

Minutes of the Business Meeting of the Ogden Valley Planning Commission for February 15, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/86560039943>, the time of the meeting, commencing at 4:30 p.m.

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

Absent/Excused: John Lewis

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

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

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

1. Approval of Minutes for December 28, 2021.

Commissioner Torman moved to approve the minutes of the December 28, 2021 meetings as presented. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

2. Administrative Items.

2.1 UVB 050721: Consideration and action on a request for final approval of The Basin Subdivision located at approximately 947 E. Old Snow Basin Road. **Presenter Steven Burton**

A staff memo from Planner Burton explained the proposed project received a preliminary approval from the Planning Commission for 13 lots with an alternative access easement on November 30, 2021. This property was rezoned from CVR-1 to FR-3 on January 25, 2022 when the County Commission adopted ordinance 2022-03. As part of the rezone to FR-3, the developer and the County signed and finalized a development agreement that restricts the development to a maximum of 10 lots and prohibits the use of short-term rentals on the property. The developer has submitted final plans for a 10-lot subdivision. Under the FR-3 zone, each single-family dwelling needs to have at least 6,000 square feet of net developable area. The proposed preliminary and final plat show 10 single family lots, each having at least 10,000 square feet of net developable area. The FR-3 zone requires each lot to have 60 feet of frontage. Each of these lots has a minimum of 80 feet of frontage.

Mr. Burton summarized staff's analysis of compliance with the General Plan and zoning ordinances; he Ogden Valley General Plan Commercial and Village area map shows this property as part of a mixed-use village area. The rezone from CVR-1 to FR-3 inhibits the mixed-use village from ever developing in this specific area. While the rezoning of the property was not in compliance with the commercial village section of the general plan, the platting of units, allowed by zoning is not in conflict with the general plan. The subject property is located in the Forest Residential (FR-3) zone. LUC 104-17-1 describes the purpose and intent of the FR-3 zone 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.

Each lot meets the minimum size requirement of 6,000 square feet and minimum width requirement of 60 feet in the FR-3 zone.

He also briefly touched on culinary water, secondary water, and sanitary sewer; parking; sensitive lands; and communications from review agencies, after which he concluded staff recommends final approval of The Basin Subdivision, consisting of 10 lots. This recommendation for approval is subject to all applicable review agency requirements and the following conditions:

1. The alternative access shall be constructed in conformance with the design standards in 108-7-29(a) prior to the issuance of land use permits or building permits.
2. An alternative access covenant, where the developer agrees to pay for a proportionate amount of the cost of a public street, will be required to be recorded with the final subdivision plat.

3. The applicant will be required to provide a final approval letter from the water and sewer provider, prior to the recording of the subdivision.

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 all previous approvals and the applicable County ordinances.

There was a discussion among the Commission and staff regarding the number of parking spaces included in the proposed project, with Mr. Burton noting that the roads in the project area will be private in nature, but the Fire Department will review the final plat to determine if the parking layout will impede public safety access to the site.

Chair Shuman invited input from the applicant

Todd Meyers, C.W. Land, stated that on the plan that was provided to the Commission in November of 2021 included six parallel parking stalls and landscaping strip; that has been changed by making lots one through five ten-feet deeper and eliminating the parallel parking stalls. There will only be the street and the landscaped strip.

Chair Shuman then stated this is an administrative item and any comments made should be constructive and relative to the Commission's authority regarding the application; he then invited public input.

James Bird stated he has been following this project for a year and he and other residents view it as a microcosm of what is happening in the entire valley; the problems presented by this developer are not unusual to other projects. He asked the Commission to consider that their decision regarding this application will impact future developments. He stated that the Ogden Valley General Plan was changed without complying with Section 102-6-4, development agreement procedures, which states that a public hearing should be held when the General Plan is changed; by rezoning these two lots to FR-3 zone, the village status was changed. The Ogden Valley General Plan designates the corner property to be a village and before moving ahead with this project, the residents would like the County to provide a citation for the section of the code that states the General Plan can be changed without a public hearing; otherwise, the plan is useless. He asked the Commission's legal counsel if there was a public hearing when the parcel was designated to be developed as a village.

Legal Counsel Erickson stated that in terms of a public hearing that was held to specifically consider changing the village designation for the property in the General Plan, he is not aware of such a public hearing. He deferred to Planning staff to provide additional information. Principal Planner Ewert stated that the General Plan has not been changed; therefore, no hearing was held. Mr. Bird asked if the property can still carry the village designation with the change of the zoning to FR-3. Mr. Ewert indicated that all legislative actions that have been required to get the project to this point have been done completely; the rezone has been recorded, as has the development agreement, so any discussion relative to all of those actions should be handled by the court rather than the Planning Commission. Mr. Bird reiterated the County changed the General Plan. Chair Torman stated that he has looked into the matter and as far as he is aware, the proposal is in line with the General Plan and the General Plan has not changed. He stated he has requested that Planning staff reviewed the General Plan designations for this area, including Old Snow Basin Road; it may be that some parts of the General Plan should be adjusted.

Mike Etringer stated he lives adjacent to the subject property, and he inquired as to the location for the alternate access to the project; he has reviewed the map and is unable to find the alternate access.

Mr. Burton stated the alternative access was approved during the preliminary subdivision approval step in the process; typically, a developer does not have a right to build a private street as public streets are preferred. The developer has requested a shared private drive and he identified the 26-foot-wide easement that runs along the frontage of the lots and will serve as the alternative access.

There were no additional persons appearing to be heard.

Commissioner Montgomery moved to approve application UVB 050721, request for final approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, based on the findings and subject to the conditions listed in the staff report.

Commissioner Howell offered a friendly amendment to include language in the motion indicating that the property was removed from the CVR-1 zone and changed to FR-3 on January 25, 2022 when the County Commission adopted ordinance 2022-03. Commissioner Montgomery accepted the friendly amendment. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.2 UVS011222 - Consideration and action for preliminary subdivision approval of Sundown Condominiums Phase 2. Presenter Tammy Aydelotte

A staff memo from Planner Aydelotte summarized the history of actions that have been taken regarding the subject property, the most recent being the Planning Commission's review of an application to plat phase two of the PRUD Subdivision, consisting of 60 units. The existing conditional use approval for the PRUD is still valid and staff recommends preliminary approval of Phase 2, subject to the conditions outlined in the PRUD approval. There are some minor changes to the site layout, from the original approval that are subject to the Planning Commission review. The current PRUD ordinance states the following regarding amendments to non-conforming PRUDs:

A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision.

A roundabout has been removed, a turn in the proposed roadway has been tightened (Weber Fire and Engineering will have to approve this), and the buildings are grouped together differently. Instead of grouping of four or eight units together, the current proposal is grouping twelve units (three buildings) together. The proposed buildings house 4 units each, as in the original PRUD. The proposed development area is zoned FR-3 and will consist of 60 units occupying 32,318 square feet (10.5%), roadways occupying 1.1788 acres (17.5%) with a common area occupying 4.9684 acres (72%).

Ms. Aydelotte summarized staff's analysis of compliance with the General Plan and zoning ordinances, ultimately concluding staff recommends preliminary approval of Sundown Condominiums, consisting of 60 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A CUP amendment application shall be submitted, addressing changes in proposed building location, and roadway layout, if the planning commission determines proposed changes to be more than minimal.
2. An approval from UDOT, for access off of Powder Mountain Road, shall be submitted prior to appearing before the Planning Commission for a recommendation of final approval.
3. Applicant shall address concerns from Engineering and Weber Fire District regarding slopes and proposed roads within the proposed development, prior to coming before the Planning Commission for a recommendation of final approval.
4. Colored elevations, with external material detail shall be submitted prior to coming before the Planning Commission for a recommendation of final approval.
5. A proposed trail/pathway layout will be required prior to coming before the Planning Commission for a recommendation of final approval.

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

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Commissioner Burton asked if the 20-foot-wide roadways are consistent with current standards. Ms. Aydelotte answered no, but indicated it is consistent with the roadway that has been platted in phase one of the project. She presented the layout that was originally approved and identified the connection point between phase one and two.

Commissioner Howell asked if all on-site parking spaces are garage spaces. Ms. Aydelotte answered yes but indicated the applicant has provided a site plan that identifies the option to create additional parking area throughout the project if needed. The Fire Department has reviewed the parking plan and has recommended parking restrictions along the interior private roads and erection of no-parking signs on driving surfaces that are less than 26 feet wide.

Vice Chair Francis inquired as to the length of the driveways leading to the garage parking spaces. Ms. Aydelotte identified the driveways on the site plan, noting some are of sufficient length and others are not.

Commissioner Burton stated that on the original plat it appears the streets narrow after exiting cul-de-sacs; he inquired as to the narrowed width. Ms. Aydelotte stated she is unsure, but she believes 20 feet was the original proposal.

Chair Shuman invited input from the applicant.

Guy Williams stated he is the Civil Engineer for the project and his client is aware of the concerns regarding road widths; he will provide 26 feet of drivable surface on the roadways.

Vice Chair Francis stated it is important to her that the application documents identify the road widths as 26 feet; she then inquired as to the location of a snow storage area on the site. Mr. Williams stated the snow storage will be located within areas of dedicated easement and that will be shown on the final plat; the owner is willing to accept suggestions from the Planning Commission and the Fire Department.

Commissioner Howell asked if the applicant has created a rendering of what the units will look like. Mr. Williams answered yes; architectural renderings have been created and the applicant intends to try to match the existing units in the project. There will be pitched roofs to accommodate the potential for a great deal of snow in the area.

Vice Chair Francis addressed Principal Planner Ewert and asked if the County exacts the same standards for private roads as for public roads. Mr. Ewert stated that he will defer to Legal Counsel Erickson, but noted that phase one of the project was approved so long ago and Planning staff is unsure of the standards that were in place at that time; however, for this new phase, staff will require compliance with the current code which indicates that private roads must be constructed to public standards. For this project, it is his recommendation that the roads be constructed in accordance with the guidance from the Fire Department, which will be based upon health and safety of the project. He added that if the Commission's concern is great enough, they can grant conditional approval and require the applicant to provide appropriate roads and parking in accordance with existing land use ordinances. However, it is possible that the applicant can claim that his application is vested given that it received approval some time ago and the project is substantially compliant with land use ordinances. Staff's recommendation is that the best stance for the Commission to take is to identify reasonable standards in the existing land use ordinances that can be applied to the project to mitigate life/safety concerns.

Commissioner Howell noted that the application before the Commission is for preliminary approval and all of the issues that have been raised by the Commission tonight must be addressed before the applicant can move to final approval. Mr. Ewert stated that is correct.

There was then brief discussion about an email sent to the Commission and Planning staff earlier today mentioning a potential lawsuit associated with the access through phase one providing connectivity to phase two. Legal counsel Erickson indicated the attorney that sent the email asserts that the owners in phase two do not legally have a right to use the private road in phase one. If that ends up being a valid argument, the owners in phase two would only have one access or would need to create an additional alternative access. He can not make a legal decision regarding those claims, but in his review of the documents that were provided, it may be that the claims are correct and there is no easement guaranteeing the access. However, this would be a private matter between the two owners of the two phases of the subdivision. This led to discussion of the ownership of the two phases and the options before the Commission this evening. Mr. Ewert strongly encouraged the Commission to not base their decisions tonight on the legal matter that has been raised as that is a private matter for the two parties to settle.

Ms. Aydelotte then discussed parking requirements; the units in the project are four-family dwellings and the land use code requires seven parking spaces for each four-family dwelling. The applicant has proposed six parking spaces as that was what was approved for phase one, but they have also provided a site plan that identifies additional parking if needed.

Commissioner Howell reiterated this application is simply for preliminary approval and the applicant will need to address all the comments, conditions, and findings that have been raised before moving to final approval; it is not necessary for the Commission to resolve the issues that have been raised tonight. Ms. Aydelotte stated that is correct, but the applicant does need some guidance from the Commission regarding the changes they would like to see in order to feel comfortable granting final plat

There was continued high level discussion among the group regarding historic approvals granted regarding the project; they also discussed the requirements for approving an amendment to a Conditional Use Permit (CUP). Mr. Ewert noted that most of the concerns that have been raised tonight regarding parking, building layout, slopes on the site, etc. will be addressed through the CUP step in the process. The recommendation is that the applicant pursue a CUP amendment to address those concerns. However, if the Commission feels that the health, safety, and welfare is adequately addressed based upon the conditions listed in the staff report tonight, it may not be necessary to pursue a CUP amendment. He asked Mr. Burton to clarify the staff recommendation. Mr. Burton stated that staff was looking to the Commission to decide if the changes are de minimus and do not require an amendment to the CUP; staff is of the opinion that the changes can be classified as de minimus. Chair Shuman disagreed as he feels the changes are fairly substantial; this is not a matter of shifting roads a few feet, but rather there will be buildings moved across the property. The density of the project will not change, but buildings, roadways, and entrances will be adjusted. Mr. Burton stated that is correct, but staff has considered whether there would be a different conclusion if the applicant were forced to pursue the CUP and PRUD under today's standards. If the answer is no, staff prefers to save the time and effort of those reviews.

The Commission then engaged in philosophical discussion and debate regarding the recommended conditions of approval for the project.

Chair Shuman then invited public input.

Taylor Jones stated he is the attorney representing the homeowner's association (HOA) of phase one of the Sun Dial condominiums; there is an ongoing lawsuit between the HOA and the developer of the phase two property involving some of the property in phase one. He and his clients have addressed their claims in detail with the developer, but they are a bit frustrated that they did not learn of this application until yesterday when they saw the legal notice in the newspaper. The HOA feels as if the developer is trying to 'sneak the application through' though he understands he does not have a legal access through the phase one property. He does not believe the changes to the project are minimal and further discussion is needed before action can be taken. He highlighted text included on the phase one plat that was recorded in 1984 that states "pursuant to the declaration, the owner expressly reserves the option to expand the project to any part of all of the additional land as specifically identified in the declaration." The indication of additional land provided in the plat is for purposes of reference only. It is his opinion that when the first two phases were approved in 1984, the developer reserved the right to expand, and he included a road that looked as if it could be extended into phase two. The declaration, the plat, and the State Code state that a condominium can only be expanded within a period of 7 years and that time frame obviously passed decades ago. The new developer is no longer able to force the owners in phase one to grant him access through their property. He has not been able to find anything that gives the developer the right to an easement across the phase one property. There is just one question he does not know the answer to; if the subdivision is approved on the condition that the developer can confirm access through phase one, what form of proof would the County accept. On behalf of his clients, he wants to avoid something that could be done without his knowledge.

Mr. Erickson stated options available to the Commission include tabling this application and asking the developer to provide some sort of agreement specifying that he has access through phase one; another would be to approve the application and place the burden on the applicant to decide whether to proceed without a clear understanding that they have a valid access through phase one. He recommended that the Commission avoid any findings or conditions related to the phase one access; if the Commission does grant preliminary approval, they should make it very clear that the approval is based upon the assumption that the applicant has access through phase one and if that assumption is deemed to be incorrect, the approval will be voided.

Mr. Jones stated that his client is not opposed to the project; however, they are opposed to any approval that assumes access through phase one. He asked that the Commission clearly outline the form of proof they will accept that the access is available to residents in phase two.

The Commission then reviewed the plats to orient themselves to the conditions of the existing development as well as the surrounding property.

Jared Franke stated that he lives in phase one of the project and he explained the concerns that residents have about the safety of the area if phase two residents will be using the existing road, which currently dead ends into a dirt area. The residents are very concerned about their children; the roofs of the buildings are fairly steep and they shed snow off the front of the buildings. There are signs all over the fronts of the buildings asking guests to stay away from the edge of the road and in the last three years, three

cars have been totaled by the snow shedding. There are approximately 10 children that have grown up in the project and have been educated on the dangers of the snow shedding, but if the access through phase one is allowed, children will essentially be forced to play in the street to avoid the snow shedding, but they will encounter increased traffic.

Jean Harvey stated she also owns a condo in phase one of the project and she stated there is essentially no driveway space on the existing units. This means that residents back out of their garage directly into the roadway. The terrain is very steep from the north to the south these two conditions coupled together cause great safety concerns for existing residents. She added that the covenants, concerns, and conditions (CCRs) approved in 1984 for the project indicated that there would be a seven-year provision for approving phase two of the project. The application before the Commission tonight comes 40 years later.

Chair Shuman asked Mr. Williams to address the concerns about snow shedding from the buildings. Mr. Williams indicated he is only the civil engineer for the project, and he did not design the buildings, but he is aware the design is an attempt to reflect the existing development in phase one and what was previously approved for this project. Chair Shuman stated that it is important to consider the safety of the buildings if the design of the existing development has been proven to be unsafe. Mr. Williams stated he can provide that feedback to the applicant to determine if they are comfortable with adjusting the design of the buildings to address safety concerns.

Jared Franke stated that the roofs on the existing buildings in phase one were originally asphalt shingles, but due to the direction of the buildings, there was an issue with ice damming so they roofs were replaced with metal. Owners have exhausted several different designs and materials aimed at addressing the snow shedding.

Commissioner Howell inquired as to the direction of the roof. Mr. Franke stated it is directed to the front of each unit so the snow sheds in the front yard.

There were no additional persons appearing to be heard.

Commissioner Burton moved to approve application UVS011222 - Consideration and action for preliminary subdivision approval of Sundown Condominiums Phase 2, based on the findings and subject to the conditions listed in the staff report, but with the following amendments:

- Delete condition #1 in its entirety.
- Encouraging the developer to consider additional parking to address the demand for parking created by short-term rentals, elevation changes, and narrow roads.
- Basing approval on the assumption of legal access through phase one and the developer should be made aware that the project requires to access points; it appears to access points were granted in the original PRUD approval, but if legal access through phase one cannot be provided, a new CUP will be required as the change is not minimal.
- Developer is encouraged to consider a building design that prevents snow shedding that could endanger persons or property.

Commissioner Torman offered a friendly amendment to include a condition that the project be made compliant with current land use ordinances. Commissioner Burton asked if that is already contained in the staff recommendation in the staff report. Ms. Aydelotte stated that the County Engineers ensure that any roadway or improvement that is under their purview is up to current standards. Commissioner Burton asked if the same is true for the Fire Department, to which Ms. Aydelotte answered yes. Commissioner Torman stated that he is trying to make sure that something that was approved as part of the 1983 CUP that is no longer compliant with current land use code is not grandfathered. Ms. Aydelotte stated the developer is entitled to build 60 units, but they may need to adjust their roadways to make sure they are brought up to current standards.

Commissioner Montgomery seconded Commissioner Burton's motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

3. Public Comment for Items not on the Agenda

There were no public comments.

4. Remarks from Planning Commissioners:

There were no additional remarks from Planning Commissioners.

5. Planning Director Report:

In Mr. Grover's absence, Principal Planner Ewert complimented the Commission on the manner in which they have conducted their business tonight; some issues are very difficult with a great deal of 'gray area' and the Planning Commission has been careful to appropriately deliberate the items before them.

6. Remarks from Legal Counsel:

Legal Counsel Erickson echoed Mr. Ewert's comments and stated he appreciates the efforts the Commission makes to ensure that actions that are taken are legal.

7. Adjourn to work session

7.1 ZTA 2021-07: Discussion regarding a requested text amendment to the Form-Based Village Zoning ordinance (FBV) to add specific provisions for a Nordic Valley village area. Staff Presenters: Charlie Ewert & Scott Perkes.

Principal Planner Ewert summarized the desire of the applicant to pursue development of the Nordic Valley village area; a form-based village zone was recently created, but has not yet been applied to the subject property. The applicant is working at this time to complete their application to rezone their property to the form-based village zone. He spoke to the uses that would be included in the project area in compliance with the new zoning ordinance, presenting conceptual plans that identified residential uses, commercial uses, mixed-use units, and open space/public amenities. He then facilitated discussion among the Commission regarding the proposed text amendment to the form-based village zoning ordinance with a focus on the specific provisions for the Nordic Valley village areas and their ideas for the area of the Valley that they feel are appropriate for the form-based village zoning designation.

Chair Shuman expressed concern about the Commission's inability to properly prepare for this discussion as they did not have the proposed text amendments in writing in advance of the meeting; he asked that for similar discussions in the future, that staff send all materials to the Commission that will be discussed at least one week in advance of the meeting. Mr. Ewert stated that this was a very quickly evolving matter and the materials were not finalized until last Friday; the applicant has asked for a fairly quick decision on the proposed text amendments, but staff is committed to continuing discussion with the Commission over the course of additional meetings if necessary. The Commission can have time to study the materials on their own over the next few weeks to prepare for continued discussion in the next regularly scheduled meeting.

Planner Perkes then continued the discussion regarding the concept plan that has been provided by the applicant for the Nordic Valley Village area; he and Mr. Ewert invited the Commission to submit any feedback they have in writing following the meeting. Chair Shuman asked staff to touch on the three main differences in the existing Form-Based Village Zoning Ordinance and the proposed text amendments. Mr. Ewert stated the applicant is requesting an increase in the maximum building height from 40 feet to 55 feet; the architectural stylings of the buildings would be different; and the commercial street design will be adjusted to provide narrower streets that include curb, gutter, sidewalk, and street trees that will be maintained by a professional management company as opposed to the County.

Chair Shuman invited public input on the matter.

Felice Quigley stated she lives in Eden, and she shares the concern expressed by Chair Shuman regarding the public's inability to review any materials pertaining to this proposed zone text amendment. She and others are shocked this is being discussed in a work session this evening given that the original Form-Based Village Zoning Ordinance was only passed three weeks ago. She urged the Commission to review the Nordic Valley application thoroughly to determine the impacts the project will have on the area. It sounds as if the applicant wants to build a 'cookie cutter' community at Nordic Valley and for those who live in and around

Nordic Valley, that is very concerning. She stated that one of the roads included in the proposed project would be 60 feet, but the existing Viking Drive is only 30 feet at the widest point and widening it to 60 feet would mean houses would be taken. The existing community is very tight and they have lived in their homes for upwards of 25 years, but now they will be forced to conform with the Village Zoning Ordinance, which could restrict matters such as the color residents want to paint their homes. The scale of the proposed project is astonishing to her and her neighbors; the area is not the same as Snow Basin or resorts in Park City and, rather, it is a very small ski area and over 600 units are being proposed for an area that is 50 acres in size.

Bruce Magill stated he has lived in Viking Drive since 1994 and Nordic Valley is a very unique little community in the Ogden Valley; there are mostly small homes that do not block the view of the mountain. He and his neighbors are supportive of development as long as it is reasonable and proportionate. The ski resort fills a niche, but it is not anything like Park City and development to that scale is not appropriate. It is important that the impacts of the project not adversely affect the existing residents in the Nordic Valley community; if the applicant pursues a project that is proportionate to the existing development in the area, the community may be supportive, but the current concept for the project is unreasonable and the community believes it will ruin the area. If the project is approved as proposed, the community will end up with a giant resort next to a little ski hill.

Dave Bollen stated he also lives on Viking Drive and over the past month he has been able to obtain very little information about this proposal; nothing is being disseminated to the public that will be directly impacted by this project. He reiterated Mr. Magill's comments about the scale of the project and the fact that it will ruin the area; 700 homes in such a small area is unreasonable. He asked that the Commission dedicate a great deal of thought to this matter rather than rubber stamp a beautiful picture of a project.

There were no additional persons appearing to be heard.

Chair Shuman noted that all Commission meetings are noticed in advance; the annual meeting schedule is published to notify the public that there is at least one meeting a month and the public is always welcome. Agendas are published in advance of the meeting and staff does their best to let the public know of these meetings. He advised the public to monitor the website for the Commission agendas and packets to stay informed of meetings in which this project will be discussed. The Commission is cognizant of the importance of allowing landowners to develop their land, but they are also sensitive to the need to pursue development that is appropriate for the surrounding community. The Commission loves to hear public input as long as it is constructive.

High level discussion among the Commission and staff centered on the process that this type of application moves through and the opportunities for public input on such matters. Staff emphasized that it is appropriate for the Commission to discuss these types of projects over the course of several work session meetings and no decisions are ever made in work session meetings.

In closing, Laurent Jouffray, representative of the applicant for the project, provided input regarding the project. He does not believe the width of Viking Drive will need to be changed to accommodate this project and the applicant does not plan to build eight-story buildings on the site; rather, they would like to create a small boutique resort and they are not asking for increased density over what is already allowed under the zoning that is presently assigned to the property. The concept plan may appear to be dense, but the project will be phased over 15 to 20 years. He does not want to bother the people living around the village; rather, he wants them to be included in the project.

Chair Shuman commended Mr. Jouffray for his comments and thanked him for his willingness to meet with residents and discuss their concerns. Mr. Jouffray stated that he wants to work with the County and residents to develop a project that creates minimal impacts on existing residents while keeping the mountain open.

Chair Shuman recognized an additional resident wishing to provide input.

Ronda Kippen stated she lives in Morgan and she is a project coordinator for the Nordic Valley team; she announced there will be a public open house for the project on February 17 and there will be a presentation regarding the proposed development project. Public input will be allowed and there will be a question-and-answer forum at the conclusion of the presentation.

7.2 Wolf Creek Rezone, Master Plan Amendment – Eric Householder

Eric Householder used the aid of a PowerPoint presentation to summarize the proposed Master Plan amendment for the Wolf Creek Rezone; he referenced current zoning and land use planning for the subject property and emphasized that he is not asking for increased density for the total project area. He presented renderings and the concept plan to orient the Commission to the proposed adjustments to the project layout. He highlighted the various uses included in the project, such as multi and single-family homesites, commercial development, mixed use, restaurant/retail spaces, open space, and the golf course expansion and club house, transportation improvements, a hotel, and a walkable plaza. He concluded by presenting the vision for the total project at buildout and thanked the Commission for their time and attention to this matter.

The Commission then engaged in discussion with Mr. Householder regarding the proposed adjustments to the Master Plan; there was a brief focus on the shift in the location of the condominiums and transfer of development rights (TDR) proposed for the project.

Chair Shuman invited public input.

Kay Hogelund stated she lives in The Retreat in the Wolf Creek Resort area that is covered by the underlying zoning agreement approved in 2002. She is a retired attorney specializing in real estate and she succeeded Miranda Menzies who previously served as President of the Homeowners Association (HOA) for the project. She has assembled a group of developers, representatives, and residents within the Wolf Creek Resort that has been developed under the existing agreement. They met with the applicant yesterday and made some progress in terms of negotiation of the adjusted land uses and incorporation of short-term rentals within the core residential areas. But they have some open questions and there is some discussion to still be had, namely regarding the definition of Wolf Creek Resort in the zoning development agreement and the covenants, conditions, and restrictions (CCRs) that were filed and recorded within three days of the zoning development agreement being executed in 2002. There are two parcels of land – Eagle Crest and Cobabe – that are not part of the zoning development agreement, and she presumes the applicant is seeking to amend the development agreement to add those parcels and to facilitate the transfer of development rights. It is unusual and maybe not permitted to transfer the development rights outside of the master resort and the main concern of the HOA is that all of the master resort properties are governed by the master association CCRs, and they are part and parcel of the development plan that was established in 2002. The HOA strongly believes the CCRs need to be extended as they have been for all other properties build under the 2002 development plan.

Mike Wilder stated he lives in the Wolf Creek Resort development, and he inquired as to where he can find the current Wolf Creek Master Plan along with the requested amendments to the Master Plan.

Principal Planner Ewert provided instructions for locating those materials on the County's website.

Zach McClellan stated he lives in Eagle Ridge at the Wolf Creek resort, and he is very concerned about responsible and sustainable development; he encouraged developers to pursue sustainable infrastructure plans for their projects. The community is very concerned about the additional capacity that has been placed in Eagle Crest, which was not included in the original master plan. Most concerning is the pollution and traffic that will be caused by continued development; he does not envision storage sheds to be sustainable and positive development, especially on the hillsides in this area. The impacts of such projects need to be considered from a hydro-geological perspective. Placing more straws into the aquifer is very concerning.

Miranda Menzies stated she also lives in Wolf Creek; she has searched for the documents requested by Mr. Wilder using the instructions provided by Mr. Ewert and she was unable to find them. Because Planning staff keeps changing the way they describe these types of issues, searching for "Wolf Creek" does not yield the zoning development agreement. She suggested that the names of the documents be changed so they are provided when someone searched for Wolf Creek. She then stated she has been previously told by staff that the master planned are would not have units transferred into or out of it because doing so would make it difficult to account for open space.

Chair Shuman invited rebuttal from Mr. Householder.

Mr. Householder thanked Ms. Hogelund for her input and stated that he is taking her input to heart and is willing to continue discussing the points of mutual concern between the developer and the HOA. He addressed Mr. McClellan's comments about the storage units and indicated he tried to locate them in the lowest area on the north side of the road to mitigate visual effect of that component of the project. He then addressed Ms. Menzies' comments about transfer of development rights; the direction

he received was that development rights can be transferred to adjacent property and that an amendment to the master plan would be required.

Chair Shuman stated that he is concerned about the proposed transfer of development rights as he is not sure that is in line with the General Plan for the area; he recommended Mr. Householder and staff continue to discuss that issue before the matter is discussed further by the Commission.

**Meeting Adjourned: The meeting adjourned at 8:38 p.m.
Respectfully Submitted,**

Weber County Planning Commission