

Minutes of the Ogden Valley Planning Commission Regular meeting January 06, 2015 in the Weber County Commission Chambers, commencing at 5:00 p.m.

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

Absent/Excused:

Staff Present: Jim Gentry, Principal Planner; Charlie Evert, Principal Planner; Ronda Kippen, Planner; Dustin Parmley, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the October 28, 2014 and December 02, 2014 meeting minutes

MOTION: Chair Hollist declared the meeting minutes approved as written.

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

Commissioner Warburton said that she wanted to declare ex parte and the other planning commissioners stated that she did not have ex parte as she didn't have any monetary gain.

Steven Robins, who resides in Eden, said he wanted CUP 2014-34 moved from the consent agenda and so Chair Hollist moved the agenda item.

2. Consent Agenda:

- 2.1. **CUP 2014-33:** Consideration and action for approval of a conditional use permit for a golf cart storage building located at 3844 North Wolf Creek Drive within the Open Space-1 (O-1) Zone. (Wolf Creek Utah LLC, Applicant; John Lewis, Agent)

MOTION: Commission Howell moved to approve conditional use permit CUP 2014-33 for a golf cart storage building subject to all conditions listed in the staff report. Commission Parson seconded.

VOTE: A vote was taken with Commissioner's Miller, Howell, Haymond, Warburton, Parson, and Chair Hollist voted aye. Chair Hollist said that the motion carried (6-0)

Commissioner Graves arrived at this time.

- 2.2. **CUP 2014-34:** Consideration and action for approval of a conditional use permit for a classic/vintage car dealer known as Blacksmith Garage in the Blacksmith Village located at 2143 North 5500 East, Eden UT, within the Commercial Valley-2 (CV-2) Zone. (Horseshoe LLC, Applicant; Shawn Clegg, Agent)

Ronda Kippen, Planner said that the application for the Blacksmith Garage is conditionally allowed in the CV-2 Zone and is more restrictive than what is allowed by development agreement. The development agreement that was by the county and developer was limited to antique car sales and that is what is being proposed for the Blacksmith Garage CUP. This was put on the consent agenda because the development agreement had a conceptual design that was approved by the county and was signed off by the Building Official for temporary occupancy and there are some things that need to be completed for final approval. All that was left from the Engineering Division to do is the site improvements with the striping of the parking lots and then it will be signed off. The Engineering and Planning Departments have no objection to the request because the entire action of this use is within the inside the building. Conditional Uses run with property; and staff wants to allow someone else to come in and occupy Building B, and they could relocate to a different suite with the Blacksmith Village without having to go through an entirely new conditional use permit. The request is to bring some foreign antique cars and sell them in this suite. Due to the small size of these cars, they anticipate they can get about 10 inside. The sales are going to be extremely specific; it will be one employee with just one customer, and this will not have special financing that is allowed in most car lots. They do want to allow the applicant to take one or two of the vehicles, and put them out in the parking area, where there is a high amount of traffic, such as during a holiday. This will be during business hours and will not require a special event use. Due to the uniqueness of this type of request, we have the ability to modify the required amount of parking stalls; they are asking one parking stalls per customer and one per employee.

Commissioner Howell asked the square footage of Building B? Director Wilkinson replied that it is just over 2,500 sq. ft.

Commissioner Howell asked if those cars would be parked in the back of the building or would they be allowed to be parked on the sidewalk. Mrs. Kippen replied more than likely, because the side utilizes the complete street design and the front abuts up to the road, with landscaping and sidewalks that are already there. They could not put a car on the sidewalk as that would interrupt the pedestrian walkway through there.

Chair Hollist said that he wouldn't like to see automobiles displayed out in front, so would it be permissible to put a condition on an approval that states that they may not display automobiles out front except on special events. Mrs. Kippen replied that the applicant is not here but Sean Tuttle could give more of a vision as to what they would like to put there.

Commissioner Parson said that they could get a special events permit as that is already permissible; so they don't necessarily have to indicate which time they can do it when they get their permit.

Commissioner Howell stated that in the application it states sales and service, so what kind of service would this involve? Mrs. Kippen replied that the applicant could answer that question.

Shawn Tuttle, who resides in Eden, said that the Blacksmith Garage as described is a classic car dealership and just by their nature of classic cars, they are not what would be found in normal used car lots. The cars are of significant value and there is certain degree of care that takes place with these vehicles. The concerns about the cars being left out are not likely as there is a lot of money invested. The garage is to be able to provide and sell cars with historic value and a collector value to interested parties. This is not a walk in traffic; scenario as most classic cars will be sold through the internet, and the buyer would buy sight unseen or come by on a one to one contact. The store hours would be by appointment, and will not always be open. There were several comments about servicing, and he didn't know of any car dealership that didn't have some sort of servicing; anything that they do would be inside.

Chair Hollist asked as part of their marketing, would he intend to put these vehicles so they can be seen from the road outside of the building, say for a day. Shawn Tuttle replied that there will be times when they would like to put a car out so somebody can see it, such as an event would an ideal opportunity to display. This would only be for the business hours and they don't have any plans to leave them out all night. These are not old junk cars; they are well maintained vehicles that people would be interested in seeing. He would like to be able to show these cars and demonstrate that they have something of value.

Steven Robbins, who resides in Eden, said his property borders this proposed dealership. Over the last couple of years he has witnessed the demolition and construction of conditional use permits that have been passed, and he was given consideration by the Weber County Commissioners in voicing his concerns about residing next to a CV-2 property. A screened fence along the canal was proposed and passed but he is still waiting for that to happen. As for a vintage classic car dealership, this is a residential community and if he or his neighbors want to buy a vehicle, they go somewhere else, not to Eden. With a car lot whether it be vintage, new, or used, this brings noise, crime, and lights. He didn't believe that Scott Best would allow a junk yard to form, but he may not be here tomorrow. The conditional use permit that you are considering to pass will be here tomorrow, and he would request that they consider this when making a decision.

Shawn Tuttle said that he understood that some neighbors might have some concerns about an auto dealership. He didn't think there would be any issues with crime or problems of that nature. The impact with the amount of traffic and things like that are fairly less than a small store or convenient store. They will have a much smaller group there, and they will not be adding any significant lighting. They will have non-lit signs that will go on the building. He didn't see any issues with continuing that space or impacting it in any way.

MOTION: Commissioner Parson moved to approve CUP 2014-34 with a condition that before they are allowed their business license, they have to follow through with whatever agreement was put in place previously regarding the landscaping and fencing. The motion is subject to staff and all review agency requirements of landscaping, fencing, and screening of a classic/vintage car dealership in the Blacksmith Village located at 2143 N 5500 E Eden, UT. The motion is based on the finding of facts that this plan was approved in the CV-2 Zone with uses that were allowed as a conditional use and that it does affect the neighbors, that the screening mitigates that with the landscaping. Commissioner Miller seconded.

DISCUSSION: Commissioner Warburton asked if the petitioner owned the property. Could they hold the applicant’s business license approval when the property owner is in charge of getting that landscaping done? Director Wilkinson replied unless the site is fully in compliance then yes they can and they will look into that. Commissioner Warburton said that a conditional use is allowed as long as they can mitigate any possible detrimental effects; that’s the law. Director Wilkinson read one of the conditions from the development agreement. On number eleven it states, *“Year around landscape or other permanent screening will be used along all project boundaries that are adjacent to parcels with existing homes.”* So they will ensure that is met, any boundary of the project that is adjacent to a parcel with a home. Commissioner Warburton said that before the conditional use is permitted, that won’t go forward until that screening is done, is that correct? Director Wilkinson replied that is correct and they will make sure that is addressed. Commissioner Graves said he assumed that everyone is okay with the parking. Commissioner Miller asked if they needed to add that to the motion. Commissioner Graves replied that is a specific condition that may need to be mentioned in the motion.

FRIENDLY AMENDMENT: Commissioner Graves said they should add that the required parking for the Classic Car/Vintage Dealership will be a minimum of one space per employee and one space for clientele.

DISCUSSION: Commissioner Miller said that in their previous discussion prior to Commissioner Grave’s arrival and they indicated that it needs to be one space for the employee and two for the customers. Commissioner Graves said according to staff’s recommendation it was one space for employee and one for clientele, and if they had changed that, now is the time to let him know of the changes. Commissioner Parson said that they had changed that. Commissioner Warburton said before they do that, it was a thought that there was no evidence that the applicant would need that, because that does not limit what other businesses could be in there, and she would like to hear from staff.

Mrs. Kippen replied that would be her recommendation that they only have two spaces dedicated to this, because they currently have a limited amount of parking. It will limit what they can actually approve in a different building; if the use changes, then they would have to readdress parking, especially if the hours of operation are different from the typical days of Monday through Friday, from 8 a.m. to 5 p.m. This commission has the ability to increase or decrease parking because of the unique circumstance of the business.

Commission Warburton clarified that what is being recommended is one space for employee and one space for customer for a total of two. Mrs. Kippen replied that is correct. That is something that they can keep an eye on as far as enforcement, and if that appears to be taking away parking from the additional units, then they can address that at that time. Commissioner Haymond said this applies to the complex and not just one specific building. Mrs. Kippen replied yes and let’s say that they build the next building behind and it’s on the same parcel and they want to move this to a different building, they should be able to do that without having to come in for another conditional use permit. The CV-2 Zone allows for new and used cars but the development agreement has restricted it more than that; it is specific to antique classic cars. Director Wilkinson said if they looked on Page 3 of the Development Agreement, there is a whole section that addresses the types of cars that can actually be there.

FRIENDLY AMENDMENT: Chair Hollist said to allow the parking or the display of not more than one automobile at a time being in the front and only and only during the day. There will be two dedicated parking spaces; one for employee and one for the customer.

Chair Hollist called for the vote of the motion of approving CUP 2014-34 consideration and action for approval of a conditional use permit for a Classic/Vintage Car Dealership, known as Blacksmith Garage in the Blacksmith Business Village, located at 2143 North 5500 East, Eden UT, within the CV-2 Zone. With the additional proviso that one car may be displayed during the day during business hours in the front of the southernmost building, and that the parking will include one customer and one employee.

VOTE: Chair Hollist said that the motion carried 7-0.

3. Petitions, Applications and Public Hearings

3.1. Administrative Items:

a. Old Business:

1. **CUP 2014-29:** Consideration and action on a Conditional Use Permit (CUP) application for a condominium project including lockout rooms and allowance to exceed the required 25 feet in building height located at 3567 Nordic Valley Way in Eden, in the Commercial Valley Resort-1 (CVR-1) Zone. (Skyline Mountain Base LLC, Applicant)

Ronda Kippen indicated that this item was tabled in the December meeting to allow the applicant to address the lighting and see what steps could be taken to insure the North Fork Park would not be jeopardized with their desire to become Dark Sky internationally recognized. They also needed to verify from the Fire Marshal that they would not have to purchase new equipment to battle a fire on that large a structure. They were looking for legal interpretation of a lockout specifically towards density that would come into play, and what impact it would have as far as noise and dust. The applicant requested that this be tabled until the January 27th meeting originally, but since then have pushed this back to the February meeting so they could make some modifications to the building; to mitigate some of the concerns as far as the height, to make some modifications to the area of the windows to minimize the amount of light pollution that could come from the interior of the building, even though that is not something that we look at. She did prepare a staff memo in the packet that did include the legal opinion on lockout as far as density and what that comes down to. Based on the CVR-1 Zone and how they determine that area, a lockout room is a quarter of the requirements of the area; and according to our Legal Counsel, a quarter of the density units. The Fire Marshal; required modification of the site plan to move the building over another jaunt to allow for a fire access lane, with a hammerhead turnaround to the end of the site so they can get up to both sides of the building. The new site plan that staff was working with the applicant on will identify the new lane that goes to the southern property between the subdivision and the Skyline Property.

Chair Hollist said that counsel has given us a more than adequate evaluation and analysis of the legality of the 54 condominium units and the 54 lockout units. That is not an issue and they are in full compliance with the law. The issue of equipment to fight the blaze there, the Fire Chief has the equipment, and has certified that they can fight the fire there to the best of their ability, and the building moved a number of feet to allow the fire access lane. That is no longer an issue for discussion.

Ronda Kippen said that one of the site plans she looked at with the relocation of that building, they are looking at over 150 feet from the closest residence to the structure. As she was doing her research at the commissioner's request; she looked over the Powder Mountain and Snowbasin development agreement, and how they were handling the resort area abutting single family homes. They had put in those development agreements a 100 foot buffer; it is still very similar to what they are seeing in other resorts. From the last public comments; a few people have asked how the general plan plays into this; if it met with the general plan, and what staff looks at in the general plan. When she looks at an application that is brought in, she starts with the general plan. The general plan does go over keeping the Ogden Valley rural by preserving it, they are going to do these key factors. They are going to keep development off of steep and unstable slopes, keep it off our ridgelines and protect the skyline, going to protect our wildlife habitat area that is designated there, and going to keep our scenic and entry corridors. They have identified key design that they want to put in to help enhance that rural feel. Those are the design standards in our land use code. Those are the key things they look at in the general plan.

Chair Hollist said that one of questions that came out in December's meeting was if they approve this, how many footprints like that are allowed in that zone? Staff did some analysis and found that the CVR Zone was smaller then what was originally stated to them. Mrs. Kippen replied that upon doing a thorough research, she checked to see if there was ever a development agreement there, and what was in place. She talked to the other staff members and they weren't aware of anything. After the meeting, it was evident that this wasn't what a lot of people thought was going to happen there. Later Mr. Mendoza had found a very old map; and on the map it had identified two separate ordinances that had rezoned this property. They went back to the old ordinances, found the old applications, and found that in 1977, the property owner requested a rezone of this area. This ski resort was established prior to the county adopting the land zone ordinance in Ogden Valley. So what they wanted to do is make the area conform to the zone, by changing the use. They petitioned the county and asked for the base area to be rezoned to Commercial Resort-1 (CR-1); and the county did grant that rezone but they only granted for an area of 400 feet by 400 feet, which is exactly where the lodge was.

Ronda Kippen said that in 1980, the property owner again petitioned the county to rezone the rest of the base area to a commercial resort zone, and at that time, they rezoned another area 400 feet by 470 feet, tying that rezone to the south line of the earlier rezone, and to the north line of the Silver Bell Subdivision. What has been identified in our zoning map was the CVR-1 Zone took up that full 12.29 acres. However, in reality what was legally there is only 7.98 acres. The ability to have three or four more of these condo units at the base is just not allowed as they're limited with frontage, 150 feet of frontage for each unit is required. As they worked with Legal Counsel and the applicant, what was established and what

was confirmed, was that the entire footprint of the condominium has to be in the CVR-1 Zone. Based on this finding, the applicant has had to move the rear of the building of what is now the FV-3 Zone, which was previously thought to be the CVR-1 Zone. They had to move it up so that its full footprint is in the commercial zone. They have to have 2/3 in the area requirements in the most restrictive zone. Legal Counsel has gone over this with us and it has been established that between the CVR-1 and the FV-3 Zone, the CVR-1 Zone is the most restrictive zone. They have to have an overall of 2/3 of the required acreage, with the remaining 1/3 of an acre going into that FV-3 Zone.

Commissioner Parson asked if they had any consideration for the front setback with a minimum of 30 feet. Mrs. Kippen replied they may have been able to prior to finding the zoning. By pushing that building close to the road, it actually has some design benefits, especially when they are looking at creating a resort village development. It takes that whole development and separates it from everyone; with this walk able community within that resort.

Commissioner Haymond asked if they were changing the building footprint, or are they just sliding the footprint as proposed before? Mrs. Kippen replied that she believed the footprint has been minimized some and she didn't have the new overall design of what it's going to be.

Commissioner Parson referred to the lockouts if they were nightly rentals or if they were 30 day rentals. Director Wilkinson clarified that currently that is a misprint in the ordinance; nightly rentals are classified as anything less than 30 days, and they are allowed in the CVR-1 Zone. These lockout rooms can be rented on a nightly basis.

Commissioner Howell asked with the parking being underneath, is there going to be two parking stalls per unit. Ronda Kippen replied there is going to be more, it's actually going to be two and half stalls per unit. When she had done the review, she had looked at the parking as an apartment/hotel as identified in the use table. However; she did not notice in that section table that it was for non-dwellings. They have to conform to a townhome type that requires one and three quarter spaces per unit. It also states that for each additional lockout rental rooms an additional 3/4 of a parking space will be allocated. They have gone from having 107 spaces; to having to identify 135 spaces to meet our parking ordinances.

Commissioner Parson asked if those lockout units could be rented out when the owner is in the unit. Can a lockout be a rental and managed by a manager? Mrs. Kippen replied that is literally how the definition is and how they manage it so it's not more intense than what the definition states.

Dustin Parmley said legally the way this is structured is the owner of an individual condo unit could rent out the whole thing; they could reside in the main unit and rent out the lockout sleeping room. If they rent out the whole thing, they could rent it out as a unit; or they could rent it out as two separate rentals, the main rental unit as well as the lockout sleeping rental.

Chair Hollist said that the reason he had asked staff the question was due in part to Title 104-11-5, which is the CVR-1 Zone requirement with the proportional space that was an issue. Staff tried to get some numbers but could not arrive at a number. Mrs. Kippen replied as per the current code they have to make a finding that this amenity is proportionate to the recreation element so that it's not more of an amenity.

Josh Richards, who resides in Eden, and is the CEO of Nordic Valley, Eden Park, and Skyline Base, said that he has heard that there is a problem with the building heights and the lights. To address these issues they are going to change it from 100 feet to 150 feet. There were concerns in the valley that they would be setting a height precedence; so he went around and took some pictures of what is out there, and found buildings that were 100 feet tall. They have to stay within a certain footprint on the road. When they submit their next building, he has asked his architect to go through great lengths to ensure that they have mitigated as best they can with both light and height for this building, while still being able to take advantage of their property rights. They have the mitigating factor that Nordic Valley blocks the night sky from the park. They are going to use different materials for their windows, they are going to decrease the size of their windows, and the intent is to take the light that would have emanated from this building from the inside, and reduce it a minimum of 50%. They are trying to be a good neighbor without really knowing who the neighbors are, even though they have invited people over. He thanked the staff that they have been working with; it's been very positive in every situation.

Chair Hollist said the opportunity to hear is by the Planning Commission's decision here now, and minutes will be available from the last meeting and this meeting, from a number of people, so he hopes they will all listen carefully. He is glad that Mr. Richards was here to listen and try to mitigate their concerns.

Chair Hollist said that he had prepared nine statements from the general plan; but he had decided to contract that to one statement from the general plan; it is Paragraph 3.02 Vision maintain the valley's rural atmosphere and rural lifestyle. It is the second goal of that particular paragraph where it states, "Goal – require that development be compatible with the valley's rural character and actual setting." Can you tell him how the building Pine Canyon Lodge, as it may be proposed in the future, would comport with that development to be compatible with the valley's rural character and natural setting. Josh Richards replied as you read through the general plan, it is very clear that the general plan was put in place, not to stop development but to control where the development will go. It is very clear that it is directed towards the ski areas, and Nordic Valley is mentioned as one of those. How do they build this in a way that is going to conform, and originally they had designs of stone and wood, with a timber frame and style, and it is much like the existing homes. His idea is that it conforms and is much like what is being built now. However; the new design of the building, they are taking a different approach. He hoped that a new fresh design doesn't look so modern; it is not an intrusive design but it is first class. Maybe they need to go back a few generations, where the original settlers came from, and look at some of their architecture and imitate that. They are looking at having more steel and raw materials, with much heavier rooflines, and more of a European touch.

Chair Hollist asked if he can assume between the lines of Mr. Richard's answer, that he has gone back to square one with the design. Mr. Richards replied yes, the bones of the building are still the same, the footprints are still the same, but they are changing what the aesthetics looked like on this building.

Chair Hollist said that he is now down to 7.9 acres. Mr. Richards replied that it was a surprise but for the record it is not their intent to put three of these buildings on that parcel. What they are envisioning for a master plan community, is something that is going to flow with this style, and they need this to look like a village, and something the valley is proud of.

Commissioner Parson suggested that the applicant have a pathway on the property that has public access.

Josh Richards indicated that they are not willing to give up their CVR-1 rights. They are going beyond what is required on their landscaping; it is not their intent to meet just the minimum requirements. They intend to give their best foot forward which is why they have asked for a table until the first meeting in February.

Chair Hollist said Title 104, Chapter 11, Commercial Valley Resort Recreation Zone (CVR-1) Para 11-1 Intent and Purpose, he read the last sentence of subparagraph b and said after they go through the process, if they grant a Conditional Use Permit, then they will go through an extensive Design Review. Josh Richards indicated that he understands that. Chair Hollist read the following on what he believes will be the important part of the Design Review: Title 108 Standards Chapter 1 Design Review, Section 108-1-1 Purpose and Intent. Then under Design Review, Title 108, Section 108-1-4 Considerations in the Review of Applications. This is what will be directing them in their review. This plan that is to be presented needs to consider the neighbors under a Design Review. Chair Hollist indicated that the height standard in the CVR-1 Zone is 25 feet without a maximum.

Chair Hollist further read Title 104, Paragraph 11-5. Subparagraph 3. In other words the recreational amenity remains the attraction. You had stated that Pine Lodge would change that, meaning that it would generate the revenue. So which is the primary business? Josh Richards said the primary business is skiing because without the skiing, there is no market for the other product. What they are looking at is increasing the revenue at the resort by providing their patrons a place to sleep. The hotel is part of their amenities. It is their intent to have other main activities at the resort.

Chair Hollist indicated that the geotechnical report does not assuage any of his concerns. In the subdivision process, the report will become a key issue. The County Engineer will look at the slopes. He believes he will need more than a geotechnical report to ensure that the slopes will be safe for development. Josh Richards indicated that he has those same concerns.

Commissioner Parson indicated that the trail that was created around the third switchback may have already caused problems due to spring disturbance. Josh Richards indicated that they will show the Planning Commission in their next meeting how they plan to mitigate the concerns. They have listened to the concerns and intend to hire professionals to determine ways to mitigate the raised concerns.

Commissioner Haymond said in Mr. Richard's redesign, can he see a section of what they plan to do where they plan to avoid that? Mr. Richards replied that has changed the design based on their findings with the engineers and he would be glad to share that.

Dustin Parmley, Legal Counsel, indicated that the Chair can limit the public comments to those which are supported by factual evidence. Commissioner Warburton asked Legal Counsel to explain what is factual evidence. Mr. Parmley indicated that factual evidence is not opinion or agreement or disagreement, statements of emotion, i.e., I don't like... or I do like...; They need to give those things that have a basis of fact.

Dennis Brown, a resident in Big Sky Estates, asked three questions: 1. He asked how many members of the board live in Ogden Valley. Chair Hollist indicated that all members live in the Ogden Valley designated area. 2. Are there any provisions in the law that protects those on fixed incomes that may be driven out of their homes by increased property value? 3. In the event of a large fire, can they give them enough assurance that there would be enough equipment and water for the fire district to fight a fire at the new hotel as well as any other homes in the valley at the same time?

Samantha Stultz, a property owner south of this property, indicated that she found out about the development by an advertisement selling the condos. The proposal affects her views, brings her property value down, and her way of life. It is like putting a wall in her front yard. Years ago, they had a propane explosion and they rebuilt so she could enjoy the views.

Wanda Chilcott, who resides in Eden, stated that her home is approximately 150 ft. south from this property, and she and the previous speaker share property lines. She believes the remaining wildlife in the area would be disturbed. She is not opposed to progress as long as it is not at the expense of others. The operation at the resort has disturbed her sleep. She has cleaned up the trash that has been left at the back of her property from the resort. She had to move her horse to Ogden due to the disturbance at the resort during their special events. If the earth is disturbed by more development, what will happen to the existing homes? The noise from the resort special events has become obnoxious and she is being driven out of her home.

Gary Fullmer, who resides in Eden, indicated that the County Commission just passed a cluster subdivision ordinance and wonders if this development is affected by that ordinance. Dustin Parmley replied no, a cluster subdivision has not been proposed. Mr. Fullmer indicated that It is not just line of sight only that it would affect the night sky. On the plus side it does match the general plan in regard to clustering. Mr. Parmley indicated that it can be any recreational amenities that the resort could support.

Miranda Menzies, who resides in Eden, indicated that based on the geotechnical report, there is spring activity in the area with snow making above. She would request that the County Engineer reconsider full saturation of the slope. They need to look at how water is managed on that entire development because it will change the water flows in that area.

Chair Hollist indicated that she considers Ms. Menzies a professional witness and asked what her opinion was on the ability of the aquifers to support this and similar development. Miranda Menzies replied it's a complex question and needs to be considered with the update of the general plan, on a valley wide basis, and they do have a feasibility letter.

Doug Wewer, a resident on Viking Drive, indicated that Ronda Kippen had not seen slope grades on the plan. He is a Civil Engineer by trade and presented a color-shaded grading map of the property slopes. Mrs. Kippen indicated that the map presented is not reflecting the proper property location for this proposal. His personal opinion is that a development of this size does not fit with the rural character of the area.

Ashley Cross, who lives on Nordic Valley Way, said that the widening of the paths have increased her enjoyment. Her one concern is that the improvement in the paths has led to ATV and dirt bike access use accessed on her street. When she mentioned this to someone, within a couple of days boulders were placed in the way preventing the SUV access and she felt that this was very responsive. She also visited the applicants Nordic Valley Office and was informed of the proposal.

Frank Cumberland, who resides in Huntsville, indicated that he called the applicant's Nordic Valley Office three times and left a message but his calls were never returned.

Dave Gordon, 2168 N 3850 E, asked that with no maximum height, when they go over 25 ft., do they have to substantially mitigate the impact? How do they substantially mitigate that height from 30 ft. down the road? Can you substantiate the height of that building from 30 ft. away?

Jeff Stokes, 3162 N 3500 E, lives across the street and to the east of this proposal. Recently he collected a petition of signatures. Chair Hollist deleted the email sent to him because it would have constituted ex-parte communication; however, he noticed that staff was sent the same petition. He feels that there are many concerned citizens that were impacted in the area.

Dustin Parmley indicated that a petition of that nature constitutes public clamor because it is a conditional use permit and cannot be considered.

Lee Schussman, who resides in Eden, indicated that this Planning Commission has in the past considered exemptions to height limits very carefully. He feels that there is a legal precedent for the Planning Commission to make a decision to evaluate a conditional use permit based upon what that impact is.

Chuck Watson, 3401 E Summerset (2400 N), indicated that he has been away from his home for a year and just received notification of the proposal. Six weeks ago, he could not get to his home due to the traffic. He has listened to this meeting and he hears property rights, conditional use, etc. He believes that within property rights there should be some limitations of what the Planning Commission can do. The neighborhood had a particular character when they moved in and they want to maintain that character.

Commissioner Warburton indicated that they have many limitations on their property rights. The limitations exist in zoning. Chair Hollist indicated that they are very serious in achieving a balance of all property rights.

Amanda Vallenger, 3626 Viking Drive, indicated that she is concerned about what is taking place on the hillside. The CAT skiing road is next door. It is extraordinarily steep and this summer there were many trees being taken out as well as brush. She wonders if there have been avalanche surveys as well as sheet flooding studies. Her concern is the clear cutting of the very steep terrain behind Viking Drive. Chair Hollist indicated that they approved the "glading," which was for the owner of Nordic Valley to assess whether they wanted to have ski runs there. It was cut so that they could test the runs during this ski season. The Planning Commission wanted to have assurance that the slopes would be stable not for this particular consideration but it was for other events.

Commissioner Parson indicated that he had a friend that works for Nordic who was involved in the glading. He operated a CAT who said that he would not want to access the road because there are no switchbacks cut.

Richard Webb, 3230 Hwy 162, indicated that if the developer is bringing forth a new site plan, as part of that is he going to bring forth a general plan for the entire site? Dustin Parmley indicated that it cannot be a requirement of the County on a Conditional Use Permit, although the developer can choose to. Mr. Webb indicated that he would highly suggest to the developer that he submit a general plan as well as a feasibility study.

Matt Clarke, 3438 N 2900 E, indicated that he believes they have been told that they are not going to be listened to. Chair Hollist indicated that was not correct. The Planning Commission is a land use body. Their ordinances require them to get a statement from a water provider. That statement was given to them by Nordic Valley Water who have agreed to provide the culinary water as well as for fire prevention. Mr. Clarke indicated that the spring they are pumping out of on the bottom could affect other systems. Once flows are disturbed in Pine Canyon, what will happen? He believes that their livelihood as farmers may be taken away. Commissioner Warburton asked if he has any studies or proof. Mr. Clarke indicated that they run out of water every August; they don't have an abundance of water every year. He would urge everyone involved to take the right steps, be cautious, and study the water issue very carefully.

Chair Hollist indicated that the Planning Commission is very concerned with water. Logan Simpson is the consultant that will study the entire valley as part of updating the Ogden Valley General Plan. Water will be an issue that will be reviewed. They are addressing it very aggressively and they will get the facts and data necessary.

Matt Clarke stated that traffic is a big issue and should also be studied. Whenever there are special events in the Ogden Valley, access to their homes and businesses is very difficult.

Dustin Parmley indicated that the Planning Commission is not making a decision tonight due to the applicant's request to table.

Josh Richards indicated that they are looking at this as a responsibility, not just to take an asset and make it better. They are considering the impact on the residents. They have done their feasibility studies and have looked at what their next steps might be. They are trying to get things right and are not taking things lightly and are doing their due diligence. Mr. Richards indicated that his phone number is 435-210-1910 and he is available to hear everyone's concerns.

Chair Hollist indicated that he has the right to use his property within the law, but he believes he has the obligation to the neighbors of what proposal is brought to the Planning Commission. Josh Richards indicated that he would love it if people would contact him and he will take the time to inform them of his proposal. He is much happier with the new building plan.

Dustin Parmley indicated that we are in the process of revising the general plan and the comments made tonight should be made as part of that update. With a conditional use permit, we are constrained as part of the current code. Commissioner Warburton indicated that the website to give comment to the general plan is Valleyplan.com.

4. **Public Comment for Items not on the Agenda:** There were public comments.
5. **Remarks from the Planning Commissioners:** Commissioner Warburton suggested that staff show where the agenda on the screen as people come in. Chair Hollist asked staff to handle this.
6. **Report of the Planning Director:** Director Wilkinson reminded everyone of the dinner on Wednesday, to be held at the Timbermine at 6:30 p.m. Coming up is the APA Conference to be held April 18-21 in Seattle, and one Planning Commissioner will be going. Scott Mendoza will be presenting Agri-Tourism at this National Conference. Commissioner Howell will be going to the conference and staff will be organizing the itinerary.
7. **Adjournment:** The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission