

Minutes of the Ogden Valley Planning Commission Regular meeting March 24, 2015 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Ann Miller, John Howell, Will Haymond, Kevin Parson, Pen Hollist

Absent/Excused: Greg Graves

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Ronda Kippen, Planner; Ben Hatfield, Planner; Brett Peterson, Legal Counsel; Jared Andersen, Engineering; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

MOTION: Commissioner Parson moved to switch the Administrative Items. Commissioner Howell seconded. A vote was taken with Commissioner Miller, Howell, Haymond, Parson, and Chair Warburton voting aye. Motion Carried (5-0).

Chair Warburton asked if any member had ex parte communications to declare. No ex parte communications were declared.

1. Minutes: Approval of the February 24, 2015 Meeting Minutes

MOTION: Chair Warburton declared the meeting minutes approved with the noted corrections.

2. Consent Agenda:

- 2.1. DR 2013-07** Consideration and action on an a two year time extension for the temporary gravel excavation and rock crushing operation at Powder Mountain Ski Resort in the Destination and Recreation Resort-1 (DRR-1) Zone (Russ Watts, Representative for Summit Mountain Holding Group, LLC)
- 2.2. DR 2014-12** Consideration and action on a request for Design Review approval of a Community Church to be located at 9228 East 100 North in the Agricultural Valley-3 (AV-3) Zone (Karl Lundin, Agent for Ogden Valley Community Church)
- 2.3. CUP 2015-06** Consideration and action 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 Recreation Resort-1 (DRR-1) Zone (Pete Simmons, Agent for Verizon)
- 2.4. DR 2014-08** Consideration and action on a request for design review approval of a shed and pergola for Maverik Country Stores in Eden located at 2500 North Hwy 162 in the Commercial Valley-2 (CV-2) Zone (Brad Morgan, Agent for On-Site Development; Neil Mantela, Maverik Country Stores)
- 2.5. CUP 2015-01** Consideration and action on a request for design review approval of a barn and storage building that is more than twice the size of the home located at 3047 E 5750 N, in the Agricultural Valley-3 (AV-3) Zone (Shannon Sandberg, Applicant)

MOTION: Commissioner Howell moved to approve collectively consent agenda items 2.1 through 2.5., subject to all the conditions listed in the staff report, and all the county agency's requirements. Commissioner Parson seconded. A vote was taken with Commissioner Miller, Howell, Haymond, Parson, and Chair Warburton voting aye. Motion Carried (5-0).

2. DISCUSSION: Amenities and phasing of Edgewater Beach Resort PRUD

Ben Hatfield indicated that he had prepared a memo about the discussion of the amenities that had occurred in Phase 1. This is a phasing plan of the entire project and there are some main components in the amenities of Phase 1, some of which is under construction as follows: Two commercial buildings with six individual units, a storage barn divided into seven spaces, a 4 unit condominium (Units 101-104), a pool and pool house, common areas with private streets, parking stalls, trails, and landscaping, and 2-tri-plexes, a duplex, and one single family dwelling. The developer has requested to postpone these amenities into a different phase. Staff has had a few concerns in that each of the phases seemed heavy with amenities; however, some flexibility should be made because as they were developing Phase 1, they had to put in other infrastructure improvements, such as the storm drains, and a lift station for the entire site sewer. Another concern that staff has is that this is a CVR-1 Zone which allows for residential, but has the component that at least 10% of the space of the property be used as commercial. In reviewing this, staff would like this Planning Commission's opinion as to what

point would they require certain elements to be completed before moving forward. All along the applicant has stated that all the elements would be completed in Phase 1. Staff is recommending that if flexibility is shown, and if there is a postponement of the amenities; that it doesn't get postponed beyond the second phase.

Commissioner Miller said that some of these amenities are nice selling points for the condominiums, like the pool and the pool house. But there are these other amenities like the commercial buildings where there is some concern such as what amenities should be there by the end of Phase 2. Mr. Hatfield replied that some of those amenities should be going into Phase 1; for example the storage buildings and garage units that share the foundation wall, as well as the retaining wall and other landscaping that would need to go in; whereas the commercial buildings, have no tenants at this point as there is no market for them yet.

Commissioner Miller said that the commercial buildings, because there is a concern, needs to be in by Phase 3 or Phase 4. Mr. Hatfield replied that way they don't have a development without that commercial element.

Chair Warburton stated that the conditions that were placed on this development were based on the 10% and it became staff's recommendation as to when they should have this done. Mr. Hatfield responded that the 10% was code and everything else was based on the developer and his phasing plan; it was based on the approvals by the Planning Commission and the County Commission that they would be part of that phase.

Commissioner Parson asked if it was possible to get the proper drainage and proper elevation for the landscape so they wouldn't have to do this twice. He didn't want to see any ground lay fallow, being ripped up, weeds growing, and things they talked about in Phase 1.

Collin Wright, 1187 Bella Vista Drive, in Fruit Heights, said they have been working hard, and Unit 8 is going to be in the Northern Parade of Homes in June and they hope to have 5,000-10,000 people come up and view that home. As part of Phase 2, there is a road widening for turn lanes, which is about \$150,000, and that should dramatically add value to the commercial portion. They have had some interest from local real estate offices, property management offices, and they think there may be a better use for that commercial site. When staff talks about amenities, he dislikes that word, because they bonded about \$500,000 cash for the pool, landscaping, and trails. They plan on doing those but this is solely on the commercial buildings, and their belief is that the property will go up in value as they add more units, and as they build the turn lanes. This is a great commercial corner and they have sold five out of the six units.

Commissioner Haymond inquired if he had any concerns about being able to build the commercial buildings with Phase 2? Collin Wright responded that with present sales Phase 2 could go quickly, and they could take the offer from the local real estate company, but they would hate to close the door to future tenants. Their preference would be not to have it at the end of Phase 2, and get the perfect tenant that matches with their \$500,000 great contemporary architecture lake homes rather than building something that doesn't match that.

Commissioner Parson said that this wouldn't be approved for Phase 3; he would have to get things done within Phase 2. Collin Wright replied that it is their preference not to build sooner; but they would be happy to talk about it.

Chair Warburton asked if they were amending. Mr. Hatfield replied that they are not amending; the subdivision and the lots with approvals are just the way they are.

Chair Warburton asked why the question was brought to the Planning Commission then. Mr. Hatfield replied that is was because they didn't bond for those items. There are certain items that were bonded for half a million dollars, but the items that weren't bonded for were the individual dwelling units, commercial buildings, garage, and the storage units.

Director Wilkinson said that the concern is that they don't finish the residential aspect of the project and leave the commercial vacant for the foreseeable future. Even though they know it has to be commercial in the future, if nothing is ever built there, they haven't done what was originally proposed. In a meeting that they proposed to us, they asked not to give them occupancy of their residential units in Phase 4 until these commercial units are built. If that is what the Planning Commission thinks is good, they could give staff direction to prepare something and bring it back to them with Phase 2.

Commissioner Parson said that in the original discussion, they talked about their success and what they had to accomplish within the ordinances, such as the trail aspects being able to tie in, having the infrastructure, the curb and gutter, and the overall footprint. They talked about having 29 units and that could support a restaurant and the aspect of that being able to move forward. They have talked about the time issue and how long they give somebody; it's the 4 to 10 year interim that doesn't coincide with what they see.

Commissioner Warburton asked if they were talking about putting off the landscaping and the trails. Mr. Hatfield responded no; he understood that the commissioner had concerns, because they would see the location there without commercial buildings for some time. The question for the Planning Commission is at what time they would want to see those commercial buildings or anything that they didn't have a bond for.

Commissioner Howell asked if the pool and pool house would be completed in Phase 2, because they have seen a lot of the amenities that were supposed to be completed and were never done. Mr. Hatfield replied that is one of their concerns.

Chair Warburton asked when the pool and pool house was due to be completed. Collin Wright replied that they planned to pull the permit on the pool house within the next couple of weeks; they had been waiting for the snow to melt. The pool and the landscaping should be completed before the end of Phase 2.

Commissioner Hollist arrived at this time.

3. Administrative Items:

a. Old Business

1. CUP 2014-29: 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 located at 3567 Nordic Valley Way in Eden (Skyline Mountain Base, LLC, Applicant)

Ronda Kippen stated that they will be discussing the redesign of Pine Canyon Lodge as a conditional use permit in the CVR-1 Zone. The applicant had opted to take the design back to try and address some of the concerns that were brought up by the public and the Planning Commission. The applicant presented an architectural rendering and a flyover as requested by Commissioner Hollist. The original design included the following: very large windows, a 4 story building located off of Nordic Valley Way with the issue of height, with the highest measurement was 61 feet and the average was 54 feet. The new design has reduced the area along Nordic Valley Way, by taking some of the parking and offsetting it outside, and they have eliminated floors and went further up the mountain with the recommendations from the Planning Commission and the community. The reduction has gone from 61 feet down to 54 feet 3 inches measured along the corridor; with the tallest area of the underground parking at 58 ft 4 in. taken down to 44 ft.

Ronda Kippen said that one area that the Planning Commission will have to make a decision on is if this building is proportionate to the recreational element that the resort provides. Commissioner Hollist had asked her to pull some proportional comparisons between Snow Basin, Powder Mountain, and Nordic Valley. Snow Basin and Powder Mountain are very solid because they have a Development Agreement that has granted them particular amenities and developable rights in that resort. Snow Basin for their development agreement on Weber County side only has been granted 19.8% developable area with a mix of residential, mixed use, and commercial. Powder Mountain has been granted 24.35% development rights that are residential and mixed use, with the commercial development unlimited. Nordic Valley in comparison with the overall square footage of the building to the 438 acres that they own, it comes up to be 7% of the proportion to the amenities. If they were to look at the development across the entire CVR-1 Zone, they would be looking at 1.8% of the resort and the amenities. Nordic Valley has the ability to have year around amenities, such as biking trails, walking paths, concerts, and different things that are specifically tied to a winter resort. The 1998 General Plan states that they would encourage commercial development in the Ogden Valley, in these commercial nodes or these areas that have been identified as a commercial area. Nordic Valley has had this designation since 1977, and predates the zoning as far as the resort with the CVR-1 that came into place in 1977 and was increased with additional amenities in 1980. The county also supports the continued development of resort related commercial areas. In 2005 they adopted the recreation element as part of the Ogden Valley General Plan, and throughout it identified three key resorts; Powder Mountain, Snow Basin, and Nordic Valley. It states they need to have a variety of progressive resort development in Ogden Valley, and encourage quality resort and recreation development, and to protect as much open space as possible. In 2006, they

amended the CVR-1 Zone to have the height unrestricted in these commercial zones so they could have the flexibility for progressive development in a manner to maintain open space by building up and not out.

A key issue that they heard in previous meetings was that Legal Counsel felt that they weren't considering water to be an issue; and water, sewer, and geotechnical responsibilities are issues, but they are not an issue of the conditional use permit. This is step one of a four step process; step two is preliminary subdivision, step three is final subdivision, and step four is building permits. In step one they are looking at this conceptually; can that building go there with that many units and this height. In steps two and three they will be honing down water, sewer, geotechnical, and slope stability. They recently received the fire approval and Mr. Eastman is here if there are any questions or concerns. They have had discussions with the developer and have informed him that with the expansion of a water study will be needed. One condition from the Fire Department for approval, is that there will be an audit to make sure that there is adequate water; that it will not be taking water from residents, adequate water for fighting fires, and adequate water for the building. The Engineer has also recommended conditional approval because much of the engineering elements come into play during the final subdivision process. As to the lighting, there will not be any outdoor parking lighting; the pathways and trails will be lit with shielded bollard lighting, and the windows have been reduced to minimize lighting.

Commissioner Howell said that everyone's main concern was the height and he couldn't remember the height for Snow Basin. Mrs. Kippen replied that as far as hotels and retails, they were approved for 428,750 sq. ft., and two of those were hotels. They are currently looking at 145,000 sq. ft. Chair Warburton asked if the standard height was 30 feet? Mrs. Kippen replied that throughout the valley for residential it's 35 feet as measured from existing grade and when it's finished, it could be taller. Chair Warburton said so this could be like a three story house.

Ronda Kippen clarified that the Health Department has met with the developers, walked the path for the sewer line, and has looked at the feasibility.

Ronda Kippen said at Commissioner Hollist's request, the applicant has put together a flyover with the buildings imprinted so that they could get a visual feel of what is being seen. Josh Richards, Manager of First Mountain Base, Entity Owner of Nordic Valley Ski Resort, said to keep in mind that the grade from the barn to the top of the valley is about 91 feet, the grade to the top of this building is at 68 feet from its highest point. They heard from the Planning Commission and the community that the back of the building was not the issue; it was front that was a big issue. He asked the architect to remove an entire level, push it back, and redo the entire building. He is hoping that with a complete redesign, attending a couple of meetings with the community, and getting some ideas they could come back to a better conclusion. This area has gone from 54 feet to 44 feet; they dropped it 10 feet all along the roadway, and that is why the average sounds similar, because they pushed everything to the back. He would like to have the architect, Dan Van Zeben speak to some of the changes they made.

Dan Van Zeben, 4763 Juniper Lane, said that there are some techniques they used to accomplish what was asked in the last two Planning Commission meetings. They are very confident they have satisfied the concerns and applied the current codes to the design with respect to parking, size, and accommodation of the building in the CVR-1 Zone. The first thing they did was lower the building on Nordic Valley Way, and they go down to the building structure, originally it was coming in at a higher elevation, and now it's down four feet into that parking structure from the roadway. They lowered the building right off the top in the southerly portion of the building; they also lowered the main level of the building with the restaurant being on the same level four feet below the elevation of the parking structure. They have stepped the restaurant and grade on the north side of the structure where the plaza and turn around area is four feet lower than the parking structure which is higher up the hill. In addition to that, they have changed some floor to floor elevations and they have changed the pitch on the roof. In terms of the general plan, they use the word rural but it doesn't describe what rural is; is it barns, log cabins, or is rural in the nature of European Ski Village?

Dan Van Zeben said what they are trying to do is follow their goal of a boutique, style full-season resort and the reason they chose to lower the slope on the roof was to keep the snow on the roof for a chalet feel. They also took two layers off of the entry portion of the building to make it feel more entry and representative of an entrance from Nordic Valley Way into the building. They started with two stories, they stepped back with three stories, and in the back they will see four stories but that is because of the parking structure. Additionally, they took those 54 units and added them as they step up the hill. The challenge that they had was the CVR Zone that was established in 1977 was that it was narrowly defined and they were limited as to how far up the hill they could go. If they could have gone further up the hill, they would have

lowered some of the areas along Nordic Valley Way, but because they were limited with the CVR Zone to the west, they could only build up to that line. They have done what they could to maintain the number of units, and take the higher portions of that space going up the hill. With respect to Dark Sky, they have reduced the windows to create that chalet or more rural feel design. With respect to parking, they have resolved the parking requirements based on the way the code is written for this building. They recognized that going forward and in their master planning when they come before this commission with future developments and future agreements, they could resolve those other issues. They have used the ordinance specifically related to this building in this zone.

Commissioner Hollist asked staff to run the animation again. He asked the estimate of the height of the tree that appears to be the largest on the south side of the building, the fourth tree from Nordic Valley Way. Mr. Richards replied that it is about 80 feet per his architecture.

Commissioner Hollist asked if there was parking structure under the entire building. Mr. Richards replied no, the parking structure doesn't come all the way out.

Commissioner Hollist asked Mr. Van Zeben if there was a reason they only dug in the parking garage only four feet instead of six or eight feet. Mr. Van Zeben replied that the reason they took it down there was because the relationship at the street in Nordic Valley Way and the relationship of the plaza with the street level of Nordic Valley Way on the north and the mathematics set it up so they had a four-foot step. Mr. Richards added they would require a four-wheel drive if they had it much steeper and that kept the grade at an acceptable level.

Commissioner Parson asked in reference to the geotechnical part of that, he asked staff to clarify the subdivision process and if a geotechnical report was needed. Director Wilkinson replied that if they would like someone from Engineering to come and explain the geotechnical engineering aspect of the process. Mrs. Kippen added that they do have a preliminary geotechnical report as part of the conditional use permit.

Commissioner Parson said that he was talking about the engineering part of the subdivision and he had questions about stability and what has been done. Jared Andersen, Weber County Engineer, replied that they have to address it all. Depending on where the location of the building and the structure is; how far down the footings need to be, and what they run into as far as water and springs is a concern. How they will address the footings on that, and the further back in the hill they go, the further down they will have to be, so the geotechnical will typically have to go 5 to 10 feet deeper than the deepest footing when they do their test pits; they will have to have all that addressed. They have a lot of design work to do and they will have to address those items as far as geotechnical is concerned for the structure. They might have done a general geotechnical study but for this structure they will have to have a specific geotechnical report done.

Commissioner Hollist asked if the slope that rises on the west end up the hill, it appears to be very steep, and there appears that there has been a landslide activity, and it's easier to see in the fall. Mr. Andersen replied that they are talking about below ground, and above ground if there is any kind of retaining wall over four feet, it will have to be addressed in that report.

Commissioner Hollist said that there seems to be some kind of water handling arrangement such as a pipeline underneath there to the south of that building between there and the first home. Do you know anything about that? Mr. Andersen replied no, engineering hasn't been involved a lot yet; they get the approval letters from the utility companies that they will supply utilities, but as soon as this process has passed, that is when they get started, including meeting with all the utility companies, and understanding everything that has to happen for the structure to come in. They are just touching the surface from an engineering standpoint.

Commissioner Howell asked when they are examining this area, do they take some soil samples to determine the geology of that ground. Mr. Andersen replied that he didn't think they would need to take soil samples, but the soil attributes that exist on the hillside will determine how the storm water is going to flow, and how that would react in stability. As far as geotechnical, that is typically underground.

Ronda Kippen said that the geotechnical is done by Earth Tech, and on their site plan, all the work has to be reconfigured and adhere to the geotechnical report. Mr. Andersen added that it sounds like they made different changes with the

structure, so the existing geotechnical addresses all of the items; it needs to address all the items of the proposed structure. If not, they will have to address those questions.

Open for public comments.

John Bingham, who resides in Eden, said in reviewing the revised proposal there are reasons to deny the Pine Canyon conditional use permit. The density exceeds the allowable units and they didn't take into consideration the required commercial space. The required parking is for 56 units with lockout, it's not met within the limits of the three acre project area. The height of the building exceeds the requirements of the CVR-1 Zone. The conditional use permit does not mean that the developer can ignore the requirements set forth in the zoning code. The Planning staff should acknowledge that they cannot mitigate a structure with landscaping when the height of the building exceeds the height of the zone. The Planning Commissioners and the Planning Staff need to acknowledge this fact and deny this proposal because it exceeds the prevailing height restrictions of Ogden Valley.

John Whitaker, 3701 Viking Drive, said he supports this ski development and there were a lot of questions about building height. He went out and did a range height, and these measurements are not exact but they should be fairly close for the discussion. He showed pictures of the Valley Market, Moose Hollow Condominium, Heber City, Ben Lomond Hotel, Chamber of Commerce, and the Federal Building, etc. He measured the reigns of these buildings with his range finder. The top of the barn to the road and telephone pole in front of development is 35 feet. He wanted to present his findings for the Planning Commission and the public to be educated.

Shanna Francis, 4609 E Creek View Drive, asked the actual right of way of the road; there is usually quite of bit of width on both sides of the road that the county owns, so potentially that road could be widened. If that were widened to its potential, how close would that be? For safety issues with that being on a hill in that parking garage, she wonders if there is enough width to have a turning lane to get up that hill when it gets slippery.

Jeff Stokes, who resides in Liberty, said that Mr. Richards has tried to do his job with his architect with the new design to mitigate some of the height. But it has not been substantially mitigated to the people on the south of that structure, and even with the setback, that is going to be a terrible view outside their home as well as the neighborhood. There was a discussion with Mr. Van Zeben that they had to dig so far into that hill. There are other solutions to that; they have reduced the size of the building, to build a bigger imprint, build that building in two phases along side of other, and if they had to go less to get that off that hillside, and to keep it off that roadside, that is their issue; however, it effects the rest of us that live there. He heard they are going to add a restaurant, and the water company is going to give them 54 units of water, and he didn't think that that included restaurant water. They met the requirements on the parking, but where he lives he has seen that parking lot overflow many times, so the parking is not substantial for that project.

Richard Webb, who resides in Liberty, said if there is additional development, it would be nice for the citizens and everyone else to know what it is, and what the magnitude of this project is going to be. When they focus on one 54 unit building, and the long range plan is for 1,000 units, and whatever it may be, they have to have a plan as to where this is heading beyond the 54 units. He would like to stress how important it is to have a vision and understanding of the total long range scope of this project. The size and the overall impact need to be addressed, and it is a huge mistake for the citizens of the valley. The traffic issue is significant and the noise issue as they have concerts; how is that going to impact everyone? He would hope that they could have some idea as to what is going on here, rather than waiting for it to come.

Closed for Public Comments

Josh Richards said regarding homeowners to the south of the property, and they have met with them personally and have told them that if this project moves forward, they will make arrangements with those people, either for purchase or to help them sell their homes, and they would like to see them benefit from this project. They have accepted graciously and they did not stand up today because they have addressed their concerns. They have done a full geotechnical report before they got started with this project, and did other things as a good neighbor with the height and other things. They have done a height study that was done professionally, and he appreciates the work that has been done but no one has a better interest in this than he has. The numbers given to staff are accurate. He asked the commissioners to refocus on the conditional use permit and recognize they have gone to exceptional measures in building heights, etc. If they were trying to hide anything, they wouldn't have gone through the measures that they have, and address the light pollution and all

the other things. With respect, consider what they've done in the mitigating factors that are asked for in the CUP approval, and they have done things that were not required but they wanted to do it right. If more people would have gone to their meetings, they would have seen a master plan; they are welcome to go to his office and pick one up.

Commissioner Hollist asked legal counsel to read the Ogden Valley General Plan, paragraph 302, the vision and the subparagraphs. He asked Josh Richards to tell him what he thought he was feeling in the vision of rural atmosphere and lifestyle. Mr. Richards replied that the commercial zone doesn't require them to preserve the rural lifestyle; it gives them a place to do a commercial function so that it doesn't end up mudding the rural lifestyle in a splotchy form all over the valley. They talk about having development in the resort areas, so their conservation comes from adhering to the zoning that they are given. By building this here, it doesn't end up some place they don't want it; therefore, they will preserve a rural lifestyle elsewhere, such as the corridor along the lake, along country road going to Avon, etc. They put this in a place that has been recognized as a commercial area to develop and he interprets it as that.

Commissioner Hollist asked legal counsel to read Chapter 9c-5, subparagraph 3, CVR Code Section 104-11-5, subparagraph 3. Mr. Richards previously indicated that it is sized so that it does not become an attraction independent of that provided by the recreational amenity. In his previous discussions, he had indicated that it was not possible to do much with Nordic Valley property because it did not generate the income. Mr. Richards replied that's true as they bring in a residential aspect as they would with any resort amenity. They bring in a home association and in turn those proceeds go toward their amenities, such as maintaining trails and making them look nice. By building amenities such as the building with 54 units, each one of those people pay \$100.00 towards the association fee, a portion of that fee goes toward the mountain. They end up with \$54.00 every month that goes toward maintaining the ski area and it becomes a symbiotic relationship.

Commissioner Hollist said that he did not answer the question about size in proportion, and that he has not addressed his purpose and this is the section of the law that talks about what may be put on a CVR-1 piece of property, and asked Mr. Richards to address this portion of the law. Commissioner Parson clarified that it is too big in proportion to the ski area. Mr. Richards replied that they essentially have 54 rooms with a lockout in each one, and that would be 108 rooms for their ski area. For an average week they could see anywhere between 500 to 5000 people in the ski area, not to mention the valley as a whole has a need for a place to stay overnight. He does not believe that it is too big for the ski area because with the ski area alone and the number of skiers they have, and with the weekend stays they have, this justifies this building. The building doesn't become over burdensome, because it is owned by individuals, and is rented by a property management company for the units. If they were trying to put in 400 units right now, it would be too big. He believes that 540 is just right. People are not coming to Nordic Valley to sleep, what they are coming here is for the skiing, the hiking, and the biking. After they recreate they will want a place to sleep and he would like to provide that for them. The hotel element is an amenity that comes afterwards, it is secondary. If people were coming just for the hotel or for the restaurant, then and that would be valid, but people are coming for the skiing, for the biking, and the hiking. This is meant as a supporting element to the main attraction.

Commissioner Hollist asked legal counsel to read the revised purpose and intent paragraph, Section 104-11-1, subparagraph a and subparagraph b. Commissioner Hollist said that he was not going to ask Mr. Richards to respond to this; other than for them to agree, that in the CVR-1 Zone requirements, it states that the Planning Commission will be required to conduct a design review. He understand that they are not talking about design review as that is the next step, so from the CVR-1 code he wants to go to Chapter 36-1 Design Review. Director Wilkinson said that the conditional use review is in conjunction with the design review. The design review is not for the Planning Commission to design the building, it is for them to review what has been submitted and is sure that it complies with the Ogden Valley architectural landscaping and screening.

Commissioner Hollist asked legal counsel to read Chapter 36-1, Design Review, Purpose and Intent, Section 108-1, subparagraph 1. Commissioner Hollist asked Mr. Richards if he was ready to respond to this. Mr. Richards replied yes, and that they've had multiple opportunities for the neighbors to come and give their comments. They've had multiple opportunities to hear from the Planning Commissioners, from the public for comments, so he didn't know what more they would like for them to do. What they have done is heard the comments, heard about the lighting, and they have changed the entire building to accommodate this very thing that they are talking about, everything from their roof pitch, size of the windows, stone and wood on the outside, etc., they have done everything to accommodate what has not been well defined. As far as being in harmony, that is what they have done other than not having the building there.

Commissioner Hollist asked legal counsel to read the Purpose and Intent, Section 108-1, subparagraph 1. Commissioner Hollist said he wanted to focus on the words "shall" and "in no case", how do you respond to that. Mr. Richards replied that he is not going to impair the development by building this building; he is not going to impair a harmonious development of the neighborhood. The neighborhood is largely developed, and there are a couple of lots left.

Chair Warburton said that she would like to hear from the director and possibly legal counsel, because that just points out a very glaring problem within our code. To be given permission in a commercial valley resort and not just a commercial valley, it would just be a small shop that didn't stick out to the rest of the community, but this is a resort.

Director Wilkinson responded that the ski resort is part of the neighborhood and it is anticipated that the uses in the CVR-1 Zone which has been there since 1977 are anticipated in that neighborhood. As they develop those uses, they are allowed to do so, but they do have to consider how that impacts and are there things to be mitigated, in addressing what it looks like from the residents, or other issues in that area. He does not think it goes against the harmonious orderly development of the neighborhood, because the ski resort is part of the neighborhood and has been for over 30 years. Chair Warburton said that she wondered if Mr. Van Zeben has lost value in his home because of Moose Hollow.

Commissioner Howell said where Moose Hollow is and the surrounding area; it has not affected the property values.

Chair Warburton referred to Mr. Bingham's letter. Mrs. Kippen said the first is the density calculation; the CVR-1 Zone requires a minimum acreage of 2.5 acres. It gives a breakdown of how to calculate above those 2.5 acres. So they take the first two units and that establishes the need for 7,500 sq. ft. of area; for each additional unit they get 2,000 more square feet, for each additional lockout they get 500 sq. ft. That calculation comes out to be just shy of 3.2 acres required for a condominium project with 54 units and 54 lockouts. In reference to the parking, they are providing 62 parking stalls underground, and those are for the lockout and condominium units. The other one was the parking for commercial, the code allows parking space locations which is a direct quote from our code Section 108-8-7a; "Parking Space Location: Parking spaces are required by this chapter, shall be on the same lot within the main building, or in the case of buildings other than dwellings, may be located no farther than 500 feet there from." Currently they have the additional parking off on the side, in this area for the commercial.

Chair Warburton said that in Mr. Bingham's letter he states in the third paragraph, "The planning staff agrees that their requirements for setbacks, parking spaces, percent of commercial space, but when it comes to building height, the requirement is ignored." She has not heard anything in our discussions that would state that staff has ignored the requirements.

Commissioner Hollist said that the code is not clear and that 95% of us misread it. As to the 25 ft height, it is not a restriction other than it is a minimum height; it has to be at least 25 feet high. Director Wilkinson said that it states anything over 25 feet requires a conditional use.

Chair Warburton asked if it is true that Ogden Valley is as tall and most residential buildings have been restricted to 35 feet. Mrs. Kippen replied that the residential units have a maximum height from the existing grade.

Chair Warburton asked about the setbacks; let's confirm as to why they are considered with the turning lane and the setbacks with snow. Mrs. Kippen replied that the setbacks now are 30 feet measured from the new lot line currently out to the center of the road. They will be dedicating 33 feet as part of the subdivision process, and they will be required to put in curb, gutter, and sidewalk, and additional improvements to widen that road so that it is safe. If during that process, the engineers determine they need to provide additional safety measures, as far as turn lanes, snow easement areas for build up, and anything like that would be part of the subdivision process. As part of the review, she made sure that as far as the triangular clear view distance, were free of berms or trees, or people entering Nordic Valley.

Chair Warburton said the other issue is the restaurant water. Mrs. Kippen replied that that in her staff report the commercial is another design review and if restaurants are conditionally permitted in that zone, they will be going through that process for a restaurant or whatever they decide to put there. They will doing an entirely new design to make sure that they have adequate parking, have adequate will serve letters for additional water, and that the Health Department approves.

Commissioner Hollist asked if they met the 10% requirement. Mrs. Kippen replied that they do and have provided 11,000 sq. ft. which is over the 10% requirement.

Ronda Kippen said that the CVR-1 Zone in other areas of the valley has been utilized to provide that commercial amenity for the other areas, and they spoke about Edgewater which is in the CVR-1 Zone. It is not a resort but is adjacent to the reservoir, Snow Basin, Powder Mountain, and it could be anticipated that Nordic Valley might not be in its entirety a resort amenity but it is providing for the adjacent recreation in the valley.

MOTION: Commissioner Parson moved to approve CUP 2014-29 consideration and action on a conditional use permit for a condominium project, Pine Canyon Lodge, in the CVR-1 Zone including lockout rooms with all staff and other agency requirements. Commissioner Howell seconded.

DISCUSSION: Commissioner Parson said that what is difficult for him is when they start to dig and they unearth those springs with the mess that is going to be there. Knowing that this whole thing could unravel, once they start to dig into that western slope, the people will have more to deal with the summertime events than wintertime events. Also, is the finding that the proposed building and uses are sized in proportion to the recreational amenities? He plans that there will not be enough snow at Nordic Valley. He does think that they could have as much commercial flow to that mountain being ridden and hiked, and enjoyed as the aspect of music, cultural events, and art events. It's an argument of aesthetics, as to the fly over on the southern end in relation to the barn; he did not think it was out of proportion. He felt that they had not given this commission enough information; they should have submitted the long range plan, because it appears to us that they are hiding something, and it gives the impression that they withholding information. On the merits of our code, the CVR-1 zoning, he is having a hard time to denying this.

Commissioner Hollist said in regards to health and safety; they are personally acquainted with the architect that did the Snow Basin Lodges, and the compacted snow when it melts creates a water hazard, and his solution was to create this huge crescent shape pit filled with gravel that intercepted all of that, and routed it downhill. This commission can't tell them to do that, but that is something that is done, to protect their investment as well as those who occupy.

Commissioner Howell said this project is a commercial property, and the owners have property rights to develop, and they have the right to enhance their business which is the ski lodge and ski area. People who move next to a resort will have crowds and traffic issues.

Commissioner Hollist said that he would like to hear their views from the rest of the commissioners. Commissioner Miller said this has been CVR-1 Zoning since 1977 and there has been the expectation that there would be some development in Nordic Valley. She thinks that Mr. Richards may have not satisfied most of the people here, but he has made some effort to make some changes in the design and she didn't see why she shouldn't vote for this.

Commissioner Haymond said that he didn't agree with the size in proportionate using acreage. He is thinking it is more in size in proportionate to the amenity it supports. After the season that they just had, he doesn't see how this is in size in proportionate to the people that would have been there. He knew that staff has gone through great efforts to address every issue, and this is extremely aggressive for Nordic Valley, and they have to make sure that they build responsibility. When he looks at this in size in proportionate, it's not the size in acreage, and he didn't agree with the definition of that.

Commissioner Miller said that she did think they would have had it full this year, because most of the people that would have gone skiing at the other resorts would have stayed at Nordic Valley. She appreciated Nordic Valley over the years as a long term skier, it's always been a family ski resort, and it's always been the one that people with large families can afford, and she hoped that they maintain that because Powder Mountain and Snow Basin will be out of the price range for a lot of families. She has always appreciated that people can afford to go to Nordic Valley and make it a family sport.

Chair Warburton said her reason for being in favor of this in regards to community and neighborhood, but if this is zoned this way, then they have to allow them to do that. As far as size, the fact that there are 5,000 people in a weekend, and there is no way that condo-hotel could accommodate 5,000 people, or even 500 people, so she believes that is proportionate. This does comply and the applicant has done a very good job in trying to reach out. They are in the process of amending the general plan; they are looking at possibilities of amending, and everyone needs to come and participate. Commissioner Hollist said he had a question to the director, and Mr. Van Zeben had said that if they could

further up the hill, they could have reduced the profile even further. So the question is, in land use planning is there a provision to change the shape or the size of the CVR-1 Zone, so that they could in fact have the option of lowering the height and spreading it on more land? Director Wilkinson replied yes, and it would just require a rezone petition to expand the CVR-1 area, and that is a request that a developer could make. Mrs. Kippen said that the entire structure has to be in the CVR-1 Zone and the area requirements are 3.2 acres, two thirds of that has to be in the CVR-1 Zone. The rest of the area requirement can be in the FV-3 Zone.

VOTE: A vote was taken with Commissioner Hollist and Haymond voting nay, and Commissioner Miller, Howell, Parson, and Chair Warburton voted aye. Motion Carried (4-2)

4. **Public Comment for Items not on the Agenda:** Kim Wheatley said after this CUP experience, he would like to think of the lessons learned, and they should embark on some legislative action. Some are pretty clear like a master plan, so they can see what the entire picture looks like; they can go through the process and legislative change of code to require that it does occur in this kind of development. The lockout room should be addressed, especially when they look that the relationship to parking and some of the other impacts that they had with some rather odd definitions that constrained them as to what they can do. There are quite a few things that they need to look at, and see if they could do better, so the next time it is more clear to the public and it allows the planning commission to make a decision, not because they are forced to, but because the code is going in the direction they would like it to go. There are some very specific lessons here; the master planning process which was huge tonight, and they don't know what is going to happen except for that one piece, whereas the other resorts are more defined. Chair Warburton said that they need to have a discussion on the master planning and the contradiction in the code on the height issue. Mr. Wheatley said that this particular CVR-1 Zone was up against the mountain for a large property. There are some lessons here, where the county can amend the code, or the property owners could raise the money and request change, but he would rather have the Planning Commissioners request it.
5. **Remarks from Planning Commissioners:** Chair Warburton thanked Mr. Wheatley for his approach on this issue. Commissioner Parson said that the topography of the mountain changes the math, but the way the footprint sits right now, the mountain was a real consideration in terms of its perspective in that part of the conditional use. He didn't think they had more area in which to develop another hotel, and this was like their shot. They might develop some more homes in the FV-3 Zone. The height is huge and from the beginning he thought they were going to negotiate the height down. Commissioner Miller said that the height is the most troubling thing they had to deal with in this whole thing, because that's what she heard from a large part of the public, but she didn't know how they could change it unless its legislated.
6. **Planning Director Report:** Director Wilkinson thanked Commissioner Hollist for cutting his trip short and appreciated his dedication. There is a survey is on Valley.com; and he asked the Planning Commissioners to fill that out as this is part of the Ogden Valley General Plan update. Currently, they are advertising two spots on the Ogden Valley Planning Commission, as Commissioner Miller's term will soon expire in June and she will not be going for another term, and also for Commissioner Hollist's term. Commissioner Hollist has given us three names of people that could be good replacements, and if they have someone please forward those names to us. Commissioner Howell and Commissioner Miller said they had someone in mind and they could submit their names. Regarding the work session, Mr. Ewert is still working on ordinance amendments and they will not be ready for the April 7th work session. If they want to have a work session, they could have some training. It was suggested to hold off the training until June.
7. **Remarks from Legal Counsel:** There were no remarks from Legal Counsel.
8. **Adjournment:** The meeting was adjourned at p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission