2-3 / E#2768159)
- Weber County Zoning Development Agreement (C2015-340 9-1 / E#2755225)



W2768159

WHEN RECORDED, RETURN TO:

①# 2015-159 PG 2-3 13
LEAH R. KILTS, WEBER COUNTY RECORDER
04-DEC-15 8:20 AM FEE \$1.00 DEP TN
REC FOR: WEBER COUNTY PLANNING

Dated: _____, 2015

Space Above for Recorder's Use Only

AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT

RECITALS

WHEREAS, Weber County, Utah (the "County") and Wolf Creek Properties, L.C., a Utah limited liability company ("Original Developer"), entered into that certain Zoning Development Agreement dated October 11, 2002 and recorded on October 22, 2002 as Entry No. 1883524, in Book 2276, beginning at page 990 in the office of the Weber County Recorder (the "Development Agreement");

WHEREAS, the Development Agreement, among other things, allocates available density for the development of the Wolf Creek Resort located in the Eden area of the Ogden Valley located within the County (the "Resort");

WHEREAS, the actual allocation of density for the Resort is based on zoning classification and available acreage within the zones, and the actual placement of units within the over-all development of the Resort was left to the Original Developer to propose to the County, under the County's land use code; and

WHEREAS, the Resort has been partially developed with assigned density allocations as contemplated by the Development Agreement, but there remains undeveloped areas within the Resort that have not been developed and for which density allocations are available;

WHEREAS, the parties signing this Amendment with the County (the "Successor Developers") have succeeded to the interests of the Original Developer to that portion of the Resort that is legally described on Exhibit "A" attached to and incorporated by reference in this Amendment (the "Subject Property"); and

WHEREAS, the Successor Developers wish to amend and clarify certain provisions of the Development Agreement to reflect changes in the ownership of the Subject Property and to assign to each Successor Developer's portion of the Subject Property (each a "Developer Parcel") a portion of the remaining density entitlements for the Resort that can be supported by the zoning classification of each Developer Parcel but subject to the remaining unassigned density allocations that were available to the Original Developer under the terms of the Development Agreement; and

WHEREAS, the Ogden Valley Planning Commission, in a Public Hearing on December 2, 2014, received public comment on this proposal and unanimously recommended approval to the Weber County Commission.

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties do hereby amend the Development Agreement as follows:

1. ZONING CLASSIFICATION OF THE RESORT

1) A map depicting the Resort and showing ownership of each remaining Developer Parcel affected by this Amendment, its approximate acreage and zoning classification is attached to and incorporated by reference in this Amendment as Exhibit "B."

2) The County and the Successor Developers acknowledge that the ownership of the Subject Property has changed from the Original Developer to the Successor Developers.

2. DENSITY ALLOCATIONS FOR SUBJECT PROPERTY

The following table summarizes the zoning classification, Development Parcel owner and the total units available to each of the Development Parcels affected by this Amendment, with notice to the County and agreed to by the Successor Developers, and includes the reallocation of 58 units from Parcel 3 to Parcel 1 now owned by America First Federal Credit Union ("America First"):

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	America First	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Capon Capital	61
Parcel 12	CVR-1	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

Each Successor Developer may use the total assigned units on its Development Parcel(s) as shown on the above-table. Each Successor Developer shall be required to follow the approval process set forth in the County's land use code before commencing any construction on its Development Parcel, including preliminary and final plat approval.

3. ASSIGNMENT

The Development Parcels, or portions thereof, may be sold, assigned, or otherwise transferred by the Successor Developers to parties, individuals, or entities, together with the assigned density allocations set forth in paragraph 2 above. In no event shall the transfer of units result in an allocation to any Development Parcel, or portion thereof, that exceeds the maximum number of units otherwise available to such Development Parcel, or portion thereof, under this agreement and the County's land use code, unless the master plan for Wolf Creek is amended as required by Section 4 of this agreement.

4. MASTER PLAN AMENDMENTS

Successor Developers must submit to the Ogden Valley Township Planning Commission proposed drawings for any Amendments to the existing Master Plan covering the Development Parcels within twelve (12) months after the date of this Amendment.

5. EFFECT OF AMENDMENTS

Except for the specific provisions of the Development Agreement clarified and amended hereby, the Development Agreement shall remain in full force and effect and shall be applicable to the parties and the Resort. In the case of conflict between the provisions of this Amendment and the Development Agreement, the provisions of this Amendment shall govern in all respects.

[Signatures appear on the following pages.]

Signed and Dated this 3rd day of February, 2015.

WEBER COUNTY, UTAH

By: [Signature]
Title: Commission Chair

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 3rd day of February 2015, by Kerry W Gibson, who is the _____ of WEBER COUNTY, UTAH.
Webber County Commission Chair

[Signature]
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:



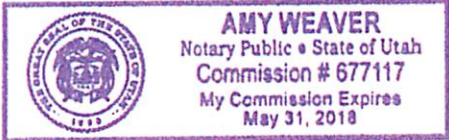
The following parties hereby execute this AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT, dated 14 April, 2015:

AMERICA FIRST FEDERAL CREDIT UNION

By: [Signature]
Title: EVP

STATE OF UTAH)
: ss.
COUNTY OF WEBER_)

The foregoing instrument was acknowledged before me this 14 day of April 2015, by Bex Rollo, who is a EVP of AMERICA FIRST FEDERAL CREDIT UNION.



[Signature]
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:
5/31/2018

KRK WOLF CREEK, LLC, a Utah limited liability company

By: Robert Olsen
Title: manager

STATE OF UTAH)
COUNTY OF Salt Lake : ss.)

The foregoing instrument was acknowledged before me this 15th day of September, 2015, by Robert Olsen, who is a manager of KRK WOLF CREEK, LLC, a Utah limited liability company.

Carie Lynn Young
NOTARY PUBLIC
Residing at Utah County, Utah

My Commission Expires:
December 3, 2016



EDEN VILLAGE, L.L.C., a Utah limited liability company

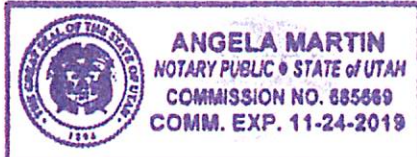
By: [Signature]
Title: PTGS / M/N

STATE OF UTAH)
COUNTY OF Weber : ss.

The foregoing instrument was acknowledged before me this 2 day of Dec, 2015, by Russ Wolk, who is the Manager of EDEN VILLAGE, L.L.C., a Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at Ogden County, Utah

My Commission Expires:
11-24-2019



WCU, LLC, a Utah limited liability company

By: [Signature]

Title: Managing Member

STATE OF UTAH)
 : ss.
COUNTY OF Weber)

The foregoing instrument was acknowledged before me this 2nd day of Dec., 2015, by John L. Lewis, who is the managing member of WCU, LLC, a Utah limited liability company.



My Commission Expires:

10/14/18

[Signature]

NOTARY PUBLIC

Residing at Weber County, Utah

CAPON CAPITAL, LLC, a Utah limited liability company

By: [Signature]
Title: Managing member

STATE OF UTAH)
) : ss.
COUNTY OF Weber)

The foregoing instrument was acknowledged before me this 2nd day of Dec., 2015, by John Lewis, who is the Managing member of GALT CAPITAL, LLC, a Utah limited liability company.



Lisa Tucker
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:
10/14/18

PARCEL 1
BOUNDARY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 16, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND RUNNING THENCE ALONG THE EAST LINE OF SAID SECTION 16 NORTH $00^{\circ}20'34''$ EAST 1328.34 FEET; THENCE NORTH $89^{\circ}38'07''$ WEST 1316.70 FEET; THENCE SOUTH $00^{\circ}20'47''$ WEST 1324.09 FEET TO THE SOUTH LINE OF SAID SECTION 16, THENCE ALONG THE SOUTH LINE OF SAID SECTION 16 NORTH $89^{\circ}27'25''$ WEST 1974.97 FEET TO THE EAST BOUNDARY LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASE 1; THENCE ALONG THE EAST LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASES 1, 2, AND 3 NORTH $00^{\circ}23'38''$ EAST 2655.42 FEET TO THE NORTH LINE OF SAID SOUTH HALF; THENCE ALONG SAID NORTH LINE OF SAID SOUTH HALF SOUTH $89^{\circ}28'10''$ EAST 3287.33 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH $88^{\circ}40'09''$ EAST 1486.52 FEET; THENCE SOUTH $00^{\circ}20'39''$ WEST 2642.21 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER NORTH $89^{\circ}12'43''$ WEST 1484.21 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22 AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH $89^{\circ}12'43''$ EAST 1484.21 FEET; THENCE SOUTH $89^{\circ}10'46''$ EAST 289.74 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND THE NORTH RIGHT-OF-WAY LINE OF A FUTURE 80.00 FOOT RIGHT-OF-WAY; THENCE ALONG THE NORTH LINE OF SAID 80.00 FOOT RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) ALONG THE ARC OF A 390.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 221.36 FEET, HAVING A CENTRAL ANGLE OF $32^{\circ}31'14''$, CHORD BEARS SOUTH $74^{\circ}31'40''$ WEST 218.40 FEET; (2) SOUTH $58^{\circ}16'30''$ WEST 508.21 FEET; (3) ALONG THE ARC OF A 560.00 FOOT RADIUS CURVE TO THE RIGHT 330.58 FEET, HAVING A CENTRAL ANGLE OF $33^{\circ}49'23''$, CHORD BEARS SOUTH $75^{\circ}10'44''$ WEST 325.80 FEET; (4) NORTH $87^{\circ}54'34''$ WEST 302.48 FEET; (5) ALONG THE ARC OF A 1540.00 FOOT RADIUS CURVE TO THE LEFT 524.05 FEET, HAVING A CENTRAL ANGLE OF $19^{\circ}29'50''$, CHORD BEARS SOUTH $82^{\circ}20'31''$ WEST 521.53 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER NORTH $00^{\circ}21'24''$ EAST 491.93 FEET TO THE POINT OF BEGINNING.

PARCEL 4
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
ALL OF THE NORTHWEST QUARTER OF SAID SECTION 22 LYING NORTH OF WOLF CREEK SUBDIVISION NO. 2 AND EAST OF WOLF CREEK DRIVE (A.K.A. 5100 EAST STREET) MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH $00^{\circ}24'17''$ WEST 437.73 FEET TO THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2; THENCE ALONG THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2 SOUTH $87^{\circ}15'11''$ WEST 290.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE; THENCE ALONG SAID EAST RIGHT-OF-

WAY LINE THE FOLLOWING THREE (3) COURSES: (1) ALONG THE ARC OF A 725.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 164.21 FEET, HAVING A CENTRAL ANGLE OF 12°58'40", CHORD BEARS NORTH 09°16'38" WEST 163.86 FEET; (2) NORTH 15°45'58" WEST 152.69 FEET; (3) ALONG THE ARC OF A 440.36 FOOT RADIUS CURVE TO THE RIGHT 149.70 FEET, CHORD BEARS NORTH 06°01'35" WEST 148.98 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER SOUTH 89°12'43" EAST 376.69 FEET TO THE POINT OF BEGINNING.

PARCEL 8
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 26, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 5 ALSO BEING ON THE BOUNDARY LINE OF ELKHORN SUBDIVISION PHASE 3 SAID POINT BEING LOCATED NORTH 89°57'13" EAST 319.29 FEET ALONG THE NORTH OF SAID NORTHWEST QUARTER AND SOUTH 00°00'00" EAST 34.80 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE ALONG THE BOUNDARY LINE OF ELKHORN BOUNDARY PHASE 3 THE FOLLOWING SIX (6) COURSES: (1) NORTH 17°10'22" WEST 157.52 FEET; (2) NORTH 58°18'49" EAST 68.60 FEET; (3) NORTH 38°47'54" EAST 172.79 FEET; (4) NORTH 28°21'04" EAST 73.83 FEET; (5) NORTH 45°52'46" EAST 143.92 FEET; (6) NORTH 55°13'30" EAST 124.26 FEET TO THE SOUTHWEST CORNER OF ELKHORN SUBDIVISION PHASE 4; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID ELKHORN SUBDIVISION PHASE 4 THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 64°18'02" EAST 143.88 FEET; (2) SOUTH 64°05'34" EAST 107.47 FEET; (3) SOUTH 57°53'09" EAST 126.51 FEET; (4) SOUTH 49°24'26" EAST 63.32 FEET; (5) SOUTH 50°06'38" EAST 473.71 FEET TO THE NORTH LINE OF SAID TRAPPERS RIDGE SUBDIVISION PHASE 8; THENCE ALONG THE NORTH LINE OF SAID PHASE 8 SOUTH 88°09'13" WEST 1106.18 FEET TO THE POINT OF BEGINNING.

PARCEL 10
BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE AND THE SOUTH LINE OF WOLF CREEK SUBDIVISION PHASE 2 BEING LOCATED NORTH 00°24'17" EAST 379.42 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER AND NORTH 90°00'00" EAST 30.87 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE ALONG SAID SOUTH LINE NORTH 54°20'36" EAST 359.81 FEET; THENCE NORTH 67°45'45" EAST 102.09 FEET; THENCE NORTH 54°39'47" EAST 322.44 FEET; THENCE SOUTH 89°20'13" EAST 303.68 FEET; THENCE SOUTH 50°20'13" EAST 365.00 FEET; THENCE SOUTH 38°39'47" WEST 292.63 FEET; THENCE SOUTH 19°54'40" WEST 90.01 FEET TO THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT B; THENCE ALONG THE NORTH LINE OF SAID WOLF STAR P.R.U.D. PHASE 1 PLAT B AND THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT C NORTH 73°18'19" WEST 579.90 FEET; THENCE ALONG THE WEST BOUNDARY LINE OF SAID PLAT C THE FOLLOWING TWO (2) COURSES: (1) SOUTH 11°20'13" EAST 222.32 FEET; (2) SOUTH 10°39'47" WEST 114.60 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ELKHORN DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ALONG THE ARC OF A 633.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 160.59 FEET, HAVING A CENTRAL ANGLE OF 14°32'08", CHORD BEARS SOUTH 74°06'50" WEST 160.16 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 207.59 FOOT RADIUS CURVE NON-TANGENT TO THE LEFT 64.34 FEET, HAVING A CENTRAL ANGLE OF 17°45'29", CHORD BEARS NORTH 47°46'38" WEST 64.08 FEET; (2)

NORTH 56°39'22" WEST 244.00 FEET; (3) ALONG THE ARC OF A 76.41 FOOT RADIUS CURVE TO THE RIGHT 40.90 FEET, HAVING A CENTRAL ANGLE OF 30°40'00", CHORD BEARS NORTH 41°19'22" WEST 40.41 FEET; (4) NORTH 25°59'22" WEST 128.00 FEET TO THE POINT OF BEGINNING.

PARCEL 12
BOUNDARY DESCRIPTION

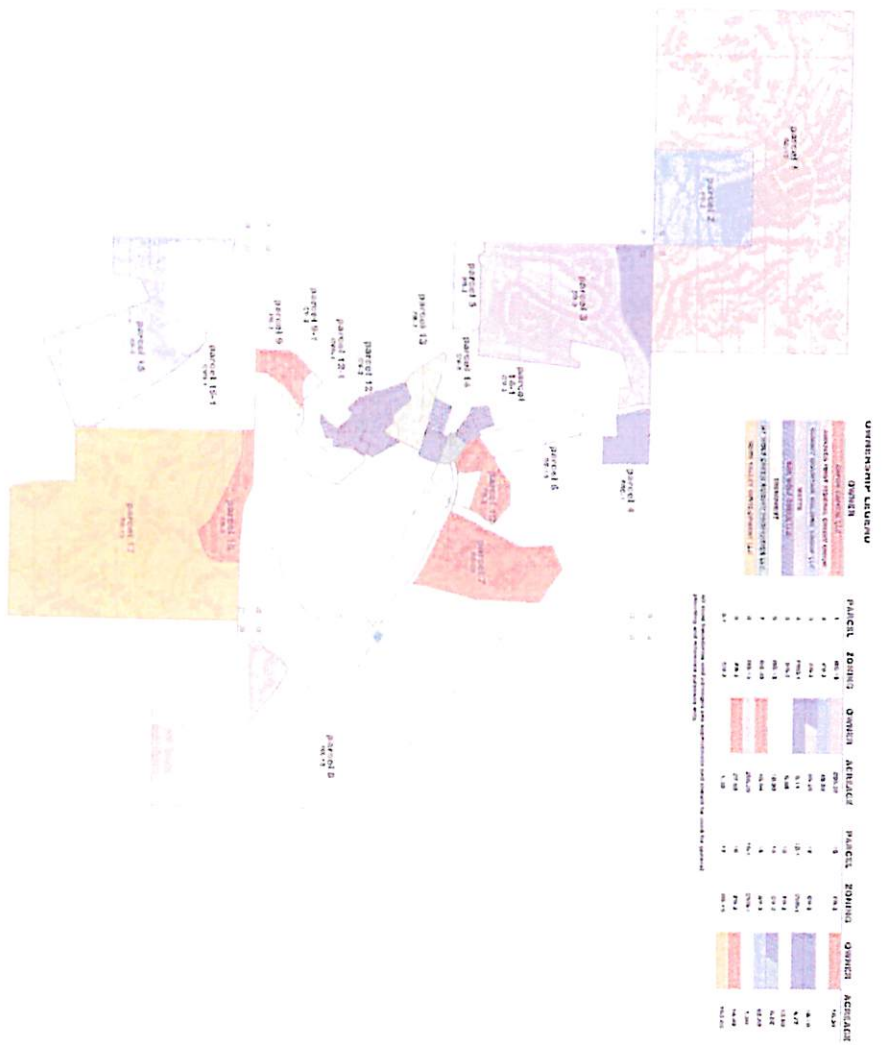
A PART OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED SOUTH 00°24'17" WEST 1346.93 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" WEST 232.82 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 943.25 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 11.87 FEET, HAVING A CENTRAL ANGLE OF 00°43'16", CHORD BEARS NORTH 37°34'48" EAST 11.87 FEET; (2) NORTH 37°13'11" EAST 62.30 FEET; (3) ALONG THE ARC OF A 3633.87 FOOT RADIUS CURVE TO THE LEFT 196.11 FEET, HAVING A CENTRAL ANGLE OF 03°05'32", CHORD BEARS NORTH 35°40'25" EAST 196.09 FEET; (4) ALONG THE ARC OF A 2669.04 FOOT RADIUS CURVE TO THE LEFT 443.53 FEET, HAVING A CENTRAL ANGLE OF 09°31'16", CHORD BEARS NORTH 32°29'17" EAST 443.02 FEET; THENCE SOUTH 31°00'04" EAST 358.42 FEET; THENCE SOUTH 31°37'35" WEST 111.01 FEET; THENCE SOUTH 60°36'55" EAST 4.76 FEET; THENCE SOUTH 83°21'49" EAST 37.30 FEET; THENCE SOUTH 34°17'37" WEST 213.48 FEET; THENCE SOUTH 00°31'06" WEST 253.28 FEET; THENCE SOUTH 89°56'50" WEST 118.57 FEET; THENCE SOUTH 00°27'18" WEST 98.78 FEET; THENCE SOUTH 70°55'49" WEST 263.65 FEET; THENCE NORTH 79°07'31" WEST 98.41 FEET; THENCE NORTH 44°17'09" EAST 300.74 FEET; THENCE NORTH 43°29'21" WEST 271.81 FEET TO THE POINT OF BEGINNING.

PARCEL 14
BOUNDARY DESCRIPTION

A PART OF THE NORTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED NORTH 00°24'17" EAST 222.03 ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" EAST 60.76 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE SOUTH 38°48'58" WEST 184.37 FEET; THENCE NORTH 55°40'31" WEST 368.67 FEET; THENCE NORTH 83°42'40" WEST 23.32 FEET; THENCE NORTH 04°59'10" WEST 61.40 FEET; THENCE NORTH 69°10'50" EAST 328.85 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTH 23°30'13" EAST 127.65 FEET; (2) SOUTH 26°07'32" EAST 7.04 FEET; (3) SOUTH 35°39'22" EAST 149.42 FEET TO THE POINT OF BEGINNING.

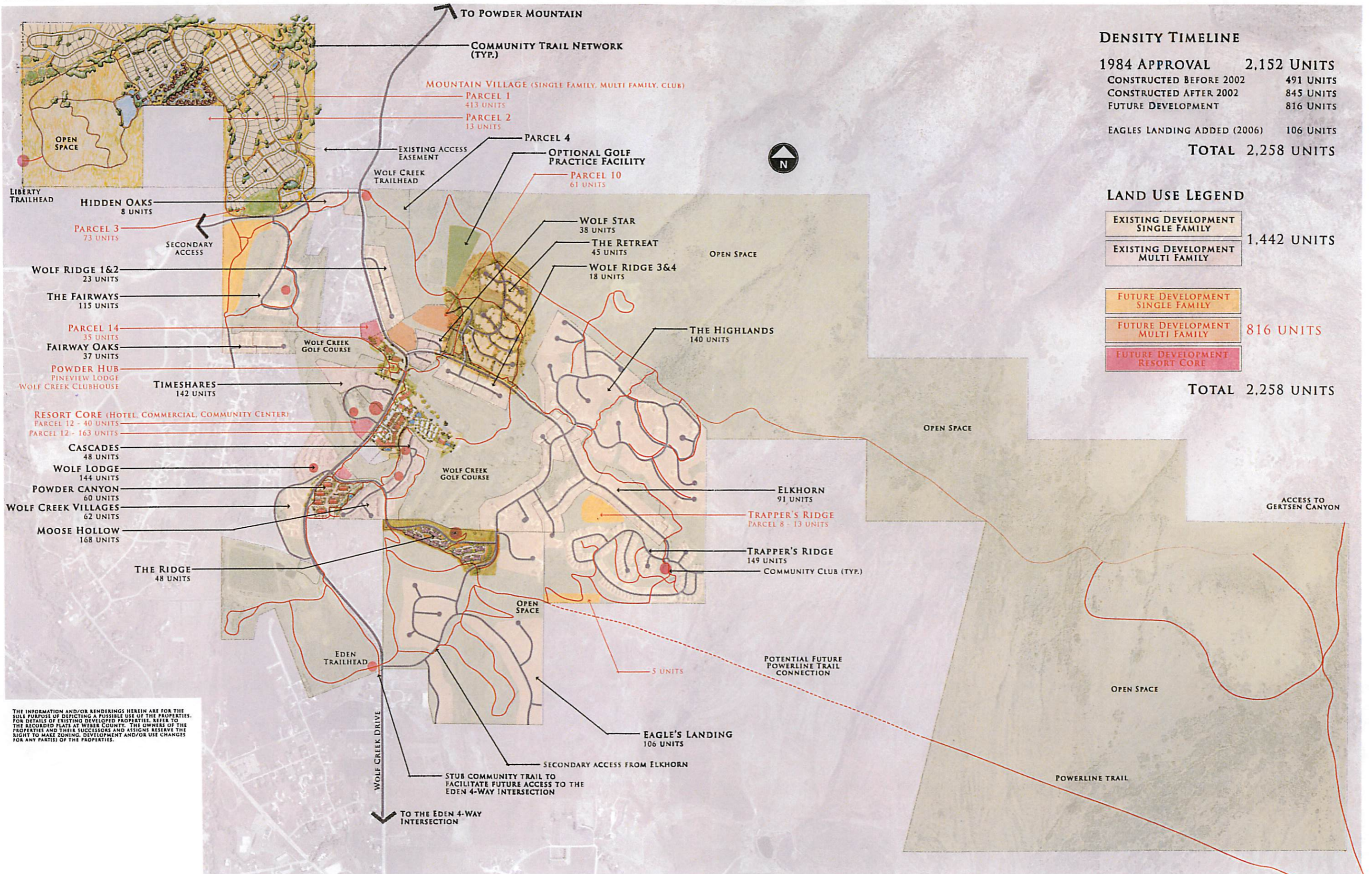
EXHIBIT "B"

RESORT ZONING MAP



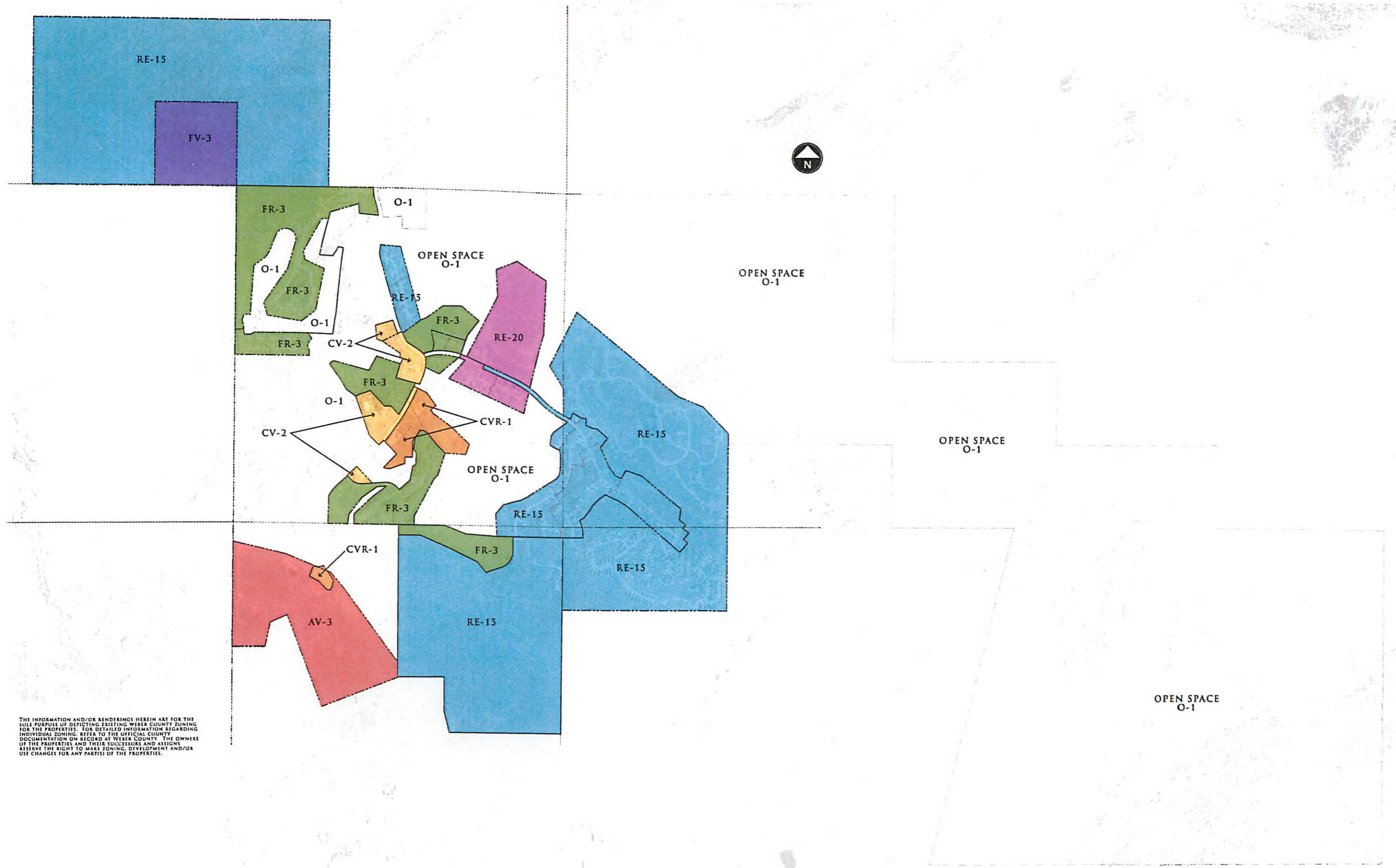
WOLF CREEK RESORT

FEBRUARY 2016



WOLF CREEK RESORT

FEBRUARY 2016



THE INFORMATION AND/OR RENDERINGS HEREIN ARE FOR THE SOLE PURPOSE OF DEPICTING EXISTING WEBER COUNTY ZONING FOR THE PROPERTIES. FOR DETAILED INFORMATION REGARDING INDIVIDUAL ZONING, REFER TO THE OFFICIAL COUNTY DOCUMENTATION ON RECORD AT WEBER COUNTY. THE OWNERS OF THE PROPERTIES AND THEIR SUCCESSORS AND ASSIGNS RESERVE THE RIGHT TO MAKE ZONING, DEVELOPMENT AND/OR USE CHANGES FOR ANY PART(S) OF THE PROPERTIES.

2002-139

WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT

PARTIES: The parties to this Zoning Development Agreement ("Agreement") are Wolf Creek Properties, L.C. ("petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement shall be the date that this document is signed by all parties and recorded.

RECITALS: Whereas, the petitioner seeks approval for the amended Master Plan for the Wolf Creek Resort which includes the re-zoning of property within the Wolf Creek Resort, generally located in the Eden area of the Ogden Valley, and more specifically as described in the legal descriptions attached hereto and incorporated herein by this reference ("the property"); and, as shown on the attached Master Plan Map, within the unincorporated area of Weber County, Utah for the purpose of continuing the future development of the Wolf Creek Resort as follows:

<u>ZONE</u>	<u>DENSITY</u>	<u>TOTAL ACRES</u>	<u>UNDEVELOPED ACRES</u>	<u>UNITS</u>
O-1	***Open Space	1731.45	1731.45	0
CV-2	Limited Commercial	21.12	21.12	250
FR-3	*6.0 DU/acre	160.47	136.92	704
RE-15	**1.75 DU/acre	517.56	444.35	664
RE-20	1.5 DU/acre	46.94	35.75	28
FV-3	1 DU/3 acres	40.00	40.00	13
AV-3	0	84.74	84.74	0
<u>FRC-1</u>	<u>1</u>	<u>9.11</u>	<u>9.11</u>	<u>1</u>
	<u>TOTAL</u>	<u>n/a</u>	<u>2503.44</u>	<u>1660</u>
	<u>PROJECT TOTAL</u>	<u>2611.39</u>		<u>2152</u>

* DU/acre is an average for all parcels zoned FR-3
 ** DU/acre is an average for all parcels zoned RE-15
 ***An additional 190.00 acres of open space will be required within zones FR-3, RE-15 and FV-3.
 Total Open Space including AV-3 = 2006.19 acres

AND WHEREAS, the 21.12 acres re-zoned to the CV-2 designation shall be limited to the following uses:

- Arts and Crafts Store
- Health and Fitness Club
- Café
- Medical/Dental Office
- Sporting Goods Store
- Dry Cleaning Pick up Station
- Ice Cream and Coffee Shop
- Pet Grooming and Supplies
- Legal Office
- Music and Video Store
- Real Estate Agency
- Travel Agency
- Art Gallery
- Bank
- Community Center/Meeting Room
- Deli/Small Grocery Store
- Salon/Barber Shop
- Florist Shop
- Local Artist Shop
- Insurance Agency
- Book Store
- Office Supply
- Restaurant
- Interior Decorator Establishment
- Bed and Breakfast Inn
- Bed and Breakfast Hotel
- Liquor Store
- Beer Parlor, sale of draft beer
- Antique, import or souvenir
- Hotel, Condo/Hotel
- Temporary building for uses incidental to Construction work. Such buildings shall be Removed upon the completion of the work.

WHEREAS, the developer agrees to submit a Landscape Plan for the Sewer Pond area which includes plans for the irrigation and maintenance for such landscaping, shall be approved administratively and installation of such landscaping materials shall be completed within six (6) months of the signing and recordation of this document; and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, the Petitioner has requested that certain property be re-zoned for purposes of allowing the Petitioner to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the Petitioner considers it to it's advantage and benefit for the County to review it's petition for re-zoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's General Plan and for the area and the existing land use surrounding the property.

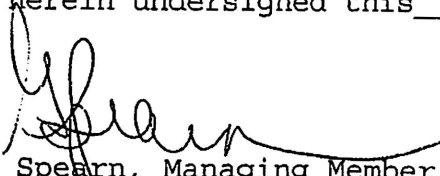
NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will re-zone the property described in attached legal descriptions and as described above, for the purpose of allowing the Petitioner to construct the allowed uses on the property.
2. The petitioner shall develop the subject property based on development plans submitted and reviewed as proscribed in the Weber County Zoning and Subdivision Ordinances and any other applicable State or Federal law or regulation.
3. No other uses shall be approved until or unless this Agreement and the approved Master Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue Land Use and Conditional Use Permits for only those uses determined to be within the general land use types listed above and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner:

A written petition by the petitioner, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

- 9. In the event that any of the conditions constituting default by the petitioner, occur, the County finds that the public benefits to accrue from re-zoning as outlined in this Agreement will not be realized. In such a case, the County shall examine the reasons for the default and proposed major change of plans, and either approve a change in the Master Plan or initiate steps to revert the zoning designation to its former zone.
- 10. The parties may amend or modify the provisions of this Agreement, the Master Plan and list of use types only by written instrument and after considering the recommendation of the Planning Commission, which may hold a public meeting to determine public feeling on the proposed amendment or modification.
- 11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 11th day of October, 2002


 Greg Spearn, Managing Member
 Wolf Creek Properties, L.C.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)

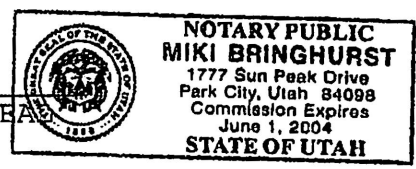
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) ss

COUNTY OF WEBER)

On this 11th Day of October, 2002,
Orly Spear personally appeared before me, duly sworn, did say that he is the Managing Member of the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

[Handwritten signature of Miki Bringhurst]
NOTARY PUBLIC



My commission expires 6-1-04

[Handwritten signature of Kenneth A. Bischoff]
~~Glen H. Burton, Chair~~ Kenneth A. Bischoff, Vice Chair
Weber County Commission

ATTEST:

[Handwritten signature of Linda G. Lunceford]
Linda G. Lunceford, CPO
Weber County Clerk/Auditor

Documents Attached:

- Exhibit A: Copy of legal descriptions

ET 1883524 BK2276 PG993

[Handwritten initials]