

## OGDEN VALLEY PLANNING COMMISSION

### MEETING AGENDA

**October 26, 2021**

**4:30 p.m.**

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

**1. Minutes:** July 27, 2021, August 24, 2021 and October 20, 2021

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

**2.1 UVM07082021:** Request for preliminary approval of Myers Subdivision, a five-lot subdivision in the AV-3 zone, including road dedication, located at approximately 5910 E 1900 N, Eden, UT, 84310.

**Staff Presenter: Tammy Aydelotte; Applicant: Telford Myer**

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

**3.1 ZDA 2021-02:** Consideration and action on a proposed amendment to the Snowbasin Master Plan and Development Agreement

**Staff Presenter: Steve Burton; Applicant: Jim Hill**

**3.2 ZTA 2019-03:** Consideration and action on a zoning text amendment to add the Eden Mixed-Use Village Zoning to the County Land Use Code.

**Staff Presenters: Steve Burton and Charlie Ewert**

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

**5. Remarks from Planning Commissioners:**

**6. Planning Director Report:**

**7. Remarks from Legal Counsel:**

**Adjourn**

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/84258046344>

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open, public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***

## Meeting Procedures

### Outline of Meeting Procedures:

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

### Role of Staff:

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

### Role of the Applicant:

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

### Role of the Planning Commission:

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

### Public Comment:

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

### Planning Commission Action:

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

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

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

### Speak to the Point:

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

### Handouts:

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

### Remember Your Objective:

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

Minutes of the Ogden Valley Planning Commission Meeting for July 27, 2021 held in the Weber County Commission Chambers, Weber Center 1<sup>st</sup> Floor, 2380 Washington Boulevard, and electronically via Zoom meeting ID 858 4537 1495, the time of the meeting, commencing at 5:00 p.m.

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

**Absent/Excused:** none.

**Staff Present:** Charlie Ewert, Principal Planner; Scott Perkes, Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Cortland Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Lewis conducted roll call and indicated Chair Lewis has been excused from the meeting.

Chair Lewis disclosed a conflict of interest he personally has with items 2.1 and 2.3 on the agenda; he indicated he will recuse himself from discussing or acting on these applications. He then asked if any other member of the Commission had any ex parte communication or conflict of interest to declare. No additional disclosures were made.

### 1. Approval of minutes for May 4, 2021.

Commissioner Torman moved to approve the minutes of the May 4, 2021 meeting as presented. Commissioner Burton seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 7-0).

### 2. Petitions, Applications, and Public Hearings.

#### 2.1 DR 2021-08: Consideration and action on design review approval of the Snowbasin Canyon Rim and Maples parking lot expansions to add a total of 346 parking stalls (Canyons Rim = 91 stalls, Maples = 255 stalls). *Staff Presenter: Scott Perkes*

Planner Perkes reported the applicant is requesting an administrative design review approval to expand the Maples and Canyon Rim parking areas at Snowbasin Resort. The proposed expansion will add a total of 346 parking stalls (91 stalls in Canyon Rim and 255 stalls in Maples). The project will expand each of the parking areas with asphalt pavement and landscaped areas. These two parking lots will be primarily seasonal in their use and temporary in nature as they will be replaced as part of the overall Snowbasin Resort master plan development. LUC Sec. 108-1 (Design Review) requires that all commercial projects that impact more than one acre in area be reviewed by the Planning Commission. The overall acreage of the proposed expansions totals 2.4 acres in area. Snowbasin made application in 2010 and received an approval to become the Ogden Valley Destination and Recreation Resort Zone on January 11, 2011. The resort, as a result of the rezone, is subject to Weber County Zoning Development Agreement #C2011-05 (E#2511941), dated January 19, 2011. The proposal conforms to the Ogden Valley General Plan by continuing development and improvements to Snowbasin Resort. The Planning Division recommends approval of DR 2021-08, subject to all review agency requirements and based on the following condition of approval:

1. An estimate for the proposed landscaping plan is required to be submitted for review. A cash escrow will be required for the approved estimated cost. This cash escrow is required to be deposited prior the issuance of a land use permit.

This recommendation for design review approval is based on the following findings:

1. The proposed project complies with applicable County codes.
2. The proposed project complies with the applicable Zoning Development Agreement and approved Snowbasin Master Plan.
3. The proposed project conforms to the Ogden Valley General Plan.
4. The proposed project will not negatively affect public health, safety, or welfare.
5. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

There was discussion about the amount of parking space included in the conceptual plan for the project and whether that amount is sufficient. There was also a brief focus on storm water improvements included in the project, with Mr. Perkes noting that the increase in impervious surface in the project area will necessitate storm water improvements to address additional runoff and those improvements will be incorporated into the landscape plan for the project. He then noted that LUC §108-2-3(b) allows the land use authority to modify the applicability of the Design Review chapter for DRR-1 projects by approving the landscaping, buffering, and screening plan created by the developer if the land use authority determines that the plan is consistent with the resort's approved master plan. Staff has found that the proposed parking lot expansions and associated landscaping plans are consistent with existing and adjacent temporary parking lots. Additionally, the proposed parking areas are consistent with the land use maps in the resort's master plan and can thereby be approved by the land use authority as proposed. The applicant has indicated that they *"will be making use of the surrounding natural vegetation for landscaping. All disturbed areas of cut and fill slopes will be re-seeded with drought resistant grasses and plantings. No irrigation system is planned."* As a condition of approval, an estimate for the proposed landscaping plan/revegetation is required to be submitted for review. A cash escrow will be required for the approved estimated cost. This cash escrow is required to be deposited prior the issuance of a land use permit. If the Commission is comfortable with the proposal, they could amend the recommended conditions of approve and waive the requirement that the applicant submit an estimate for the proposed landscaping plan and cash escrow for the approved estimated cost.

Chair Lewis invited input from the applicant. Applicant's representative, George Benford of Talisman Civil Consultants, indicated he had nothing to add to the staff report and Mr. Perke's summary of the application.

Commissioner Shuman asked Mr. Benford if he has any concerns about the significant grades included in the project area. Mr. Benford stated that the design is consistent with the Geotechnical Engineer's recommendation regarding side slopes and stabilization. For erosion protection, wildflower seed will be planted to assist in stabilizing the slope. The sloped area will also be used for snow storage from the parking lot.

Chair Lewis invited public input. There were no persons appearing to be heard.

Commissioner Burton moved approve DR 2021-08, design review approval of the Snowbasin Canyon Rim and Maples parking lot expansions to add a total of 346 parking stalls (Canyons Rim = 91 stalls, Maples = 255 stalls), based on the findings and subject to the conditions listed in the staff report, and with the additional amendment that the condition of approval regarding the landscape plan and associated escrow be removed. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 7-0).

## **2.2 UVA070821: Consideration and action on preliminary approval of the Asgard Heights Subdivision consisting of 6 lots at approximately 3460 Nordic Valley Road in Liberty. Staff Presenter: Scott Perkes**

Planner Perkes reported the applicant is requesting preliminary approval of Asgard Heights Subdivision consisting of six residential lots. This subdivision is proposed as a traditional subdivision with 3-acre minimum lot areas and dedicated roadway to extend Nordic Meadows Drive eastwards to connect with Carrol St. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC).

The subject property is primarily located in the FV-3 Zone with a small portion of the northern tip in the AV-3 Zone. Single-family dwellings are a permitted use in both the FV-3 and AV-3 Zones.

Lot area, frontage/width and yard regulations: LUC § 104-2 (AV-3 Zone) & 104-14 (FV-3 Zone), require a minimum lot area of 3 acres for a single-family dwelling and a minimum lot width of 150 feet.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106, and the AV-3 and FV-3 zone standards found in LUC § 104-2 and 104-14. With exception to Lot 1, the proposed subdivision utilizes traditional subdivision requirements to create 3-acre lots as required in both the FV-3 and AV-3 zones. The applicant has agreed to allow Lot 1, consisting of 2.84 acres, to be substandard to the 3-acre lot minimum in order to allow the dedication and connection of Nordic Meadows Drive to Carrol Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the FV-3 and AV-3 zones to be reduced up to 50% of the zone's minimum lot size in order to allow

desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate and improve the Nordic Meadows Dr. extension at the time of subdivision, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Relative to culinary and secondary water, the applicant has entered into a Water Service Agreement with Nordic Mountain Water Inc. for culinary water services for 6 lots. This letter indicates that each lot may utilize their culinary water for up to 5,000 sq. ft. of landscape watering until such time as secondary water may become available. Per LUC. Sec. 106-4-2.1(b)(2)c. (Secondary Water Exemption), *"A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation."* Per this section, the applicant may utilize this secondary water exemption so long as the lot areas outside of the home sites and 5,000 sq. ft. landscaped areas served by Nordic Mountain Water's culinary service remain as native wildland vegetation.

In regard to floodplain, the subject property contains a seasonal stream corridor that traverses from the Northeast towards the Southwest. This corridor requires that base flood elevations (BFEs) be calculated and depicted on a final plat in order to determine safe finished floor elevations for future homes. These BFEs will need to be submitted, reviewed, and approved by the County Engineering Department prior to final approval. This stream corridor is depicted as a seasonal stream on the Ogden Valley Sensitive Lands Map. Per LUC Sec. 104-28-2(b)(1)c. (Ogden Valley Sensitive Lands Overlay Zone) the corridor requires a minimum 50-foot setback from high water mark for any future buildings. This setback will need to be depicted on the final plat. Additionally, the applicant is currently working through FEMA's Letter of Map Amendment (LOMA) to more accurately delineate the floodplain areas that encumber the property. This process is anticipated to be completed following the subdivision's recording and will help future lot owners to reduce their flood insurance requirements.

Staff recommends preliminary approval of Asgard Heights Subdivision consisting of 6 lots, located at approximately 3460 Nordic Valley Rd., Liberty. This recommendation is subject to all review agency requirements, and the following conditions:

1. A final plat meeting the requirements of LUC Sec. 106-1-8 must be submitted for agency review.
2. Prior to final subdivision approval, an updated septic feasibility letter will need to be submitted verifying each of the proposed 6 lots have undergone soils and percolation testing and are able to accommodate on-site wastewater systems.
3. Base Flood Elevations within the floodplain areas will need to be calculated and submitted for County Engineering review and approval. Once approved, these BFEs will need to be depicted on the final plat prior to final subdivision approval.
4. A 50-foot setback from high water mark of the stream corridor will need to be depicted on the final plat.
5. Civil plans and cost estimates for the Nordic Meadows Dr. extension will need to be submitted and approved by the Engineering Division.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the 2016 Ogden Valley General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Chair Lewis invited input from the applicant. Dan Mabey, Owner, thanked staff for assisting him in moving through the application process. He indicated he feels that Mr. Perkes analysis of the flood plan issues on the property are accurate, and he has worked with the Federal Emergency Management Agency (FEMA) to address those issues. He thanked the Commission for their consideration of the application and requested that they approve it.

Vice Chair Francis inquired as to the most recent flood occurrence on the property. Mr. Mabey stated there have been no flooding issues for nearly 18 months; he has been told that the storm water infrastructure in the nearby road is adequate to handle drainage and containment of ground water and any water run-off on the property. He reiterated that any improvements in the area identified as a flood plan will require approval from the County Engineer and FEMA. Mr. Perkes agreed; the base flood elevations will be depicted on the final plat for the project, which will be reviewed by the County Engineer. Additionally, when building permits are pulled for the six lots in the project, staff will verify that finished floor elevations for the lowest floor will be above base flood elevations.

Commissioner Howell moved approve UVA070821, preliminary approval of the Asgard Heights Subdivision consisting of 6 lots at approximately 3460 Nordic Valley Road in Liberty, based on the findings and subject to the conditions listed in the staff report.

Commissioner Burton seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 7-0).

**2.3 UVP070821: Consideration and action on preliminary approval of The Point Subdivision, consisting of 48 lots, located at approximately 3850 North Wolf Creek Drive, Eden. Staff Presenter: Steve Burton**

Chair Lewis declared a conflict of interest and recused himself from discussion and action on this application.

Planner Burton reported on June 29, 2021 the Ogden Valley Planning Commission approved a de minimis revision to the Worldmark PRUD (CUP #32-98) site plan, which expanded the site by approximately 0.57 acres. The owner is now proposing to plat the 48 condominium units that were assigned to this site as part of the original PRUD site plan approval. The subject property is located in the Forest Residential (FR-3) Zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1 as:

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

Multi-family dwellings in the FR-3 zone require 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of 2. This PRUD site plan was approved with three buildings, each with 7,875 square feet of area and 16 units.

Staff recommends preliminary approval of The Point Subdivision consisting of 48 condominium units. This recommendation for approval is subject to all applicable review agency requirements. This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. The proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Vice Chair Francis invited input from the applicant. Eric Householder, applicant's representative, stated that the subdivision has been laid out based upon the findings of staff in their review of development options for the property. He stated there have been some water issues on the property in the past, but he feels those issues can and have been appropriately addressed with the design. Mr. Burton added that staff has no geological concerns regarding water issues on the property; a portion of the property is located in a potential geologic hazard area based upon a designation by the State agency that regulates those issues. The County has an ordinance requiring an applicant to provide a study of the geologic risks on the property when the property is located in a hazard area. The report indicates there are no potential hazards or elevated risks on the property and staff is comfortable basing their recommendation of preliminary approval upon the findings of that study. Any outstanding issues will be addressed as the application moves through the application process.

Vice Chair Francis invited public input.

Jan Fulman stated during last week's County Commission meeting, there was a developer seeking a zone change on his property and approval to build 13 short-term rental units there. The Commissioners voted to allow the zoning change to FR-3, but not to allow the short-term rentals. One of the reasons for that is that there is no record in the County that can clearly communicate the current number of short-term rental dwelling units in the Ogden Valley. And, more importantly, Weber County has not mechanism to enforce regulations on short term rentals, especially in unincorporate areas. She stated she feels that it is best to deny any request for short term rentals until the County is better equipped to address and regulate them. She submitted a Government Records Access and Management Act (GRAMA) request to the County Assessor's Office and learned they are unable to identify the number of dwelling units based upon zoning. She and a team of other residents have created their own spreadsheet identifying the total number of dwelling units in Ogden Valley and that document also includes information about the number of dwelling units that are also used as short-term rentals. They have identified 1,091 total short-term rentals; however, the County has only recorded 32 permits for short term rentals. She stated the County should not go forward and allow the developer of additional short-term rentals until some sort of policy is developed to regulate the existing short-term rentals.

Vice Chair Francis offered staff the ability to respond to Ms. Fulman's comments. Mr. Burton stated that Ms. Fulman is correct that the County Commission did consider a rezone request last week; the difference between that application and this application

is that the subject property being considered by the Commission tonight is already zoned FR-3, and that zoning designation allows short-term rentals. The applicant currently has the right to pursue short term rentals. The applicant for the other project referenced by Ms. Fulman did not have that same right. He then noted that for this type of subdivision, there are a few ways to get approval of short-term rentals; one is for the developer to place a note on the subdivision plat indicating short term rentals have been approved for the entire development. Otherwise, each individual owner would be required to seek approval of short-term rental for their own unit. He anticipates the developer will include that type of note on the subdivision plat, though staff has not seen the final plat at this point.

Commissioner Shuman asked if the project will be condominium-ized, with each unit for sale individually, to which Mr. Burton answered yes; there are 16 units in each building, and each will be for sale individually.

Vice Chair Francis inquired as to the number of bedrooms in each unit. Mr. Householder stated that units will have two or three bedrooms. He then addressed Mr. Burton's comments about geologic hazards on the property; essentially all property in this area of the Valley has been identified by the State as having the potential for geologic hazards; however, he has hired a professional geotechnical engineer who has provided recommendations for building the project in a way that mitigates or addresses the hazards.

Commissioner Burton asked if this is the last phase of the development of this property. Mr. Burton answered no, there will be one final phase of development on the property. The initial site plan and number of units allowed on the property were approved and allocated in 1998.

Commissioner Howell moved approve UVP070821, preliminary approval of The Point Subdivision, consisting of 48 lots, located at approximately 3850 North Wolf Creek Drive, Eden, based on the findings and subject to the conditions in the staff report. Commissioner Torman seconded the motion.

Commissioner Torman stated he feels this is an appropriate location for a short-term rental use; if that type of use is clustered in one area, it is easier to regulate and take enforcement action against in terms of public safety and service provision.

Vice Chair Francis indicated there has been a motion and second to approve the application and she called for a vote. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0). Commissioner Lewis abstained from voting.

#### **2.4 CUP2021-10: Consideration and/or action on a conditional use permit for short-term rental use at 4782 E. 3925 N., Eden, UT 84310. Staff Presenter: Felix Lleverino**

Planner Lleverino reported the applicant is requesting approval of a conditional use permit for short-term use in a residential dwelling located in the FR-3 zone at 4782 E 3925 N, Eden. The proposed use will occur within an existing dwelling. As such, there is no design review required. The applicant has submitted a project narrative detailing their intended use of the property as their primary residence and short-term rent the property while they are away. This narrative also addresses how they intend to accommodate noise, security, parking, and garage use. The applicant has also submitted a parking exhibit to help visualize the overall parking plan for The Fairway Oaks at Wolf Creek community. This application is being processed for an administrative review through the Ogden Valley Planning Commission as directed by the approval procedures outlined in LUC §108-4-3. This section of code indicates that a review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

The subject property is located within the Forest Residential (FR-3) Zone. The purpose of the FR-3 Zone can be further described in LUC §104-17-1 as follows:

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

The FR-3 Zone allows for a “nightly rental” as a conditional use. For comparison purposes, the FR-3 Zone also allows similar conditional uses such as condo-tels, group dwellings, lockout sleeping rooms, multi-family dwellings, timeshare buildings, and recreational lodges.

The staff offers the following analysis following review of the application against the conditional use standards:

1. Standards relating to safety for persons and property
  - Apart from the Fire Marshal’s review and conditions, the operation of a short-term rental is not anticipated to cause safety hazards to persons or property.
2. Standards relating to infrastructure, amenities, and services
  - The parking infrastructure for visitors includes two parking spaces in the garage and one parking space in the guest parking areas throughout the development. The guest parking areas highlighted with red clouds in Exhibit C serve as guest parking spots. The parking requirements are enforced by the members of a fully operational HOA. It is Staff’s opinion that parking should be limited to two spaces within the garage. A condition related to staff’s opinion is within the staff recommendation.
3. Standards relating to the environment
  - Staff does not anticipate any detrimental effects on the natural features of the site or surrounding areas.
4. Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan
  - The current FR-3 zoning anticipates short-term rental use and the area has been developed for resort and lodging purposes. As such, staff does not anticipate the proposed use to be detrimental to the characteristics of the area. The zoning is consistent with the General Plan.
5. Standards relating to performance (bonds, agreements)
  - There is an existing dwelling, with a sufficient parking area. No performance bonds or agreements are necessary for the proposed use.
6. Standards generally (economy, other applicable LUC standards)
  - The proposed use is not anticipated to have detrimental effects on the local economy.
  - Before issuance of a conditional use permit, the applicant will need to apply for, and be issued with, a business license.
7. Voluntary contributions providing satisfactory compliance with applicable standards.
  - There are no voluntary contributions that are offered with this request.

Based on the staff analysis above and the findings listed below, staff recommends approval of this conditional use application. This recommendation is subject to the applicant meeting the conditions of approval listed below and any other conditions required by reviewing agencies and the Planning Commission:

1. There is a ten-person limit in non-sprinklered dwelling units. Please provide a fire extinguisher left in plain sight, CO and smoke detectors are required.
2. A business license shall be obtained before the issuance of this conditional use permit.
3. The dwelling’s attached garage shall be made available to the guests. Visitor parking is limited to two spaces within the garage.

The following findings are the basis for the staff’s recommendation:

1. The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of reasonably anticipated detrimental effects can be accomplished.

Chair Lewis stated he understands the HOA for this project allows short term rentals, but he knows that the project also has encountered difficulty relating to parking. He asked if staff’s recommendation is based upon the condition that parking must be restricted to the garage. Mr. Lleverino stated that is correct. Commissioner Howell added that it is important to communicate that the short-term rental license can be revoked if the terms of the CUP are violated. Chair Lewis agreed and stated that may be an appropriate condition of approval.

Commission discussion centered on general parking issues in the project area and the manner in which the County will enforce parking requirements associated with the CUP. There was also general discussion of the dimensions of the driveway and garage

of the subject property and the number of vehicles that can reasonably be parked on the property in a fashion that will avoid enforcement action from the County.

Commissioner Burton noted that each unit in this project has one guest parking space, but staff's recommendation is that the guest space not be used by short term renters. Mr. Lleverino stated that is correct and that recommendation is based upon staff's site visit and observation of the variance in size of the different guest parking spaces. Mr. Burton added that recommendation was also based upon uncertainty about whether each unit in the project truly has one guest parking space assigned to it. This led to continued high-level philosophical discussion/debate regarding the appropriate conditions for the County to impose on short term rentals – specially regarding parking requirements.

Chair Lewis invited input from the public.

Jan Fulmer stated that if this is the owner's primary residence and the unit will only be rented out when the owner is out of town, she wondered who will be available on-site to take care of any issues that may arise. Also, if the owner is going to be away during rental periods, the only way for enforcement action to take place is if someone calls the County to complain. She feels more conditions should be placed on this short-term rental. Many of the residents living in the project have designed the unit as their full-time home and they should not be negatively impacted by activities associated with short term rental. Someone should be located onsite to be accountable for any nuisance associated with the short-term rental use and she believes there should be a stiff fine for the first occurrence or violation of the CUP.

Jan Woods stated she is a member of the HOA Board for the subject development, and she appreciates staff and the Commission recognizing parking issues in the community. It is a fairly small community that was intended to be primary residences for the people living there, rather than short term rentals. She stated she bought her home in the development based upon that understanding and she is concerned about living next to units that constantly have different occupants. She stated the applicant has been a responsible owner of her unit, but when the property has been rented recently, there have been up to six cars associated with the rental and there simply is not enough parking space in the development to handle that. On-street parking is prohibited, and she is happy to hear that staff has recommended that parking associated with the short-term rental be restricted to the garage space.

There were no additional persons appearing to be heard.

Chair Lewis noted that this development was built nearly 20 years ago and at that time short term rentals were not a popular use; they have gained popularity since that time and the applicant is following the process for securing a permit for short term rentals. However, the HOA can govern uses in the project. Legal Counsel Erickson noted that is correct, but if the County's zoning designation allows the desired use, the matter of the HOA prohibiting the use would become a private one that the County would not become involved in. Chair Lewis asked Ms. Wood to address whether the Covenants, Conditions, and Restrictions (CCRs) for the project restrict short term rentals. Ms. Wood stated the HOA's CCRs do specify that short term rentals are allowed in the project; however, the Board voted on an action to prohibit short term rentals at a recent meeting due to the problems that have ensued. The HOA does not have the ability to police the project or to take enforcement actions. The issues that have arisen are mainly related to visitor parking.

Chair Lewis asked Mr. Lleverino if the applicant asked for a certain number of parking spaces for visitors to the unit. Mr. Lleverino answered yes; they asked for parking space not attached to the unit, but he reiterated staff recommends visitor parking be limited to the two spaces within the garage.

Commissioner Howell moved to approve CUP2021-10, conditional use permit for short-term rental use at 4782 E 3925 N, Eden, UT 84310, based on the findings and subject to the conditions in the staff report, noting that any violations of the defined conditions could result in termination of the CUP. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 7-0).

**2.5 CUP 2021-11: Consideration and/or action on a conditional use permit for short-term rental use at 3571 N Creekside Way, #72, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte**

Planner Aydelotte reported the applicant is requesting a conditional use permit for short term rentals in a residential dwelling located in the FR-3 zone at 3571 N Creekside Way, #72, in Eden. The FR-3 Zone allows a “nightly rental” as a conditional use. The proposed use will occur within an existing dwelling. As such, there is no design review required. Parking will be made available in the existing attached garage. Additional vehicles may park in designated guest parking along Wolf Lodge Drive. The application is being processed for an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits. The subject property is located within the Forest Valley (FR-3) Zone. The purpose of the FR-3 Zone can be further described in LUC §104-17-1 as follows:

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

The FR-3 Zone has specific standards identified in the LUC §104-17-5, as well as additional standards that are outlined throughout the LUC that shall be met as part of the development process. The applicable standards, for single-family dwellings, are as follows:

*Parking shall occur only in designated areas*

The current property has one parking space in the garage, with additional guest parking in designated areas along Wolf Lodge Drive, that were approved as part of the Villages at Wolf Creek Development. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to issuance of a conditional use permit, the applicant will need to apply for a business license, and approval from the applicable agencies for the proposal, will need to be obtained. A condition has been made part of the Planning Division’s recommendations to ensure that this standard is met. Nightly Rental Ordinance: Under the current land use code, the section titled ‘Nightly Rentals’ states the following:

*The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).*

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

1. A business license shall be obtained prior to issuance of this conditional use permit.
2. Parking shall occur only in designated areas within the development; there shall be no parking along any interior streets within this development.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of reasonably anticipated detrimental effects can be accomplished.

Commissioner Howell inquired as to the size of the garage. Ms. Aydelotte stated it is a one car garage; the unit has two bedrooms and a great room that could be converted to a third bedroom. The owner has indicated rentals will be restricted to single families, though she is not sure how that is being regulated. She added there is some additional visitor on-street parking available, though restrictions have been placed on the roads that serve as the entrance to the development.

Commission discussion centered in previous applications for short term rental CUPs in this same project. Ms. Aydelotte stated the Commission considered two applications in February and both were denied based upon parking concerns. Both decisions were appealed to the Board of Adjustment, and that body found that the parking issues could be mitigated and that the CUPs should have been granted. The decision was ultimately reversed, and the CUP was granted. This led to discussion among the Commission and Legal Counsel regarding appropriate conditions that can be placed on the applicant relative to parking.

Chair Lewis invited public input. There were no persons appearing to be heard.

Vice Chair Francis then inquired to the size of the garages of the other two units for which CUPs were granted. Ms. Aydelotte stated that some have two car garages, and some have one.

Commissioner Burton referenced the applicant's narrative for their short-term rental; it includes the following statement: "The use by renters should provide no noticeable difference from our personal use. Most renters will be a single family with one vehicle." He suggested that a condition of approval be derived from that language and that rental of the unit be restricted to single family use and one associated vehicle. Chair Lewis stated the use of the word 'most' allows for some subjectivity. Commissioner Torman agreed but wondered if the Commission could include a condition of approval restricting the maximum occupancy of the unit. Mr. Erickson stated that maximum occupancy should be based upon safety recommendations provided by the Fire District. Mr. Burton stated that the Fire Marshal has provided maximum occupancy recommendations in the past based upon whether a unit has fire suppression sprinklers; for a non-sprinklered dwelling unit, the maximum occupancy has been defined as 10 and the owner is required to provide a fire extinguisher in plain sight as well as operational carbon dioxide and smoke detectors. Ms. Aydelotte stated that not all units in the project have fire sprinklers; the Fire District will review the application and that is why staff's recommendation is subject to the recommendations from all review agencies.

Vice Chair Francis moved to approve CUP 2021-11, conditional use permit for short-term rental use at 3571 N Creekside Way, #72, Eden, UT, 84310, based on the findings and subject to the conditions in the staff report, and that all parking shall be restricted to the space available in the garage space, which has a one-car capacity. This is based upon the finding that the narrow interior streets are not conducive to on-street parking and that guest parking has been restricted to the exterior streets. Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **3. Public Comment for Items not on the Agenda**

Carol Campbell, 7378 E. 1450 N., Huntsville, stated she received a post card about the Westwood Homes subdivision with some indication that it would be discussed tonight. However, it was not on tonight's agenda. She asked when it will be discussed. Mr. Burton stated the application was originally scheduled for discussion tonight, but it was removed from the agenda. He indicated Ms. Campbell can provide her comments now or attend a future meeting when the application is discussed. Ms. Campbell stated she will come to the meeting when the application is eventually discussed.

Steven Clark, 7378 E. 1450 N., Huntsville, stated that he is constantly reminded of comments written by Aldo Leopold, which are "One of the penalties of an ecological education is that one lives alone in a world of wounds. Much of the damage inflicted on land is quite invisible to laymen. An ecologist must either harden his shell and make believe that the consequences of science are none of his business, or he must be the doctor who sees the marks of death in a community that believes itself well and does not want to be told otherwise." He stated that he noticed one of the objectives of the Commission is to try to stay abreast of changes and to maintain a secure environment. He suggested, in the spirit of progress and cooperation, that this Commission and previous Commissions have failed in that responsibility. His experience with County Commissions is that they tend to ignore science; they even tend to refuse to investigate science in spite of the fact that it may be very overwhelming in terms of climate change. He is not sure the Commission has stayed abreast of those changes or has made themselves aware of the scientific climate change information that should be guiding their decisions. He encouraged the body to look into the issue and consider studies that indicate the treacherous path everyone is on. Whenever the Commission considers certain types of development without taking into consideration environmental issues, such as availability of water or changes in temperature, they are doing so like someone who is heading off into the desert without enough gas in their tank. He stated his father was born in the Ogden Valley in 1887; though he himself was gone from the area for some time, he got the chance to move back after a number of years and his observations over the past few years have been that the decisions made by this and other Commissions have ultimately made the area less and less desirable for current residents and others that choose to move here in the future. Allowing short term rentals and other types of impactful uses have made the area a much less desirable place to live. He challenged the Commission to consider these issues. He then stated that another matter he would like the Commission to consider is that he and his neighbors are constantly dealing with target shooters in his backyard. He asked that the Commission consider prohibiting target shooting and 'plinking' in the Ogden Valley. He is not suggesting prohibiting hunting opportunities, but development in the foothills does impact and destroy wildlife habitats.

### **4. Remarks from Planning Commissioners**

Vice Chair Francis stated she wished to address Ms. Fulmer's comments; she asked if the Weber County Commission could legally place a moratorium on short term rentals in the County if they had the will to do so. Mr. Erickson stated the Commission could legally consider a moratorium, but such a 'pause' on a certain type of development can only be in place for six months and it must be based upon work being done to address a problem with a certain use. He added the County does have the flexibility to consider adjustments to existing short term rental ordinances.

Commissioner Burton stated Ms. Fulmer indicated there are only 32 licensed short-term rentals in the County. Chair Lewis stated that makes no sense as he personally owns and manages more than 32 rentals. He is not sure where that number comes from. He understands that there are illegal short-term rentals and a moratorium or amendments to the existing short-term rentals would not address those situations.

Chair Lewis offered kudos to emergency responders who responded to a wildfire in the Ogden Valley that was caused by plinking. They 'saved the day' for many residents living in the vicinity of the wildfire. He then stated that the comments made tonight are appreciated and well received and he does have a great deal of faith in this Commission; they have the best of intentions and take their volunteer role very seriously. He asked that the residents continue to stay involved.

#### **5. Planning Director Report**

In Mr. Grover's absence, Mr. Burton provided comments. He thanked the Commission for their service and also thanked the public who attended tonight's meeting. Staff encourages public involvement and believes it is beneficial for them to witness the volunteer work being provided by this Commission. He added it is important for the public to understand this Commission is a recommending body and that final decisions regarding ordinances and policies are made by the elected County Commissioners. He noted that when a property owner makes application for a use that is allowed under the zoning designation for their property, the Commission has not other choice than to approve it. He believes the Commission considers each application in great detail and he has full confidence in their abilities.

Commissioner Howell referenced Mr. Clark's comments; the impact on the State's water sources has been created by a great deal of people leaving other states and relocating to Utah. Appropriate efforts have not been implemented to preserve water as the State's most valuable resource.

#### **6. Remarks from Legal Counsel**

There were no additional comments from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 6:47 p.m.  
Respectfully Submitted,**

\_\_\_\_\_  
**Weber County Planning Commission**

Minutes of the Work Session of the Ogden Valley Planning Commission for August 24, 2021. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/87962565569>, the time of the meeting, commencing at 5:00 p.m.

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

**Absent/Excused:** Chair John Lewis

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

- **Pledge of Allegiance**

- **Roll Call:**

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

### 1. Approval of Minutes for June 29, 2021.

Commissioner Lackey moved to approve the minutes of the June 29, 2021 meeting as presented. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

### 2. Petitions, Applications, and Public Hearings.

#### 2.1 UVA070821: Consideration and action on Final approval of the Asgard Heights Subdivision consisting of 6 lots at approximately 3460 Nordic Valley Road in Liberty. *Staff Presenter: Scott Perkes*

Planner Perkes reported the applicant is requesting final approval of Asgard Heights Subdivision consisting of six residential lots. This subdivision is proposed as a connectivity-incentivized subdivision with lot areas ranging from 2.72 acres to 3.33 acres and dedicated roadway extending Nordic Meadows Drive eastwards to connect with Carrol Street in an alignment requested by county staff. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC. The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals. It also fulfills the transportation vision of enhancing mobility and connectivity, reduces congestion, and meets air quality standards without disturbing existing land uses. The subject property is primarily located in the FV-3 Zone with a small portion of the northern tip in the AV-3 Zone. Single-family dwellings are a permitted use in both the FV-3 and AV-3 Zones. LUC 104-2 and 104-14 require a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC§ 106, and the AV-3 and FV-3 zone standards found in LUC§ 104-2 and 104-14. With exception to Lots 1 and 2, the proposed subdivision utilizes traditional subdivision requirements to create three-acre lots as required in both the FV-3 and AV-3 zones. County staff have agreed to allow Lots 1 and 2, consisting of 2.73 and 2.72 acres, to be substandard to the 3-acre lot minimum in order to incentivize the dedication and connection of Nordic Meadows Drive to Carrol Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the FV-3 and AV-3 zones to be reduced up to 50% of the zone's minimum lot size in order to allow desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate and improve the Nordic Meadows Drive extension at the time of subdivision, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Culinary water and Secondary Water: The applicant has entered into a Water Service Agreement with Nordic Mountain Water Inc. for culinary water services for 6 lots. This letter indicates that each lot may utilize their culinary water for up to 5,000 sq. ft. of landscape watering until such time as secondary water may become available. Nordic Mountain Water has also submitted a Capacity Assessment Letter as required by LUC Sec. 106-4-2.l(c) verifying that their system is capable of providing, and has the capacity to provide, culinary water to the project once completion of the water line extension and connection to the existing service line on the West boundary of the subdivision have been made. Per LUC. Sec. 106-4-2.l(b)(2)c. (Secondary Water Exemption), "A subdivision lot that is completely covered by pre-existing native wild/and vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wild/and vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation." Per this section,

the applicant may utilize this secondary water exemption so long as the lot areas outside of the home sites and 5,000 sq. ft. landscaped areas served by Nordic Mountain Water's culinary service remain as native wildland vegetation.

Sanitary Sewage Disposal: Each of the 6 lots in the proposed subdivision will be served by on-site waste water systems (septic). The Weber-Morgan Health Department have issued a Septic Feasibility Letter detailing the feasibility of on-site water disposal systems for each of the 6 lots.

Floodplain: The subject property contains a seasonal stream corridor that traverses from the Northeast towards the Southwest. This corridor requires that base flood elevations (BFEs) be calculated and depicted on a final plat in order to determine safe finished floor elevations for future homes. BFE calculations have been submitted to the Weber County Engineering Department for review and approval by the County Engineering Department (see Exhibit F). The proposed final plat depicts these BFEs along the stream corridor, as required by LUC sec. 106-I-8.20(c), to allow the areas adjacent to be developable for residential structures. This stream corridor is also depicted as a seasonal stream on the Ogden Valley Sensitive Lands Map. Per LUC Sec. 104-28- 2(b)(I)c. (Ogden Valley Sensitive Lands Overlay Zone) the corridor requires a minimum 50-foot setback from high water mark for any future buildings. This setback has been depicted on the final plat. Of note, the 50-foot setbacks from high water marks far exceed the base flood elevations that have been calculated. This ensures that all new structures placed outside of the 50-foot setback are also well outside of the anticipated 1% Annual Chance Floodplain Elevation. Additionally, the applicant is currently working through FEMA's Letter of Map Amendment (LOMA) to more accurately delineate the floodplain areas that encumber the property through the submittal of the calculated BFEs. This process is anticipated to be completed following the subdivision's recording and will help future lot owners to reduce their flood insurance requirements.

Review Agencies: To-date, Planning, Engineering, Fire, Surveying, and the Weber-Morgan Health Department have reviewed this project. All review agency requirements must be addressed and completed prior to the final subdivision plat being recorded with the Weber County Recorder's Office.

Staff recommends final approval of Asgard Heights Subdivision consisting of 6 lots, located at approximately 3460 Nordic Valley Rd. in Liberty. This recommendation is subject to all review agency requirements, and the following conditions:

1. Engineering review of the estimated base flood elevations will need to be finalized and approved by the Weber County Engineer. Once approved, these BFEs will need to be depicted on the final plat mylar prior to recording.
2. Civil plans and cost estimates for the Nordic Meadows Drive extension will need to be submitted and approved by the Engineering Division prior to the project being submitted to the County Commission for escrow and improvement agreement approval.
3. A signature block on the final mylar or submittal of a final approval letter will be needed for/from Nordic Mountain Water prior to the final mylar being recorded.
4. A deferral agreement for curb, gutter, and sidewalks for the project's frontages along Nordic Meadows Road and Nordic Meadows Drive will need to be executed and recorded simultaneously with the final plat.
5. A restrictive covenant pertaining to the amount of culinary water available for secondary purposes shall be executed and recorded. This covenant's recording number, book, and page shall be notated on the final plat's mylar prior to recording.
6. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction shall be recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the 2016 Ogden Valley General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Commissioner Howell indicated that anyone who purchases a building lot along the stream may be required to purchase flood insurance for their property. Mr. Perkes stated that is correct, but the applicant is working with FEMA to adjust the flood plain map to correctly reflect conditions in the area. There was brief, high level review of current FEMA maps and a comparison with the applicant's development plans. Commissioner Burton asked if someone would be able to build a home on lot five while observing the floodplain lines. Mr. Perkes identified the buildable area on lot five, reiterating the condition of approval in the staff memo requiring adjusted base flood elevations for the subject property and that the elevations be depicted on the final plat mylar prior to recording. Commissioner Howell asked if the stream is seasonal or constant in nature, to which Mr. Perkes answered seasonal.

Commissioner Burton inquired as to whether the subject property will qualify for an exemption from secondary water

requirements included in LUC 106-4-2-1(b)(2). Mr. Perkes stated that the exemption would only be available if there is a covenant or condition to leave the area covered by pre-existing native wildland vegetation undisturbed. The applicant can develop and receive the exemption as long as they are minimal in their excavation and disturbance of vegetation outside of the 5,000 square foot home sites. Culinary water can be granted to the six lots and can only be used for culinary water purposes and watering of the 5,000 square foot home site area. Commissioner Burton clarified that such water will be metered, to which Mr. Perkes responded that is correct. This led to high level discussion and review of secondary and culinary water restrictions that will apply to the subject development.

Vice Chair Francis invited input from the applicant.

Dan Mabey thanked Planning staff for their work on this project; he addressed irrigation of the property, party of which has been farmed and used for pasture land in the past. In working with the Nordic Valley Water Company, he has purchased the rights for culinary water, plus additional use of irrigation water. He can acquire additional water, but would need to pay more for that water. He has also worked with the Weber Basin Water Conservancy District and Health Department to address the option of recycling water for irrigation purposes. He is uncomfortable with the requirement to limit watered area to the 5,000 building lot footprint and wondered if that could be expanded or if the 5,000 feet could be spread throughout the overall building lot. The 5,000 square foot requirement may be restrictive for a few of the lots, upon which future owners may want to include a pasture area or riding arena. He also has a well permit and other water rights for the property, but those are not taken into consideration when determining whether to grant the secondary water exemption.

The Commission engaged in high level discussion regarding the options the applicant mentioned for irrigating the property; the Commission wants to encourage the applicant to pursue his irrigation options rather than limiting the landscaped area on each lot to 5,000 square feet. Mr. Perkes advised the Commission on appropriate motion language that would afford the applicant flexibility in providing adequate water to the subdivision and giving him the ability to use as much water as he has access to rather than placing a covenant on the land restricting owners from disturbing native landscaping. Principal Planner Burton stated that service providers have the ability to grant the applicant access to additional water that would allow the amount of landscaped area per lot to exceed 5,000 square feet.

Mr. Mabey stated he is comfortable leaving the regulating of water provision to the water company if the Commission is comfortable with such. Commissioner Burton stated that the main issue is not using more culinary water than would be needed to water 5,000 square feet. Mr. Burton stated that a covenant to that end would not prevent the applicant from bringing more water to the area in the future to provide for irrigation of more than 5,000 square feet. The main purpose of the secondary water exemption is to prevent property owners from clearing native landscape and allowing noxious weeds to take over a building lot.

The meeting recessed briefly and staff conferred with legal counsel regarding the application.

Mr. Burton stated staff's final position on policy is that the culinary water service provider has the authority to determine how much culinary water they will provide to any given project; at this time, the culinary water provider has indicated they are comfortable providing sufficient culinary water to irrigate 5,000 square feet of each building lot. Enforcement will be the responsibility of the culinary water company and they will have the ability to meter water usage. Any reference to a covenant deals with water being provided by a private well or if an applicant is asking for the native wildland vegetation exemption, which the applicant has not done in this case. Additionally, the applicant will not get culinary or secondary water from a well, so it is not necessary for the Commission to consider the exemption. Condition of approval number five can be removed upon a motion from the Commission.

Commissioner Lackey stated he serves as a member of the Eden Water Company and the company has received several calls over the past several months from people who are looking for water to accommodate building and many have asked for covenants that prevent others from using too much water and limiting water resources for future developments.

Vice Chair Francis invite public input.

Susanne Hansen cautioned the Commission to not have a bleeding heart for the community and that they uphold their administrative role. She wondered why everyone works so hard to make so many exceptions to existing regulations to allow projects like this. People keep coming forward and asking for more than is allowed by the LUC; this applicant should not be given approval under this zoning as he cannot meet the minimum lot size of three acres while still providing required roads that are

Commissioner Howell moved to approve UVA070821, final approval of the Asgard Heights Subdivision, consisting of six lots at approximately 3460 Nordic Valley Road in Liberty, based on the findings and subject to the conditions listed in the staff report, with the exception of condition number five, which is stricken from the staff recommendation. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

**2.2 UVC052021: Consideration and action on a request for final approval of Charly's Acres Subdivision, consisting of four residential lots. Staff Presenter: Felix Lleverino**

Planner Lleverino reported the applicant is requesting final approval of a four-lot subdivision that fronts directly on 500 South Streets, which is a county public right-of-way (ROW). This 38.23-acre lot is currently vacant farm ground. Approximately 1,228' north of 500 South Street lies the approximate mid-block. As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the AV-3 zone found in LUC §104-6. The following section is a brief analysis of this project against current land use regulations. This proposal conforms with the Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space. The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

Staff recommends final approval of Charly's Acres Subdivision, consisting of four lots. The following conditions are included with the Planning Staffs recommendation:

1. The owner enters into a deferral agreement for curb gutter and sidewalk on areas fronting 8300 East street.
2. The developer provides a cost estimate for the 8300 East roadway improvements
3. The Charly's Acres Subdivision plat conforms to all County Surveyor requirements.
4. The Weber Fire District shall approve a fire suppression system.

The following findings are the basis for the planning staff's recommendation:

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

There was high level discussion about the condition requiring approval of a fire suppression system, with the developer, Jeremy Krause, noting he would like for condition four to be stricken because the fire systems are already being required by a covenant that applies to the project.

Commissioner Burton moved to approve UVC052021, final approval of Charly's Acres Subdivision, consisting of four residential lots, based on the findings and subject to the conditions listed in the staff report, with the exception of condition number four requiring Fire District approval of a fire suppression system. Commissioner Howell seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

**2.3 CUP 2021-12: Consideration and action on a request for a conditional use permit to install an additional public utility substation infrastructure at the Eden-SAL site, located at approximately 4964 N Powder Mountain Road, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte**

Planner Aydelotte reported the applicant is requesting approval of a conditional use permit to install a 20' tower to accommodate equipment necessary to provide broadband services to nearby residents. The tower site located on a hill east of Snowflake Subdivision with access from Powder Mountain Road (approximately 4964 N Powder Mountain Road, Eden) (see Exhibits A & B). At present, one 8'x20' steel equipment shed, and a 10'x30' precast cement shed are employed on the site to house various equipment associated with the existing cell tower use. The additional proposed tower will be located in the southwest corner of the site, and will utilize existing infrastructure for electrical. See Exhibit C for a site plan, and engineered plans, depicting the location and dimensions of the proposed tower. The proposed improvements will not alter the existing cell tower. Conditional use permits should be approved as long as any harmful impacts are mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, with reasonable conditions, is able to meet these standards. The following is staff's evaluation of the request. The subject property is located within the F-5 Zone. Public utility substations and radio/television towers are listed as a conditional use in the F-5 zone. Setbacks

in this zone are 30-feet in the front, 20 feet on the side, and 30 feet in the rear. Ms. Aydelotte reported on review processes that apply to the proposed use, noting the Fire District and the Engineering Division have both approved of the proposed conditional use permit without conditions. Weber County Operations has approved this proposal with conditions.

The Planning Division recommends approval of file# CUP 2021-12. In addition to all review agency requirements, this recommendation for approval is subject to the following condition:

1. The new structure shall be painted to match the existing colors found onsite.
2. The proposed tower shall not disrupt any existing services on site.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

There was brief discussion about the ownership of the land and the manner in which the proposed would impact other service providers; Ms. Aydelotte noted the County owns the land and other broadband providers in the area have not voiced objection to the application.

Commissioner Torman moved to approve CUP 2021-12, conditional use permit to install an additional public utility substation infrastructure at the Eden-SAL site, located at approximately 4964 N. Powder Mountain Road, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Lackey seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

**2.4 UVW06062021: Request for preliminary approval for Westwood Homestead Subdivision, a four-lot subdivision located at 1900 N 7800 E, Eden, UT in the FV-3 zone. Staff Presenter: Tommy Aydelotte**

Planner Aydelotte reported an alternative access request was previously approved on 10/28/2020. This alternative access approval allows the owner to have a private access easement to access each lot. The owner will be required to record a covenant with the subdivision plat, where the owner agrees to dedicate to the county and improve the access easement at the time the county so requests. The applicant is requesting preliminary approval of Westwood Homestead Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 and FV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC. The subject property is located in the FV-3 Zone. Single-family dwellings are a permitted use in the FV-3 Zone. As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC§ 106-1, and the FV-3 zone standards in LUC§ 104-14. The proposed subdivision will involve road dedication along 1900 North Street, and an approved access exception in order to access lots 2-4.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback regarding on-site wells, as well as recommendations for design requirements for on-site septic systems for each lot. Well permits, for each lot, have been issued by Weber Morgan Health Department, in response to a requested Order of the State Engineer.

Secondary water by private well. If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:

1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as

prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;

3. A note is placed on the final recorded plat as required in Section 106-1-8.2; and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

Staff recommends preliminary approval of Westwood Homestead Subdivision, consisting of four lots located at approximately 1900 N 7800 E, Eden. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All wells must be drilled and pump tested prior to recording the subdivision.
2. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC
3. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
4. An onsite wastewater disposal covenant shall be recorded with the final plat
5. A private well covenant shall be recorded with the final plat.
6. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat.

Vice Chair Francis addressed the applicant and asked if he will need to work with the irrigation company to relocate the ditch. The applicant answered no, it is a private ditch that does not serve other users. He has secured water from Weber Basin Water Conservancy District to serve the area. Additionally, there will not be a fire hydrant installed, but fire suppression systems will be installed in each of the four homes. Ms. Aydelotte stated that given that new information about the fire suppression system, she recommends striking condition six.

There was brief discussion regarding the secondary water service to the property and whether a restricted landscape covenant is required for the project. Principal Planner Ewert stated that will be dependent upon the water allocation for each lot and proposed landscape design of the overall project; this will be determined at the final approval phase of the project. As such, conditions of approval five and six can be removed from the preliminary approval recommendation and will be addressed at the time of final approval.

Commissioner Howell moved to approve UVW06062021, preliminary approval for Westwood Homestead Subdivision, a four-lot subdivision located at 1900 N. 7800 E., Eden in the FV-3 zone, based on the findings and subject to the conditions listed in the staff report, with the exception of conditions five and six, which are stricken from the staff report. Commissioner Lackey seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

### **2.5 UVG06222021: Request for preliminary approval of Gateway Estates Subdivision, a three-phase subdivision consisting of 31 lots, located in the F-5 and F-40 zones. Staff Presenter: Tammy Aydelotte**

Planner Aydelotte reported the applicant is requesting preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, in the F-5 zone. The only lots that do not have frontage along Hwy 39 are lots 1 and 10. Lot 1 is proposed to gain access by a private access easement. Lot 10 will have frontage along a newly dedicated public right of way extending from the Highway to the north. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Dedication of a new County road is included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC. The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing shared wells (4) for this phase. The applicant will need well permits issued prior to coming before the planning commission for a recommendation of final approval.

Additionally, according to LUC 106-4-2.1(b), Secondary Water Requirements, each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended

uses of the water. If there will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067). Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Staff recommends preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, dedication of new public road, and an associated alternative access request for lot 1, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. An approved plan with Weber Fire District must be submitted prior to going before the County Commission for final approval.
2. UDOT shall grant written approval for the proposed shared accesses off of Highway 39, prior to going before the planning commission for a recommendation of final approval, if this has not yet been completed already.
3. Well permits must be obtained prior to appearing before the planning commission for a recommendation of final approval, per LUC 106-4-2.1(c).
4. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC.
5. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
6. An onsite wastewater disposal covenant shall be recorded with the final plat
7. A private well covenant shall be recorded with the final plat.
8. All required improvements shall be either installed, escrowed for, or a combination of both, prior to County Commission approval.
9. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.
10. A landscaping plan shall be submitted, prior to receiving a recommendation of final approval from the planning commission.
11. Road dedication and improvements along the eastern boundary of lot 10 shall be shown on the final plat, and escrowed for or installed prior to final approval from the County Commission.

This recommendation is based on the following findings:

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

Ms. Aydelotte noted that she can support the removal of conditions seven, nine, and ten regarding restricted covenants for the project as these should be addressed at the final approval phase of the project.

Commissioner Torman asked if there was any discussion among staff regarding access to the subdivision and whether one roadway is enough for the number of lots. Ms. Aydelotte answered yes and noted staff concluded that an additional public road would not be needed to stub onto Highway 39. Engineering worked with Planning staff and concluded that the current proposed layout is sufficient and does not need to be changed at this point. Ms. Aydelotte then noted that conditions seven, nine, and 10 can be stricken as they should be addressed at final plat, and amend condition five to indicate that an alternate access covenant shall also be recorded on the final plat. This led to high level philosophical discussion regarding the appropriate number of access points that should be allowed or required for this project and whether shared driveway access points are a viable option for improving access.

Vice Chair Francis invited input from the applicant and inquired as to his feelings about the matter of access.

Nate Reeve stated he has met with the Utah Department of Transportation (UDOT) regarding access onto Highway 39; they have pushed for one access for multiple lots to reduce the number of points of ingress/egress onto the Highway. They have suggested

the use of shared driveways to reduce some of the access points and he noted he could adjust the plan to include three private driveway access points and one public access point.

Commissioner Burton stated that he wants to rely upon the Engineering experts who have reviewed the plan and have or will provide a recommendation; the Commission's motion should be based upon Engineering review and approval and he does not want to make adjustments beyond what they have recommended. Commissioner Howell agreed. Commissioner Torman stated that he feels the discussion regarding access have been based upon safety, but he agreed that it is important for the Commission to rely upon the recommendation from Engineering. Commissioner Burton agreed and noted that this is preliminary approval and he is comfortable proceeding with action on that item; it may be that the plan is further adjusted prior to final approval of the project.

Vice Chair Francis invited public input.

Susanne Hansen stated she lives near the subject property and she referenced another property in the area that has been developed and accesses Highway 39. There is a great deal of recreational and residential traffic on the road; there is a school bus stop on the road and just past the sign the speed limit is 45 miles per hour. There are many blind corners on the roadway and with the increase in development, the amount of traffic is increasing and she is very concerned about vehicular and pedestrian safety in the area.

Harold Cederholm stated that he also lives in the area and he is concerned about the increase of hard surfaces associated with development because that increases the amount of storm water that is running downstream and impacts his property. The County needs to be aware of these conditions that can lead to flooding; progress is imminent, but it is necessary to protect existing residents.

Ms. Aydelotte stated that she can forward these concerns to the County Engineer to get their input for the Commission prior to final approval. Commissioner Howell asked if the motion to approval the preliminary plat can include a condition to address storm drainage associated with the subject property.

Commissioner Burton moved to approve UVG06222021, preliminary approval of Gateway Estates Subdivision, a three-phase subdivision consisting of 31 lots located in the F-5 and F-40 zones, based on the findings and subject to the conditions listed in the staff report, with the exception of conditions seven, nine, and ten, which are stricken from the staff report. Commissioner Howell seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

## **2.6 UVP070821: Consideration and action on a request for final approval of The Point Subdivision, located at 3850 North Wolf Creek Dr. Staff Presenter: Steve Burton**

Planner Burton reported on June 29, 2021 the Ogden Valley Planning Commission approved a de minimis revision to the World mark PRUD (CUP #32- 98) site plan, which expanded the site by approximately 0.57 acres. On July 27, 2021, the Ogden Valley Planning Commission granted preliminary subdivision approval for this proposal, consisting of 48 lots. The current request is for a positive recommendation to the County Commission for final approval of the proposal. The following is an analysis of the project as it relates to the Weber County Land Use Ordinances. The analysis contains much of the same information that was written in the previous staff report for preliminary approval. The subject property is located in the Forest Residential (FR-3) Zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1. Multi-family dwellings in the FR-3 zone require 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of 2. This PRUD site plan was approved with three buildings, each with 7,875 square feet of area and 16 units.

Culinary Water, Sanitary Sewer, and Secondary Water: The applicant has provided a will-serve letter from Wolf Creek Water and Sewer Improvement District for culinary water, secondary water, and sanitary sewer services. The applicant has provided a capacity assessment letter, as required by the subdivision ordinance, prior to final approval from the Planning Commission. A final plat approval letter will be required before the subdivision can be approved by the County Commission.

Parking: 82 on-site parking spaces were approved as part of the amended PRUD.

Sensitive lands: The property is located within a geologic hazards area. The applicant has submitted a geotechnical engineering

and geologic study that was prepared by Western Geologic and Environmental LLC. The development of the site must follow the recommendations that are listed in the report. A notice of geologic hazards will be recorded at the same time the plat records.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the subdivision plat. Engineering and Fire approved of the site plan as part of the conditional use review in June of 2021. Prior to the subdivision being considered for final approval from the County Commission, all review agencies comments will need to be addressed.

Staff recommends final approval of The Point Subdivision consisting of 48 condominium units. This recommendation for approval is subject to all applicable review agency requirements. This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. The proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Vice Chair Francis stated that she visited the site and observed vegetation that is typically present in a wetland. Mr. Burton stated that there are no wetlands identified on the wetland delineation map for the area. Vice Chair Francis stated that does not indefinitely mean there are no wetlands present.

Vice Chair Francis invited input from the applicant; she asked about ownership of the units in the project and the presence of wetlands.

Eric Householder stated that there is water on the site that drains from another project at a higher elevation; the water on that site is not properly managed, but it is not a natural wetland and can be addressed with property storm detention and flood control infrastructure. Commissioner Torman stated that he feels it would be helpful for the Engineering Division to revisit storm drainage at the site since the initial review was conducted in 2019. Vice Chair Francis agreed and added that she would also recommend a wetland delineation review for the site, given that it is strange for there to be a significant amount of water on the site even in a drought year. Mr. Burton stated that those recommendations could be handled through a condition of approval and the City's Engineering Division has the ability to determine whether it is necessary to involve the Army Corps of Engineers in the review of the property. Mr. Householder stated that he is concerned that this issue is being raised at this time after he has performed his due diligence according to previous approvals he has received; during previous steps, he has not been told that he needed to determine whether wetlands need to be delineated on the site. Commissioner Burton stated that this project has been in the planning phases for decades and there has not been a focus on wetlands in the past. Vice Chair Francis stated she has raised the concern of water on the property in the past, but she clarified she is not trying to stop this final phase project and simply wants it addressed before development proceeds. Commissioner Howell stated that it may be as simple as asking for a report from the Engineering Department or conditioning approval upon further review of the storm drainage at the site.

Legal Counsel Erickson stated that the Commission could table the application and ask for a report from Engineering or add a condition of approval that Engineering review the project again and that their report must be updated before the application is forwarded to the County Commission.

Commissioner Burton moved to approve UVP070821, final approval of The Point Subdivision, located at 3850 North Wolf Creek Drive, based on the findings and subject to the conditions listed in the staff report, and with the additional condition that prior to sending the application to the County Commission, the Engineering Division will confirm they have examined storm drain and wetland issues at the site and confirm they are comfortable with the proposal. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

### **3. Public Comment for Items not on the Agenda**

There were no additional public comments.

### **4. Remarks from Planning Commissioners**

Commissioner Howell asked why the County cannot erect 'no-camping' signs in Ogden Canyon; there are people camping there and they leave behind trash and debris. Principal Planner Ewert stated that he will look into that matter.

**5. Planning Director Report**

In Mr. Grover's absence, Principal Planner Ewert provided the Commission with some guidance regarding the types of matters that are appropriate to address at preliminary approval versus final approval.

**6. Remarks from Legal Counsel**

Mr. Erickson indicated he had nothing to report.

**Meeting Adjourned: The meeting adjourned at 8:08 p.m.  
Respectfully Submitted,**

\_\_\_\_\_  
**Weber County Planning Commission**

**Minutes of the Ogden Valley Planning Commission meeting for the October 20, 2021 site visit held at Earls Lodge Located at 3925 Snowbasin Rd. Huntsville, UT 84317. No Decisions were made.**

**Members Present:**       **John Lewis-Chair**  
                                  **Shanna Francis-Vice Chair**  
                                  **Jack Howell**  
                                  **Justin Torman**  
                                  **Trevor Shuman**  
                                  **Jeff Burton**  
                                  **Ron Lackey**

**Staff Present:**   **Sean Wilkinson, Community Development Director; William Ross, Assistant Community Development Director, Rick Grover, Planning Director; Charlie Ewert, Long Range Planner; Steve Burton, Principle Planner; Scott Perkes, Planner III; Gary Myers, Engineering Director; Ashley Thoman, Engineer; Chad Meyerhoffer, Engineer; Tucker Weight, Engineer; Marta Borchert, Secretary.**

**Snowbasin Team: Jim Hill, Owner, and representative of Grand America Hotels and Resorts; Bill Faveash, Master Developer;**

Jim Hill owner and representative of Grand America Hotels and Resorts gave an overview of the proposal and went over the proposed layout

Director Grover asked if there would be added density. Mr. Hill stated that there would be no added density and that there would be no residential. The proposal to add commercial and lodging would not be counted as density because it would be commercial and seasonal. The commercial aspect will be seasonal to start with. He states that they want to incentivize commercial uses. The Village will go where the existing parking is. They would like to have flexibility in their design. Some of the uses and road layouts have changed. The request is to have flexibility within each area. They will be capping the number of hotel rooms. Looking at density 3 hotel rooms would be equal to 1 residential unit.

Director Grover asked if this would be similar to what Powder Mountain has done. Mr. Hill states that this is correct.

Mr. Hill gave an overview of where the placement of the lodging and the park would go.

Commissioner Burton asks concerning the parking. He asks if there will be sufficient parking. Mr. Hill states that Snowbasin has the most parking out of all the surrounding resorts. Their main parking issues are because of single visitors that do not carpool and the access. He states that they currently working with UTA to incentivize using the shuttles and they are working on other incentives to help encourage carpooling. A good way to curb the carpooling issue would be to charge for parking but they do not want to do that. Mr. Hill notes that moving forward they will be displacing some of the parking. Some of the parking will be removed and some added in a different area. The lodging will have underground parking. The access will be changed as well.

Bill Faveash the Master Developer states they have done similar developments in other ski resorts but they always approach each one with a unique perspective for the area. He states that what is unique about this is that they need to work with the County and the Planning Commission to have a build-out plan but there needs to be some flexibility in that because they need to grow up as they grow through this project. There are over 1000 residences on the main village plan and that could take anywhere from 10 to 30 years to get built out. The focus is to make sure that it is done in a thoughtful way that helps Snowbasin and the community grow. He states the plan for phase 1 is to utilize the existing buildings. Because of the upgrades that were done by the Holding family for the Olympics there is a lot of existing buildings that they can utilize that do not need any repairs. The Holding family has instilled a culture by taking care of the asset. The goal with phase 1 is to honor the existing base area and extend it out and create a village that will grow over time. They want to get good utilization out of the space that is already there and extend it out with the two smaller buildings with 15,000 sq. ft. of commercial. It is not easy to get retailers to go out there who are going to shop there today and they still need to be able to staff the place. They want to walk before they run and they also want to honor the size and scale of everything. The height limit is 75 ft. and they want to build up to that as they get farther away from the building so that the current

buildings don't get impacted by a giant wall of stuff. The first couple of buildings they want to keep at the same scale as the existing buildings and extend it out and get some residential in and get some overnight accommodations and a larger building that will more than likely be a hotel concept. He states that they are looking at a smaller footprint for phase 1.

Jim Hill states that they have fabulous facilities and the ability to walk around and for most people that is a resort experience. He adds that they are trying to figure out what to do with the existing space and the new spaces and figure out what the flow is for a day skier. The hope is to activate that in a bigger way and that it feels like a community center to some degree. They are getting ready to engage some retail specialists and think about the layout.

Meeting Adjourned

Respectfully submitted,

Marta Borchert



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Request for preliminary approval of Myers Subdivision, a five-lot subdivision, located in the AV-3 and CV-2 zones.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, October 26, 2021

**Applicant:** **Telford Myers**

**File Number:** UVM07082021

### Property Information

**Approximate Address:** 5910 E 1900 N, Eden, UT, 84310

**Project Area:** 12.00 acres

**Zoning:** Agricultural Valley (AV-3), Commercial Valley (CV-2)

**Existing Land Use:** Residential/Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 22-049-0040, 22-049-0041

**Township, Range, Section:** T7N, R1E, Section 35 SE

### Adjacent Land Use

<b>North:</b> Agricultural	<b>South:</b> 1900 North St
<b>East:</b> Agricultural	<b>West:</b> Residential/Agricultural

### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us

**Report Reviewer:** SB

## Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 20 (CV-2 Zone)

## Background and Summary

The applicant is requesting preliminary approval of Myers Subdivision, consisting of five lots, located at approximately 5910 E 1900 N, Eden in the AV-3 and CV-2 Zones. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

## Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the AV-3 zone, with lot 2 of the proposed subdivision showing in the CV-2 Zone. Single-family dwellings are a permitted use in the AV-3 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-2-5, the AV-3 zone requires a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed subdivision meet this requirement.

In the LUC § 104-20, the CV-2 zone has no minimum lot area or width requirements to be met.

Lot development standards: In the LUC § 104-2-5, the AV-3 zone requires a minimum side yard setback of 20 feet for a main building and at least 10 feet for an accessory building, unless located at least 6 feet to the rear of the main building. Currently, the structures on the proposed lot 1 meet these minimum requirements.

In the LUC § 104-20, the CV-2 zone has the following setbacks:

Front: 50' from centerline of street

Side: 10'

Rear: 10'

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the AV-3 zone standards in LUC § 104-2, as well as the CV-2 zone standards in LUC § 104-20. The proposed subdivision will dedicate sufficient right-of-way along 1900 North Street so as to meet the required half-width dedication for a 100' right-of-way. The proposed subdivision is also dedicating a half-width of roadway along the western subdivision boundary, and the appropriate right-of-way width along the northern subdivision boundary, in order to meet the requirements of a connectivity-incentivized subdivision, and keep four residential lots, while meeting the minimum width and area for this type of subdivision (50% of minimum lot width and area for the AV-3 zone).

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide design requirements for on-site septic systems for each lot. A feasibility letter from Eden Waterworks has also been provided for culinary water. Eden Waterworks currently has no restrictions on using water shares for secondary purposes, however, Mr. Myers still needs to acquire additional shares to accommodate the three vacant lots he is proposing as part of this subdivision application. Eden Irrigation shares are currently being used for secondary purposes.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division and the Engineering Division. Weber Fire District has not yet reviewed this project. The Surveyor's Office will submit a review once a final proposed plat has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2021 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

## Staff Recommendation

Staff recommends final approval of Myers Subdivision, consisting of five lots located at approximately 5910 E 1900 N, Eden. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. Proof of sufficient secondary water shares shall be submitted prior to appearing before the planning commission for a recommendation of final approval.
2. The existing commercial structure come into compliance with applicable Weber County Land Use Code prior to appearing before the planning commission for a recommendation of final approval.

This recommendation is based on the following findings:

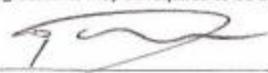
1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

## Exhibits

- A. Application
- B. Proposed Subdivision Plat
- C. Feasibility Letters

# Area Map



<b>Weber County Subdivision Application</b>			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd, Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Subdivision and Property Information</b>			
Subdivision Name <b>Myers Subdivision</b>		Number of Lots <b>4</b>	
Approximate Address <b>5910 E 1900 N</b>		Land Serial Number(s) <b>220490041 220490040</b>	
Current Zoning <b>AV-3</b>	Total Acreage <b>12.0</b>		
Culinary Water Provider <b>Eden Water Works</b>	Secondary Water Provider <b>Eden Irrigation Company</b>	Wastewater Treatment <b>Onsite Septic</b>	
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <b>Telford R. Myers</b>		Mailing Address of Property Owner(s) <b>PO Box 1183, Eden, UT 84310</b>	
Phone <b>303-551-2195</b>	Fax		
Email Address <b>telfordmyers@gmail.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>		
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) <b>Telford R. Myers</b>		Mailing Address of Authorized Person <b>PO Box 1183, Eden, UT 84310</b>	
Phone <b>3035512195</b>	Fax		
Email Address <b>telfordmyers@gmail.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>		
<b>Surveyor/Engineer Contact Information</b>			
Name or Company of Surveyor/Engineer <b>Reeve &amp; Associates</b>		Mailing Address of Surveyor/Engineer <b>5160 1500 W, Riverdale, UT 84405</b>	
Phone <b>(801) 621-3100</b>	Fax		
Email Address <b>thatch@reeve-assoc.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>		
<b>Property Owner Affidavit</b>			
<p>I (We), <u>Telford Myers</u>, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.</p>			
 _____ (Property Owner)		_____ (Property Owner)	
Subscribed and sworn to me this <u>29th</u> day of <u>June</u> 20 <u>21</u> .			





5402 E 2200 N  
PO BOX 13  
EDEN, UT 84310  
801-791-1772

[edenwaterworks@gmail.com](mailto:edenwaterworks@gmail.com)

June 21, 2021

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401

To Whom It May Concern:

Re: Telford Myers  
5910 E 1900 N  
Eden, UT 84310  
Myers Property

Eden Water Works Company would like to inform you of the availability of water for the proposed property above. They currently have 2 shares/services to the property, however the line in front of the proposed property must be upgraded to 8" C900 pipe prior to additional shares/water services being provided to the Myers Property. Eden Water Works and Telford Myers have agreed that Telford will pay for the pipe and Eden Water Works will install the pipe to complete the upgrade as required.

Sincerely,

Board of Trustees  
Eden Water Works Company



INCORPORATED UNDER THE LAWS OF

THE STATE OF UTAH

No 000714

States 25



# Eden Irrigation Company

CAPITOL STOCK \$3,269.80 SHARES

AND CERTIFIES THAT

*Telford Myers*  
*Twenty-eight (28) Shares of the Capital Stock of*  
Eden Irrigation Company, *Wilbur* *Wateral Hitch*  
transferable only on the books of the Corporation by the holder hereon  
person or by Attorney upon surrender of this Certificate properly endorsed.

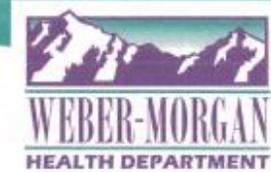


In Witness Whereof, the said Corporation, has caused this Certificate to be signed by its duly  
authorized officers and to be sealed with the Seal of the Corporation  
this *26th* day of *May*, A.D. 20*21*

*Walter J. Nelson*  
PRESIDENT

*Kurtz*  
SECRETARY

June 18, 2021



Weber County Planning Commission  
2380 Washington Blvd.  
Ogden, UT 84401

RE: Preliminary Subdivision **Determination**  
Myers Subdivision, 4 lots  
Parcel #22-049-0040 & 22-049-0041  
Soil log #14980

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Eden Water Works Improvement District, an approved water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lot 1: An existing single-family residence is located on this proposed lot

Lot 2-4: Documented ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.65 gal/sq. ft. /day as required for a sandy loam, granular structure soil horizon.

ADDITIONAL REQUIREMENTS BEFORE MYLAR SIGNATURE

Before the final Mylar can be signed, the locations of the existing septic system servicing the existing home and shop must be provided for review to this office. The absorption trenches cannot cross property lines; they must maintained the required 5-foot separation to the proposed property line. If these requirements cannot be fulfill then the property line must be shifted or the absorption field must be altered to conform with this portion of Utah Administrative Code R317-4.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal subdivision review; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

  
Summer Day, LEHS  
Environmental Health Division  
801-399-7160

EDUCATE | ENGAGE | EMPOWER



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for approval of the 1st Amendment to the Snowbasin Development Agreement.

**Application Type:** Legislative

**Agenda Date:** Tuesday, October 26, 2021

**Applicant:** Jim Hill

**File Number:** ZDA 2021-02

### Property Information

**Approximate Address:** 3925 Snowbasin Rd, Huntsville

**Zoning:** DRR-1 Zone

**Existing Land Use:** Master Planned Ski Resort

**Proposed Land Use:** Master Planned Ski Resort

**Parcel ID:** 20-043-0005

### Adjacent Land Use

<b>North:</b> Resort	<b>South:</b> Resort
<b>East:</b> Resort	<b>West:</b> Resort

### Adjacent Land Use

**Report Presenter:** Steve Burton  
[sburton@webercountyutah.gov](mailto:sburton@webercountyutah.gov)  
 801-399-8766

Report Reviewer: RG

## Development History

Snowbasin Resort received the Destination Recreation Resort-1 zoning designation in January of 2011. During that process, a master plan and development agreement were approved to outline density rights as well as the timing and location of future development at Snowbasin.

Snowbasin submitted a request to amend certain sections of the development agreement and the master plan on October 4, 2021.

## Summary

No new density is being proposed as part of this amendment. Snowbasin is proposing an amendment to the development agreement and master plan for several reasons. An explanation and analysis of the proposed changes are below.

### Change #1

The first proposed change is to amend the language of section 3 of the development agreement which currently states the following:

#### “3. Concept Development Plan

Weber County shall retain the right to approve or deny more specific / detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans /subdivision approval within each development area.”

The proposed change to section 3 is as follows:

#### “3. Concept Development Plan

Weber County shall retain the right to approve or deny more specific / detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans /subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement, (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building areas and product types (e.g. multi-family, mixed-use, single family) may be moved within the areas generally depicted as A, B, F, and G. Unit density for each area (A, B, F, and G) is fixed and may not be transferred between Areas. Concept Development Plans for each area are expected to evolve and be presented in phases in the context of a more detailed master plan for each area. County approvals for these Concept Development Plans will typically be handled at the Staff or Planning Commission level and will not require amendment of the Development Agreement or Land Use Plan.”

In this proposed language, the document referred to as *Exhibit B* is page 27 of the original master plan and the concept plan for Area A as shown in the original master plan. This proposed language, if adopted, would allow the county to approve revisions and refinements to the concept plan for each area (A, B, F, and G) as the development occurs, without requiring additional amendments to the master plan or development agreement.

In considering this proposal, staff understands the developer’s need to allow changes in the location of roads, buildings, and development types after a concept plan is approved. More specifically, staff understands that each development area takes time to complete, and that the developer will be influenced differently by market forces throughout the time it takes to finalize a development area.

A concept plan for each area is important in a master plan. Concept plans are meant to clarify and provide visual depictions of the county’s expectations and allowances of a developer. The proposed amendment to section 3 will still require a concept plan that depicts the future build-out, generally. The proposed changes to section 3 will allow the developer some flexibility regarding the location of roads, buildings, and development types in each area. As stated in the existing development agreement (1<sup>st</sup> paragraph of Section 3), the developer will still be required to submit specifics of each area to the County, and the County will have the right to approve or deny the more specific plans, based on the general concept plan. There are no proposed changes in the number of units in each area (A, B, F, and G).

## Change #2

The second proposed change is to eliminate limitations on commercial density including hotels in the ski areas (Areas A and B) by amending section 5.3 of the current development agreement. Section 5.3 states the following:

*Developer acknowledges that units (development rights) will diminish, as development occurs, at a rate of one (1) unit per one (1) residential lot/unit developed and/or at a rate of one (1) unit for every 5,000 square feet of commercial space developed. Commercial area(s) within hotel lobbies and/or conference rooms/facilities are excluded from this calculation. In no case shall commercial density exceed 213,750 square feet of hotel space and 75,000 square feet of retail commercial space in Area A and 80,000 square feet in Area G. Commercial square footage in Area F shall be limited to the area shown as "Mixed Use" on the Land Use Plan. See page 55 of Exhibit B.*

The proposed amendment will change section 5 regarding density to the following:

### 5. Density.

Section 5.1 is amended to provide, in the first sentence, that the total residential and commercial density may be, but shall not exceed, 2,428 units. Further, Section 5.3 of the Development Agreement is amended in its entirety to read as follows:

5.3 As provided in Section 5.1, the Developer shall be entitled to develop the Property with 2,428 units which may include condominiums, townhomes, single-family dwelling units, multi-family dwelling units, hotel rooms, corporate retreats, and other improvement listed and allowed in the DRR-1 Zone. In calculating the number of units hotel rooms shall count as the equivalent of one-third (1/3) of a single family dwelling unit. For example, a hotel containing 150 rooms and suites would utilize 50 units of density. Condominium units and other dwellings containing lock out rooms that can be separately rented shall be counted as one unit (including the lock out rooms). Lock out rooms shall not be considered to be a separate unit. Commercial development is allowed but does not utilize density units for Areas A and B, as referred to in the Development Agreement. Commercial development in Areas F and G, will utilize density at a rate of one (1) unit for every 5,000 square feet of commercial space developed. Workforce housing units do not count toward unit density. Skier services, equipment and storage buildings, offices, ticket facilities, ski school facilities, lodges and other skier facilities (including food and beverage outlets serving the needs of day skiers) do not count toward unit density. Parking areas, including underground parking within buildings, do not count toward unit density. In no case shall commercial density exceed 80,000 square feet in Area G. Commercial square footage in Area F shall be limited to the area shown as "Mixed Use" on the Land Use Plan.

The following Table 5.3 summarizes the manner of calculating the density utilized for each of the various components planned for development on the Property, and specifies the maximum number of density units allowed in each development area:

TABLE 5.3 DENSITY AND DESCRIPTION

<u>Type of Use</u>	<u>Density Equivalent</u>
<u>Single-family Dwelling</u>	<u>1 unit</u>
<u>Multi-family Dwelling</u>	<u>1 unit per dwelling unit</u>
<u>Hotel Room</u>	<u>.33 unit</u>
<u>Workforce Housing Units</u>	<u>N/A Does not count toward unit density</u>
<u>Skier Services, Lodges and all Parking</u>	<u>N/A. Does not count toward unit density</u>
<u>Commercial Square Footage Areas A and B</u>	<u>N/A. Does not count toward unit density</u>
<u>Commercial Square Footage Areas F and G</u>	<u>1 unit per 5,000 square feet of improved commercial space</u>
<u>Total units per Development Area</u>	
<u>Area A - Earl's Village</u>	<u>1,579</u>
<u>Area B – The Forest</u>	<u>502</u>
<u>Area F – The Meadows</u>	<u>22</u>
<u>Area G – The Ranch</u>	<u>325</u>
<u>Total Project Density Permitted</u>	<u>2,428 Units</u>

Note: Total Units allowed in each Area are based on tables in Development Agreement Exhibit B (pages 66 and 68 of the original Development Agreement), and may be amended from time to time with the approval of the County Planning Commission, so long as the total units developed on the Property do not exceed 2,428.

There are two key factors to consider in this proposed change. They are, first, the developer’s request to change how hotels are counted toward density, and, second, to no longer count commercial square footage as density units in areas A and B.

Currently, the development agreement assigns hotel units to Area A (the only area with hotels) based on the hotel’s commercial square footage. The current calculation is 1 hotel unit for every 5,000 square feet of commercial space developed. Under the current agreement, this gives Area A 43 units (213,750 square feet of commercial space / 5,000 = 43). The developer is proposing to change the calculation to count each hotel unit is 1/3 of a single family dwelling unit. The developer is proposing this because it is how the hotel units are counted under the development agreement at Powder Mountain. The developer feels that this unit calculation is easier to understand and for all parties (County, Snowbasin, future unit owners) to track.

**Existing**

The existing development agreement, Area A has a hotel room (unit) allowance of 43 units. The existing agreement allows a residential unit allowance of 1,529. The existing development agreement allows 15 commercial retail units. **The Area A unit count under the current development agreement is 1,587.**

**Proposed**

The developer’s proposal for Area A is to have a 150 room hotel, which would count toward 50 hotel units, while keeping the allowance of 1,529 residential units. If the commercial units are not counted, as proposed by the developer, **the total Area A unit count (residential and hotel only) will be 1,579.**

The proposed changes would allow for no cap on the commercial square footage in Areas A and B. The county planning staff and Planning Commission would review any commercial proposals for their compliance with the county Land Use Code as well as the development agreement and master plan. The types of applications that the Planning staff and Planning Commission would review are Commercial Design Review and Subdivisions. Given that the master plan requires the developer to submit concept plans for each area, the county will be able to restrict commercial development in Area A if it is found to be out of compliance with the Area concept plan.

Under the current development agreement Section 5.1, the permitted density to Snowbasin listed is 2,426 units. Under the new commercial density calculation, the proposed density will be 2,428. The new method of counting density clarifies the tables and calculations on Page 68 of 158 of the original development agreement. The developer has stated that the original density should have been 2,428, but that there were errors in the tables on page 68. The developer is prepared to explain the discrepancy to the legislative body, in hopes of receiving the two additional units.

With this proposed amendment, the developer is also requesting approval of a more detailed concept plan for Area A. The existing concept plan for Area A is attached as Exhibit A. The proposed, more detailed concept plan, is included as Exhibit B.

### **Summary of Planning Commission Considerations**

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

### **Staff Recommendation**

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZDA 2021-02.

This recommendation is based on the following findings:

1. A request to amend the "Concept Development Plan" is allowed per the previously approved Zoning Development Agreement.
2. The amendment is not detrimental to the public health, safety, or welfare.
3. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
4. The agreement was considered by the Legislative Body, in conformance with Chapter 102-6 of the County Land Use Code.

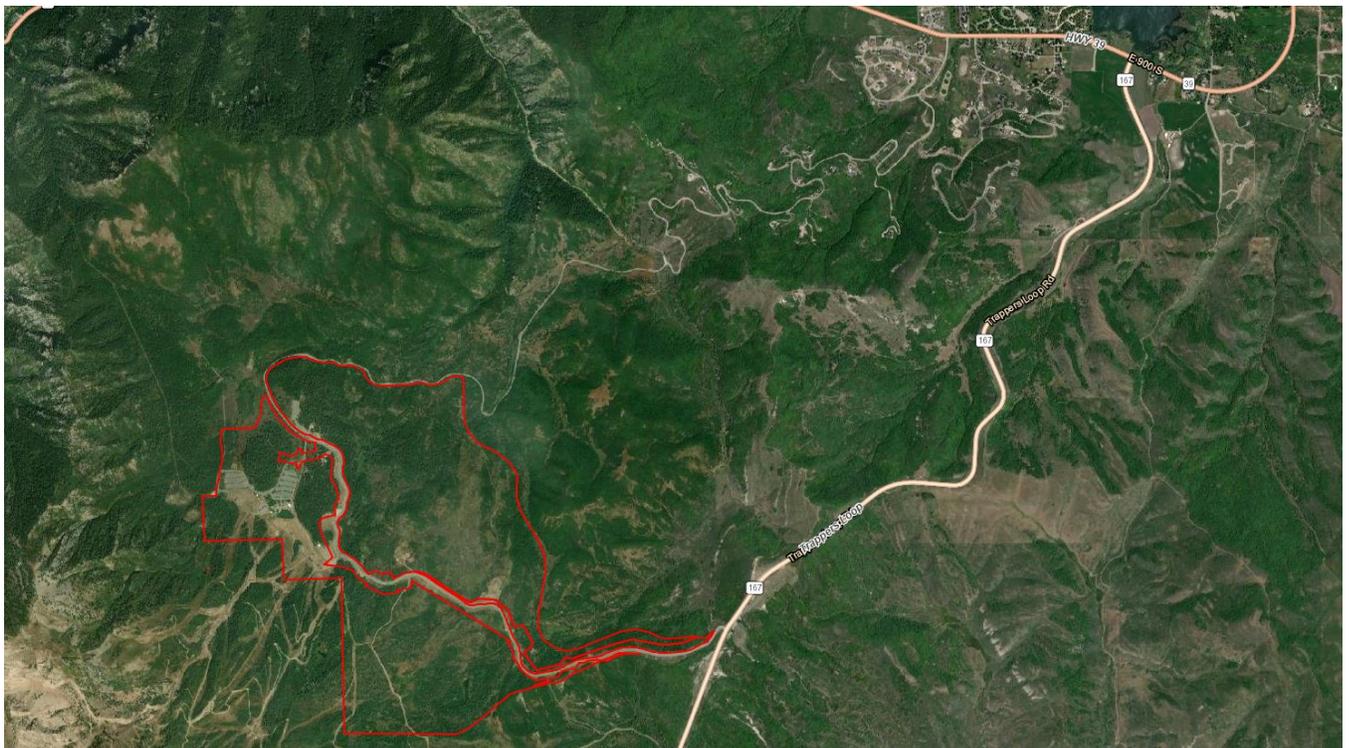
## Exhibits

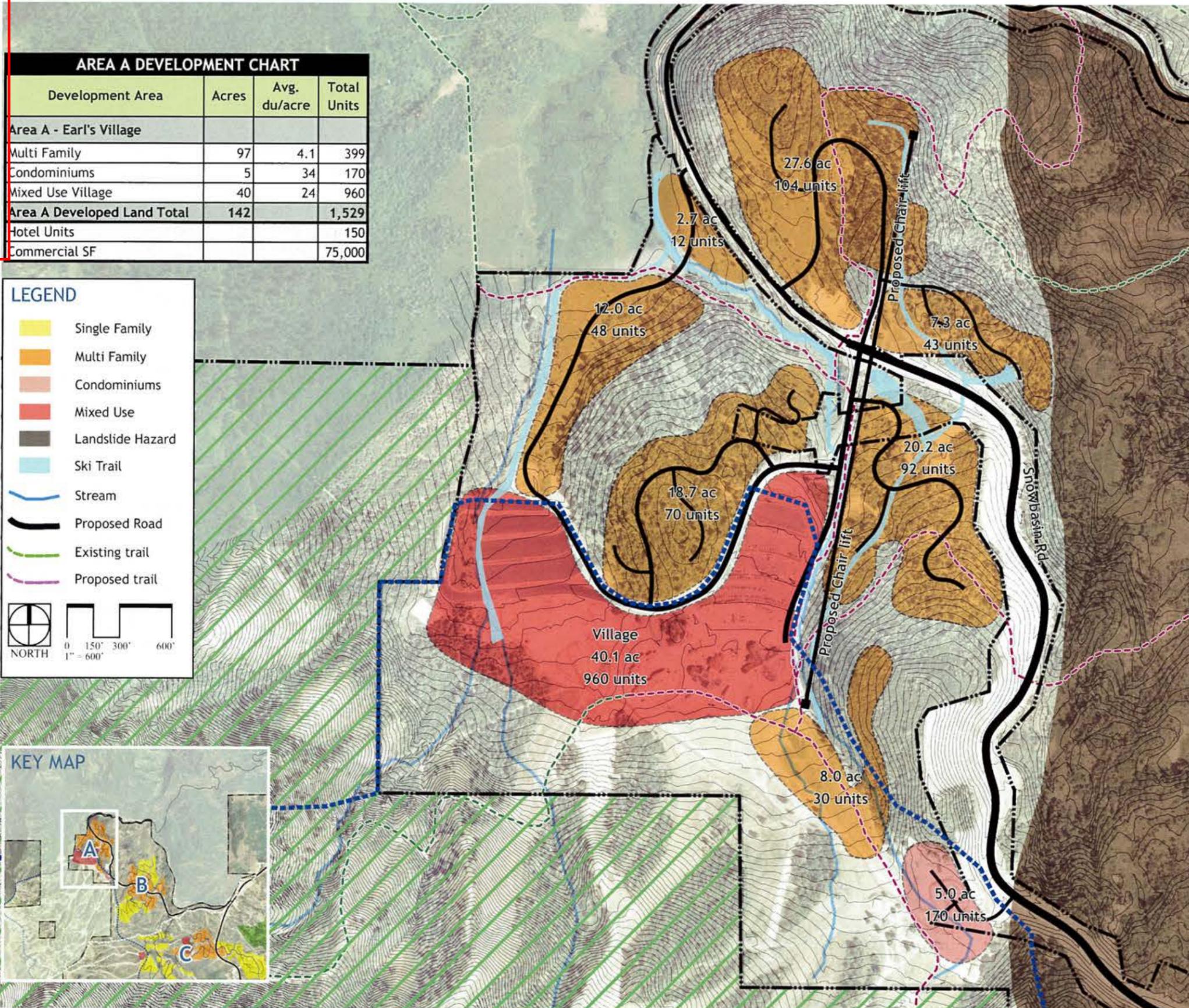
Exhibit A - Existing Area A concept plan

Exhibit B – Proposed Area A detailed plan

Exhibit C – Proposed Development Agreement Amendment

## Map 1





## AREA A - EARL'S VILLAGE DEVELOPMENT SUMMARY

Area A - Earl's Village is the vibrant portal to the mountain. As one of the focal points of the Snowbasin Resort master plan, it is comprised of a hotel, pedestrian plaza, retail and restaurants, parking garages and multi-family buildings. It will be a true destination resort experience.

Structured parking is planned for the northern portion of the mixed-use area; this structure will be wrapped with condominiums, visually making the building part of the village. After guests park their cars, they can walk through the retail-lined plaza to Earl's Lodge and the mountain. Retail in this area may include restaurants, bars, sporting goods, clothing and gift shops, and other retailers that focus on servicing Snowbasin guests and residents. The village will feature a hotel, condominiums and townhomes allowing visitors to stay and/or live within the beautiful surroundings of the Valley. A chair lift between the village and residents to the north is planned for ski-in and ski-out capabilities. Condominiums are also planned at the base of Wildcat and Becker lifts.

The village will also feature a plaza providing the opportunity for special events and for residents and guests to gather and relive experiences on the mountain. Ponds on the eastern edge provide the opportunity for fly fishing in the summer and perhaps ice skating in the winter. Hiking/biking trails wind through the area allowing residents and visitors to connect to other areas within the Resort and to the regional trails in the Valley. The streams that run through this parcel provide the opportunity to amenitize the mixed-use and residential areas. Development within stream setbacks will not occur and sensitive areas will be avoided whenever possible. Road right-of-way setbacks will be utilized for development near Snowbasin Road.

# VILLAGE CONCEPT PLAN

## LONG TERM VISION

SNOWBASIN IS ACTIVELY PLANNING FOR FUTURE IMPROVEMENTS, REFINING DEVELOPMENT PLANS THAT WERE APPROVED IN 2011 IN WEBER COUNTY AND 2013 IN MORGAN COUNTY. THESE IMPROVEMENTS WILL ENHANCE THE SKIER EXPERIENCE AND ULTIMATELY HELP GROW SNOWBASIN TO A FOUR SEASON DESTINATION RESORT. THE LONG-TERM VISION OF THIS PLAN EXPANDS THE ACTIVE VILLAGE IN THE BASE AREA NEAR EARL'S LODGE AND INCLUDES THE FOLLOWING:

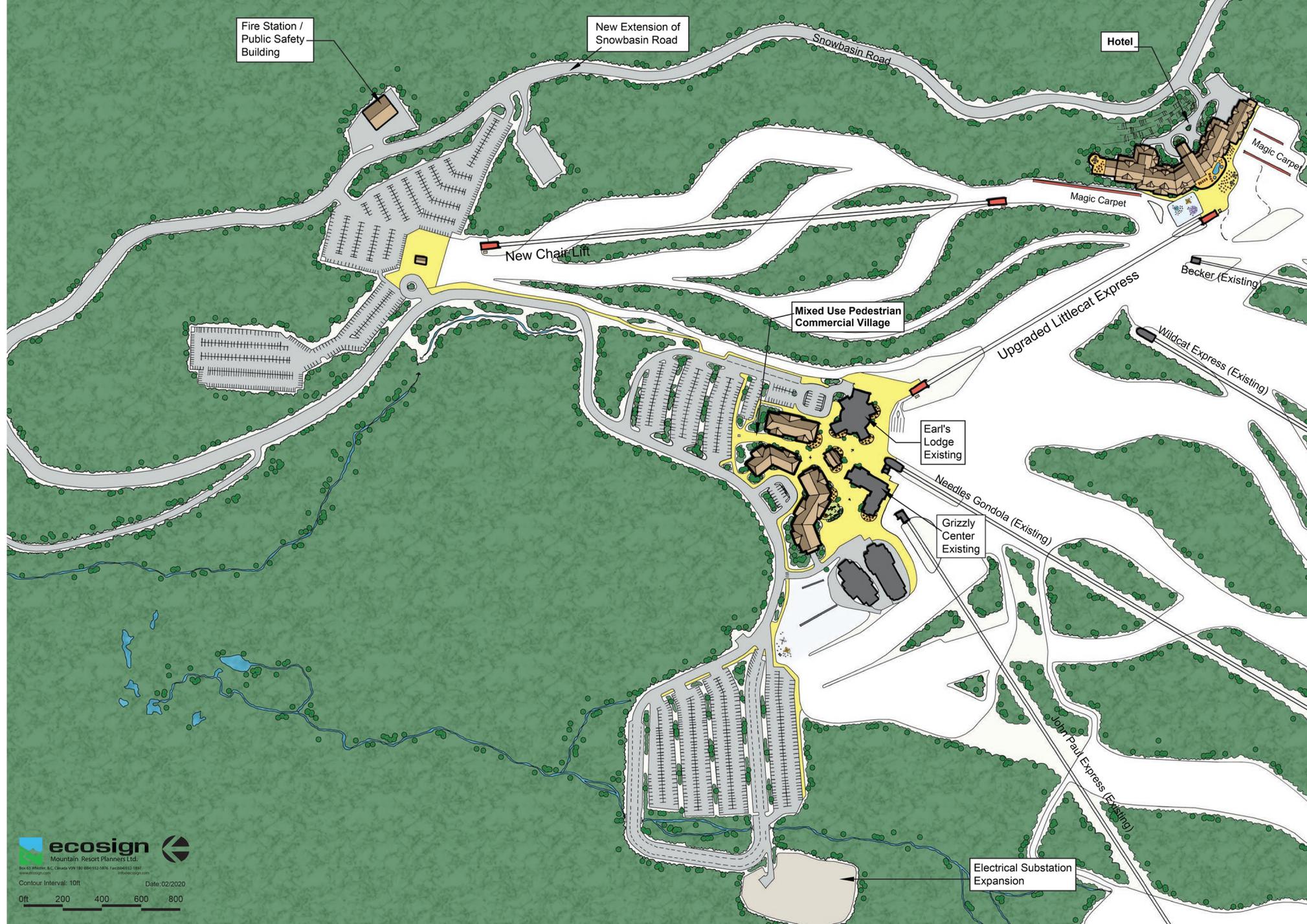
- NEW BASE AREA LIFTS
- INCREASED LEARNING TERRAIN
- RESIDENTIAL DEVELOPMENT
- EXPANSION OF DINING & SHOPPING
- ADDITIONAL OVERNIGHT ACCOMMODATIONS



# VILLAGE CONCEPT PHASE ONE COMPLETE 2024

SNOWBASIN IS ACTIVELY PLANNING FOR FUTURE IMPROVEMENTS, REFINING DEVELOPMENT PLANS THAT WERE APPROVED IN 2011 IN WEBER COUNTY AND 2013 IN MORGAN COUNTY. THESE IMPROVEMENTS WILL ENHANCE THE SKIER EXPERIENCE AND ULTIMATELY HELP GROW SNOWBASIN TO A FOUR SEASON DESTINATION RESORT. THE INITIAL FOCUS WILL BE CREATING AN ACTIVE VILLAGE AT THE EXISTING BASE AREA NEAR EARL'S LODGE AND INCLUDE THE FOLLOWING:

- NEW AND IMPROVED BASE AREA LIFTS
- RIDGELINE TERRAIN AND SNOWMAKING
- EXPANDED BASE AREA VILLAGE
- NEW HOTEL
- EXPANDED PARKING
- INFRASTRUCTURE UPGRADES



**ecosign** Mountain Resort Planners Ltd.  
 Box 63 Weber, B.C. Canada V0N 1B0 (866) 932-5876 Fax (604) 932-1891  
 www.ecosign.com  
 Contour Interval: 10ft Date: 02/2020  
 0ft 200 400 600 800

**First Amendment to Zoning Development Agreement  
Snowbasin Resort**

The following is a descriptive narrative prepared to outline the process and current state of proposed revisions to Sections 3 and 5.3 of the Zoning Development Agreement, dated January 11, 2011 (“Development Agreement”), and is intended to shed light upon the refinements necessary for the development and conceptual master plan for the Snowbasin Resort.

Section 3 of the Development Agreement currently reads as follows:

“3. Concept Development Plan

Weber County shall retain the right to approve or deny more specific / detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans / subdivision approval within each development area.”

The Development Agreement was finalized and recorded in January of 2011 and was intended to be a first step in the future development of Snowbasin. Although over ten (10) years have passed since the original date of the Agreement, Snowbasin is now moving forward with development and the parties to the Development Agreement are currently in a position to better clarify certain aspects of the original Development Agreement. In particular, Section 3 of the Development Agreement as originally drafted creates certain unintentional encumbrances that contradict the intent of the agreement. The purpose of a PUD zoning process is to allow a master planned development to progress, evolve, and be molded into a viable project while providing for and requiring certain limitations and processes. The proposed revisions to Section 3 are intended to help conform the Development Agreement with Snowbasin’s approach to the master planning and development for each specific area as such planning and development evolves within the constraints of the Development Agreement.

The original Development Agreement includes a Land Use Plan, attached as Exhibit B and found on page 55. The Land Use Plan is referenced several times throughout the Development Agreement and is intended to provide clarity to the development process by depicting conceptual road layouts, land areas and certain product types (e.g., multi-family residential or mixed-use development). As the planning and development of the project is now able to be more fully detailed, flexibility to modify certain aspects of the planning details would better facilitate the development process and would allow for a more homogeneous finished product. Note that Snowbasin is not proposing any revisions to original development density or to develop any additional areas beyond what was provided for in the original Development Agreement. Instead, the proposed revisions will allow for road layouts, exact building site boundaries and product types to evolve over the development process and as phases progress for each area.

The proposed revisions to Section 3 will allow for an approval of distinct master plans for each development area in phases and as the development and planning progresses, as opposed to

requiring approval for a single detailed conceptual development plan for the entire Resort. Furthermore, the proposed modification will provide for a more complete approach to the development timeframe.

In order to accomplish the aforementioned intent, the amended and restated Section 3 would read as follows:

“Weber County shall retain the right to approve or deny more specific/detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans/subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement, (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building areas and product types (e.g. multi-family, mixed-use, single family) may be moved within the areas generally depicted as A, B, F, and G. Unit density for each area (A, B, F, and G) is fixed and may not be transferred between Areas. Concept Development Plans for each area are expected to evolve and be presented in phases in the context of a more detailed master plan for each area. County approvals for these Concept Development Plans will typically be handled at the Staff or Planning Commission level and will not require amendment of the Development Agreement or Land Use Plan.”

Additionally, Snowbasin is requesting a modification to section 5.3 of the 2011 Development Agreement in order to allow more flexibility regarding product type and to encourage hotel and commercial development which are anticipated to add activity and vitality to the resort. Some of the modifications are based on the approach taken in the previously approved Powder Mountain Development Agreement. Specifically, we propose that the limitation on commercial density including hotels in the ski areas (Areas A and B) be deleted. We believe it is in the interest of the resort and the county for these areas to be as vibrant as possible and that it is essential to remove these limitations. Limitations on commercial in non ski areas (F and G) remain unchanged.

The approach for counting density in the existing Development Agreement can be somewhat difficult to understand, particularly related to hotels. We propose a simplified approach and table based on the previously approved Powder Mountain Development Agreement, counting hotel density based on each hotel room counting as the equivalent of 1/3 of a single family dwelling unit. Our intention is not to request additional residential density, but to clarify how this density is counted. We also wish to encourage commercial, ski support and employee housing by not including these areas in density calculations in ski areas A and B.

The original and proposed density using the new simplified approach is calculated as follows based on Development Agreement Exhibit B page 27 table entitled “Snowbasin Densities / Transferable Units Required”:

Exhibit B page 27

Area A – Earl’s Village 1,529 units

- Add 150 room hotel / 3 = 50 units  
Commercial – Area A – Hotel (not counted)  
Commercial – Area A – Retail, etc. (not counted)

Total Area A density new approach:  $1,529 + 50 = 1,579$  units

Area B – The Forest 502 units

- No changes

Total Area B density new approach = 502 units

Area F – The Meadows 22 units

- No changes

Total Area F density new approach = 22 units

Area G – The Ranch 297 units

Add Commercial – Area G – Retail, etc.  $140,000 \text{ square feet} / 5,000 = 28$  units

Total Area G density new approach:  $297 + 28 = 325$  units

All Areas A, B, F and G combined total 2,428 units

# Snowbasin - Weber County Zoning Development Agreement - January 19, 2011

## Exhibit B - page 27

Exhibit C

2511941 Pg 68 of 158

### Reservoir Transferable Units

Development Rights Calculation - Reservoir	
26.32 Acres, per Weber County record survey	
0 Acres with slopes over 40%	
26.32 Transferable Development Acres	
26.32 Transferable Development Acres	
1,146,499.2 Transferable Development - Square Feet	
571 Transferable Development Units	

### Transfer Incentive Matching Units (TIMU) - Transferred Base Unit (TBU)

Percentage of Units Transferred	# Units Need to Transfer	Match	Additional Density
0%	228	0.00	0
40%	229	1.25	399
56%	320	1.50	607
71%	406	1.75	858
86%	491	2.00	1,143

### Density Bonus Units (DBU) (Maximum Bonus of 60%)

Description	Bonus
a. Develop Resort that can demonstrate how it meets intent of this Ordinance	10%
b. Develop Resort that can demonstrate 80% reduction in (potential) future traffic congestion	10%
c. Provide an additional 10% or more Conservation Open Space within Resort in excess of minimum requirement	5%
d. Provide developed and approved access to public lands	5%
g. Establishment, promotion & implementation of innovative program /project that furthers Ogden Valley community interests	30%
<b>Total Possible Density Bonus Percentage</b>	<b>60%</b>

### Snowbasin Densities / Transferable Units Required

Proposed Density for Snowbasin	Units	Acres
Area A - Earl's Village	1,529	142
Area B - The Forest	502	216
Area F - The Meadows*	22	76
Area G - The Ranch	297	252
<b>Total Density Within Project Boundary</b>	<b>2,350</b>	<b>686</b>

Required Permitted Units	Comm Sq Ft.	# Units
Mountain Density		2,350
Commercial - Area A - Hotel <sup>(1)</sup>	213,750	43
Commercial - Area A - Retail, etc.	75,000	15
Commercial - Area G - Retail, etc.	140,000	28
<b>TOTAL UNITS REQUIRED</b>		<b>2,436</b>

### Snowbasin TBU, TIMU & DBU Calculations Based on Ordinance

Matching Units - (2 Units)	Transferable Develop Units	Transfer % of TTL	TBU	Bonus	TIMUs	Total Transferred Units	Units Remaining Reservoir	Full Credit DBUs
Transfer 90% off Reservoir to achieve highest match								
Transferrable Units on Reservoir	571							
Applicant's Initial Transfer of Base Units (TBU's)			521			521	50	521
+ Transfer Incentive Matching Units (TIMU's) Awarded		91.3%		2	1,042	1,042		1,042
x Density Bonus (DBUs)								937
<b>=Maximum Permitted Units</b>						<b>1,563</b>		<b>2,500</b>

(1) Assumes 225,000 square foot hotel. Hotel lobbies and conference rooms/facilities are excluded and assumed to be 5% (11,250) of total square footage.

## DENSITY CALCULATION

### RESERVOIR TRANSFERABLE UNITS

The top chart on this page delineates the number of transferable units available on applicant's property on the valley floor (Reservoir Parcel) per Section 9C-6 Minimum Lot Area, Width and Yard Regulations for property zoned CVR-1. This was calculated using Weber County's development equation for CVR-a zoned property.

### TRANSFER INCENTIVE UNITS (TIMU) - TRANSFERRED BASE UNIT (TBU)

This chart outlines the transfer incentive matching units per Section 44.2(4) and the number of units that would need to be transferred off the Reservoir Parcel in order to achieve the matching units per County Code.

### DENSITY BONUS UNITS (DBU) (MAXIMUM BONUS OF 60%)

The Snowbasin Resort master plan, as submitted, is eligible for five of the nine opportunities to receive density bonus units. This table lists the bonuses the plan is eligible to be awarded with corresponding letters per Section 44.2(5) as well as the bonus percentage available. The total possible density bonus percentage is 60 percent, which is the maximum bonus allowed per the Code. The proposed master plan meets or exceeds the requirement to earn the full 60 percent bonus.

### SNOWBASIN DENSITIES / TRANSFERABLE UNITS REQUIRED

Per Section 44.2(6)(a), "the number of permitted units shall diminish as development occurs at a rate of one (1) unit per one (1) residential lot/unit developed and a rate of one (1) unit for every 5,000 sq. ft. of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation." The proposed hotel located in Area A - Earl's Village is proposed to be 225,000 sq. ft. with five percent (5%) excluded for the lobby and conference rooms/facilities. The retail in Area A is proposed to be 75,000 square feet and 140,000 square feet in Area G. The units required to support the residential density as well as commercial square footage is estimated at 2,436 units.

### SNOWBASIN TBU, TIMU & DBU CALCULATIONS BASED ON ORDINANCE

The applicant proposes to transfer 521 units or 91.2% off of the Reservoir Parcel for a two (2) unit match, resulting in 1,563 permitted units within Snowbasin Resort. The Snowbasin Resort master plan is eligible for a 60% bonus, resulting in 937 density bonus units. The total number of permitted units available for the Snowbasin Resort master plan is 2,500 units.

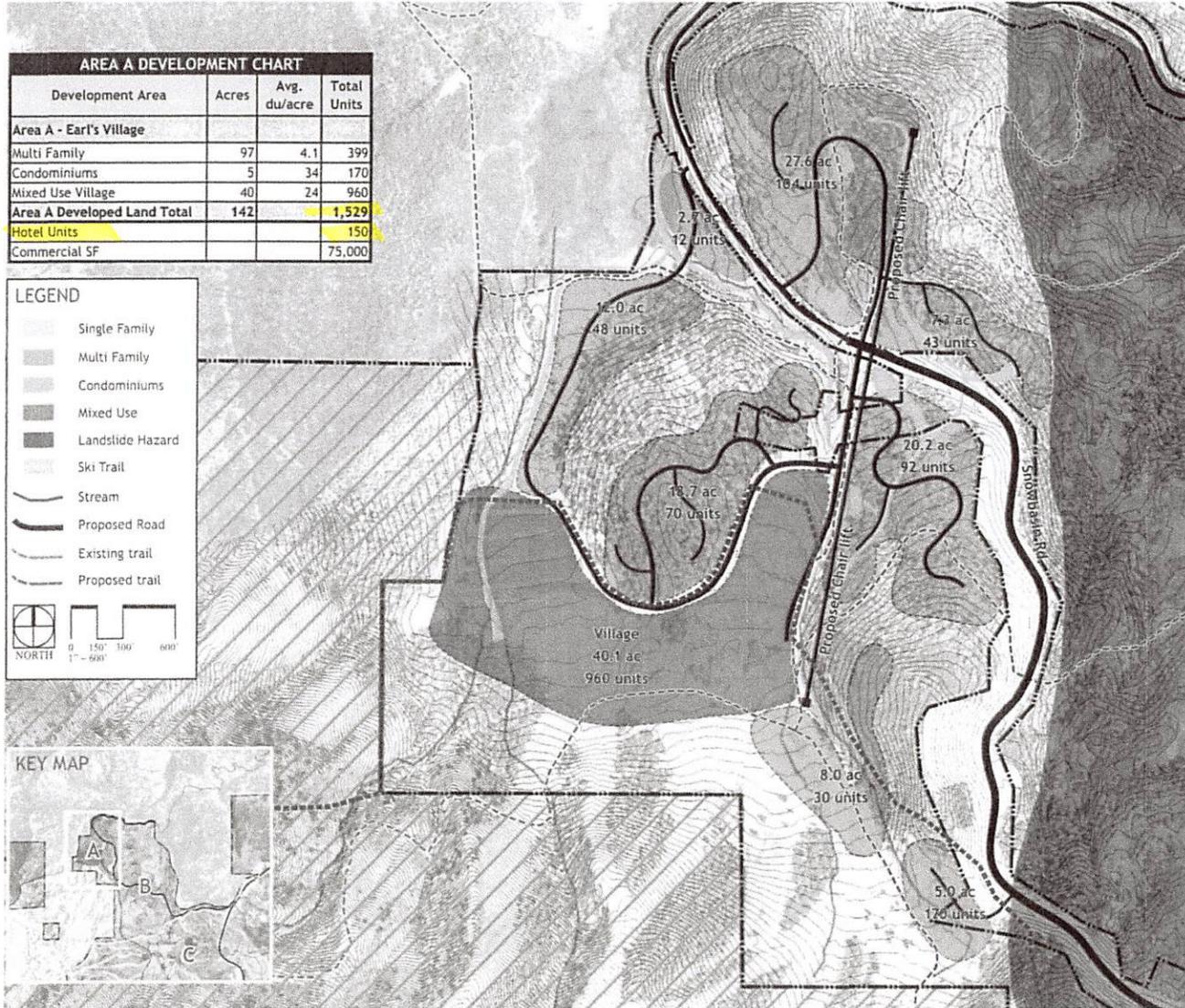
Snowbasin - Weber County Zoning Development Agreement - January 19, 2021  
 Exhibit B - page 28

AREA A - EARL'S VILLAGE  
 DEVELOPMENT SUMMARY

Area A - Earl's Village is the vibrant portal to the mountain. As one of the focal points of the Snowbasin Resort master plan, it is comprised of a hotel, pedestrian plaza, retail and restaurants, parking garages and multi-family buildings. It will be a true destination resort experience.

Structured parking is planned for the northern portion of the mixed-use area; this structure will be wrapped with condominiums, visually making the building part of the village. After guests park their cars, they can walk through the retail-lined plaza to Earl's Lodge and the mountain. Retail in this area may include restaurants, bars, sporting goods, clothing and gift shops, and other retailers that focus on servicing Snowbasin guests and residents. The village will feature a hotel, condominiums and townhomes allowing visitors to stay and/or live within the beautiful surroundings of the Valley. A chair lift between the village and residents to the north is planned for ski-in and ski-out capabilities. Condominiums are also planned at the base of Wildeat and Becker lifts.

The village will also feature a plaza providing the opportunity for special events and for residents and guests to gather and relive experiences on the mountain. Ponds on the eastern edge provide the opportunity for fly fishing in the summer and perhaps ice skating in the winter. Hiking/biking trails wind through the area allowing residents and visitors to connect to other areas within the Resort and to the regional trails in the Valley. The streams that run through this parcel provide the opportunity to amenitize the mixed-use and residential areas. Development within stream setbacks will not occur and sensitive areas will be avoided whenever possible. Road right-of-way setbacks will be utilized for development near Snowbasin Road.



WHEN RECORDED, MAIL TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APN: \_\_\_\_\_

**FIRST AMENDMENT TO WEBER COUNTY  
ZONING DEVELOPMENT AGREEMENT  
FOR SNOWBASIN**

THIS FIRST AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR SNOW BASIN (this “**Amendment**”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2021 (“**Effective Date**”), by and between SNOWBASIN RESORT COMPANY, a Wyoming corporation (“**Owner**”), and WEBER COUNTY CORPORATION, a political subdivision of the State of Utah (“**County**”).

**RECITALS**

A. Owner and County are parties to a Weber County Zoning Development Agreement dated January 11, 2011, which was recorded in the Office of the Weber County Recorder on January 19, 2011, as Entry No. 2511941 (the “**Development Agreement**” or “**Agreement**”), that covers the real property and improvements more particularly described in Exhibit “A”, which is attached hereto and incorporated herein by this reference (the “**Property**”). All initially-capitalized terms not otherwise defined herein shall have the meanings set forth in the Development Agreement unless the context clearly indicates otherwise.

B. In accordance with Section 3 of the Development Agreement, the Developer has provided to the County and the County has approved the specific/detailed conceptual plan for Area A (the “**Detailed Conceptual Development Plan for Area A**”), more particularly described in Exhibit “B”, which is attached hereto and incorporated herein by this reference.

C. In connection with the ongoing planning process for the Property, and to clarify certain terms and provisions set forth in the Development Agreement, Owner has proposed and County has approved certain modifications to the terms and provisions of the Development Agreement as more fully set forth herein.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to modify the Development Agreement as follows:

1. Amendment Effect. This Amendment modifies certain terms and provisions of the Development Agreement, as described and referenced herein. All provisions of the Development Agreement not specifically modified herein shall remain in full force and effect as originally written. In the event of any inconsistency between the terms of this Amendment and the Development Agreement, the terms of this Amendment shall control.

2. Concept Development Plan. Section 3 of the Development Agreement is hereby amended and restated in its entirety to read as follows:

“Weber County shall retain the right to approve or deny more specific / detailed Concept Development Plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plan or subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building areas and product types (e.g. multi-family, mixed-use, single family) may be moved within the areas generally depicted as A, B, F, and G. Unit density for each area (A, B, F, and G) is fixed and may not be transferred between Areas. Concept Development Plans for each area are expected to evolve and be presented in phases in the context of a more detailed master plan for each area. County approvals for these Concept Development Plans will typically be handled at the Staff or Planning Commission level and will not require amendment of the Development Agreement or Land Use Plan.”

3. Commencement of Development. Section 4.1 of the Development Agreement is amended in its entirety to read as follows:

4.1. Developer shall develop the subject property based upon the approved Land Use Plan. The Land Use Plan may be refined and modified but the general concept of the plan will not be changed without prior formal approval of the County. The Developer will begin construction on the designated project as soon as conditions allow, as determined by Developer in its reasonable business judgement, and will pursue project completion in good faith. See page 55 of Exhibit B.

4. Development Standards. Section 4.3 of the Development Agreement is amended in its entirety to read as follows:

4.3. The County will review more detailed development plans and will approve/issue Land Use, Conditional Use, and Building Permits based on compliance with applicable standards found in this Agreement, the Weber County Zoning Ordinance, Building Code and/or Health Regulations.

5. Density. Section 5.1 is amended to provide, in the first sentence, that the total residential and commercial density may be, but shall not exceed, 2,428 units. Further, Section 5.3 of the Development Agreement is amended in its entirety to read as follows:

“5.3 As provided in Section 5.1, the Developer shall be entitled to develop the Property with 2,428 units which may include condominiums, townhomes, single-family dwelling units, multi-family dwelling units, hotel rooms, corporate retreats, and other improvement listed and allowed in the DRR-1 Zone. In calculating the number of units hotel rooms shall count as the equivalent of one-third (1/3) of a single family dwelling unit. For example, a hotel containing 150 rooms and suites would utilize 50 units of density. Condominium units and other dwellings containing lock out rooms that can be separately rented shall be counted as one unit (including the lock out rooms). Lock out rooms shall not be considered to be a separate unit. Commercial development is allowed but does not utilize density units for Areas A and B, as referred to in the Development Agreement. Commercial development in Areas F and G, will utilize density at a rate of one (1) unit for every 5,000 square feet of commercial space developed. Workforce housing units do not count toward unit density. Skier services, equipment and storage buildings, offices, ticket facilities, ski school facilities, lodges and other skier facilities (including food and beverage outlets serving the needs of day skiers) do not count toward unit density. Parking areas, including underground parking within buildings, do not count toward unit density. In no case shall commercial density exceed 80,000 square feet in Area G. Commercial square footage in Area F shall be limited to the area shown as “Mixed Use” on the Land Use Plan.

The following Table 5.3 summarizes the manner of calculating the density utilized for each of the various components planned for development on the Property, and specifies the maximum number of density units allowed in each development area:

**TABLE 5.3 DENSITY AND DESCRIPTION**

<b>Type of Use</b>	<b>Density Equivalent</b>
Single-family Dwelling	1 unit
Multi-family Dwelling	1 unit per dwelling unit
Hotel Room	.33 unit
Workforce Housing Units	N/A. Does not count toward unit density.
Skier Services, Lodges and all Parking	N/A. Does not count toward unit density.
Commercial Square Footage Areas A and B	N/A. Does not count toward unit density.
Commercial Square Footage Areas F and G	1 unit per 5,000 square feet of improved commercial space

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<b>Development Area</b>	<b>Total Allowed Units</b>
Area A – Earl’s Village	1,579

Area B – The Forest	502
Area F – The Meadows	22
Area G – The Ranch	325

**TOTAL PROJECT DENSITY PERMITTED:                    2,428 units**

Note: Total Units allowed in each Area are based on tables in Development Agreement Exhibit B – pages 66 and 68, and may be amended from time to time with the approval of the County Planning Commission, so long as the total units developed on the Property do not exceed 2,428.”

6.     Default and Enforcement. Section 9.2.3 of the Development Agreement is hereby deleted in its entirety. While a request by the Developer seeking to void or materially alter any of the provisions of the Development Agreement will not, in itself, constitute a default hereunder, any request to amend the Development Agreement must be submitted to the County in writing and will not be effective unless and until such modification request is reviewed and approved by the County.

7.     Current Compliance. As of the Effective Date, Developer and the County acknowledge and agree that there are no existing or continuing events of default by either party in the performance of such party’s duties and obligations under the Development Agreement. Further, the parties acknowledge and agree that the Development Agreement, as modified hereby, is in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written by a duly authorized representative of each of the parties hereto.

*[Signature pages to follow.]*

Weber County Corporation, a political subdivision of the State of Utah

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF UTAH )  
 ) ss:  
COUNTY OF WEBER )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of the County Council of Weber County, State of Utah.

\_\_\_\_\_  
Notary Public

[Notarial Seal]

Snowbasin Resort Company, a Wyoming corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of Snowbasin Resort Company.

\_\_\_\_\_  
Notary Public

[Notarial Seal]

**EXHIBIT A**

Description of the Property

**EXHIBIT B**

Area A - Conceptual Development Plans

# VILLAGE CONCEPT PLAN

## LONG TERM VISION

SNOWBASIN IS ACTIVELY PLANNING FOR FUTURE IMPROVEMENTS, REFINING DEVELOPMENT PLANS THAT WERE APPROVED IN 2011 IN WEBER COUNTY AND 2013 IN MORGAN COUNTY. THESE IMPROVEMENTS WILL ENHANCE THE SKIER EXPERIENCE AND ULTIMATELY HELP GROW SNOWBASIN TO A FOUR SEASON DESTINATION RESORT. THE LONG-TERM VISION OF THIS PLAN EXPANDS THE ACTIVE VILLAGE IN THE BASE AREA NEAR EARL'S LODGE AND INCLUDES THE FOLLOWING:

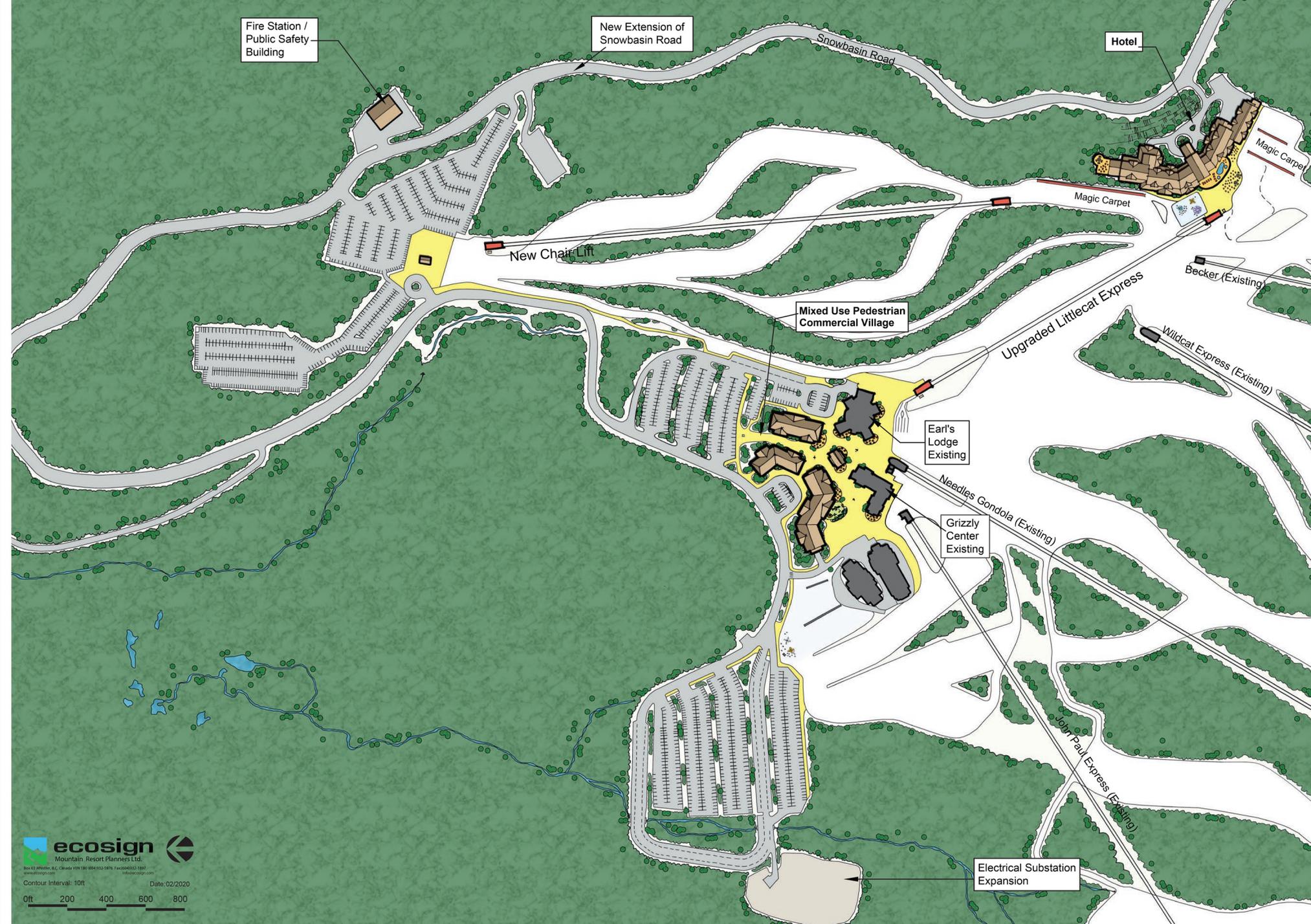
- NEW BASE AREA LIFTS
- INCREASED LEARNING TERRAIN
- RESIDENTIAL DEVELOPMENT
- EXPANSION OF DINING & SHOPPING
- ADDITIONAL OVERNIGHT ACCOMMODATIONS



# VILLAGE CONCEPT PHASE ONE COMPLETE 2024

SNOWBASIN IS ACTIVELY PLANNING FOR FUTURE IMPROVEMENTS, REFINING DEVELOPMENT PLANS THAT WERE APPROVED IN 2011 IN WEBER COUNTY AND 2013 IN MORGAN COUNTY. THESE IMPROVEMENTS WILL ENHANCE THE SKIER EXPERIENCE AND ULTIMATELY HELP GROW SNOWBASIN TO A FOUR SEASON DESTINATION RESORT. THE INITIAL FOCUS WILL BE CREATING AN ACTIVE VILLAGE AT THE EXISTING BASE AREA NEAR EARL'S LODGE AND INCLUDE THE FOLLOWING:

- NEW AND IMPROVED BASE AREA LIFTS
- RIDGELINE TERRAIN AND SNOWMAKING
- EXPANDED BASE AREA VILLAGE
- NEW HOTEL
- EXPANDED PARKING
- INFRASTRUCTURE UPGRADES



 ecosign Mountain Resort Planners Ltd.  
 Box 63 Weber, B.C. Canada Y0N 1B0 (844) 932-5876 Fax (604) 932-1991  
 www.ecosign.com  
 Contour Interval: 10ft Date: 02/2020  
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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	A public hearing to consider and make recommendation on a new ordinance for the Eden Mixed-Use Zoning regulations.
<b>Agenda Date:</b>	October 26, 2021
<b>Applicant:</b>	Weber County
<b>File Number:</b>	ZTA2019-03

### Staff Information

<b>Report Presenter:</b>	Steve Burton <a href="mailto:sburton@co.weber.ut.us">sburton@co.weber.ut.us</a> 801-399-8766
<b>Report Reviewer:</b>	CE

## Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Utah State Code, Title 17, Chapter 27a, Part 5 Land Use Regulation

## Background and Summary

This is a county initiated proposal to adopt an ordinance establishing the Eden Village Mixed-Use Zone. The 2016 Ogden Valley General Plan provides goals and policies that state the County should adopt specific area plans for the commercial villages including the Old Town Eden and New Town Eden area. This new zoning ordinance will ensure that development within the Eden Villages focuses on building architecture and street design to result in pedestrian friendly retail.

In November of 2018, planning staff met with stakeholders in the Eden commercial areas to discuss the idea of form based zoning in Eden. The feedback from the stakeholders was that the Old and New Town Eden areas should have stricter development standards that require enhanced building “main street” architecture, similar to the Eden blacksmith shop. In addition to enhanced architecture, the stakeholders suggested a street design that focuses on pedestrians, cyclists, and retail customers.

The proposed Eden Village Mixed-Use zone requires street front buildings to have a façade that has specific architecture, materials, and colors. The Old Town Eden area will have street front façades with architecture, materials, and colors that resemble western main street buildings from the late 1890s to the early 1910s. Currently, the blacksmith shop and the general store meet these requirements with either brick or wood fronts that hide gable roofs and provide other important architectural detail. The New Town Eden area will have agrarian style buildings, resembling historic barns that will also have specific architectural detail.

The public streets in these areas will be wide enough to support spacious pedestrian sidewalks (approximately 14 feet), bike lanes (approximately five feet), and on street parking (either angled or parallel). Traffic calming measures including street trees and intersection bulb outs will be required. The width of drive lanes will be the county public works standard of 12 feet.

## Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation of ZTA 2019-03 to the County Commission. This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.

## Exhibits

### A. Draft Ordinance

1 [104-31-1 Purpose and intent](#)

2 [The purpose of the Eden Village Zone is to provide specific development standards that result in “Main](#)  
3 [Street” commercial corridors with multi-modal active transportation and enhanced building design. The](#)  
4 [Eden Village Zoning regulations are intended to carry out the objectives of the 2016 Ogden Valley](#)  
5 [General Plan through the implementation of form based, small area zoning.](#)

6

7 [104-31-2 Applicability](#)

8 [The principles, standards, and guidelines in this chapter apply to proposals for new development,](#)  
9 [exterior alterations, and site improvements to existing buildings. Except when more specific regulations](#)  
10 [are provided in this chapter, the CV-2 zoning regulations and the Design Review regulations apply to](#)  
11 [projects in the Eden Village Zone.](#)

12

13 [104-31-3 Permitted uses](#)

14 [The uses outlined in the CV-2 zone, except for automobile intensive uses, are permitted in the Eden](#)  
15 [Village Zone. In addition to the uses listed in the CV-2 zones, dwelling units are permitted above the first](#)  
16 [floor of any retail space that was developed within the regulations of the Eden Village Zone.](#)

17 [104-31-4 Site Development Standards:](#)

<a href="#">Site Development Standards</a>	
<a href="#">Minimum Lot Area</a>	<i>None</i>
<a href="#">Minimum Lot Width</a>	<i>None</i>
<a href="#">Maximum front yard setback for first-story street-facing commercial space.</a>	<i>5 feet, except more may be provided for patio or dining area.</i>
<a href="#">Minimum front yard setback for all other buildings.</a>	<i>None, provided however, any building proposed to be setback more than 5 feet shall be setback a minimum of 60 feet.</i>
<a href="#">Minimum side yard setback</a>	<i>None, unless the side lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.</i>
<a href="#">Minimum rear yard setback</a>	<i>None, unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.</i>
<a href="#">Maximum building height</a>	<i>45 feet;</i>

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<u>Minimum building depth for First-story street-facing commercial space</u>	<u>30 feet;</u>
<u>Minimum building width for first-story street-facing commercial space</u>	<u>75 percent of a lot's street frontage.</u>
<u>Minimum building fenestration for first-story street-facing commercial space</u>	<u>65 percent of the area of the façade.</u>

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19 104-31-5 Additional Development Standards

- 20 (a) Drive-up (drive-thru) window. Any business with a drive-up (drive-thru) window shall locate the  
 21 window in an area of the building that is not visible from the public street. The stacking lanes  
 22 and drive through parking spaces shall also be located in an area that is not visible from the  
 23 public street.  
 24 (b) Dwelling Units. Dwelling units are permitted above first floor retail space through transferrable  
 25 density rights. Transfers of units from areas designated as "transfer areas" are encouraged to be  
 26 received within the Eden Village Area. Dwelling unit square footage, shall not exceed the square  
 27 footage of the first floor retail space.

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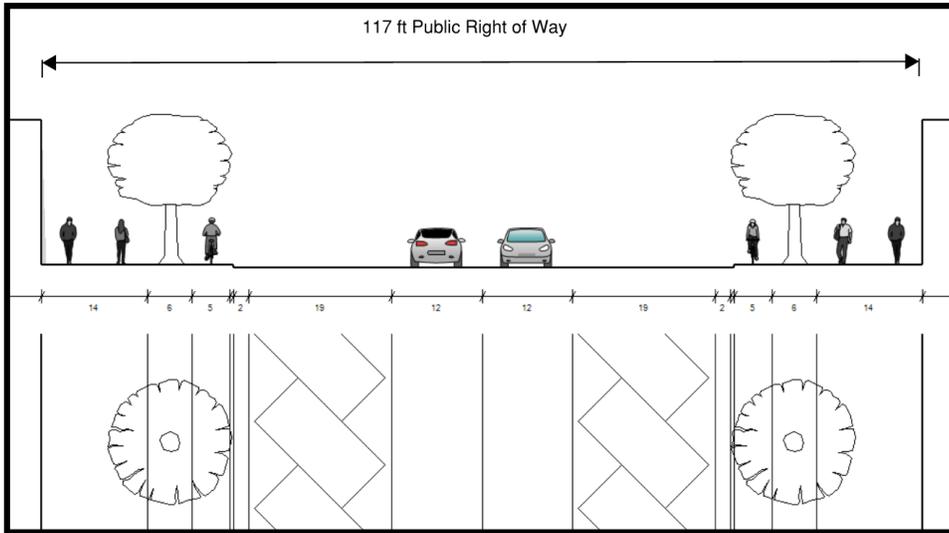
29 104-31-6 Street Design

- 30 (a) Public right-of-way. As development occurs on each parcel, the owner shall dedicate area for  
 31 public right of way to form a block pattern within the village area as depicted by the street cross  
 32 section in figure 1.1.

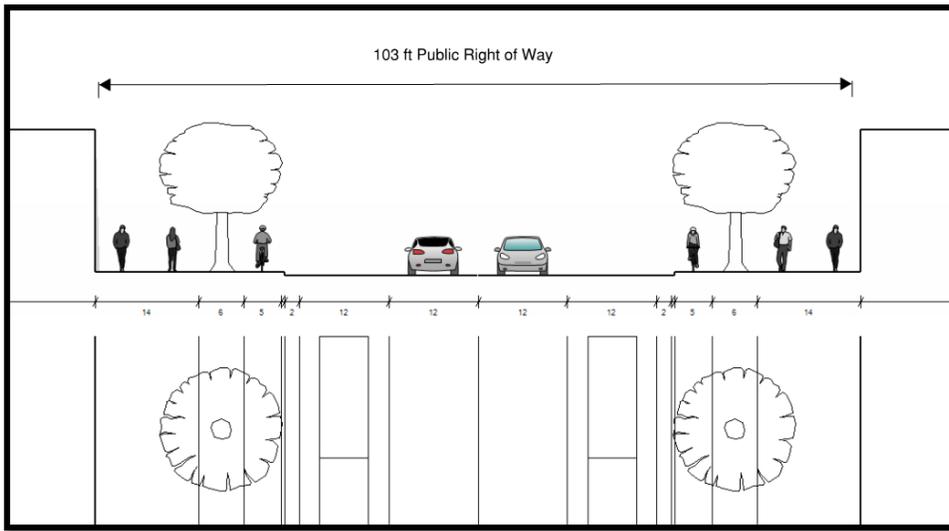
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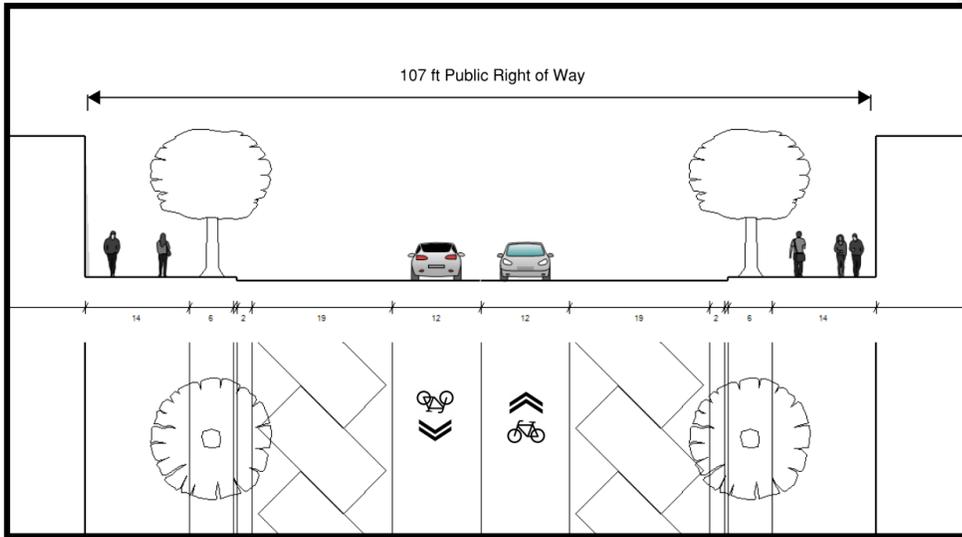
33 Figure 1.1

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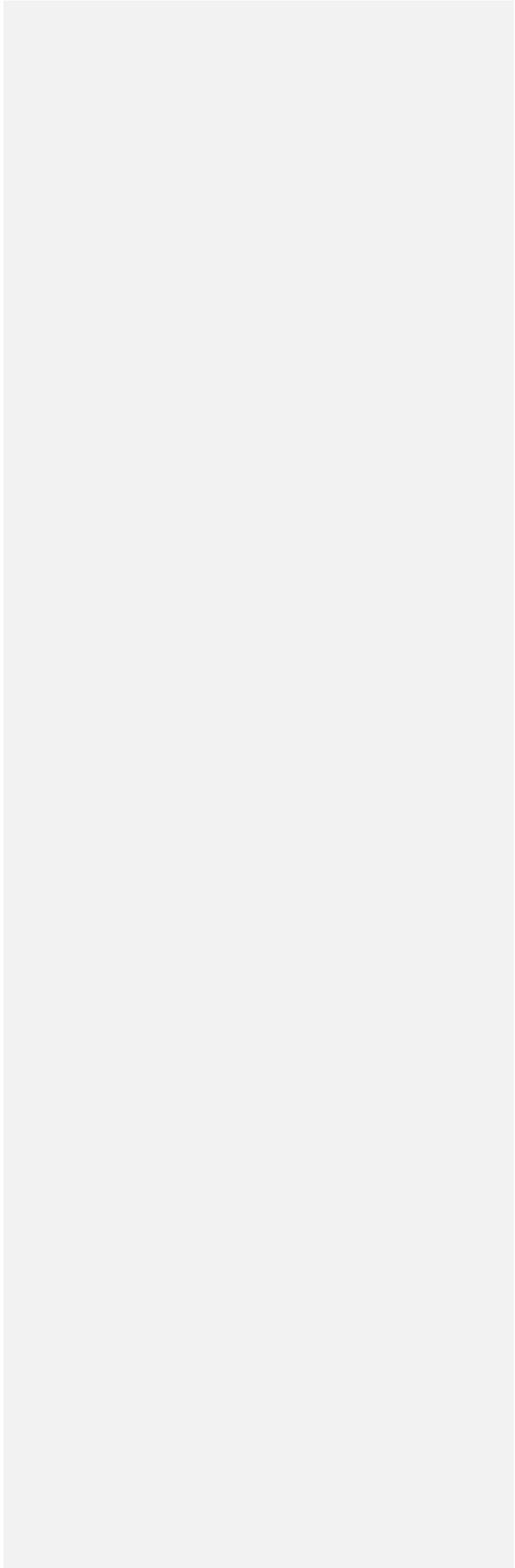
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(b) [Mid-block alleyways. As development occurs on each parcel, sufficient area shall be preserved for the formation of internal block alleyways that provide internal access to parking areas as depicted by figure 1.2 Below](#).

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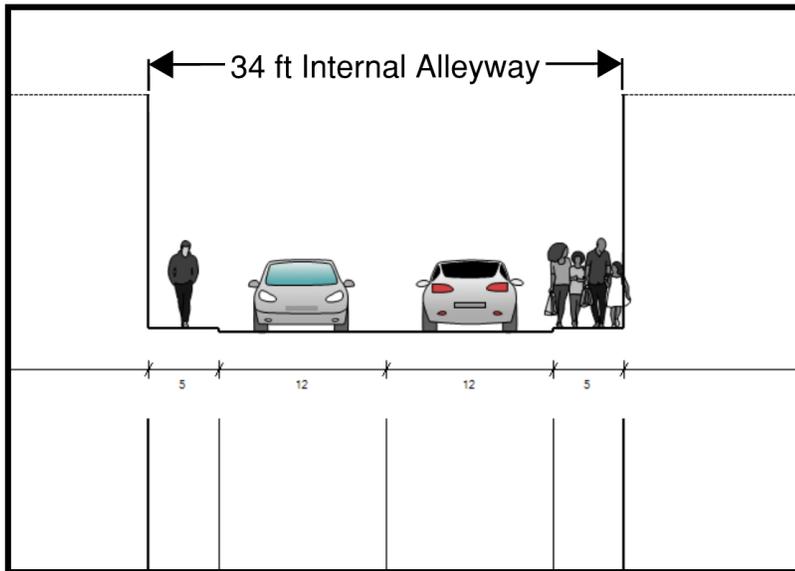


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(1) The following cross section shall be implemented as internal alleyways develop:



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(c) Parking.

(1) Each application for development shall include a parking plan, which demonstrates that sufficient parking will be provided by the angled parking in front of each building and off-street parking lots which are accessed from internal alleyways. All parking facilities must be paved and asphalted. On-street angled parking spaces not adjacent to the site shall not be used to determine that sufficient parking has been provided.

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(2) Each site must provide on-site parking area in addition to the on-street angled parking that complies with the following:

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(a) On-site parking areas shall only be accessed through internal alley ways;

(b) On-site parking areas shall be located so that when the block is developed, the parking area is screened by buildings on all sides, and can only be seen from internal alley ways.

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(c) The applicant shall provide evidence that the proposed number of on-site parking spaces will be sufficient to accommodate the proposed use without affecting existing parking infrastructure.

(d) Street Trees. Street trees shall be installed as part of the required street improvements within the Eden Village Zone. Tree species shall be approved by the Planning Director and the County Engineer, as part of building permit review. A street tree plan shall be submitted as part of a building permit application and shall be accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is suitable considering soil types in

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76 the area. The street tree plan shall also include a planting method to be approved by the  
77 Planning Director and the County Engineer.

78 (1) The following regulations apply to the planting of street trees:

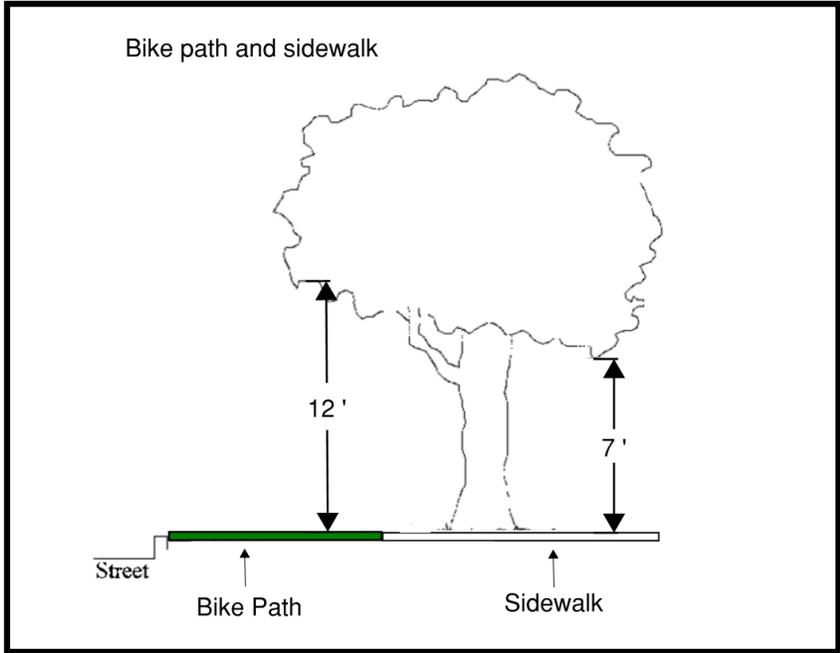
- 79 (a) All trees shall be planted within the center of the required sidewalk along the public  
80 right-of-way.
- 81 (b) At street intersections, no street tree shall be planted within forty feet (40') of the  
82 vertex (the corner point if the 2 curbs intersect in straight lines rather than having a  
83 radius) of any corner within an intersection.
- 84 (c) No street tree shall be planted within fourteen feet (14') of any building, structure  
85 or fence, unless otherwise specified by the Planning Director and County Engineer.
- 86 (d) No street tree shall be planted within fifteen feet (15') of a streetlight, utility pole,  
87 driveway or alley.
- 88 (e) No street tree shall be planted within eight feet (8') of any water meter.
- 89 (f) In general, minimum spacing between trees to achieve optimum individual growth  
90 rates when canopies mature shall be fifty feet (50'). The Planning Director and  
91 County Engineer may make specific spacing requirements for street tree plantings  
92 based upon individual site condition/characteristics and species or varieties  
93 characteristics and requirements.

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95 (2) Tree Maintenance. Street trees shall be maintained by the owner or proprietor of  
96 property that has frontage along the public street in which the trees are planted. A tree  
97 maintenance plan shall be submitted as part of a building permit application for new  
98 development within the Eden Village Zone. Trees shall be pruned in a manner that  
99 leaves a 7 foot clearance above sidewalk and a 12 foot clearance above the bike path  
100 and parking areas.

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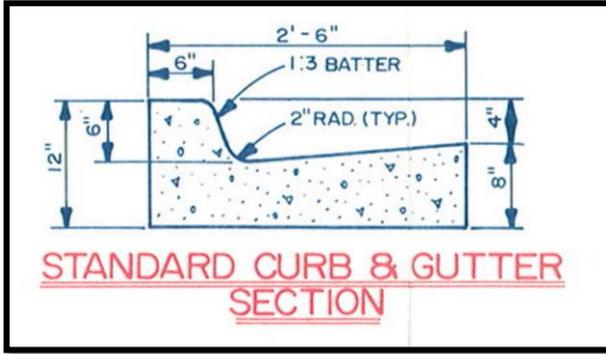


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(e) [Sidewalk. A fourteen \(14\) foot sidewalk shall be installed as part of the required street improvements. Sidewalk material shall be concrete and shall blend in to existing sidewalk that was installed as required by this chapter.](#)

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110 (f) Curb and Gutter. Curb and Gutter shall be installed in the public right-of-way, and internal  
111 alleyways, in accordance with the County's standard Curb and Gutter Cross Section.



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117 (g) Bike Path. An asphalt bike path 5 feet in width shall be installed as part of the required street  
118 improvements.

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120 (h) Angled parking. 45 degree angled parking shall be provided within the public right-of-way as  
121 part of the required street improvements. Angled parking shall follow the width and angle  
122 standards shown in figure 1.1.

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125 (i) Curb Extension Bulb outs. In order to provide traffic calming measures and pedestrian safety,  
126 developments at intersections shall install curb extension bulb-out sidewalks. Curb extensions  
127 shall also be provided at the mid-block point along each block. Sidewalk and bike path widths  
128 shall not be obstructed or made narrower at any point along curb extensions. Owners will be  
129 required to submit engineered drawings of curb extension bulb outs as part of site plan review.  
130 The following images are examples of bulb-outs.

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139 [\(j\) Projections. Building projections such as awnings and canopies that are intended to meet the](#)  
140 [architectural requirements of this chapter are permitted within the public right-of-way.](#)  
141 [Projections shall leave a vertical clearance of 10 feet above the side-walk and shall not project](#)  
142 [more than 7 feet into the right of way.](#)

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143 (k) Temporary structures. Temporary structures that are intended to provide amenities to  
144 pedestrians and cyclists, including but not limited to street furniture for outside dining, benches,  
145 and bike racks are permitted in the public right-of-way. Temporary structures shall not project  
146 more than 7 feet into the public right-of-way and shall be placed at a location that does not  
147 obstruct pedestrian access.

148 104-31-7 Building Architecture (OLD TOWN)

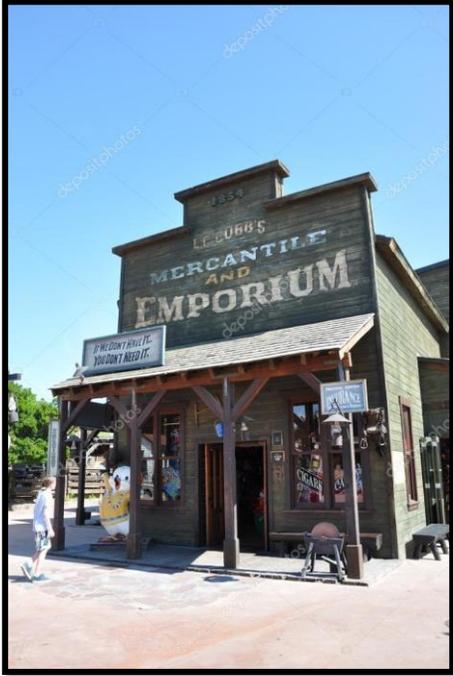
149 (a) Within the Old Town Eden Village Area, street front buildings shall have architectural styles and  
150 materials that resemble historic commercial main street buildings from the era of the late 1880s  
151 to the early 1910s. Each new building shall provide diversity in building design to any existing,  
152 adjacent buildings. The building fronts shall consist of brick or wood, and shall include a vertical  
153 facade to hide gable roofs and to break-up long horizontal lines. The following images are  
154 examples of appropriate architecture and colors from the era:

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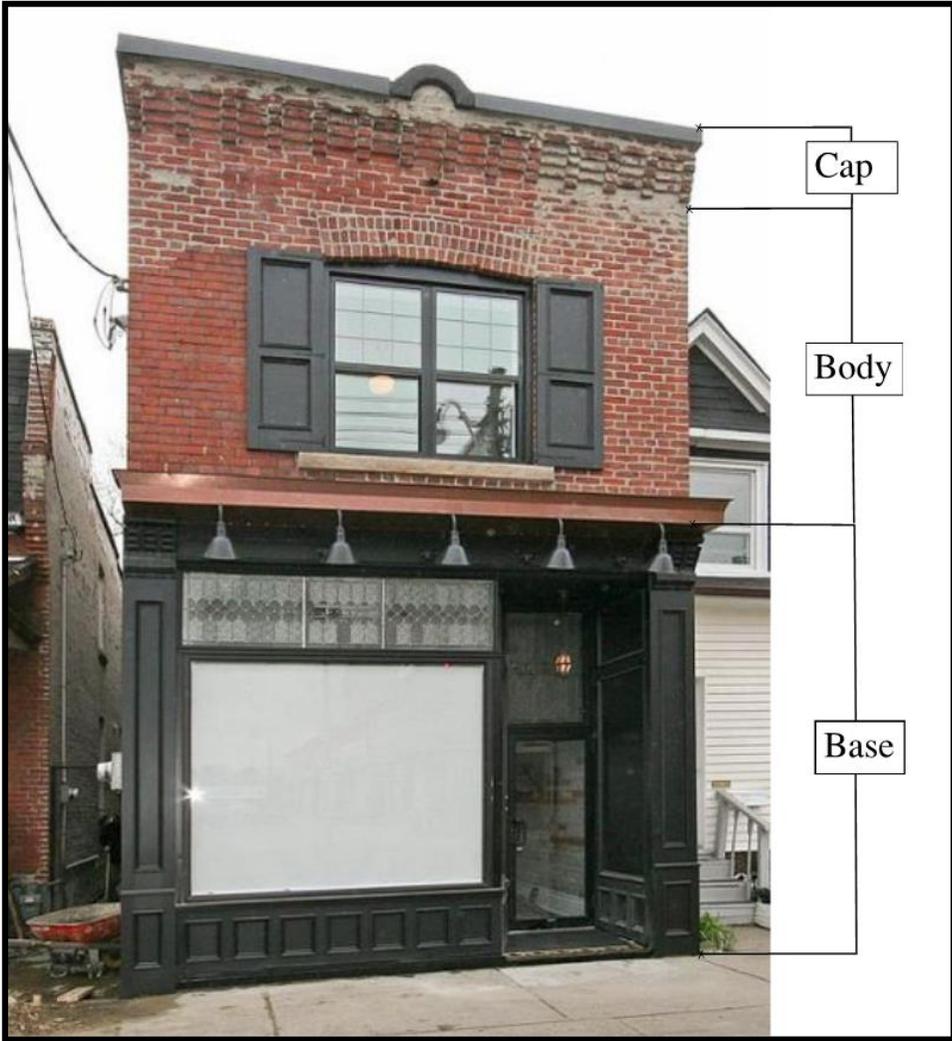
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(b) Base, Body, and Cap. Each street front building shall incorporate a building base, body, and cap into the design of the building façade. The following image is an example of a façade that incorporates the base, body, and cap elements:

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168 [\(c\) Colors. The color of building materials shall also represent the era of the late 1890s to the early](#)  
 169 [1910s. The natural colors of wood and brick and the natural metal patina are examples of](#)  
 170 [acceptable colors. Other colors may be used as accent colors.](#)

171

172 [104-31-8 Building Architecture \(New Town\)](#)

173 [\(a\) Within the New Town Eden Village area, buildings shall implement agrarian style architecture.](#)  
 174 [Buildings in New Town Eden shall incorporate barn elements such as pitched roofs and wood or](#)  
 175 [metal siding. In New Town Eden, street facing building facades that do not use natural wood](#)  
 176 [siding shall incorporate a brick or stone wainscot as a building base. The following are examples](#)  
 177 [of appropriate architecture and materials:](#)

Cap

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184 (b) Colors. The color of buildings within New Town Eden shall be earth tone natural colors. Red may  
185 also be used as a primary building color. White shall be used as an accent color around windows  
186 and other openings.

187

188 104-31-9 Guarantee of improvements:

189 Unless installed before obtaining a building permit, the owner shall guarantee the completion of the  
190 required street improvements in the form of a cash escrow to the County. The owner will be required to  
191 submit to the County a cost estimate from a professional engineer licensed in the state of Utah.

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