

Minutes of the Business Meeting of the Ogden Valley Planning Commission for March 22, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/88363450613>, 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, John Lewis, Jared Montgomery, and Justin Torman.

Absent/Excused: None

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 January 25 and February 1, 2022.

Chair Shuman indicated Commissioner Burton has requested corrections requested by Commissioner Burton; he invited Commissioner Burton to summarize the corrections, which he did. He suggested that his communication of the requested corrections be attached to the minutes once they are published. Minutes were approved with noted corrections.

2. Petitions, Applications, and Public Hearings:

Administrative Items.

2.1 DR 2022-01 – Request for approval of a design review application for storage units located at approximately 4708 E 2650 N, Eden, UT, 84310. **Presenter Tammy Aydelotte**

A staff memo from Planner Aydelotte explained the applicant is requesting an administrative design review approval of storage units. The proposal consists of seven buildings with 194 total storage units. Applicant will be installing some signage, and installing exterior lighting that will be compliant with the Outdoor Lighting ordinance

Ms. Aydelotte summarized staff's analysis of compliance with applicable codes relating to traffic safety and congestion; outdoor advertising; outdoor lighting; landscaping; building and site layout; and development standards. She noted that all construction and development of the site must adhere to the recorded development agreement. She added that the proposal conforms with the Ogden Valley General Plan by continuing commercial development within existing commercial and village areas. She concluded the Planning Division recommends approval of file# DR 2022-01, subject to all review agency requirements and the following conditions:

1. All exterior lighting, must comply, with the Outdoor Lighting requirements, as outlined in LUC§ 108-16, and will be verified at occupancy.
2. All proposed signage will be reviewed when a detailed signage plan is submitted for request of a land use permit. If no signage is proposed, then the developer need to indicate on the building permit application.
3. Development of this site shall conform with the recorded development agreement.
4. The developer will provide a financial guarantee for all improvements including site and trail paving, landscaping, and fencing.

The recommendation for approval is based on the following findings:

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

Discussion among the Commission centered on requested building heights and the elevation of the property; Commissioner Burton identified a nearby home and asked if the fencing and landscape intended to screen the project from the nearby home will be adequate. Ms. Aydelotte stated that it will likely not shield the view of the entire building; rather, the intent of the berm and landscape is to mitigate the noise and view of increased traffic.

Chair Shuman invited input from the applicant. He asked if fencing will be installed on the east side of the subject property. The applicant, Jeff Allan, stated that it will not be installed on the east side. Ms. Aydelotte stated the intent of the fencing plan is to

separate uses from one another, but not necessarily separating differing zones. The existing home is located in a commercial zone, but it is a residential use, and the County will require a wall or berm all along the eastern boundary of the proposed development. Internally, Mr. Allan is proposed fencing that will provide security for the storage units, but this is different than the wall or berm that is required along the eastern boundary of the subject property. This is required by the development agreement.

Chair Shuman invited public input.

Frank Noll stated he lives in Ogden, but his son lives near the subject property, and he sent a text regarding his concerns about the project. He asked if the property is near the residential area that is served by Staples Drive. He asked if the storage units will be constructed east of the existing LDS meeting house in that area; he is concerned about whether there will be a fence or barrier of some kind to the west of the subject property. Chair Shuman indicated that the subject property is directly west of Snowcrest Junior High.

There were no additional persons appearing to be heard.

Commissioner Howell moved to approve application DR 2022-01, request for approval of a design review application for storage units located at approximately 4708 E. 2650 N., Eden, UT 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Lewis, Montgomery, Shuman, and Torman all voted aye. (Motion carried 7-0).

3. Petitions, Applications, and Public Hearings: Legislative Items.

3.1 ZTA 2021-07 - Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area. Staff Presenters: Scott Perkes & Charlie Ewert

A staff memo from Planner Perkes explained the County recently received an application by Skyline Mountain Base to create a smaller Destination And Recreation Resort Zone (DRR-2), as opposed to the existing DRR-1 zone, in order to create the regulatory framework to which their property could be rezoned. In reviewing this request, County staff ultimately recommended that the applicant pursue an amendment to the recently adopted Form-Based Village (FBV) zoning classification as a means to achieve the desired outcome for their property. Following this recommendation, the applicant has spent the past several months working and negotiating with staff to identify adjustments and additions needed to the FBV ordinance to accommodate their vision. The attached Exhibit A contains the revised draft of the FBV zoning ordinance created through this effort.

Mr. Perkes and Principal Planner Ewert summarized staff's analysis of policy considerations relating to text amendments; street types and lot area comparison; adjustments to development standards and street cross sections; height allowances specific to the Nordic Village; adjustments to parking standards; addition of specific Nordic Village design standards; and addition of a specific Nordic Village street regulating plan. He noted that in general, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Ogden Valley General Plan was adopted after a significant public involvement process and received overwhelming support from Valley residents. He presented a map from the General Plan identifying commercial locations and village areas, noting the proposed adjustments to the Form-Based Village zoning ordinance helps to implement numerous goals and objectives of the Ogden Valley General Plan. He then noted no action has occurred on this item to-date. The Ogden Valley Planning Commission has viewed the proposal in a work session during their February 15, 2022 meeting. Additionally, during the December 28, 2021 meeting, the Planning Commission was introduced to a proposed village plan by Skyline Mountain Base to begin developing a village area for the Nordic Valley Ski resort. He concluded Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when/if the Planning Commission is comfortable with the proposal, a positive recommendation could be passed to the County Commission with the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The changes will enhance the general health and welfare of County residents.

Mr. Perkes and Mr. Ewert engaged in high level discussion with the Commission regarding topics such as form-based zoning; transfer of development (TDR) rights from the valley floor to the project area; the highest and best use of properties within the rezone area; the potential for the zone change to impact property values; opportunities for regulating the Village Zoning regulations and the General Plan; the list of permitted and conditional uses included in the land use table for the zone;

Chair Shuman invited input from the applicant. He expressed appreciation to the applicant for hosting open house events to give residents the opportunity to learn more about the project.

Eric Langvardt, Langvardt Design Group, and applicant's representative, Laurent Jouffray, approached. Mr. Langvardt stated he is thankful for the time County staff has dedicated to this project; he has held five public meetings, including the work session with the Planning Commission, and he anticipates most of the comments tonight to be in regard to the plan rather than the rezone; however, he is not seeking approval of something that will increase density in the area. Instead, he is looking for guidance to form and shape the density that the current zoning already allows.

Chair Shuman then asked for a motion to open the public hearing; he summarized the rules for those wishing to address the Commission during the public hearing.

Commissioner Burton moved to open the public hearing. Vice Chair Francis seconded the motion; all voted aye.

Joanna Droubay stated she hopes that the Commission will delay taking action on this issue tonight given that the red-lined version of the proposed ordinance amendments were not included in the public packet. The Form Based Village zoning ordinance will be the rules that will govern this development, so it is very important that the public is aware of what those rules are. She has reviewed the staff report thoroughly but is unsure of the entirety of the proposed ordinance amendments. She addressed the request to increase the maximum building height restriction from 50 to 55 feet; she understands that this request is based upon a desire to pursue certain architectural elements, but she does not feel that the height increase is necessary. She asked for an animated 'fly-through' of the concept plan to illustrate the proposed building heights and setbacks. She feels that one of the biggest issues for the Commission to consider relates to TDR actions; she owns nine acres on a hillside and has three development rights, but road rights of way, steep slopes, and waterways should be deducted from total area for the purposes of determining an appropriate TDR action.

Member of the public stated he is a licensed engineer in the State of Utah; he addressed employee housing in the proposed project and stated that the way the language is written regarding this component of the project, it does not count towards the overall allowable density for the project. This creates an unnecessary loophole, in his opinion, where unlimited employee housing could be constructed. He could see a scenario where Powder Mountain may choose to locate their employee housing at Nordic Valley because of this. He also addressed the increase in the maximum building height; he is not totally opposed to the increase but noted there are no setbacks relating to the increase and depending on how the future road plan is developed, there could be very large buildings right next to residential lots. The increase in building heights should be rejected until setbacks can be established. He stated he used an engineering grade inclinometer and range finder to measure buildings around the Valley and he presented images of these efforts to illustrate the relationship between large buildings and existing development/infrastructure in the area. He then noted the staff report for this application discusses proportional decreases in density in other areas, but he sees three villages that are not condensed into one as called for in the General Plan; the area above Viking Drive is larger than the dense area at the 'bottom'. He stated that the village areas are disconnected and there should not be three separate FV-3 projects. There is also mention of the Village being a quarter mile in radius, but it is actually 1.2 miles from one end to the other and it does not meet the intent of the General Plan. He stated that the staff report also mentions that the proposal will enhance the general health and welfare of the County residents; however, if the project meets the General Plan, he wondered why it needs to be rezoned. The proposal will create sprawl rather than consolidating development at the base of the ski area per the General Plan. He concluded the proposed changes will be detrimental to the residents of the Nordic Valley neighborhood; 55-foot buildings without setbacks will destroy the character of the area and he feels the text amendment should be rejected or tabled and considered at a time in the future in conjunction with the rezone application. Further work is needed to provide protection for existing residents through an umbrella over any master development plans proposed by the current or future developers. As written, the stroke of a pen could allow natural forest and open space at the heart of Nordic Valley to be replaced with large, incompatible 55-foot structures; it also allows uncontrolled construction of low-income housing. Form Based Village Zoning does not seem like the right fit for Nordic Valley. It is already zoned for a modest sized village at the base area, but if this land is rezoned to FBV, the value of the land will increase and owners will likely sell to another developer that will have different visions for the master plan. Without restrictions, this could destroy the character of this unique area. He stated that he

presented to the Commission in 2006 regarding a rezone at that time; he provided a document illustrating density calculations provided by the owner of Wolf Creek at that time and noted that their density calculation is much different than what has been presented tonight. The 2006 density proposal was 441 units, including bonus densities, but the 2022 proposal is 763 units. The public needs to see how those calculations were performed. Without bonus densities, the unit total is 382, which is half of the 763 units. The applicant is also proposing to consider each hotel room to be equivalent to .33 units rather than a half of a unit; condominium units would be considered to be half of a unit so that they can get double the condominium units in the project. The commercial square footage and workforce housing is not being counted towards density of the project, these are major issues that must be addressed.

Jan Fulmer stated she was involved in the development of the Ogden Valley General Plan; it was a great experience, and she supports the village concept identified throughout the Plan. However, she feels bonus development units are inappropriate in the Form Based Village Zone as it will dramatically exceed the buildout of the entire Valley. The Valley needs sustainable development rather than uncontrolled increases in development. Also, if the units for workforce housing are going to be set aside and not considered in the TDR action, there will be no limit on the number of such units that can be built. She asked that the Commission reconsider these issues and ensure that the project complies with the Ogden Valley General Plan.

Robbie Kunz stated that he lives in the Nordic Valley area, and he wants to know why the County is considering a "Park City-sized" village at the smallest ski resort in Utah when both the Ogden Valley General Plan, and Mr. Jouffray himself, identify the appropriate development at the site as a 'small boutique village'. He stated he is wondering if this is more about need or greed when considering a project of this size. The Ogden Valley General Plan identifies goals and visions for the Valley and indicates land uses in the Valley should complement, not overwhelm or compete with, the rural character of the Valley. The vision statement indicates the rural character of the Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages. He stated that the project that has been proposed is not a small village; he has researched what a small village may look like and he has sent information to Mr. Perkes. He referenced Eagle Point, Solitude Ski Resort, Sundance Ski Resort, and Grant Targhee, which are all villages that have been developed at the base of ski resorts. The proposed project at the Nordic Valley ski resort is between four and ten-fold larger than those other four resorts. At Solitude, there are 219 residential units and 46 hotel rooms. The residential units per acreage at this proposed project is even more dense than the other resorts. The bottom line is that the proposed village is not a boutique village and is far larger than any other village in Park City.

Kara Noelle stated that she has owned a cabin in the Ogden Valley for 35 years and she loves the area. She has not read through all the materials regarding this project, but she has not heard any mention of availability of water to serve this project. The drought conditions are persisting in Utah and secondary water may not be available until May. Residents have been advised to not plant new trees or gardens; there are farmers in the Valley that need water to continue farming and water for the proposed project must be addressed. She stated that there is talk about building a village, but no talk of the roads that will serve the village or the pollution that will be generated by traffic driving to and from the village.

Felice Quigley stated she lives at the base of Nordic Valley and she spoke to the similarities in the mixed-use commercial and multi-family residential zoning designations; for all intents and purposes, they are essentially the same in terms of use, setbacks, minimum lot size, and building heights. Tonight, those in attendance have heard from staff, developers, and residents and there are many concerns about TDR actions. In the current land use code, there is no definition of base density except for when density is going to be increased. Base density must be defined in order for everyone to understand how overall density will be calculated. One of the principles that is enumerated in the General Plan is to define buildable acreage as precluding anything that is over a 30 percent slope. She asked that the application not be approved until there is a specific definition for base density. She left a written document detailing her analysis of these issues with the Commission.

Dave Boll stated he lives on Viking Drive; he agrees with the concerns that have been expressed by other residents and added that one concern he has relates to small lot residential units in development area four in the project plan. This area is very close to his home and other single-family homes in the area; the density does not resemble existing development in the area, and he asked for a graduated increase in density rather than something that is so dramatic. He added that the application also proposes that the wastewater treatment or disposal facilities be permitted under the open space zone, and he is not sure how that would work unless it is possible to ensure that the wastewater treatment will not be detrimental to the open space. Otherwise, that use should be removed from the open space zone. He is also concerned about parking and internal block access; the applicant has indicated that they do not want the asphalt surface to be available for seasonal day skiers, but something must be done to increase parking at Nordic Valley. The current parking area is a mud pit throughout times of the year.

Ron Gleason echoed the request that the Commission table action on this application to give the public more time to review the specifics of this request. It took three years to get Form Based Zoning codified and it is inappropriate to consider drastic changes to the Zone in just a few weeks' time. The staff, Planning Commission, and public need more time to review. He asked that the maximum building height not be increased; he also indicated that building standards should be reviewed to determine that the architecture will be harmonious with its surrounding. Large windows and excessive lighting will cause light pollution in the area. He addressed staff and asked them to identify the maximum number of units that will be allowed in the project if the requested zoning is approved. He agreed with the comments made about workforce housing but noted that employee housing was granted at Snow Basin that did not count towards the maximum number of units in that project. That approval created a precedent that other developers will also expect.

Fred (no last name given) stated he has one question about the project and that is in regard to water use and consumption associated with the project. It is his understanding the Weber Basing Water Conservancy will be issuing restrictions on irrigation water allowing just one day per week watering for existing residents in the Valley. Existing users in the system have made investments in their properties with the understating that they would have irrigation water for their property, and they will be severely restricted. One day per week watering will result in severe damage to landscaping and he asked how the County can be considering increased growth that will harm existing residents. This type of action is not responsible and is not fair to people who have already invested in their properties in the Valley.

Bruce Keswick stated he lives in Viking Drive, and he has met with the developer and other residents during the open house meetings. Residents have proposed to the developer that the south village development rights be allocated via a conservation easement to the Ogden Valley Land Trust; this would also include the open space west of the proposed south village development. Residents do not want to see the south village development occur as it would be very costly to install infrastructure in that area. The area is very steep and is right up against existing housing and residents would like for the development rights allowed to that area be shifted to another area, such as to the north side of the resort. He provided the Commission with a written document summarizing this request. He then stated that many of the residents on Viking Drive share the same concerns about the increased in short term rental (STR) units in the area; there will be approximately 763 new STRs in a neighborhood where there are presently 225 residents. This is excessive, especially considering that the Commission has not developed licensing guidelines for STRs.

Mandy McClean stated that she also lives in the Nordic Valley, and she was attracted to the area because of the rural nature and quaintness of the ski resort. She does not want to see this type of development that will impact the natural environment, climate, and water sources in the area. She stated that the project will change the entire area and eliminate the appeal that drew her to purchase a home there.

Mike Strosky stated that he lives in a home that abuts the parking lot of the Nordic Valley ski resort; he agrees with nearly everything that has been said tonight by other residents in the area but added that he is a Waste Engineer, and he deals with energy conservation and waste energy. He has spent a lot of time in wastewater treatment plants and one of the issues that has not been discussed tonight is PFOS, which is a pollutant in wastewater. This proposal to recycle water is very complex and will be very costly. The PFOS will be sprayed onto the land surrounding the treatment facility and it will drain back into secondary and drinking water sources. He will provide the findings of his research to the Commission and asked them to keep this issue in mind when acting on the proposal before them.

Darren Robosky stated he lives on Nordic Valley Drive, and he feels this area is different from the other parts of the Valley that have been identified as appropriate for Form Based Village Zoning; the Ogden Valley General Plan specifically states that urban sprawl is not desirable and that there should not be a 'sea of houses/rooftops on the Valley floor'. The current designation of the vast majority of the proposed units are contained within the FSV-1 zone designation. This zone is intended for low density residential development to minimize the impact to surrounding environment and visual appeal of the area. He cannot envision how the development can occur in a way that complies with that directive. The area is beautiful and very appealing, and he does not feel that the project meets the intent of the General Plan in terms of village developments.

Lisa Stratford stated that she has owned a cabin on Viking Drive for 54 years and when she first purchased the property, she was told that a portion of it would be part of the nearby golf course and would remain open space. That may have changed over the years. She then inquired as to the reach of ladders on fire engines that will be responding to the area; that should be looked into for safety purposes in regard to the request to increase maximum building heights in the project.

Matt Clark stated that his family has lived in liberty for 130 years and they are very concerned about the availability of water in the area. He represents Spring Mountain Water Company and they have noticed a 35 percent decrease in secondary and culinary water sources in the area. He asked for data supporting the developer's claim that they have enough water to service the area and that it will not impact the availability of water for existing users in the area. He does not believe there is enough water. He then addressed Mr. Ewert's presentation regarding the project and noted that he mentioned several times that this will be a family-oriented environment; however, he does not believe that is the case when the goal is to 'jam' as many people into the village area as possible. There is nothing quaint about a 704-unit project. People will not be moving there to raise a family and, instead, the area will be predominantly used by travelers to the area. The Valley's natural resources should not be taxed by weekend visitors; rather, they should be preserved for the families that are truly interested in living in the Valley.

Gary Fulmer stated that he lives in Wolf Creek and the point of the meeting tonight should be to consider the proposed amendments to the zoning ordinance. The County has already created a village zone for Old Town Eden, New Town Eden to be followed by Nordic Valley and Wolf Creek. He appreciates what the County is trying to do, and it is reasonable to set an overall precedent for the areas in the plan that were identified as being appropriate for Village development. The focus should be on that, but other issues that have been raised specific to Nordic Valley should be addressed at another time. There have been valid issues raised by those who have spoken tonight, including building heights, density, and workforce housing, and he encouraged the Commission to table action on this application to determine if it will be possible to address the ramifications of the proposal. There are too many questions and unknowns, and the application must be refined before action is taken.

Wes Walgreen stated that he lives in the Nordic Valley area as well; he addressed water sources for the development and indicated that the population of the area will more than double if this project is approved. This will impact water, traffic congestion, and air pollution. He stated that what has been proposed cannot be called quaint; there is another development in the area that includes tall condominiums, and he does not believe anyone would drive by those and think of them as quaint. It is one of the least attractive areas of the Valley and he asked that the Commission prevent a similar project. This project will negatively impact the area rather than benefit it; he is not opposed to all development and would support something that is thoughtful and has appropriate density and aesthetic appeal. He understands change will come and people have rights to develop their land, but it should be something that will benefit the entire Valley.

Frank Knoll stated that he and his wife own a cabin next to Nordic Valley. It seems to him that the legislation is designed to not increase density throughout the Valley; if a landowner decides to sell his development rights to a developer for use in a village project, that landowner would not be able to build on his property. The way that is enforced is through a covenant between the landowner and the County. He asked how the County would be prevented from changing its mind in the future and allowing that land to be developed. When considering amending the zoning ordinance, the Commission should add a provision that is more easily enforced to prevent development of a property from which development rights have been transferred. He echoed the concerns about the impact that this project will have on water availability in the area; the role of government is to ensure that development is responsible and the interest of those who already live in the Valley are protected.

Corey Cousins stated that this project will not impact him yet, but it will in the future. He is very concerned about the impact that project will have on water sources in the area, and he asked who will pay for the improvements to the water and sewer systems that will be needed to handle the project. He expects that all residents of the Valley will ultimately pay those costs.

There were no additional persons appearing to be heard.

Commissioner Burton moved to close the public hearing. Commissioner Montgomery seconded the motion, all voted aye.

Chairman Shuman invited staff to address some of the points raised during the public hearing.

Mr. Ewert first addressed the concerns that redlines to the ordinance were not posted for public review prior to tonight's meeting; he stated that is a great concern and he will post that material for public review. He addressed the request to increase the maximum building height, noting this is a change that was requested by the developer and one that staff is comfortable with. He then referenced TDRs, steep slopes, rights-of-way, and streams; prior to reviewing and updating the Ogden Valley General Plan, he had the opportunity to review all platted subdivisions in the Ogden Valley dating back to the 1970s. He used this as an opportunity to calculate resulting density under existing zoning. If all property lines on the existing Valley floor were erased and everything was configured to be three acres, or multi-family development in the CVR-1 zone, and even forty-acre lots with one dwelling unit in the F-40 zones. The total number of dwelling units that could be built is upwards of 26,000. Existing zoning entitles

landowners to certain development opportunities. He noted he reviewed cluster subdivisions in comparison with standard subdivisions. Prior to 2015, the County allowed bonus density in cluster subdivisions as an incentive to encourage a developer to opt for a cluster subdivision to reduce the cost and impact of infrastructure and preserving some open space. When he considered all development rights resulting from clustering versus traditional subdivisions, cluster subdivisions actually had a 25 percent 'haircut'; this is because traditional subdivisions do not have to consider slopes and waterways and they actually result in increased development than in a cluster subdivision with bonus densities. If the County were to allow the mountainside to develop under the traditional one-unit per three-acres development rule, the person that chooses to do the development will try to maximize their development to maximize their return. He stated the hillside across from Nordic Valley is being developed, not at the maximum density, but the developer has been able to find ways to cut roads into the project area. He stated there are roads that were cut into the mountainside to install the poles for the ski lifts, and it could be possible to find a way to use those roads to access any other part of the mountainside to construct a home. He encouraged review of homes in Deer Valley or areas of California where there are steep slopes; if someone has money and willpower, they will build homes in steep areas. That is why slopes were not considered in the definitions of base density. People buy and sell land all the time to increase their development capacity, and that is why lot averaging and street connectivity has been considered in the zoning ordinances. He stated he knows that density is scary and considered to an enemy, but change is inevitable and will bring impacts. The County can consider ways to mitigate those impacts and he discussed a few options. He has heard concerns about water, pollution, traffic congestion, and visual impacts; density is not the problem, but the impacts created by density are the problem and there are ways to address those impacts directly. He encouraged the Commission and the public to consider what the actual impacts are and how to deal with those impacts. He is not suggesting that the Commission grant the developer's request for 763 development rights; as he and Mr. Perkes performed calculations for density, they did not arrive at the 763 number, but they did calculate a number above 600. This is done by taking total acreage and dividing it by three. He then stated that workforce housing is a challenging issue; it is known that workforce housing is needed in the Valley to prevent all workers from driving Ogden Canyon on a daily basis; there must be a way to locate workers in the Valley and some do not want people who earn less than them living in their backyard. He understands the opposition to those changes, and he agrees with the concern about Powder Mountain relying upon workforce housing in this village area. It is necessary to find ways to spread the workforce housing demand throughout different villages rather than concentrating it in one location. One of the reasons that workforce housing has not been counted towards density is because the market will regulate the amount of workforce housing in a development. Workforce housing does not pay for itself or the needed infrastructure. The answer to the water concerns is easy, but it is not one that people like to hear. A building permit will not be issued unless an applicant can prove that they have adequate water. The County can approve this type of application and the applicant will eventually need to provide proof of a water source to the agencies that will sign off on a building permit. He emphasized that no building permits will be issued until those agencies approve the project; this is different than the process that someone drilling a new well needs to follow. He concluded that just because someone is granted a zone change does not mean the project will come to fruition as there are many other things to address before proceeding with construction. He then stated that many have said this is too much density for this area; that may be true, but there is some subjectivity to that statement, and it is within the Commission's purview to determine which subjective point of view should be accepted. He then stated that some questioned why the zone must change if the project complies with the General Plan; it is important to understand that the General Plan is not the same as zoning. The General Plan provides guidance on zoning, but the existing zoning regulates the land at present. He addressed concerns about roads to the village; a transportation study has been performed and indicates that the level of service on existing streets is adequate. However, staff is unsure they agree with that position, and they have been working with the developer to identify needed improvements to Nordic Valley Drive and 3300 North; they are also considering a roundabout on Highway 162 where it peels off towards the resort to mitigate the safety concerns at the "y" intersection in that area. The County has an Impact Fee Facilities Plan and the developer will need to pay impact fees for commercial and residential units that will be used to perform improvements required by the project. This includes storm water, transportation, and trail improvements, but not sewer at this time. He referenced the claim that there is no definition of base density in the land use code and noted that is not accurate. Base density is defined and any reference to 25 or 30 percent slopes has been removed from the document; this change in the code occurred a few years ago and the individual that made that comment may be reading from an old version of the land use code. There are other villages that can absorb some of the density from the Valley floor and it may be possible to set an upper threshold for the maximum density of the area. Staff understood that the residents were supportive of transferring development rights from the Valley floor to the village areas, but if that is no longer the case, the General Plan should be changed as the intention of the Plan is to clear units from the Valley floor. He then addressed the comments about wastewater treatment in the open spaces; staff would not want to see a facility included in an open space area that would be large enough that it would eliminate the actual open space. That is why the footprint is limited when being built on open space. The developer is performing a study to determine the best location for the treatment facility, but their current plan is to build an indoor facility. The concern about using wastewater to make snow is valid and he would like to get more information about that; there are issues involved with reusing the water and Weber Basin Water Conservancy will need to provide input on that matter. He addressed

hard surface parking areas and stated there are challenges associated with existing parking; the owner of the ski resort and the developer of this proposed project are not the same individual and there have been issues associated with existing parking conditions. He stated that Mr. Fulmer referenced the need to be consistent throughout all village areas in the Valley and that is actually what staff is attempting to do; the Form Based Village Zone is a tool that would require less staff resources when compared to individual development agreements for all village areas. He stated that someone asked about how the County will enforce TDR covenants; this is a legislative matter and is the same as asking for assurance that government will never change zoning of a parcel. The answer is that it is not possible to ensure that as the County has legislative authority, under the Constitution of Utah, to make such changes in the future with or without public consent. The benefit, however, of the legislative intent behind the covenant is that it will always be on the public record and will be considered anytime someone petitions to remove the restriction from their property. He agreed that pollution is a concern and wood burning stoves can be prohibited from new construction with a code amendment. He also referenced the concern about light pollution; the County has discussed the possibility of gigantic chandeliers in large picture windows in a large home that overlooks properties below. The County Commission has not yet modified the land use ordinance to regulate that, but it may be possible to recommend a code amendment based upon increasing concerns. The last question he addressed was that of who will be financially responsible to install improvements needed; the answer is that the developer will pay those costs. They must have a private contract with utility providers to extend lines to the area. Roads will be further evaluated to determine what improvements are needed to ensure the current level of service is preserved; any improvements will be paid for by the developer. One thing that would better the community is the creation of a public infrastructure district; this would create a certain tax that will be charged to property owners within the district and the revenue of that tax would be used to reinvest in infrastructure.

Vice Chair Francis asked about the comment about the manner in which hotel and condominium units are calculated towards total density of the project. Mr. Ewert stated that the person who made that comment does not understand how the zoning ordinance is being applied to the application. Staff has not made any promises about the manner in which hotel or condominium units will be counted and, at present, one condominium unit is considered to be one full unit, not a half-unit. No decision has been made about hotel rooms. Vice Chair Francis asked if the Commission can make decisions regarding the unit calculations, to which Mr. Ewert answered yes. He stated the DRR-1 zone currently communicates unit calculations and the applicant has asked for the creation of a DRR-2 zone that would closely mirror the DRR-1 zone directives.

Chairman Shuman invited the applicant to re-address the Commission.

Mr. Langvardt stated that Mr. Ewert has adequately addressed most of the concerns that have been raised. He stated that he understands the concerns that have been raised about traffic, water, sewer, and density, but he believes that most of the concerns can be addressed and mitigated throughout the development process. He stated that density calculations continue to shift and the manner in which hotel rooms will be calculated for purposes of overall density is yet to be determined. The 763-unit number that has been thrown out is somewhat misleading; a condominium in four-story building that is stacked on three other units is not the same as an 8,000 square foot home on the hillside. It uses much less land space and water than a traditional single-family home. He stated that he thinks the request for three-dimensional imagery of the proposed project is great and his team has begun working on that. He feels it would be helpful in illustrating how the project will look and the impact it will have on existing residents. He then stated that many terms used in development are subjective; he is trying to create a four-season resort in which housing units are clustered and he believes what he is proposing could actually be defined as 'small'. He addressed the request for maximum building height; he has asked for five extra feet to accomplish some desires relating to the architecture of the project, but it may not be worth the fight to proceed with that increase. He is in conversations with residents in the area about possible conservation of the open space near Viking Drive; he is also considering opportunities for preserving access to the ski resort for those presently living in the area. He feels that he has two options; he can either pursue the rezone or develop under the current zone. The rezone would give him more flexibility to pull some of the density out of the south village area. He is seeking guidance from the Commission, and he thanked them for their time tonight. He asked if the Commission will still proceed to the work session item. Chairman Shuman stated the Commission will forego the work session item tonight; he feels that the work session item was discussed as part of this agenda item. Mr. Langvardt agreed.

Mr. Perkes stated that he anticipates that this project will be included on the April 5 agenda for further discussion.

Commissioner Burton stated he feels the Commission needs additional time to consider the details of the proposal as well as the public feedback they received tonight. His only concern about Form Based Village Zoning is that it is too 'in the weeds'; it is important to provide flexibility to adapt to changes in architecture and development trends.

Commissioner Burton moved to table application ZTA 2021-07 – application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area.

Chairman Shuman asked if the Commission would need to hold another public hearing on April 5. Mr. Perkes stated that the public hearing requirement has been satisfied tonight, but the Commission can decide whether to hold an additional public hearing on April 5.

Commissioner Francis seconded the motion to table.

Commissioner Lewis stated that this concept is very difficult to understand and he feels that Mr. Ewert's presentation was very articulate and explained well the purpose of the village in terms of removing density from the Valley floor. The question is where 16,000 development units will be hidden throughout the Valley; it is difficult to understand how those units will fit in the village areas throughout the Valley. As a resident and developer who lives in the Valley, he implored everyone to keep in mind that nothing the Commission does should increase the density of the Valley; developers do not need bonuses or deals on hotel rooms. Rather, property rights must be considered, and he feels form-based zoning is a good tool for addressing these issues.

Chairman Shuman then called for a vote on the motion. Commissioners Francis, Burton, Howell, Lewis, Montgomery, Shuman, and Torman all voted aye. (Motion carried 7-0).

Chairman Shuman then stated that he likes the idea of villages as they are a great tool for accommodating density and spreading it throughout the Valley. He feels that the input from the community can be considered in further adjustments to the zone and that is why he voted to table the application this evening. He then reiterated that the work session item will be postponed until the April 5 meeting. Planning Director Grover asked if the Commission wants to hold the work session on April 5 and schedule another meeting or public hearing following that date to consider application ZTA 2021-07, which has been tabled. Chairman Shuman stated he would like to hold a work session before voting on the ZTA 2021-07 application. Vice Chairman Francis agreed. Chairman Shuman polled the Commission regarding their scheduling preferences; the group concluded to hold a work session on April 5 to discuss the project and another public hearing on April 26 to consider action on the ZTA application and the ZMA 2021-09 application. Mr. Grover invited the Commission to send any additional concerns or questions they have to Planning staff in advance of the April 5 work session meeting. There was continued discussion about shifting the location of the meeting to be more accommodating to residents who live in the Valley; Mr. Grover stated he will look into that option, but it may be difficult to secure a location with short notice.

4. Work Session

4.1 ZMA 2021-09 – Work Session to discuss an/or take action on an application to rezone approximately 510 acres of land owned by Skyline Mountain Base, LLC in and around the Nordic Valley ski area to the Form-Based Village Zone. **Staff Presenters: Scott Perkes & Charlie Ewert**

This item was postponed until April 5.

5. Public Comment for items not on the agenda

Phil Swanson stated he is a North Ogden resident; he stated the temperature in the meeting room is very hot and it was uncomfortable for people to stay in the meeting for over four hours with uncirculated air.

Jan Fulmer thanked the Commission for their time and efforts considering difficult issues such as those presented tonight. She then stated there can be developers wanting extra development units for many different reasons; however, if this type of request comes before the Commission, the Commission should consider requiring the developer to find development units that can be transferred from owners having development units on buildable land as determined by a geological survey. The developer and the owner can agree on compensation for the development rights, and this will help maintain the threshold of the projected Valley buildout on the Valley floor, which is included in the Ogden Valley General Plan. She asked that the Commission not agree to bonus development units; bonus development units were added as an amendment to the Ogden Valley General Plan by the

Weber County Commissioners with no input from Ogden Valley residents. This action was done behind closed doors. When thinking of all the public meetings held on the General Plan, never once did the Commissioners, or anyone who supported bonus density units, come forward and raise the issue at the public meeting. This is a sore spot for many residents. She then addressed actions taken during the 2022 Legislative Session; the Legislature adopted laws regarding affordable dwelling units. This will create a lot of work for counties and municipalities to determine how many affordable units they have and how many more they must allow.

Ron Gleason addressed Mr. Grover; he has questions about lighting of the storage units, which was considered earlier in the meeting. He has emailed his questions, but they were not addressed. He is concerned about measuring the kelvin of the lights installed as the applicant has asked to install lights that will produce 4,000 kelvins, which is above the amount allowed by the County ordinance. He asked how the County knows that the right kelvin light will be installed and what methods will be used to measure that.

Mr. Ewert stated the applicant will be required to show the County which bulb will be used in lights and the packaging will communicate the kelvin of the bulbs. The County does have the ability to gauge the temperature of the lights, but a light meter will need to be secured to perform that measurement.

Doug Weaver addressed density calculations and asked that the public have access to that information at least two weeks in advance of the April 26 meeting. Chairman Shuman stated that it may not be possible to have it published two weeks in advance of the meeting. Mr. Weaver asked that they be posted with enough time to review them before the meeting.

6. Remarks from Planning Commissioners

There were no additional remarks from Planning Commissioners.

7. Planning Director Report

Mr. Grover complimented the Commission for the manner in which they conducted tonight's meeting and interacted with the public.

8. Remarks from Legal Counsel

Mr. Erickson echoed Mr. Grover's comments.

9. Training by Legal Counsel

This item was postponed.

Meeting Adjourned: The meeting adjourned at 9:14 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission