Minutes of the Ogden Valley Township Planning Commission Special meeting held December 10, 2007, Weber County Commission Chambers, commencing at 4:30 p.m.

Members Present:	**Members Excused:**	**Staff Present:**
Louis Cooper, Chair		Jim Gentry, Director
Greg Graves		Scott Mendoza, Planner
Gary Allen		Sean Wilkinson, Planner
Jim Banks		Ben Hatfield, Planner
William Siegel		Monette Hurtado, Legal Counsel
Jamie Lythgoe		Kary Serrano, Secretary
Keith Rounkles		

Pledge of Allegiance

Consent Agenda

A. Preliminary Approval of the Canyon View Cove Subdivision located at approximately 3050 N & 5100 E

B Final Approval of Edgewater Beach Resort Phase 2 (4 Units) located at approximately 6350 E Highway 39

C. Public Hearing on Zoning Petition ZP #16-07 to amend Chapter 23-29 of the Weber County Zoning Ordinance for Large Accessory Buildings

D. Public Hearing on Zoning Petition ZP #17-07 to amend Chapter 23-8 to clarify and to allow additional projection into required yard setbacks

E. Public Hearing on Zoning Petition ZP #18-07 to amend the Weber County Zoning Ordinance Chapter 23-32 to allow pool covers as an addition to secure pools

F. Public Hearing on Zoning Petition ZP #19-07 to Amend the Weber County Zoning Ordinance Chapter 37 to refer to the proper Building Code Guidelines

Regular Agenda Items

1. Approval of the October 11, 2007 meeting minutes
2. Public Hearing on Zoning Petition ZP # 15-07 to Amend Chapter 3 of the Weber County Zoning Ordinance by adding Small Wind Turbines as a Conditional Use in the RE-20 Zone
3. Request to Amend the Site Plan for the Edgewater Beach Resort PRUD by adding a carport/garage with 4 parking areas in Phases 1 and 2 located at approximately 6350 E Highway 39
4. Request for a Two Year Time Extension for the Summit at Ski Lake Phase 11 and The Chalets at Ski Lake Phase 5
5. Zoning Petition ZP #18-2006 by Daly Summit Consulting to rezone property located at Powder Mountain Resort
6. Conditional Use Permit CUP #24-07for nightly rental at Powder Mountain 11 located at Powder Mtn.
7. Conditional Use Permit CUP #25-07 for nightly rental at Sundown Condominiums at Powder Mtn.
8. Preliminary Approval for Stone Gate Cluster Subdivision (30 Lots) located at approximately 1034 N 7100 E
9. Preliminary Approval for East Shore Cove Cluster Subdivision (28 Lots) located at approximately 1034 N. 7100 E.
10. Public Hearing on Zoning Petition #02-07 amending Chapter 1, Definitions
11. Adjourn

Consent Agenda

A. Preliminary Approval of the Canyon View Cove Subdivision located at approximately 3050 N & 5100 E

Staff report:

Findings of Fact:

The applicant is requesting preliminary approval of the Canyon View Cove Subdivision located at approximately 3050 North and 5100 East. The proposed subdivision will occupy 10.78 acres and will consist of 3 lots and approximately 570 feet of road improvements. It falls within the Agricultural Valley -3 (AV-3) Zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet.

The proposed roadway will be dedicated as a public road which will extend westerly off of 5100 East Street to a point where it will terminate with a fully improved turn-around.

The Weber County Engineer's Office has had an opportunity to review the proposed preliminary plat and feels that all comments can be adequately addressed prior to final approval.

Culinary Water will be provided by the Eden Water Works Company with secondary being provided by Wolf Creek Irrigation Company.

Waste Water Treatment will be provided by individual septic systems.

Trails conforming to the Weber County Pathways Ordinance have not been shown on the preliminary plat and will need to be added or addressed. Ogden Valley Pathways has requested the construction of a "Sidepath" along the subdivision's road that could connect to a future major pathway along 5100 East Street.

Staff is recommending a "Shared Roadway" for the subdivision road section and a constructed "Bike Path" within the right-of-way along 5100 East Street (Wolf Creek Drive).

The Weber Fire District will be requiring 2 new fire hydrants.

Elementary and highschool students are eligible for bussing from designated bus stops. Snowcrest Junior High School students are not eligible for bussing, however, the School District is currently bussing Snowcrest students in this area due to the lack of safe walking routes to school.

Conformance to General Plan

The subdivision conforms to the current General Plan by meeting the requirements for the Zone in which it is located.

Conditions for Approval

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements and recommendations of the Weber County Surveyor.
4. Requirements and recommendations of the Weber-Morgan Health Department.
5. Requirements and recommendations of the Ogden Valley Pathways.
6. Requirements and recommendations of the culinary water provider.

Staff Recommendations

Staff recommends preliminary approval subject to staff and other agency comments and recommendations.

B Final Approval of Edgewater Beach Resort Phase 2 (4 Units) located at approximately 6350 E Highway 39

Staff report:

The petitioner is requesting final approval of Edgewater Beach Resort Phase 2 (4 units) located at approximately 6350 E. Highway 39. This subdivision contains 1.5 acres, is located in a CVR-1 Zone, and is designed as a condominium project in a PRUD. The Edgewater Beach PRUD was approved on August 24, 2004 and received several extensions leading up to construction of the first building in Phase 1 which is now nearing completion. The building to be built in Phase 2 will be 25 feet tall and will meet the required architectural and design standards listed in Chapter 18-C of the Zoning Ordinance. The landscape and amenities plan was approved as part of the PRUD and must be followed.

Ogden Valley Pathways is requiring a pathway to be built as shown on the approved PRUD pathway plan. In addition, an access pathway connecting the building and the main pathway around the development will be required.

Culinary water will be provided by Lakeview Water Company and wastewater service will be provided by the Mountain Sewer Company.

Conformance to General Plan:
This project conforms to the General Plan by meeting the requirements for an approved PRUD and condominium project.

Conditions for Approval:
1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements of Ogden Valley Pathways.
4. All conditions remain the same as given at CUP 12-03 approval.

Staff Recommendations:
Staff recommends final approval of Edgewater Beach Resort Phase 2 subject to staff and other agency requirements.

C. Public Hearing on Zoning Petition ZP #16-07 to amend Chapter 23-29 of the Weber County Zoning Ordinance for Large Accessory Buildings

Staff report:

Finding of Fact:
In 1991 the Large Accessory Buildings ordinance was introduced. The planning staff at that time was seeing more permit request for accessory buildings over 1000 sq. ft. The concern at that time was the1 ft side yard setback. The requirement at the time was for the accessory building to be located to the rear of the dwelling and the height could be increased to 35 ft. if the building was 100 ft from the road.

The other concern was aesthetics of metal buildings being located in the front yard setback. The proposed ordinance change clarifies the existing ordinance and helps with the aesthetic concerns.

23-29. Large Accessory Buildings (more than 1000 sq. ft.).
With the exception noted below, accessory buildings larger than 1,000 sq. ft. in area that accommodates uses meeting zoning requirements shall be located to the rear of the dwelling unit, have a side yard of at least 10 ft., a maximum height of 25 ft. and shall be located at least 6 ft. from the rear of a dwelling in the Residential Estate Zones and at least 10 ft. from the rear of a dwelling in the Agricultural Zones. The side yard may be reduced to 3 ft. and height increased to 35 ft. if the accessory building is located at least 100 ft. from a public street and at least 40 ft. from a dwelling on an adjacent lot.

~~Accessory buildings shall be located to the side or rear of the dwelling, with the exception that one One accessory building which is subordinate to the dwelling in area and height may be located in front or to the side of the dwelling provided:~~

1. It is located no less than ~~one hundred (100)~~ forty (40) feet from any public right of way, or private right of way that provides the frontage for lots in an approved subdivision. This setback shall also apply to corner lots.
2. Large accessory building shall conform to the dwelling in architectural style and materials on all sides of the building and the roof.
3. Is located no less than ~~twenty-five (25) feet from a~~ the required side yard for a main building of the zone in which the property is located ~~side property line and one hundred (100)~~ forty (40) feet from a dwelling on an adjacent parcel.
4. In no case shall the front yard set back be less than the front yard set back for a main building in the zone the building is located provided.

~~With the exception noted above, accessory buildings larger than 1,000 sq. ft. in area that accommodates uses meeting zoning requirements shall be located to the rear of the dwelling unit, have a side yard of at least 10 ft., a maximum height of 25 ft. and shall be located at least 6 ft. from the rear of a dwelling in the Residential Estate Zones and a least 10 ft. from the rear of a dwelling in the Agricultural Zones. The side yard may be reduced to 3 ft. and height increased to 35 ft. if the accessory building is located at least 100 ft. from a public street and at least 40 ft. from a dwelling on an adjacent lot.~~

Accessory buildings that exceed the dwelling in area, as measured by the footprint of the dwelling, by more than twice, shall require approval by the Planning Commission as a Conditional Use.

Accessory buildings used for the keeping of animals and fowl ~~must~~ shall also meet the requirements of Chapter 23-16.

Accessory buildings ~~must~~ shall also meet the requirements of Chapter 23-10

Staff Recommendations:

Staff recommends the Planning Commission recommend to the County Commission that the proposed ordinance is approved.

D. Public Hearing on Zoning Petition ZP #17-07 to amend Chapter 23-8 to clarify and to allow additional projection into required yard setbacks

Staff report:

23-8 Yards to be Unobstructed - Projections Permitted into Required Yards Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings **meeting the required setbacks of the zone in which the building is located** ~~in a rear yard~~ and excepting the following permitted projections:

1. Belt courses, sills, and lintels may project eighteen (18) inches into required front, rear and side yards
2. Cornices, eaves and gutters may project three (3) feet into a required front yard, five (5) feet into a required rear yard, and two (2) feet into a side yard
3. Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight (8) feet measured along the wall of a building, may project not more than five (5) feet into a required front yard, ten (10) feet into a required rear yard, and three (3) feet into a required side yard
4. Unwalled porches **which include roof cover patios**, terraces and balconies may extend five (5) feet into required front and **ten (10) feet in to the** rear yards**, where the required rear yard set back is thirty (30) feet or greater**
5. **Cantilevers can encroach no more than two (2) feet into the require rear yards set back** ~~Building accessories and sun breaks designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into a required front yard, ten (10) feet into a required rear yard and three (3) feet into a required side yard~~
6. Service Station Canopies may extend into the required front yard of a service station site to cover pump islands and the adjacent vehicle service areas provided such canopies are located not closer than five (5) feet to the front property line.

E. Public Hearing on Zoning Petition ZP #18-07 to amend the Weber County Zoning Ordinance Chapter 23-32 to allow pool covers as an addition to secure pools

Staff report:

Finding of Fact

The International Building Codes allow safety covers over pools, so this amendment will home owners that option.

23-32 Family Swimming Pool Amendment

A family swimming pool shall be permitted in the side and rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than 10 ft. from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
2. An outside family swimming pool shall be completely enclosed by a substantial fence of not less than 6 ft. in height**, or a power safety cover meeting the requirements of the international building codes.** and any Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A "substantial fence" shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.

Staff **Recommendations**

Staff recommends the Planning Commission recommend to the County Commission that this amendment is approved.

F. Public Hearing on Zoning Petition ZP #19-07 to Amend the Weber County Zoning Ordinance Chapter 37 to refer to the proper Building Code Guidelines

Staff report:

This proposed ordinance is a simple housekeeping item. The ordinance amendment is being done so that Zoning Ordinance Chapter 37 is updated to refer to the proper Building Code guidelines as follows.

Chapter 37 Amendments

37-1 Codes & Standards

Any dwelling or other structure which is designed or intended for human habitation, which is to be located in Weber County outside of a Mobile Home Park, Mobile Home Subdivision or Manufactured Home Subdivision or P.R.U.D., must meet the Standards of the Uniform Building and other Codes as adopted by Weber County, or if it is a Manufactured Home, it must meet the standards of, and be certified under the National Manufactured Housing and Standards Act of 1974 and must prominently display an Insignia approved by the United States Dept. of Housing and Urban Development and must not have been altered in violation of such codes.

37-2 Additional Requirements

In addition to the above Codes and Standards, the following requirements shall also be met:

1. The dwelling must be permanently connected and attached to a site built permanent foundation which meets ~~I.C.B.O.~~ **ICC** Guidelines for Manufactured Housing installations if a manufactured home. Any running gear shall be removed and stored out of sight. Any enclosure must be secured to the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete and masonry foundation materials.
2. The dwelling must be permanently connected to and approved for all required utilities.
3. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code Annotated 59-2-602 and qualified therefore as an improvement to real estate.
4. The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum height of six feet located in a basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.
5. Porches and landings for ingress and egress to the dwelling must be built in accordance with ~~Chapter 33 of the Uniform Building Code~~ **Chapter 3 of the International Residential Code** as adopted by the State of Utah.
6. At least 60% of the roof must be pitched at least 2:12 pitch and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel materials or other materials approved by the ~~Uniform Building Code~~ **International Residential Code**.
7. The dwelling shall have exterior siding consisting of wood, masonry, concrete, stucco, masonite or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot, measured from the vertical side of the building but not including bay windows, nooks, morning rooms, etc.
8. The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a depth of at least 20 feet exclusive of any garage area. The width shall be considered the lessor of two primary dimensions. If the width of the dwelling faces a street and is less than one half of the length, the required off-street parking shall be in a 2 car garage attached to the length of the dwelling.
9. Required off-street parking spaces shall be side by side (See 24-2-1).
10. The Weber County Building Inspector, as the Zoning Enforcement Officer in concert with the Weber County Planning Commission, may approve deviations from one or more of the development or architectural standards provided herein on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. Together, they may also require other deviations to achieve the overall goals and purposes of this ordinance. These requirements may be appealed to the Board of Adjustment.

MOTION: Commissioner Graves moved to approve Consent Agenda Items A, B, C, D, E, and F as read. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

1. Approval of the October 11, 2007 meeting minutes

MOTION: Commissioner Siegel made the motion to approve the October 11, 2007 meeting minutes. Commissioner Rounkles seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

2. Public Hearing on Zoning Petition ZP # 15-07 to Amend Chapter 3 of the Weber County Zoning Ordinance by adding Small Wind Turbines as a Conditional Use in the RE-20 Zone

Staff presented the following report:

The petitioner's request is to amend the Weber County Zoning Ordinance (Chapter 3) by adding small wind turbines as a conditional use in the RE-20 Zone. The purpose of the small wind turbine is to generate electricity for an individual home using a renewable energy source.

The only mention of anything resembling a small wind turbine in the Zoning Ordinance is found in Chapter 23-25 (Towers) where wind energy conversion systems (WECS) are mentioned. Wind energy conversion systems are currently allowed as a conditional use (*Radio or television station* ***or tower***) only in the Agricultural Zones (A-1, A-2, A-3, and AV-3) and the following regulations apply to all WECS:

23-25 Towers
Building permits are required for towers, including wind energy conservation systems (WECS) towers and shall comply with the following regulations:

1. Definition: Tower - A tall, rigid structure whose height is significantly greater than its base perimeter and the height is surrounding structures. It does not include single pole C.B., amateur radio or land mobile radio antennas or towers for same if less than 75 (seventy-five) feet in height.
2. All wind energy conversion systems (WECS) towers shall have setbacks from property lines, equal to or greater than the height of the proposed structure. The height measurement shall include the vertical propeller blade.
3. No commercial tower installation shall exceed a height equal to the distance from the base of the structure to the nearest overhead power line which serves more than one dwelling or place of business, less five (5) feet.
4. A Tower, if to exceed the height limitation of the zone in which it is to be located as permitted by Section 23-12, shall be considered a Conditional Use.
5. In all zones, except in commercial and manufacturing zones, towers shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot nor on the roof of a residential structure.
6. Application for a permit shall include construction drawings showing method of installation and a site plan depicting structures on the property and on any affected adjacent property. For towers of 75 feet or greater in height, the application shall include the manufacturer's construction specifications for county approval, except that for large commercial towers of 90 feet or greater in height, the application shall include a structural engineering certification by a registered structural engineer from the State of Utah.

The petitioner has included photos, plans, and specifications for a small wind turbine which give a good representation of what is being requested in the RE-20 Zone. The pole has a base of 11 inches in diameter, a top of 6 inches in diameter, and is 33.5 feet tall. The rotor has three blades which have a diameter of 12 feet and extend 6 feet above the top of the pole for a total height of 39.5 feet. The pole dimensions resemble typical power poles and the rotor is not large enough to block views or disturb neighbors if proper setbacks and area requirements are established. The petitioner's narrative states that the operating turbine "generally cannot be heard over typical background noise such as the sound of the wind."
Two model ordinances for small wind turbines have been included in the packet. Please look at these for ideas of what should be included in an ordinance for Weber County.

Questions To Ask:

1. Should small wind turbines be allowed in an RE-20 Zone? If so, should specific regulations be listed or will a conditional use application be sufficient to address size, height, noise, setbacks, quantity, etc.
2. Should the area requirement in an RE-20 Zone for a small wind turbine be 20,000 square feet or should it require more area? If more, how much is sufficient?
3. Are the setbacks currently listed for WECS sufficient or should they be greater?
4. Should small wind turbines be allowed in any other zones as a conditional use?

Staff Recommendations:
Staff recommends that the Planning Commission recommend to the County Commission approval of adding small wind turbines to the RE-20 Zone as a conditional use with specific requirements for area, height, noise, setbacks, etc.

Commissioner Rounkles asked if the request is just for the RE-20 Zone? Staff replied yes. The petitioner wants to put a small wind turbine in the lower valley in the Uintah area near the mouth of Weber Canyon and that property is zoned RE-20. Because there are RE-20 zoned areas up in the valley, this comes before the Ogden Valley Planning Commission.

In answer to a question by Chair Cooper, staff said that there is plenty of the AV-3 zoning, but that's another issue. The Ogden Valley Planning Commission is looking at the three acre zoning versus a half-acre. Chair Cooper stated so it's not that the turbines could only go in the RE-20 Zone, there are other places that they could go in.

Kyle Hartman, from In Hot Water Heat and Power and the petitioner, stated this particular one is kind of new to the market. This is going to be any kind of wind turbine. Basically they're very simple as indicated from the picture, it looks like a light pole. Just a model pole and there are some that have guide wires, so that might be an issue that you want to think about as far as having guide wires or not. The function of the sky stream is just to produce power. When the wind blows it produces power. These were designed to tie into the grid so basically you sell the power back to Rocky Mountain Power. They have programs already established for that. You just have to sign as a metering customer. They are located in other areas, but there is not many in Utah yet.

Chair Cooper stated there's only excess power, it wouldn't be cost effective to put one of these to sell to Rocky Mountain Power, it's only when there is excess power. Mr. Hartman replied what it would do, say you use 30 kilowatts a month, this might produce 25 kilowatts, and so power bills are almost reduced. It depends on the amount of wind you get on how much power you're going to produce.

Commissioner Rounkles asked would this be for home service or is the petitioner actually installing the turbine to create power to sell back to the power company? Mr. Hartman replied typically customers that put them up are not trying to produce excess power because it's pretty expensive and they are not going to make money off of it. Typically, when you're sizing something if you're going to put one or two up, you're just going to cover your personal demand. The power company won't actually pay you a check back, it will just cut your bill down. Your meter spins forward when you're using the power, when this is producing more power than you're using it will spin backwards. So you'll get charged the net amount which hopefully it's somewhere close to zero.

Commissioner Rounkles asked Mr. Hartman if this turbine proposal for him or is he building it for somebody else? Mr. Hartman replied it is for someone else. Commissioner Rounkles asked if the turbine would be installed for a person's home or for their business? Mr. Hartman replied it would be for their home.

Commissioner Rounkles asked the petitioner if he could tell them any negatives to this that he has experienced? Mr. Hartman replied other than the neighbor not liking the way it looked, there's not really any negatives, it produces clean energy.

Commissioner Lythgoe asked what colors do they come in? Mr. Hartman replied the typical color is galvanized or kind of a white depending on the brand you buy. They're meant for residential use so they try to design them sleek to not be too intrusive.

Chair Cooper asked what size this type of unit for a small business or residential with installation, what would one of these cost approximately? Mr. Hartman replied the poles are pretty expensive, the total unit itself is about $8,000 plus $4,000 for installation, so a total of $12-$15,000 depending on the size.
Chair Cooper asked in this proposal if they are talking specifically about RE-20 Zone. What would preclude someone from putting a huge one up where they could actually subsidize their farming activity by generating some electricity? Staff replied nothing except it's a conditional use and the

Planning Commission can place some conditions on a proposal. If there were certain recommendations, they could go back and apply those to all wind energy conversion systems. Whatever recommendations come from this meeting, they could apply them to make the conditions uniform.

Chair Cooper stated that it almost seems that staff needs to come up with specific requirements such as height based on the homework that they have done. Staff replied that both of the model ordinances that were in the meeting packet are fairly similar as far as guidelines, they were all quite similar in what they would allow. Staff said that after the members read the model ordinances and find they are comfortable with the wording and requirements, they need to relate this to staff so a Weber County ordinance can be drafted.

Commissioner Graves stated that the biggest concern these two sample ordinances addressed were setbacks. So if the tower comes down, it stays within the property boundaries and would not fall a neighbor or any of their property. Height would have a lot to do with whether that would fit in the RE-20 Zone. Staff replied that maybe there should be an acre buffer zone.

Commissioner Rounkles stated even though a person has an RE-20 Zoned property, they could border on someone's property or abut the Forest Service in an FR-1 Zone. They should be able to use this 20 acres to buffer that. Commissioner Graves replied these are just half acre lots. That was the biggest concern in these sample ordinances that were provided, was it gave specific specs to where they could be located no closer than the height of the pole plus the blade length plus an additional 10 feet. So if something happened, guide wires snapped or too big of a wind and it came down, it's not coming down on a neighbors property, only on the property that it's installed on.

Commissioner Graves stated that in an RE-20 Zone, he would stick with the minimum of the setbacks that these other two ordinances show, which is the total height of poles, plus blades, plus a safety factor. As far as having to protect the home more than themselves, or if it falls on their own house, he does not know.

Commissioner Rounkles asked what is to stop the systems being allowed in other zones? Staff replied that's one of the other questions that was asked. Should they allow these in the forest zones, FR-3, F-20, F-40, etc.?

Commissioner Lythgoe stated it seemed like it makes sense to use them in some of those zones because that is where power is needed where there is no power. Commissioner Graves replied as you start moving into the Forest Valley Zones, you also get closer to ridgelines and other things where the visibility is increased. That's a problem that silhouettes on the skyline.

Commissioner Lythgoe stated that the color issue needs to be addressed in the ordinance also, not that an exact color needs to be specified. The rest of the board favored galvanized as the preferred color.

Teresa Stearman, who resides on Powder Mountain Road stated that no one has mentioned the amount of noise that the wind turbine emits. Commissioner Graves replied that they emit 60 decibels. Ms. Stearman asked what does that mean? Commissioner Siegel replied that it's not a lot, it's about as loud as talking.

Marsha Rasmussen, who resides in Eden, stated this was first time she's heard of this and she thinks it's ridiculous to say that you could have a windmill like that on less than a half an acre. In her subdivision they have two acres, and she would never get one for herself and would never subject her neighbors to it. It's a great idea for sustainability and for organic farmers, but they really need to think this through.

Jerry Allred, who resides in the Upper Valley, stated his thoughts were on the ridgeline. He didn't see where this would interfere near as much as those homes do from his view. He's in favor of the proposal.

Kirk Langford, Eden Planning Committee, stated that they had some of the same discussions about these systems and one idea was how nice it would be to have sustainability and give people a chance to reduce their power bills. These came into being originally in rural areas where somebody had large acreage and when someone put this up it wasn't really that big of a deal to the neighbors. If you take the subdivision coming into Huntsville where there are 47 houses on quarter acre lots. Imagine if 20 people put these up in their yards, the impact that you would get would be different than a person that had one up on 20 acres. Or if you had one every 20 acres in the whole valley. This is something that the county should consider, what size of lot is this appropriate for? At some point they have to depend on mass energy production whether it's wind, water, etc. to take care of some things, you can't have everything individually. Another thing was the ridgelines as that's the perfect place to put them. If they put them on every ridgeline in the whole valley and produce a lot of inexpensive power. Do you want to have those kinds of windmills on all the ridges around the valley? There has to be some proportions as to what size of lot people have. They also have to have some vision when they write the ordinance as to what could take place.

Chair Cooper asked if they have an ordinance that regulates flag poles? Monette Hurtado, Legal Counsel, replied yes, but it has to do with height and the wind turbine systems are a conditional use in another zone. If the Planning Commission members want it to be more restrictive in this zone, this would be the time to address that issue. Chair Cooper asked what is the height of the flag pole. Ms. Hurtado replied 35 feet.

Commissioner Rounkles stated not only could you have 47 flag poles, but now you could have this. Is it compatible? Is the only way to change it is if they had a nuclear splice in their homes. Commissioner Graves replied you couldn't get all 45 homes to a wind turbine because the setbacks wouldn't allow it. They need to remember that those lots are quarter acre lots, not half-acre lots even though it's in the RE-20 Zone, they left open space so they could get smaller lots. Staff asked what about an acre? Ms. Hurtado replied it's already permitted in all the agricultural zone as a conditional use, so that would be A1, AV-3, A3.

Commissioner Rounkles clarified that someone could come in and get a conditional use permit for a wind turbine right now in the RE-20 Zone? Ms. Hurtado replied that is correct. Commissioner Rounkles replied they would still have to come in for a conditional use and if it didn't meet the setbacks then it would be denied.

Mr. Hartman stated that he had a couple of things to consider. He showed the members a picture of a wind turbine system that looks like a light pole; it is 12 inches at the base, and 6 inches at the top. When you look at it , it looks better than a bunch of power lines which are also in residential zones. This is just one way to reduce energy use. The structure is much like a light pole and there is engineering done on the base and foundation to ensure the tower does not fall over.

Commissioner Rounkles stated the issue brought up earlier as to whether it would be okay to allow the wind turbines in other zones as a conditional use, it seems proper to stay with that where at least when someone submits an application, the Planning Commission's could review each proposal and mitigate potential site problems to make sure that everybody is happy. In this case, the idea of going into a half acre lot isn't the right thing to do and is questionable.

Mr. Hartman asked if it is approved, does it have to be approved conditionally on each site location?

Commissioner Allen replied that it's good to be green and as a conditional use then you could control it, and if lots not big enough to control it, it could be denied. Mr. Hartman stated if it goes through at this point, it still has to be approved conditionally on each specific lot.

Chair Cooper stated that if it meets the conditions, the Planning Commission could set conditions if the proposal meets the setback requirements, it's pretty tough to deny. The point is well taken and they have a 35- ft. restriction on flag poles, so what if every house had a flag pole at 70 feet maximum. Ms. Hurtado replied no, it's actually the same height as what is required as a cap in the zone. So if you're in a residential zone with a 35 ft. height restriction, then their flag pole could only be 35 ft. unless allowed otherwise in a conditional use permit. Chair Cooper asked how high the wind turbine systems are? Commissioner Rounkles replied it's 33 ft. for the pole and 6 ft. span on the blades for a total of 39 ft.

Staff stated that the smallest agricultural zone requires 40,000 sq. ft. so they could say that the smallest parcel that a wind turbine could be on is 40,000 sq. ft. no matter what zone it's in as a conditional use.

Commissioner Graves stated that it's a conditional use so they have some say on that. That's probably a good direction to head to make it equal to what is currently allowed in that agricultural zone which is the AV-3 Zone or A-1 Zone and 40,000 sq. ft.

Commissioner Rounkles asked staff if any wind turbines are located in the upper valley right now? Staff replied not that they knew of. There is one in Mountain Green. Commissioner Rounkles asked if they need to vote on this proposal? Staff replied that they were not asking for a vote-only for direction. Commissioner Rounkles if there are any wind turbines in the lower valley? Staff replied there aren't any currently in the lower valley, just the one that is being proposed.

Commissioner Graves stated of the two ordinances that were submitted, he likes how the second ordinance approached the situation. It's a little bit easier to understand, it might need some tweaking but the format the way it's laid out is probably a little easier to follow. If they amend that ordinance to require 40,000 sq. ft., he would recommend it.

Commissioner Lythgoe stated they need to specify the color. Commissioner Graves replied that galvanized is by far the best way to go. It's going to be bright and shiny when it first goes in and then it would eventually disappear like the one up there now. The tan pole would be tan forever and might as well be neon.

Ms. Hurtado stated the Planning Commission members just need to give staff direction.

Chair Cooper asked staff to set the language as referenced in the second model ordinance, which covers the sound limit, the color, the setbacks, that it should not exceed the maximum height of 80 feet, on a minimum of one acre or 40,000 sq. ft. and that this be a conditional use.

3. Request to Amend the Site Plan for the Edgewater Beach Resort PRUD by adding a carport/garage with 4 parking areas in Phase 1 located at approximately 6350 E Hwy 39

Staff read the following report:

The petitioner is requesting an amendment to the site plan for the Edgewater Beach Resort P.R.U.D. by adding a carport/garage with 4 parking areas in Phase 1 located at approximately 6350 E. Highway 39. The proposed structure will be located in the parking area near the 4-plex building in Phases 1. The structure is 11 feet tall, contains approximately 1,500 square feet, and resembles the 4-plex buildings in color and building materials. The materials including wood, stone and, hardi-board and the color scheme meet the requirements of Chapter 18-C of the Zoning Ordinance.

This amendment will require a recommendation to the County Commission as required by Chapter 22D of the Zoning Ordinance. The remainder of the site plan will remain the same as it is currently approved. One additional carport structure may be proposed at a later date as part of Phase 2.

Conformance to General Plan:

This amendment to the Edgewater Beach Resort site plan conforms to the General Plan by meeting the requirements of a P.R.U.D. as described in Chapter 22D-4 and by meeting the requirements of Chapter 18-C of the Weber County Zoning Ordinance.

Conditions for Approval:

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements and recommendations of Weber County Building Inspection.
4. All conditions of the current P.R.U.D. approval remain the same.

Staff Recommendations:

Staff recommends that the Planning Commission recommend to the County Commission approval of the request to amend the site plan for the Edgewater Beach Resort P.R.U.D. by adding a carport/garage with 4 parking areas in Phase 1, subject to staff and other agency requirements and recommendations.

Chair Cooper asked if there was a parking lot footprint that would come with the units? Staff replied yes. Chair Cooper asked is it the same footprint or is it larger? Staff replied that it is the same footprint or is it going to be larger. However, they believe it is the same parking footprint that was there. This plan basically takes up some of those existing stalls and they will just be covered.

Staff showed a rendering showing the basic color scheme and design to match the building and the petitioner felt that this was just a oversight on the original plan. There are 2 four plexes and two other buildings within the project that do not have covered parking. The rest of the buildings have underground parking. It was oversight on his part and he's coming in to correct that and felt that this was something that would enhance his project.

Commissioner Rounkles asked if the rest of the parking areas are all underground? Staff replied that was correct. Commissioner Rounkles asked if there was an agreement that all of the parking stalls would be underground or was it just this particular building that didn't have that? Staff replied that not all of the stalls are underground, but every unit would have some covered place to park.

Commissioner Rounkles asked if they could still request that different phases come in with additional carports? Staff replied that request could come, but initially it was for Phases 1 and 2, now it's for Phase 1 and the others would have underground parking. Commissioner Rounkles said if they have underground parking, he does not see a reason why you should approve it. Staff replied that there's above-ground parking. Commissioner Rounkles asked if the above-ground parking was only for guests or other visitors? Staff replied yes. Commissioner Rounkles stated this is more for a resident or owner and staff replied that's correct.

Chair Cooper clarified that staff had said in the initial plan there were four uncovered stalls for the residents and there was some additional parking for visitors, and staff replied yes. Chair Cooper clarified that the new plan would have the same footprint as the four stalls that were for the residents, and staff replied that was correct.

Chair Cooper asked the location of the four stalls that were initially designed for the unit. Were they up against the unit, close to it, or were they freestanding somewhere? Commissioner Graves replied they are in the same place.

Chair Cooper asked if the one unit could have been a carport under the original plan? Staff replied yes. Chair Cooper asked so it could have had a structure just wouldn't have been enclosed? Commissioner Graves clarified that it was never proposed to have either a carport or covered garage like this. There were 8 or 10 stalls in a row. Staff replied there's just no covered parking.

Commissioner Rounkles asked staff if he had a master plan rendering of all of the units at build out so they could see the difference of how another building would look like. Staff replied that they didn't have one. Commissioner Rounkles said that is because 168 units would go in here. Now this another building is proposed with how many units? Staff replied just four units.

Commissioner Graves stated the other buildings are much taller. Commissioner Rounkles asked if they go from 25 feet into the middle of 35 feet. Commissioner Graves they have the underground parking. Staff replied that's correct and there are 14 -16-plexes on a condo/hotel with more units to come. Phase 1 and Phase 2 are just 4-plexes and they don't have covered parking. The request is for Phase 1 only.

Mark Babbitt, Great Basin Engineering, stated that it was pretty well explained by staff that there's a series of other units and buildings there and each of the buildings other than the proposed building and the one in the corner have underground storage equal to one under-ground or covered parking space per individual unit. These units have a maximum height of 11 feet. Some of these four plexes building have a maximum height of 25 feet and as you go across the road to the inside then those units go to 35 feet as maximum height. That was what was approved as part of the previous plan. There are more than enough parking spaces for this particular phase so they have well in excess of what they need.

Commissioner Rounkles asked Mr. Babbitt if they anticipate building more carports? Mr. Babbitt replied that they would like to build some garages for each unit in Phase 2. Commissioner Rounkles asked where Phase 2 was located? Mr. Babbitt replied that Phase 2 was located closer to Pineview. The stalls would be back in away from the dam or on the southeast side of where the building would be. Commissioner Rounkles asked why they could not put a carport in Phase 2 because it makes sense to him. Mr. Babbitt replied that it was just a configuration of the four plexes and it wasn't practical for them. Also, because the units were 25 feet tall and there were other restrictions that made it more difficult to put the parking stalls underneath.

Chair Cooper stated one of his concerns was height, but they have a breakup of the roof with dormers and pitches, then those with flat roofs takes away from overall project. He does not know what their height trade off there would be to put some sort of roof pitch on there. Mr. Babbitt replied that it would have a slope roof but it would be a gradual pitch from the other roof.

Commissioner Lythgoe asked when the project is more built out as you're driving past by where these carports are, what would be in the background? Mr. Babbitt said that where the road is, there's quite a bit of area in between that would be landscaped and there would be some trees. Across the street would be a gravel road. Commissioner Lythgoe asked what's up above the curve? Mr. Babbitt replied that is where part of the other units are. This is actually the biggest structure that's going to go right there. You'll hardly see these once the rest of the development are built.

Commissioner Rounkles stated that this going up against a piece of property that's treasured by everybody in this valley. He read letters from Mrs. Martin who gave this asset of the church farm stating her sentiments of why they started right next to her house. He believes they should pay this person all the respect for giving this land to us as a conservation area. In reading through her letter, she has requested for the Planning Commission to deny the proposal because it would allow more buildings and more density in there when there is already 68 units. Mr. Babbitt replied they are further in from the site, and it a relatively small structure on existing asphalt so it's not taking up anymore green space that they were talking about.

Nick Breeze, who resides in the canyon, stated that he thought they were referring to a letter to the editor from Mary Anne Fowers, whose mother, Mrs. Jensen, gave them that farm. He read that one of her concerns was the dirt lane going in there. He read that it was originally proposed as a buffer zone from this project to the land trust property that Mrs. Jensen owned. Her concern in her letter was what was designated next to the lane to go to their property was a buffer zone

and the way she wrote it, these buildings were not on asphalt, they were going to come closer to that road. Did she have misinformation? Chair Cooper replied that he could ask staff if they recalled or if the record showed or if they recalled that there was any buffer when that agricultural easement was designated to the county. Now, if there was a stipulation that the private landowner had to create a buffer or not, he didn't recall.

Commissioner Rounkles stated what Mrs. Martin had written in the letter was *"I hope that the Planning Commission will preserve a 50 foot buffer zone of open space between her farm and this development by allowing buildings, roads, and parking lots."* He does not know what that means.

Commissioner Graves replied what that means was when this was originally approved, part of the condition for approval was a 50 foot setback from the buildings which was done. The building that's built there is from the edge of the property over to that building. They've complied with that so that's not really an issue.

Commissioner Rounkles stated it's going on an asphalt drive in a parking area that already exists It already has curb, gutter, asphalt with lines painted on it. Mr. Breeze replied that he knew what was being said now, but he thought her name was Mary Anne Fowers whose mother had donated the property and her concern was that it was going to encroach on what was a buffer area.

Commissioner Rounkles stated her name is Mary Anne Martin now and she owns that property where the farm was. Mr. Breeze asked was she the lady the wrote the letter to the editor? Staff replied no, this letter was produced and sent to staff by the daughter of the lady who just passed away. Mr. Breeze replied that he must have misunderstood but from what he read, she must have misunderstood, because if it were in that buffer area, then he would be opposed. If it's on an existing parking lot, then he does not oppose.

Commissioner Siegel stated in the western most corner of that looked to be 140 feet from the line.

Sharon Zini, who resides in Huntsville, stated she had a copy of that letter that Mrs. Martin sent to the Planning Commission and Commissioner Rounkles was correct, it was Phase 2 that she was most concerned about. As she understood it, originally everything was to be underground, there was to be no above-ground parking. Now conveniently the developer has forgotten to put underground parking at this spot. He has now anticipated and requested for more than two parking spots/parking garages in Phase 1 and Phase 2. If he should come back and ask for more than that, this commission needs to hold him to his original commitment on this underground parking that is going to be seen from Highway 39. It looked like a flat terrace thing.

Sharon Zini said that she would ask that the Planning Commissioners consider having Dr. Catanzaro put a lot of trees to buffer that from Highway 39.

Chair Cooper said there's nothing in the original approval that said those units were to have underground parking? Staff replied not to their recollection.

Commissioner Rounkles stated in going back there were so many things that were discussed. He was sure that there was talk that these were all supposed to be underground. They were really concerned about this edge up against this conservation piece of land. Staff replied yes, that buffer was part of the minutes.

Chair Cooper stated that they could have staff research the records and regardless of how they vote, they could add a caveat that if the records show that it was approved to have underground parking, then the carports would not be allowed. But to staff's recollection at this time, that wasn't required, if it was, then Dr. Catanzaro has to live with what was approved.

Commissioner Rounkles stated that maybe at this time they would a lot of plants and trees along this buffer zone. If this is an option in Phase 1, maybe they could have Commissioner Graves tell them what type of trees they could use as that buffer on the corner.

Chair Cooper asked since they're asking for an amendment, they could amend the amount of landscaping that had to go in there, even if they thought the original wasn't enough, is that true? Monette Hurtado, Legal Counsel, replied that is correct. If they are going to do an amendment, the Planning Commission could take into consideration of other things.

Steve Clarke, who resides in Eden, stated that Chair Cooper mentioned the architecture of the building and he concurred with that sentiment since this was a building on the perimeter of the buildings and would be viewed from the Highway and it would be years before landscaping really shielded it fully, it seemed that the petitioner would be amiable to understanding concerns about having a peaked roof that matches the roof of the other structures. The architects previously showed the front views where there was stone, masonry and other things, but they didn't show the back view. The back view would be what everyone would see. Staff replied that the photo shown was the garage rear.

Frank Cumberland, who resides in Huntsville, stated that he did not know that he was going to attend this meeting or if he should come armed with the minutes of the Weber County Commission minutes dated May 11, 2004. He requested that staff dig those minutes out. Dr. Catanzaro said at that meeting before the County Commissioners proposed a development of 180 units and at least 3 times in his last reading of those minutes, Dr. Catanzaro represented to the County Commissioners that every single unit was going to have underground parking and that is why he needed 180 units because they were going to be so expensive. The County Commissioner's decision was to only approve 168 units to which Dr. Catanzaro agreed. There was no question that all the parking was going to be underground. The only question that the Planning Commission should ask is was he lying then or was he lying now? Mr. Cumberland said that this petition should be denied.

Chair Cooper replied that they would have staff review those records and if they indicated that Dr. Catanzaro was required to have all underground parking, whatever action they take tonight they could put a caveat on that action and it would have to come back to the Planning Commission.

Mr. Babbitt stated that he just wanted to indicate that what Mr. Cumberland stated was absolutely not true. They actually went through the process, provided underground parking as much as possible for each of the specific units which the maximum they could have was parking spaces for 12 units. The additional to meet the county standards, was 1-3/4 stalls as a bare minimum of parking. There was no way in the world that it was possible. Every site plan, every grading plan, every utility plan that has been presented and approved by this body has always shown a certain amount of surface parking on the parking lot without question. He drew the plans himself, he put it together, he has been to every single meeting that's been associated with this. The only reason that they actually went with underground parking to begin with was to provide an added benefit for each of those units, for covered parking and they felt that's what those units would really like to have to provide a better benefit for the units and make them more marketable. Without question there's absolutely no question that surface parking has always been shown on these plans.

Chair Cooper said that Mr. Babbitt stated that he was the architect that drew those and if the developer felt so inclined to request some sort of an alteration, would that have to go back to him to be done? Mr. Babbitt replied the architect would have to do it but Dr. Ron Catanzaro could probably answer that question.

Ron Catanzaro, developer, stated just for Mr. Cumberland's benefit, he wasn't lying now and he didn't lie then and he is not sure if Mr. Cumberland was lying then or now. In any event, these particular units were always surface units. Four units were never practical to have underground parking. So whatever mythical dates that he has conjured up is interesting but not true.
Chair Cooper replied that it would be easy enough for staff to review from what Mr. Babbitt said that the minutes and plans that were approved showed that there was surface parking.
Mr. Catanzaro stated that if the Planning Commission desired more landscaping, that would be fine. This particular area drops down from the highway so it would be at the same visual level. It drops down significantly so you really look right over it .

Commissioner Rounkles stated maybe the developer could move the landscaping up towards the fence before it drops down and then that would screen it. Mr. Catanzaro replied that it actually drops pretty quickly already, but we would be very amiable to Commissioner Graves' landscaping suggestions.

Chair Cooper asked about the breaking up of the roof lines so that it's more appropriate with the others? Mr. Catanzaro replied the architecture really was for the Planning Commission's benefit he thought keeping it sloped. Chair Cooper replied it may be, but to him looking at it he saw flatness. He was just trying to visualize from the road. Mr. Catanzaro replied that he could go either way. Chair Cooper replied there may be a trade off if it increased the height substantially, it may show more than it would if it were flat. Mr. Catanzaro replied that they could have drawn it higher, that would have been fine. Then someone would have said how high it was, so that was their concern so now they tried to keep it absolutely at the minimum and have the exterior pleasant.

Commissioner Rounkles said that he always thought that was rolled gutters in there and they have high gutters, what happen to the rolled gutters? Mr. Babbitt replied that internally within the development they were comparing to what had actually happened over at Lakeside Village. They were trying to get the water to go off the pavement and go into landscape swells along the perimeter and it was a lot more difficult to control the water. They could put in curb and gutters, put some inlet boxes in, tie them in, and take them down to the detention areas and keep a lot better control of where the water is going. They just felt that it finished better internally to the side and so that's what they presented from the beginning.

Sharon Holmstrom, who resides in Eden, clarified if they just approved Phase 2, of this subdivision under this meeting's consent agenda, is that correct? Staff replied that was correct. Ms. Holmstrom asked what does it show in terms of the parking under Phase 2, does it show surface parking and if so, should that not have been addressed? Staff replied that it did show surface parking for Phase 2.

Theresa Stearman, who resides in Eden, said she needed clarification. Basically what is there currently is asphalt with parking lines dividing the parking spaces. So if they left it as it was they would see four vehicles and if they do the covered parking, they would see a pretty building with stone in wood covering the four vehicles. So what is the difference?

Marsha Rasmussen, who resides in Eden, asked how many units there are and if it is a four-plex? Chair Cooper replied yes.

Chair Cooper said as far as the elevation, would it be better flat with more landscaping or what do they think?

Commissioner Graves replied since it's only one building with four units in Phase 1, he thought that they should stay with the original plan, it didn't have it, and he didn't see the reasons to put in. It would be nice for those four but they should stay with what was originally approved which is what they have right now. The other issue is they are not talking about Phase 2 at this point, if that were to the closest parking you could put that to the Phase 2 building but it is 50 feet at least from what he could see. There isn't always going to be a solid line of cars in that parking lot.

Commissioner Rounkles stated that he agreed but because of the conflicting comments on the parking, they need clarification whether it was above or underground parking in Phase 1 or Phase 2, but it's probably too late for Phase 1.

Chair Cooper said as far as Phase 2 being approved on the consent agenda tonight, can they start construction? What they need to do even though they have already done that is just look at it to make sure they meet the 50 foot buffer and that nothing in the minutes showed that they had to have underground parking. He does not think that they are going to find that, but at least it would satisfy the concerns of the audience, it would satisfy this body that Phase 2 doesn't start construction if there was a glitch and then we say it's too late the buildings already there, we can't put them under it now. Staff replied they actually start construction on the building as part of their conditional use. They don't need the subdivision, they've already started construction.

Chair Cooper asked if the minutes showed that it had to have underground parking what would they do at this point? Staff replied that they could issue a Red Tag. Staff will go back and take a look at it and see if they could correct the situation.

Chair Cooper stated that Commissioner Graves brought up the point that at what point would they consider if that buffers there or not? Staff replied when they issue a land use permit, that is something that should be looked at. They would pull out the site plan and make sure that it meets the setback requirements as part of the site plan. The building department has a copy of the site plan and they would redo it when they go out to do the measurements.

Commissioner Graves stated that the building is not in the 50 ft. setback but the potential parking is in Phase 2.

Commissioner Lythgoe stated that once the whole project is built out, a four stall parking grounds would really just blend in with the whole overall project and people won't even notice it.

MOTION: Commissioner Lythgoe moved to approve site plan for the Edgewater Beach Resort PRUD by adding a carport/garage with 4 parking areas in Phase 1 only located at approximately 6350 E Hwy 39 with the condition that the minutes of any prior meetings be reviewed to clarify if there is requirement for underground parking only. If it is not in compliance with the original approval given, staff would bring this to their attention. The motion is subject to staff and all other agency recommendations. Commissioner Allen seconded the motion. A vote was taken and Chair Cooper said the motion failed with a vote of 2-5.

MOTION: Commissioner Graves moved to deny the request to amend the site plan for the Edgewater Beach Resort PRUD by adding a carport/garage with 4 parking areas in Phase 1 located at approximately 6350 E Hwy 39 because it was not part of what was originally approved for this development. Commissioner Siegel seconded the motion. A vote was taken and Chair Cooper said the motion passed with a vote of 5-2.

Staff indicated that this would go to the County Commission.

4. <u>Request for a Two Year Time Extension for the Summit at Ski Lake Phase 11 and The Chalets at Ski Lake Phase 5</u>

Staff report:

The petitioner is requesting a two year time extension for The Summit at Ski Lake Phase 11 and The Chalets at Ski Lake Phase 5. Please see the request letter in your packet. This item will be discussed in more detail at the Planning Commission meeting on December 10th.

Chair Cooper stated that this item was taken off, no action taken.

5. Zoning Petition ZP #18-2006 by Daly Summit Consulting to rezone property located at Powder Mountain Resort

Staff read the following report:

Findings of Fact:

The petitioner is requesting an amendment to the Weber County Zoning Map in the area of Powder Mountain Resort which is located approximately six miles north of Eden. Any decision made regarding this proposal would be a policy decision that would reflect the substantial amount of discretion that the Planning Commission has in regards to this type of proposal. It is the goal of Weber County to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the County, therefore, the Planning Commission will need to determine that the re-zoning described below furthers that purpose. Specifically, the Planning Commission will need to assess the proposed Resort's compatibility with the surrounding area and its impacts on the existing public infrastructure as well as impacts on property owners and residents in the area. It is within the Planning Commission's right to impose any condition on the proposal or request changes to the Concept Development Plan in order to achieve compatibility and/or lessen or eliminate adverse impacts to the surrounding area.

Powder Mountain submitted this petition in August of 2006 with all supporting materials that are required by ordinance. In addition to the required materials a Fiscal Impact Report has been submitted along with an Environmental Report consisting of a Climate Report, Geologic Study, Soils Report, Vegetation and Wildlife Report, Open Space Report, Preliminary Drainage Study, Cultural Resources Study, Mountain Avalanche Analysis, Noxious Weed Plan, Wildfire Protection Plan and a copy of the Draft CC&R's. A Traffic Impact Study (TIS) along with an Update TIS has also been submitted and has been reviewed by the Utah Department of Transportation (UDOT). The recommendations of the TIS and Update Memorandum have been considered by UDOT, however, UDOT has explained that they do not plan on making any road improvements to the Powder Mountain Road prior a need or prior to any development taking place.

The proposed Master Planned Resort covers a total of 7,961 acres (3,486 of which are located in Cache County) however, the amendment only involves the re-zoning of 4,475 acres within Weber County and would change the zones from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) (See attached "Existing and Proposed Zoning" maps).

The Resort area was historically used as grazing land for a family sheep and cattle business until it began operations as a ski resort in 1972. The area remains bordered by these traditional agriculture-based land uses to the north and U.S. Forest Service lands to the west and State owned lands, that make up the Middle Fork Wildlife Management Area, to the south and east. It operates three lodges with four restaurants, a rental shop/ski school and 7 lifts servicing 2800 acres (5500 total accessible acres).

Housing and other accommodations near the resort consist of approximately 20 single-family dwellings in nearby subdivisions and about 57 combined units within the existing Columbine Inn, Sundown, Moonridge and Powder Ridge Condominiums. These homes and condos are all privately owned and have no direct tie to Powder Mountain or the proposed Master Plan.

The new and expanded Resort development is proposed to be a mixed-use site that consists primarily of ski facilities, a mountain village (commercial, condo, hotel etc.) and primary/secondary residential uses. The project would be built in four phases over the course of eleven years (2008-2019). The first phase would be divided into three sub-phases (See attached Phasing Map).

The following is a list of project uses located within Weber County:

* A ski resort expected to service 8,500 skiers on a typical peak day and have an overall skier capacity of 10,000 skiers per day (at buildout over the entire resort in both counties).
* 610 single-family dwellings
* 1790 multi-family units (townhome, condominium and/or condo-hotel).
* 1-4 Hotels consisting of 385 hotel rooms.
* 5 corporate retreats/community clubs (a total of 60 rooms).
* 30,000 square foot recreation center/facility.
* 150,000 square feet of commercial uses (primarily retail, restaurant and resort village).
* Ski resort facilities including 2 lodges (in Weber County), support facilities, maintenance etc.
* Two 18 hole golf courses with club house and maintenance facilities.
* A fire station and public safety building (planned to be a Weber County Fire District facility that also houses Weber County Sheriff services).

The following is a **complete** list of project uses located within **Weber and Cache County**:

* A ski resort expected to service 8,500 skiers on a typical peak day and have an overall skier capacity of 10,000 skiers per day (at buildout over the entire resort in both counties).
* **805** single-family dwellings
* **2090** multi-family units (townhome, condominium and/or condo-hotel).
* 1-4 Hotels consisting of **500** hotel rooms.
* **11** corporate retreats/community clubs (a total of **180** rooms).
* **60,000** square foot recreation center/facility.
* **300,000** square feet of commercial uses (primarily retail, restaurant and resort village).
* Ski resort facilities including 2 lodges in Weber County, **1 (40,000 sq. ft.) lodge in Cache County**, support facilities, maintenance etc.

* Two 18 hole golf courses with club house and maintenance facilities.
* A fire station and public safety building (planned to be a Weber County Fire District facility that also houses Weber County Sheriff services).
* **1 (40,000 sq. ft.) Equestrian Facility.**
* **Air transportation facility (40,000 sq. ft.) and emergency heli-pads.**

The density for the Powder Mountain proposal (Weber County proposal) has been clarified to be a total of 2405 units . This decrease in units is because the hotel rooms were originally added to the overall number of units. Hotel sleeping rooms are not considered dwelling units in the Weber County Zoning Ordinance, therefore, it is more accurate to say that the project is requesting 2405 dwelling units plus 385 hotel sleeping rooms, plus 60 rooms located within 5 corporate retreats/community clubs. In addition to the proposed density numbers explained above, it should be understood that additional "lockout"sleeping rooms could possibly be associated with condominium units. This can be result in an overall increase in beds within the Resort, however, it has been explained by the petitioner that the Traffic Impact Study accounts for this type of condominium use.
Densities totals for Powder Mountain have been shown in two ways and in two different scenarios where densities are calculated using a "non-cluster" (no bonus) and "cluster" (bonus) approach within both current zoning and proposed zoning parameters. The existing and proposed commercial zone densities have been established by multiplying the total commercial zone acres by twenty units. These commercial zone densities are then added to each of the "non-cluster" and "cluster" totals.

The following is a simple break down of densities for all zones combined within the existing and proposed zones:

Existing Zoning (Potential Units = 1477)

1. Total base units "non-cluster" = 873 Units.....873 Units + 350 CVR-1 Units = 1223 Units
2. Total units assuming full bonus "clustering" = 1127 Units.....1127 Units +350 CVR-1 Units = 1477 Units
   Commercial Zone (CVR-1) Units = 350 Units

Proposed Zoning (Potential Units = 2800 Requested Units = 2405 + 385 Hotel Rooms)

1. Total base units "non-cluster" = 664 Units.....664 Units + 1940 CVR-1 Units = 2604 Units
2. Total units assuming full bonus "clustering" = 860 Units.....860 Units + 1940 CVR-1 Units = 2800 Units
   Commercial Zone (CVR-1) Units = 1940 Units

The Powder Mountain Water & Sewer District (PMSWD) has issued a letter of intent to the proposed Powder Mountain Resort. Water for domestic and irrigation needs will be diverted from groundwater well located within the Resort. Wastewater will gravity feed from the Resort to the PMSWD lagoon parcel that is located in Weber County.

Conformance to General Plan:

An expansion of the Powder Mountain Resort would conform to the General Plan in that the General Plan set a goal to *enhance quality recreational opportunities.* It lists an objective to *identify recreational assets, facilities and activities in the Ogden Valley and determine which facilities might be expanded to meet an increased recreation demand.* This demand will increase dramatically as the populations of the Ogden Valley and Wasatch Front continue to grow. The population of the five county urban region along the Wasatch Front along with the population of the Ogden Valley is expected to grow to more than 750,000 in the next twenty years. Together with the local population, tourism rates will also continue to increase therefore, demands on recreation lands will be significant. These demands on recreational lands can be anticipated and planned for through informed decision making at the resort development level. The proposal also conforms to the General Plan by using development approaches that preserve open space and by providing adequate emergency services and facilities.

Questions to consider:

1. Where and how will parking be provided (increased skier capacity/residents) in order to reduce expansive parking surfaces?
2. Can the number of parking stalls be capped in order to encourage mass transit? This would require signing at some point below the resort or in Ogden. This could become an additional condition of approval.
3. Is there a recreational need or demand for two 18-hole golf courses?
4. Can the road lengths within the resort be further reduced to promote tighter clustering?
5. What kind of air transportation and/or operations is planned within Cache County?

Staff Recommendations:

Using the General Plan as a guide and considering the General Plan's intent to ensure that development growth is commensurate with resource and infrastructure capabilities and its intent to "continue supporting the development of resort related commercial areas", Staff recommends that the Planning Commission collaborate and determine a number of units and a level of support and base an approval of the proposed zoning map, conceptual development plan and any increase in density on the projects's ability to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the County. In addition to this, Staff further recommends that (in addition to any other Planning Commission requirements) an approval be based on an approved Zoning Development Agreement that includes the following conditions:

1. Village core commercial space and multi-family resort village to commence with any Phase 1 improvements.
2. A seasonal emergency (ingress/egress) route be provided and improved in a manner that accommodates passenger cars. This route is to be in place prior to any commercial or residential building permits being issued by the Weber County Building Official. Gated or un-gated access needs to be addressed with the Planning Commission.
3. A second permanent access road shall be improved (originating within Weber or Cache County) to County Standards prior to site plan approval or final approval of any dwelling unit(lot) and/or sleeping room beyond the entire (Weber and Cache County) project's 1223rd unit and/or room.

4. A transit plan shall be implemented that may include but not be limited to:
    a. Airport shuttle.
    b. Complimentary on and offsite transit service.
    c. Park and Ride provided in Ogden City or other Wasatch Front location.
    d. Mandatory employee shuttle originating from Wasatch Front.

This Plan is to be presented and approved by the Ogden Valley Planning Commission and County Commission prior to any Phase 1 improvements commencing.

5. An employee housing plan shall be presented and approved by the Ogden Valley Planning Commission and County Commission. This plan shall provide a significant number of affordable housing units at the resort and may provide other affordable units outside of he resort.
6. No private or commercial air transportation into the Resort (excludes resort air operations, medical and heli-ski operations). "Resort air operations" refers to those aerial operations vital to construction and management of the resort i.e. lift installation and avalanche control.
7. A minimum of 30% of proposed project's gross acreage shall be permanently preserved by a conservation and open space easement granted to Weber County and/or another entity (approved by Weber County) whose purpose is the conservation of open space and wild lands. This easement shall be presented and approved by the Ogden Valley Planning Commission and County Commission prior to any developer submitting any development application/plans for any improvements within Phase 1. This easement shall include, in addition to all other appropriate language, a metes and bounds description which can be located on the ground.
8. The conceptual development plan to be amended to further reduce road miles and encourage more clustering. This "condition" is associated with density, therefore, the Planning Commission should give specific direction as to what extent the conceptual development plan should be amended after a density number has been determined.
9. Powder Mountain shall agree to develop and adhere to the State of Utah Department of Wildlife Resources recommendations with regards to wildlife buffers where the resort boundary lies adjacent to State wildlife and/or Federal lands.
10. Powder Mountain agrees to limit golf to one 18 hole golf course that will substantially preserve the natural landscape characteristics by incorporating a design type that utilizes native vegetation and limits large formal turf landscapes.
11. All construction to utilize Best Management Practices. Each application made to Weber County for development shall be accompanied by a summary of what Best Management Practices are being utilized.
12. Development and implementation of a wild fire prevention, evacuation and suppression plan consistent with the U.S. Forest Service letter dated November 13, 2006.
13. Powder Mountain agrees to follow the recommendations of the State of Utah Department of Environmental Quality and Utah Geological Survey as outlined in letters dated October 12, 2007 and September 18, 2007 respectively.
14. Powder Mountain voluntarily agrees to present a construction mitigation plan, landscape plan, lighting plan, sign plan and employee housing plan to the Ogden Valley Planning Commission and gain the Planning Commission's approval on these plan prior to presenting the Powder Mountain Resort Master Plan to the Weber County Commission.
15. Powder Mountain agrees to construct and ensure the operation and maintenance of a waste water treatment facility within the resort boundary. This facility shall provide a treatment to a level of quality that will allow and guarantee the re-use of treated water for irrigation purposes.

These "conditions of approval" are a result of discussions had during the Planning Commission meeting held on November 29, 2007. They are still in draft form and may be amended or added to by the Planning Commission.

Planning Commissioner, in order to limit the amount of paper consumed to fully reproduce this packet, please bring your previously provided TIS and updated TIS if you have questions relating to those documents. These documents are the only items not reproduced and provided in this packet.

Attachments:

Location map
Petitioner response to zoning application questions
Petitioner memorandum regarding discussion on a Transit Plan, Emergency Access, Public Use/Access and a Real Estate Transfer Fee
Petitioner suggested conditions of approval
Petitioner summary table for proposed density and uses
Existing and proposed density tables
Existing and proposed zoning map
Concept Development Plan
Phasing map
Cache County General Concept Development Plan
State, Federal and County review letters
Public Comment Letters (received since last packet provided)

Staff stated that he wanted to bring the board's attention to the meeting which was held where there was discussion regarding conditions of approval. During that meeting, staff was asked to look into the ownership of some property and what they believed to be the boundary of the proposed Powder Mountain Resort. What they've done is looked at the overall parcels within the development. They relied on their surveyor's office to draft a legal description for the property that had been submitted. What they found out was the rectangular parcel that has been called out in

every site plan, master plan, or concept that they've seen to date has been identified as property included in the rezoning submittal. The heavy line obviously creates what seems to be a border. In addition to that, staff has verified that the legal description includes this property. The difference between all the other acreage and this parcel was the Powder Mountain Resort. All of this belongs to a company called Western America Holdings, LLC. This parcel indicated approximately 213 acres according to record, and it belongs to company or corporation called Western America Development, LLC.

Staff has contacted one of the principals of the Western America Development and asked them what their intention was because they did not have their signature on the application. Staff received a faxed letter signed by one of the principals of that LLC stating that their intent was not to be in this proposal and included within this boundary. In the pre-meeting staff handed out a new density table provided by Powder Mountain which took that acreage out, the 213 acres, and also reduced the number of units by right, believed to be 3 units. They showed the density units in two different ways. One showed their developments rights today and one showed a number considering a bonus density. The one that's a standard density right as it stood today, they've reduced that by five, the density calculation was six. The number of units has decreased. Staff wanted to make sure that the new information they received was explained to the Planning Commission members. If you look closely at the F-40 Zone, you could see the deduction of the 213 acres and then they've adjusted the number of units accordingly. What you'll want to consider is when you look at a concept development plan, they need to consider a boundary that's changed. It hasn't significantly changed but it has changed.

Staff's opinion is the change of the road length, from their perspective, they would probably want to provide access to this property. When they get to a point in their discussion this evening where they are discussing any alterations to the design of the project to draw development back a ways, they would probably like to see a road stub to this property so it's not landlocked. Included in the meeting packets, there are three letters that specifically address the conditions of approval. They have some really good ideas. Some of the ideas that they could add to the conditions of approval would be basic word smithing to make sure that the conditions of approval are clear, understood, and concise. Staff plans on working with the County Attorney's office and making sure that these conditions of approval, if that's the direction the Planning Commission members would to go, would be clear and something that everyone could all understand.

In response to a comment by Commissioner Rounkles, staff replied that when they look at subdivisions, they usually look at traffic circulation, providing access, and things like that. At the concept level it would be nice to make sure that was addressed.

Brooke Hontz, Project Manager for Powder Mountain Resort, stated that staff did an excellent job in the overview of the update of the density, the six unit reduction, and they were glad they were able to clarify that in this meeting in this venue.

Chair Cooper asked Ms. Hontz if she had any additional comments and Ms. Hontz said at the previous meeting they went through the proposed conditions and made a lot of progress. Many of the conditions would make the project even better after implementing them, so she was very pleased.

Chair Cooper stated that during the Planning Commission's work session it was brought to their attention that people felt like because they had worked with the petitioner and didn't allow the public to speak that night, that it was unfair. The conditions are just an option at this time; the rezone proposal could still be tabled, denied, approved, or approved with conditions. It was determined that night that it would be his option to make a decision to allow public comment tonight, so therefore, he will allow comment for one minute each at this time.

Ron Gleason, who resides in Huntsville, stated he would support approval of the rezone but he asked that the density not be increased. They want flexibility with the rezone that allows them to do that. Items of feedback in Point #5, that is redundant with Point #14 and should be eliminated. Also, when you look at the conditions regarding employee housing, it includes the word "significant." Significant isn't enforceable and they need to come up with a hard number. One other point which is important is Point #15 having to do with the Wastewater Treatment Plant, it should specify a timetable and the wording, "*this facility needs to be in place prior to any commercial or residential building permits being issued by the Weber County building official.*" should be in place. Again, Mr. Gleason asked that the Planning Commission not increase any density on rezone applications.

Chair Cooper asked for clarification regarding the Wastewater Treatment Plant based on the new rule, there's not going to be any development unless there's a wastewater treatment system approved. Mr. Gleason replied that as long as you don't allow it to be hooked up to the existing system. They need to have a plan to make sure it is there before building permits are issued. Also, as to Point #7, which has to do with the easements, the amount of land required is good. There should be a contiguous clause where at least 50% of the open space needs to be contiguous, it should not be broken up into small little areas.

Helene Liebman, who resides in Eden, stated that she wanted to address the property that was retained. The surrounding property was owned by Western America Development Inc. They sold it off except for 215 acres, in the transfer of the property. They retained an ingress/egress right of way to the property but it was not a described right of way because they knew that road would be changing. They have a concern that they are not landlocked, but it is addressed in their contracts that they would have that ingress/egress to the property. When they actually end up doing the subdivision roads, the County needs to make sure the ingress/egress is there.

Steve Morgan, who resides in North Ogden, stated that he would like to represent the sportsman. He understands that this development is being built right next to some state ground and there is very little ground available for the sportsman to go out and hunt any more. Every year the Division of Fish, Game and Wildlife Resources come out and say participation is falling off year after year and the reason being, is that we have limited space to go out and hunt. When was the last time they rezoned and gave more ground to the sportsman? They need to ask if the development is something their grandchildren, great grandchildren are going to be proud of. Is this how they want their county to be many years from now?

John Bosney, who resides in Huntsville, asked why the county wants to rezone anything that would cause more traffic problems in Ogden Valley? The potential of a road going to the east still funnels everything down South Fork, down Huntsville town, and down through Ogden Canyon which still a bigger problem than it is now. Cache County turned the proposal down. Any rezoning is going to cause a lot of problems. They bought the property knowing what the zoning was, so he believes they should let them develop it like it is.

Laural Kurkim, who resides in Huntsville, stated that she understood that this body for the majority has the best interest of Ogden Valley at heart, because you're all residents of Ogden Valley. This is going to end up in front of the Weber County Commissioners and they have shown many times that they do not have the best interest of Ogden Valley at heart. They've gone right over the top of many decisions the Planning Commission has made and done whatever they wanted. This development has the potential to forever change the face of Ogden Valley. For anyone whose ever recreated up here, and for people who don't live in Ogden Valley, if they all knew the potential, it has to change the face of that recreational area. Anyone who has gone boating, skiing, snowmobiling, hiked, biked, fished, etc., this rezone has the potential to make the Ogden Valley into a parking lot of cars, pollution, etc. Everybody who is in this room needs to call every person who they know who does not live in Ogden Valley or who has ever recreated there flood the commissioner's offices with emails, letters, and phone calls. This isn't something that the residents of Northern Utah Weber County wants.

Sharon Holmstrom, who resides in Eden, stated there are two things missing from the staff's list. First, there is no obligation on the part of Powder Mountain to participate in the cost of road improvement and construction. Secondly, a thing the Ms. Hontz mentioned at their last meeting which was the 1% Real Estate Transfer Fee which should be along with TDR's and PDR's and is the only way to buy additional density. She definitely thinks that participation in the road is huge. Otherwise, we the taxpayers in Ogden Valley who just paid 137% more this year, are going to get to pay for that road.

Chair Cooper asked Legal Counsel if the road would be considered an offsite improvement? Monette Hurtado, Legal Counsel, replied they have the option to come forward with that but if it were to be improved at the county expense, it would actually go to the County Commission, so we generally don't include requirements that are offsite. If the developer is able to obtain secondary access or if they want to use an access that the county has and participate in the cost, that's a County Commission decision.

Commissioner Graves stated that the TIS showed impacts of new lights and turning lanes and they don't have a requirement for that. Monette Hurtado replied that UDOT does, if you use State roads, they could require you to do additional things in order to use their roads and one is to put in turn lanes and other things.

Chair Cooper stated that he got the impression from UDOT the other night that they have a priority list and when and road gets so congested or if there are a lot of fatalities or whatever their criteria is they will then come in and install the needed improvements. Ms. Hurtado replied if it's not right on the development or right adjacent,, UDOT does do those improvements and they actually do control all the roads to resorts. That is something they have to go to the Legislature and ask for additional money.

Staff stated to address the Real Estate Transfer Fee, the last time they had this discussion they were told there's no mechanism or ordinance in place right now. That's something that they could think about if there were and ordinance in place. Ms. Hurtado replied that staff did ask her about that and she said they do not have any way to enforce it. If they were to adopt TDR's or the transfer through an ordinance, then they could come back and propose additional density.

Rick Stearman, stated that he lived up on Powder Mountain Road and he likes the idea of a destination location. He likes the idea of people going up to one place for a week and staying up there instead of driving up and back and forth day after day because they're staying in Ogden. It will help minimize traffic the more accommodations that are up there.

Rex Harrison, representing UDOT, stated he wanted to clarify one thing. It's not an access or permitting position that UDOT is in because they're not accessing directly, they're accessing an existing access point so they would have no conditional or permitting regulatory authority over the development. Chair Cooper said he's sure there are developments in the state of Utah that impact state roads and impact taxpayers so it would have to be right adjacent to that state road. Then UDOT could say they want the County to fund those improvement. Mr. Harrison replied only if it's a permitting issue and it's not in this case. This development, if there's impacts that happen to this road, it would fall under any category of any other road that would get onto the same list and would have to compete with funding or any other source of funding for improvements.

Marsha Rasmussen, who resides in Eden, stated she firmly asks the Planning Commission to deny this. It's been great that they have been denying it, or putting it off by tabling it, because there's a lot to be thought about. How else can you get to Powder Mountain if you don't use that offsite road and yes Weber County residents and taxpayers would be paying for this road, stop signals, and everything else. Most all of her friends do want this development to take place. She believes the Planning Commission should firmly deny the rezone.

Commissioner Siegel stated that everyone is saying deny it, and he has been fighting with this and still have not made up his mind. They have had some comments about the County Commission not listening to the Planning Commission sometimes. Denying the proposal would definitely put the issue in the County Commission's hands. Right now the Planning Commission is walking on a razorblade on what decision they have to make. It's fairly easy to say it should be denied, but it won't go away. The best thing anybody could do is for the public to make their comments, the Planning Commission would then think about it, review staff's recommendations, do their own research, and then they have to come up with something other than saying no

Steve Grosieth, who resides in Weber County, stated to go along with what Commissioner Siegel was saying, he has seen a lot of change in almost 60 years. Washington Boulevard's filled out, they've had housing projects and whatever. Change can't be denied but it can be controlled. Just giving them the opportunity by allowing them to present it, if the County rezones it, it doesn't mean that the developers would get their way. They still have to present it to the Planning Commission board and to the County Commission, but it gives them some options to control the growth. They need to have the restrictions, things are growing and changing and they have to be able to evolve and adapt with them as they happen and be responsive to new ideas. They want a legacy that the Commission was forward thinking enough to accept ideas, and then allow them or reject them, but at least listen to those particular ideas and see what was available. Rather than being closed minded about it, they can't be that selfish any more in this world. They have to learn how to share, but if it could be controlled, it would help them all.

Keith Caldwell stated that he wanted to stress having another access. He felt that they're going to be the cash cow for Cache County. Weber County is going to take care of their needs, they're going to benefit from what we do, and he does not want that to happen. If Cache County is going to be involved in this, they need to push them. The paper stated their residents did not want a road through Cache County. He is a Vista property owner, and he didn't want the road through his property.

Mr. Larsen, who resides in Roy, stated he was a Vista Owner. He is not against them building in Powder Mountain but the zoning should be left the way it's already zoned and let them build what they could build there. He was definitely against them putting a road through Vista and Sunridge, where is also has property.

Kirk Langford, who resides in Eden, stated he submitted a letter in August on this topic and he hoped that it's in the record. A couple of things to bring up regarding the conditions that the staff prepared for tonight. On #9 they need to make sure the wildlife plan is in synergy with the Forest Service not just the State of Utah. The developer needs to address how that wildlife is going to go between this private land and the public land. The next thing they should think about is how are they going to handle the motorized traffic, whether there are ATV's or other motorized traffic, and how is that going to coexist with the public land. He is against the granting of additional units. He heard earlier in the meeting tonight, that legal counsel could figure out a way to make this unique to Powder Mountain should the Planning Commission grant those units. However, morally and ethically, it's a different situation. Those of us in the valley gave up two-thirds of their development rights and their property to keep this community a rural, less congested place. With these additional units, it goes against the General Plan and the roads become more congested. They would be taking the units that the County took away from other valley property owners and just hand them out to Powder Mountain. Legally the Planning Commission may have a position to that, but morally and ethically he didn't think it is right. He would hope that they would not grant additional density to this development.

Jerry Allred, who resides between Huntsville and Eden, stated that personally he would not like to see this go in but he would rather see the board's restrictions then what the County Commission might put on it.

Commission Siegel asked how many units did the developer get approved for in Cache County? Brooke Hontz replied 937.75 and that's unit equivalence which includes commercial.

Chair Cooper asked staff under current zoning what is the number of units they could have under the present zoning versus the number of units the rezone proposal asks for. Staff replied that 1,223 was number that they have been looking at. Chair Cooper asked how do hotel rooms and commercial units play into that? Staff replied as previously explained, the 1,218 is residential units which does not include hotel rooms. It does not include walkouts associated with condo/hotel units, and obviously does not include the units approved in Cache County.

Chair Cooper again asked how many hotel units could they have under the current zoning? Staff replied under the list of uses in the staff report, they believe it's 385 within 3 to 5 hotels. Commissioner Siegel replied 1 to 4 consisting of 385 hotel rooms and those don't count as a dwelling unit. Staff replied that's something within the Planning Commission's scope to consider 1 to 4 hotel rooms or 1 to 5.

Chair Cooper asked so under the current zoning if they didn't change anything, they could have 1,218 units and there's no guarantee of 385 hotel units, whether it's one building or four? Staff replied that it was hard to answer currently. What they would do is take in a site plan and base approvals of a hotel on the proposed developed area. The setbacks need to be conformed with the associated parking. You could see how parking setbacks, height restrictions in the CVR-1 Zone that's up there today. You could see height restrictions would keep a building low, it would spread it out so you could see the area increase. What they're saying is there's 24.8 acres of CVR-1, with slopes and things like that it drops to approximately 18 acres. There's a sewer, so you know that doesn't need to be dealt with. Parking for a hotel would take up significant area so that would reduce the area that they could put the footprint of hotel on.

Chair Cooper stated it's kind of simple or easy to say if they just didn't show up here, they could have said they want to go ahead with 1,218 units and not rezone. If they want to make the recommendation based on some of the comments that there's no additional density, they could change the way the puzzle looks on the mountain to make it more conducive to the development and the vision that they want as far as layout and the way things look. They need to make sure in any motion they may make that the commercial numbers stay with the additional current zoning because under the proposed zoning, there would be a lot more commercial. Staff replied that he thought that they've all understood that in addition to the units, there's approximately 100 acres additional commercial.

Chair Cooper stated if they said that the density would not change, the zoning configuration could change but the density wouldn't change over what they currently have rights to, that would include the commercial. Staff said they would have to make that a condition. The number of units was to be what they've got today by right. So the question would be if they want to shrink the commercial acreage too. Chair Cooper replied that he would not want the commercial to increase with what the proposed zoning would handle because that could be a lot of commercial. Staff replied so today they could have approximately 20 acres of commercial and what they're proposing is 120+ acres of commercial, so you could see that there would be a significant increase in commercial.

Chair Cooper stated in his opinion, if they stay with recommendations and some of the discussions that they have had, then if they wanted to increase that, they would have to come in with some kind of mechanism, once the TDR ordinance and/or the Recreation Resort Zone ordinance is approved. It would be a later issue to increase density. If they wanted to increase density, they would have to figure a way to do it that would reduce density on the valley floor to compensate for it. In his opinion, he would like to make sure that the commercial and those type of things stay in line with what is allowed under present zoning. Staff replied that the Planning Commission would then want to discuss with Powder Mountain where that CVR-1 would be best located. Maybe they need a large concept plan and actually draw on the plan and say if they've have about 20+ acres of commercial, they would want it to stay at 20 acres. Chair Cooper stated that it could be anywhere they want in the new zone. It could be anywhere in that 100 acres, it just can't be 100 acres worth of commercial.

Staff stated they could limit it to balance the development. If they want 1 to 4 hotels with 385 units, they could say they could have 2 hotels with 200 units. They want 320,000 sq. ft. of commercial and you could say they could only have 100,000 sq. ft. as part of the conditions. Instead of trying to figure out the acreage, they could limit it by the square footage and the number of hotel units.

Chair Cooper said that if he didn't have guidance to know what they could have, he could arbitrarily pick up out of 300,000, he could say 100,000 and it may be a lot more than they would have if the zone was changed. Staff replied that the hotels are very hard to calculate because you'd have underground parking, height restrictions, and things like that. Landscaping is going to play into that, so it would be very hard to limit it by the acreage. It is 150,000 sq. ft. of commercial in Weber County and the 300,000 is combined between Cache County and Weber County.

Commissioner Lythgoe asked staff if parking lots have to be in a commercial zone where the skiers come and drive and park? Staff replied not in a commercial zone. They would have to look at the ordinance to make sure, but they believe parking associated with uses in other zones could be located there. Parking is an important issue and parking increases the number of skiers. Should there be a cap or could there be a cap and would it help? Other resorts have capped their parking facility to encourage mass transit so they do want to limit large areas of hard surface parking. They are unsightly and not a great thing for the environment. Staff is fairly certain that if there was a commercial zone, a parking lot could be located there.

Commissioner Lythgoe asked if we wanted to make it so that hotel rooms used residential density, what would be the mechanism and would it require a different zone other than the CVR-1 Zone? Staff replied that our ordinance does not allow that. Commissioner Lythgoe asked if they would have to write a different ordinance for hotels, and staff replied yes. They would be considering a limitation on the number of rooms to lower that impact.

Monette Hurtado said that they have talked about showing the Planning Commission members where the zone overlays would be and they could determine the amount of density and square footage of commercial they could have and then they could put it anywhere they want in the appropriately zoned area. They could not increase the numbers. Commercial is difficult because you don't have the density calculation. The density calculation is easy for single family dwellings but in commercial areas, you limit it by square footage. Chair Cooper asked don't we know what the allowable square footage is under what they have a right to right now? Ms. Monette replied that the Planning Commission does not have a right to a certain square footage in commercial. That's why commercial is different.

Chair Cooper asked if Powder Mountain did not come in and ask for a rezone, and they came in and asked for 1,218 units, would they tell us what they want? Right now it's 385 hotel units, where did that number come from? Could they have asked for 1,200 hotel units, and staff replied yes. The 385 came from Powder Mountain ? Staff replied that they could have, that number 385 and the square footage came from Powder Mountain.

In response to a question from Commissioner Rounkles, Chair Cooper that staff has indicated that on commercial development, a developer could come in, no matter how many acres they have, and they could have as many hotel units as they wanted. Staff replied that what actually drives the number is the acreage. Monette Hurtado replied that the Planning Commission could limit it, but they wouldn't limit it by the area, but by the square footage and number of hotel rooms.

Commissioner Graves stated that they have to take a look at the numbers and see. Powder Mountain is telling them how many rooms they want and they have to decide whether they could accept that or not. They are asking for x amount of square footage of commercial and the Planning Commission decides if they could accept that or not. They are taking their best guess at what they think it would have been in regards to commercial and they try to limit that based on the number and square footage they set.

Chair Cooper stated that he would like to talk about tweaking some of the conditions staff presented to them at the previous workshop. Now, they have some recommendations regarding word smithing. They need to incorporate those conditions in any motion they may make. Before the motion is made they need to talk about the numbers of residential and commercial units they would allow.

Commissioner Graves asked staff if the 385 hotel rooms include lockouts, and staff replied no. Commissioner Graves asked if lockouts could be equal to or double that number? Staff replied that their assumption would be yes but they are not personally familiar with hotel development to know about how lockouts are associated with hotel rooms.

Commissioner Siegel asked if the lockouts are primarily like condos. Staff replied that it would be a similar configuration but they would be hotel rooms and wouldn't have all the kitchen facilities. Again, they are not familiar enough with hotel development to know if lockouts are associated with each hotel room. They seem to be quite the same so a condition of approval would be so many hotel rooms with no additional lockouts.

Commissioner Lythgoe stated that the lockouts would be more associated with condo/hotels. Brooke Hontz said that the condo units there would have one or two lockouts associated with the unit. It does seem like it would be a little redundant to have a room and then a lockout, unless you're looking for more rooms.

Brooke Hontz, Project Manager for Powder Mountain Resort, stated that they anticipate lockouts with the condo/hotel but those are counted as units differently. Staff stated that with condo-hotels the units are counted but lockout rooms are not. Ms. Hontz said she thought there might be some lockouts with the hotel but she did not have an exact number of what that would be. When you have a hotel that has an efficiency type unit with a small refrigerator, possibly a stove or hot pot, and then it has more than one bedroom, you could fluctuate the size of that unit so that if someone comes and they have a rather large family or a couple of families together, they could all stay and use the one unit efficiently versus if they come and they only have the need for only one bedroom the units could be locked out effectively. Just the hotel room without the efficiency type of setup could be rented out as a nightly rental unit. They do not have a number, but are comfortable with the 385 but they are not sure how many lockout rooms they anticipate. They assume there would be some, but not necessarily one per unit.

Chair Cooper asked if that would that be different than an adjoining room where they have a kitchenette, bedrooms, and then another small bath, where they could stay on one side or it could be opened up? Ms. Hontz replied that's right, it's just that they both don't have kitchens. The guidance from the code is a little unclear and that's why they have been working with staff. They don't have exact numbers because they need to know exactly what counts and what doesn't and to make sure that they are following the code specifically.

Commissioner Lythgoe asked Ms. Hontz to review the commercial square footage and how they came up with their numbers? Ms. Hontz replied that the numbers were based off of the preliminary site plan for their main village which is located in the blue triangular area. They did a circulation analysis, recreation analysis, and also footprints of potential buildings in that location and all the other blue locations. They also had to try to vary the heights of the buildings because they don't want all flat roofs and the same height on the buildings. Therefore, they then came up with their basic footprint which was also based off the need of what they feel they would see at the resort as far as the density and the users at the mountain.

Commissioner Lythgoe asked in the areas that the developers are considering for typical skier parking, would those be encompassed in the commercial zone or the FV-3 Zone? Ms. Hontz replied that she is not completely sure, but the intent as shown on the concept development plan is that they want to put as much parking into the CVR-1 Zone underground due to the weather so they can keep their customers warm and dry and have then congregate near the commercial areas. The other CVR-1 Zone area is where Hidden Lake lift is and they anticipate reducing the numbers of surface parking. If not, they would maintain it and shift it around a little bit. They don't want to see increased enhanced surface parking for skier parking.

Chair Cooper stated that he understood the concept of if we have hotels like we talked about and at Wolf Mountain there are condo units and he understood that you could lock part of it out, and that makes sense as a condominium. As for hotels, he thought that hotels had units and you could have an adjoining room that you could have more amenities if you wanted, it has kitchenette, stove, or whatever, or you could have a sleeping room. But each one is a room, do you not call it a room and then lock it out and increase density. If it's got a number on the door you just rent two of them. Staff replied hotels do not count as density so if it's part of the hotel, and they're not selling the condo units or transferring deeds or title, it's owned by one person, well that's a hotel and the densities don't count. But in a condo/hotel they're selling the units and transferring deeds to it, so they count as density. Ms. Hontz replied now she understood where the confusion is. If it's a density question and the 385 is what's proposed, it's the lockout use where you could combine rooms but it doesn't need to be an additional unit. Each one can be counted as a unit, if that's what you're asking, then it's the number that's proposed in the 385. It's 385 and you could have the use of combining the units to use them together but it doesn't make it more or less, each still has a door on it.

Commissioner Graves asked if the 385 was to be split up among 1 to 4 hotels or per hotel? Ms. Hontz replied 1 to 4 hotels so that you could possibly have a boutique hotel that maybe only has 20 - 30 rooms. Commissioner Graves said that's the total number combined regardless of the total number of units? Ms. Hontz replied that is correct.

Commissioner Siegel stated he acknowledges the comments made that Weber County should deny the rezone proposal, but Cache County has backed us into a corner because they have 937 units they will receive the tax revenue from, but all that traffic will go through Weber County. The Planning Commission has to be smart about what they are going to do as far as this development. How it's going to impact Weber County? They need to be what is happening on the Weber County side.

Chair Cooper said that condo/hotel units are owned by a person theoretically and they want to lock out and rent. Commissioner Graves replied that's part of the 1,218. Chair Cooper stated that's part of the 1,218 but with the lockouts, that density could go up on a busy weekend.

Commissioner Lythgoe stated the lockouts really only allows for privacy of different groups. You would still have a three bedroom condo that has three beds that sleeps six people. They are either in one group or they're in two different parties. It doesn't make it more space.

Chair Cooper stated for all intent and purposes it could raise the density. Let's say the average family if you own that condo unit, you might have 2.75 now, so even though he would have five bedrooms in there, he may never have more than 2.75 people in his condo unless he locked it out and rented it to a group of seven, he's going to have 10 people on that given weekend. Commissioner Lythgoe stated it may create more different cars but you would still have the same size of property.

Commissioner Rounkles stated it's a way that a person could get into it and help offset their costs of the unit itself. Chair Cooper stated the he understood that, but some of the issues that people had were traffic, density of people in the valley at any given time. Although it does help somebody pay off their condo, they're renting it out to supplement their house payment.

Commissioner Lythgoe said that one item they need to discussion is staff condition #3 where they said the additional second road would be needed after the 1,223 units. They need to shift it back to 1,218.

Chair Cooper asked staff if they had consolidated what they had said in the previous meeting? Staff stated there were many good comments in the submitted letters. The comments that they could not address were related to density and that for the Planning Commission to determine. To help things move along, they could set aside some time during the day to go through and pick out those ideas and wordsmith and try to incorporate those into the conditions and clarify, solidify the intent of the condition.

Chair Cooper asked once they make a decision tonight, could they just wordsmith it to change the intent? Ms. Hurtado stated that the Planning Commission would ultimately sign the finding so they would have an opportunity to review those findings to see if they accurately reflect what the Planning Commission presented in this meeting.

Commissioner Rounkles asked if they would have to chance to review the conditions before they go before the Commissioners? Ms. Hurtado replied that it depended upon how quickly the Planning Commission acts. The County Commission has to have a public hearing and just the publication would push it out until January sometime. Staff replied it takes at least 14 days, so it would probably be in the middle of January. Ms. Hurtado said that it would be at least the beginning of January before it gets on the County Commission Agenda.

Chair Cooper stated they needed to go through the proposed conditions one by one and then have staff and legal counsel tweak the conditions. They could also add additional conditions as they feel are necessary.

Commissioner Graves stated the input given by the Planning Commission could be incorporated by staff once the conditions are laid out.

Commissioner Siegel asked staff to move Item #15 to #1 because he felt that nothing can happen until all of that was done. That was one of his notes from the concession that a Waste Water Treatment Plant must be on site and no additional waste water be moved to the valley for any home, condo, commercial, or hotel. No construction may began prior to completion of the Waste Water Facility. All recovered water would be used for the golf course and landscaping needs in accordance with State Water Quality Standards.

Commissioner Lythgoe asked if it matters what order they have the conditions? Monette Hurtado replied no. Ms. Hurtado asked if Commissioner Siegel wanted to put that into a motion, and he replied yes.

Chair Cooper agreed the condition should be added to the motion, but felt the only caveat would have been not to include any capacity that they currently have, so that could be one that needs to be in there if you felt that's where we want it, and then it has to be designed, approved, and installed by the state.

Commissioner Lythgoe asked Ms. Hontz if there were any areas that septic tanks are planned to be utilized? Ms. Hunt replied absolutely not.

MOTION: Commissioner Siegel recommends that Item #15 be moved to Item #1 because there must be a Waste Water Treatment Plant onsite. No additional waste water can be moved to the valley floor. No home, condo, commercial, or hotel construction may began prior to completion of the waste water facility. All recovered water **will** be used for the site onsite for golf course and landscaping needs in accordance with State water quality standards.

The Motion was withdrawn by Commissioner Siegel.

Staff stated that one thing they will want to consider when the state goes through approval process of these Waste Water Facilities is that they need waste water so there needs to be some development. Commissioner Siegel replied they already have waster water per Powder Mountain Sewer, is that correct? Staff replied that they didn't know where it was going to be located and that may be something that they may want to ask the petitioner. There may need to be some development that takes place to get stuff going that direction. They are presently dealing with that in subdivisions. Commissioner Siegel stated he understood that so why are they going to have a treatment facility on the valley floor. He understood about Wolf Creek, it's where it's at because that's where the ponds are. Staff replied they didn't think the developers intend to have a waste water treatment facility on the valley floor, their intent was to have it at their resort. Staff was referring to the operational time or the timetable that the Planning Commission envisions.

Commissioner Rounkles clarified what staff said regarding the time of occupancy. Although they could be building the condos at the same time the waste water treatment facility is built instead of building this facility then waiting for another year to have a condo built. Staff replied they need to go together. Commissioner Siegel stated that they should replace the word "agrees" to "will." Monette Hurtado stated that the Planning Commissioners need to keep in mind that the plan will go to the District and they would actually decide at what point they need that expansion. That's why you can't really mandate the developer to construct it and then they're going to deed it to the Sewer District. Because the Sewer District could say that they need started now.

Chair Cooper clarified by stating that if the current Sewer District Lagoons have capacity for 1,000 units, then they could build up to 1,000 before the District states the lagoons are at full capacity and won't sign off for another building permit until the new facility is on line. Ms. Hurtado replied basically yes if they're willing to give them a letter that they could provide services, however she does not know at what point that would be, it's just like any other service district who usually tells us when that infrastructure is needed.

Chair Cooper asked if the county is service district for new facilities, if one proposed to expand like this, would the county then be the body politic or are they going to stay out of it? Ms. Hurtado replied generally if there is an existing functioning district that provides that service, they would allow them to continue to provide it. It's only if the district doesn't want expansion or is not willing to accept that, then the county would become the body politic that would.

Staff stated if there was a construction of a unit that was associated to this Master Plan, it could be held to that condition of having a sewer facility. When they are looking at a facility, there needs to be something going to the facility to be treated. The sewer facility has to be under construction and there also needs to be other construction that will be producing sewage to go to the facility for treatment and testing.

Chair Cooper indicated his concern that construction of homes would take place before the sewage treatment or wastewater facility is online. He believes the treatment plan needs to done. Monette Hurtado replied that it's up to the subdivision developer, they'll actually have to provide the letters as any subdivider has to do. The greater concern would be when they maintain the property for a hotel. It is a separate entity so that should give them a level of comfort because they wouldn't provide those letters saying they're willing to provide services unless they had the ability to do so.

Commissioner Rounkles asked if under the current zoning, would they have enough sewage capacity for those units? Ms. Hurtado replied that she wouldn't know, the normal procedure would be that if they came in with this subdivision, the Planning Commission staff would send out the letter to any entity that's going to provide services and they tell us whether they can or can't. In state requirements, you'll always have to get these approved by the state. So they go through that permitting process, the state actually tells them what they need to do, they approve it and then the entity has to continue to maintain and accept that.

Chair Cooper stated in response to what legal counsel is stating, if it's owned by a bonafide water and sewer district, you can't tell them they have to put in a membrane. They go to the state and the state tells what is required. If the state indicates that eight more lagoons would work and it wouldn't impact the environment, they're going to get the lagoons. Monette Hurtado replied that the Planning Commission does not have the jurisdiction to determine the waste water requirements. Ms. Hurtado said that Powder Mountain agrees to construct and ensure the operation and maintenance of waste water treatment, but ultimately a body politic would have to accept that.

Staff asked if the members are interested in requiring the waste water treatment facility included with the Phase 1 improvements. Chair Cooper replied that they can't limit it because Powder Mountain Water and Sewer District may say they have additional capacity and they could start construction based that capacity. They could reach a point where they wouldn't be able to take in more sewage and would require a treatment plant for them to service the area.

Staff asked the Planning Commission members if they are actually entertaining approving a configuration of the zone that would allow a golf course?

Commissioner Lythgoe asked if they could recommend the use of a membrane type system? Staff replied that the Planning Commission can recommend it, but it's up to the water sewer district to dictate what type of system they want to approve. Staff stated that the condition is written that the waste water would be treated to a quality to be allowed to be used as irrigation water.

Commissioner Lythgoe asked if there is a problem on water rights when you take a culinary water right and turn it into an irrigation water right? Staff replied that they are trying to get a final answer regarding that issue. Commissioner Lythgoe replied that she's heard that before that you can't just go from culinary to irrigation. Chair Cooper replied that Weber Basin address this issue. Usually people want to go from irrigation to culinary because they're usually always in the mountains when they farm for years, it's usually always an irrigation right. There weren't need for culinary rights so you go in and you petition to have your irrigation rights converted to culinary rights.

Staff asked Legal Counsel IF the Planning Commission could mandate a time table for the waste water treatment facility to be constructed is that correct? Ms. Hurtado replied not when they have a district already. The district should be able to say when they need additional infrastructure. They have to have so many users in order to make it work.

Commissioner Siegel stated that it's the rezone that's being considered for property that is not part of Powder Mountain Sewer District. Ms. Hurtado replied that the Planning Commission could recommend approval, but the developer has to meet all these conditions in order to get the approvals to go to the next step. Commissioner Rounkles stated he thought that they already had a district there. Monette Hurtado replied that there is a district there and she is saying that if the district said that they have no interest in providing additional service, then the next step would be, to have the County Commission approve another body politic based on the rezone and the Master Plan that they have.

Chair Cooper stated that they could expand their boundary, their political entity, but could opt not to do it. If they don't expand their boundary, then it's like legal counsel stated, their only option is to create their own body politic.

Chair Cooper said that Legal Counsel indicated the wording was fine and as long as they work through a body politic and they have to have the approval of the body politic saying they could receive waste water before any building permits are issued. Our ordinance covers that, we changed that because it didn't use to be like that. They have to have the capacity at the time the building permit is issued.

Item #1 -Chair Cooper stated if there's no objection, they will leave it the way it is.

Item #2 -Staff stated that was something that they wanted to bring it to their attention because they need to consider the life, health, safety and welfare aspect. If they are looking at keeping this requirement in place, would they expect a legitimate way in or out for safety reasons and that it be gated? Right now, Powder Mountain's proposal is to have that seasonal access located going out of Powder Mountain through Vista through Sun Ridge and Evergreen to Highway 39. The County Commission would need to give approval to open that area as a seasonal access.

Chair Cooper stated that it seemed to him that Item #3 talked about a second permanent access that's going to be contingent on when the Planning Commission feels that second permanent access should be implemented. The seasonal emergency egress/ingress is probably going to work for wildfire but it's not going to work for some of the emergencies that we run into in the middle of winter. He was not sure that was a viable option. Commissioner Lythgoe stated that at one point that there may be a need for a small amount of commercial development and that road may come to flourish then. They may need additional lodge space or additional ski shops space.

While that is being hashed out, Commissioner Lythgoe didn't think it was reasonable to allow them some support facilities that service some of the needs there. She does not think that they need to let them build a lot of stuff along the second access road, but there may be a need for some small amount of other commercial support facility to service the people that are already there. It hard to really know what exactly is going to happen with that road.

Monette Hurtado asked the Planning Commission members if they want to link the second access road to a phase or density? Commissioner Lythgoe replied that she thought it was appropriate to require the road at the front of the project.

Commissioner Siegel stated he just thought that any road that goes through has to avoid any conservation area because it would set a dangerous precedent. Ms. Hurtado replied from a legal point if a conservation easement has been appropriately recorded, then she didn't believe that they would be able to have a road through it. One concern is usually if there's a right of way that's not within the conservation easement, that would be something that they would address. That would be something that the surveyor could address.

Chair Cooper stated that either a second seasonal access or permanent access is going to take quite a bit of time to get in place. Monette Hurtado stated that they may want to link them and they may do it at different stages of development. For example, that it may be after they have a certain amount of their commercial in that they have to provide a secondary access. The same may be true for your secondary permanent access. You could do that based on single family dwelling density.

Chair Cooper stated if that's not going to be in the initial phase, it's not going to be more dangerous than it already is. His concern is when you start to get some people up there and you have a major slide or something, how would they handle it? Commissioner Lythgoe's recommendation is that some development could occur before that seasonal emergency. They could tie #2 to a number of units and tie #3 to a number of units. They need to determine how many units could be built before they require the seasonal emergency access route

Commissioner Graves asked before they arrive at a number, what is proposed in Phase 1? Ms. Hontz replied Phase 1 includes some commercial square footage, probably some hotel included in the village area, ski lodge, and skier services with a brand new expansion, additional lifts, some residential single family homes and also the golf course would get started.

Commissioner Allen asked Ms. Hontz if she had a definite number of how many residential units are included in Phase 1. Ms. Hontz replied that she would have to go back and look her book. Commissioner Graves asked would it be a half or a third? Ms. Hontz replied no, in Phase 1 it would probably be a quarter at the most of the overall residential.

Commissioner Graves stated the could attach the seasonal road requirement to Phase 2. Monette Hurtado stated that seasonal access would have to meet the same requirements as a normal load. It still has to be improved to county standards. Commissioner Graves stated the road improvements would be a large investment.

Commissioner Graves asked if they could say anything about recommending avoiding Conservation Easements in the placement of this road? Ms. Hurtado replied no, because they would actually have to review and see if it was an acceptable access. Like she said previously, that was something that the surveyors need to review in order to determine if it's an appropriate roadway. Chair Cooper stated that they may have to skirt around that. There may not be a straight line and it may be some other route that's not in the easement if there isn't an easement.

Staff stated the reasoning behind the language in #2 was the mere fact that construction activity is dangerous. Construction activity starts wildfires. There may be some economic reasoning behind wanting to put it off, the safety issues is what they were looking at.

Chair Cooper said they should leave the wording as is on Item #2 and go to Item #3.

Item #3

Chair Cooper stated there's been some discussion that the density of 1,223 is too high so that is something that this body should discuss. Commissioner Graves stated that should be 750. Commissioner Siegel stated that they need to get the number of hotels and lockouts sorted out.

Commissioner Siegel stated so you figure you add in the number of rooms and on the original where they say they want 610 family dwellings and 1790 multi family, he suggested to give them 610 and let them divide them between the two plus the hotel rooms for a total of 895 and then they have to start looking for another route. Because at 895 if you go through the traffic report and you extrapolate it down through there, that's where you get to the point where the road congestion starts getting into that "C" category in the UDOT Study.

Chair Cooper stated if there's no objection, this condition would stand as written except it would say 895 units.

Item #4 - Chair Cooper stated if there's no objection, they will leave this condition the way it is written.

Item #5 - Staff stated that the word "significant" seemed vague. Chair Cooper stated the plan should provide a definite number instead of significant number. Commissioner Siegel stated that they have already set 895 for what they are going to give them before they start looking for a road.

Ms. Hontz stated that the whole idea of the plan is that we present it to you and talk about the number of units, what type of units, where they would be located. The 895 is when it has to be done or prepared by because it was pretty clear to her that the number of units is determined by the plan that the Planning Commission approves. Monette Hurtado stated that she would come back with a more definitive plan that the Planning Commission would approve prior to them starting the employee housing plan.

Brooke Hontz asked that the word "significant" be eliminated because the whole idea is that the Planning Commission would determine what is significant when the plan is presented to them. She's fine with taking the word "significant out and changing it to a specific number. The whole idea of the plan is the specific thing that they will implement.

Chair Cooper stated that #5 is acceptable by this body. They have to review and accept it and that's part of the plan. She'll come in, she'll do an estimate number of employees, probably at the various phases of construction. She recommends that the wording on Item #5 is changed to "This plan shall provide an acceptable number of affordable housing units."

Item #6 - Chair Cooper stated if there's no objection, this condition will stand the way it is written.

Item #7 - Chair Cooper asked if there were any additions.

Staff stated what has been suggested is a certain amount of open space that is contiguous.

Chair Cooper said that their initial idea is that there needed to be a buffer and it may need to be contiguous. He asked if they are asking for two different easements, then at their discretion they may say it has to be contiguous. However, if the Forest Service and Wildlife Resources requests a buffer, then the Planning Commission could recommend that there is a buffer. He doesn't know if they really want to limit themselves by having a contiguous buffer. Commissioner Allen stated the Planning Commission would have the option to deny or approve the buffer. Chair Cooper stated if there's no objection, Item #7 would remain as written.

Item #8

In response to a question from Commissioner Cooper, Monette Hurtado replied that this item indicates that the Planning Commission would like to see a definitive concept plan. Chair Cooper stated if there's no objection, Item #8 will remain as written

Item #9
Chair Cooper stated if there's no objection, Item #9 will remain as written.

Item #10 - Commissioner Rounkles stated that the intent was there. Chair Cooper stated if there's no objection, Item #10 will remain as written.

Item #11
Commissioner Rounkles stated in the letter from Forest Service, they have made some recommendations that we should use some of the best practices that was used during the Olympics. He remembered the impact study when that did come out and they were really thorough on that.

Ms. Hurtado stated that there is a manual that deals with construction's best management practices.

Chair Cooper stated if there's no objection, Item #11 will remain as written.

Item #12
Chair Cooper stated if there's no objection, Item #12 will remain as written.

Item #13
Chair Cooper stated that he thought in those letters they indicated they needed further study so the survey could determine if there some areas that were unstable. The department of Environmental Quality would be the entity to determine if we have prime recharge areas for drinking water.

Chair Cooper stated if there's no objection, leave it the way it is.

Item #14
Commissioner Graves stated that we could strike the employee housing plan from this requirement since they have dealt with it. Commissioner Graves stated that Item #5 has a lot more direction than this does so the item should be removed.

Chair Cooper stated that on Item #14 the employee housing plan will be removed.

Item #15
Chair Cooper stated that this item will be left as is.

Chair Cooper asked if there are any other conditions since they talked about these conditions that any member would like to have considered?

Commissioner Rounkles said he would like to consider Item #10 where they have agreed to limit to the one 18 hole golf course. His feelings on that is try to keep the golf courses close to the villages as possible and not try to spread it out. The intent of the F-40 plan was to give more area. The Planning Commission didn't give them any direction or how they feel about the 18 hole golf course. Commissioner Graves stated that they had in terms of the type they wanted and how to be limited. Monette Hurtado stated that they're going to have to come back with a redesign.

Chair Cooper stated like she said if they come back with a redesign and said that was their preferred option, the members could ask them why they chose their location.

Commissioner Rounkles stated that his suggestion would be try to keep the wildlife and keep the golf course closer towards the village.

Commissioner Graves stated that a lot could depend on how they use the housing around this too. He believes they need to give them the leeway to at least explore it.

Commissioner Graves stated that he didn't think that they had to worry about the golf course design but the one thing that was agreed upon was that there be some kind of access and they could certainly make that Item #15. Commissioner Lythgoe stated it's hard to know when you go from two golf course to one golf course exactly how they would want to lay it out.

Commissioner Graves asked if they need to say anything about the access road being provided to the 215 acre parcel? Ms. Hurtado replied no, she actually reviewed the contract and that's something when they come with the development plan that they recognize any agreements or easements.

Commissioner Graves asked what about the wording if there were to be additional density ever granted that it would be done with either TDR's, PDR's, or the 1%? Commissioner Lythgoe replied that she didn't think they could put that in right now. Monette Hurtado replied that she didn't think they could limit them. They would always have the ability to come back with a redesign and the Planning Commission would determine it based on the facts of that time.

Chair Cooper asked if there's a recreation element adopted by them, they wouldn't have a say in it, they would automatically have to use that, is that correct? Ms. Hurtado replied no, they would actually ask to rezone into that type of zone. If they do that and there's density available, they want to take advantage of that. It would be fact specific based on the language of the ordinance and their ability to meet it at the time they come in to revise their Master Plan. Commissioner Graves stated they have proposed and are willing to do the 1% transfer fee. Commissioner Siegel stated that's why they are working on those tools.

Chair Cooper stated and he may have a good point if it takes some time for them to get the recreational element done, they could potentially come back before that, and hopefully it could be expedited before they have further requests for density.

Staff asked if they had some concerns about parking? When you start considering an expansion of a ski resort and that number of skiers, in the Master Plan there's not much on there as far as additional parking. Chair Cooper replied that he thought they did intentionally because they didn't want a lot of parking on the site, that's why they wanted to be a destination resort, and they wanted to other methods of transportation to get the skiers on the mountain. We don't want them to add any more parking. If there's no where to park if they have enough parking for 1000, and they go to 3000, and there's nowhere to park they can't allow them on the mountain.

Commissioner Siegel asked if they could limit the number of skiers that they have per day? They are limiting the density, they are limiting their commercial space, they are limiting what they can do for golf course and development, so could they limit the number of skiers per day to mitigate the parking until it catches up? Monette Hurtado replied that they have to prove to you at each stage of their development that they have adequate parking. That's what they normally do when they come in with each phase of commercial. They do the site review and the developer tells them what kind of parking is required for each amenity as far as improvement in the commercial.

In answer to a question by Commissioner Siegel, Monette Hurtado replied that with the ski lifts and ski lodges, the county would require them to address that by asking how many skiers a day they have and how much parking they have for those skiers or if they have created a plan like using a Park & Ride lot that would accommodate the skiers per day they have.

Chair Cooper said they are now to the point where they say since this is the density they need to deal with both the residential units and the commercial square footage as well as retreats, hotels, and motels. Are the retreats considered part of the commercial proposed corporate retreats or are they considered part of the commercial square footage? Staff replied that they are in addition to. Chair Cooper stated that is something they will have to address.

In answer to a question by Commission Siegel, Brooke Hontz said that they are really flexible regarding the proposed corporate retreats. Ms. Hontz replied that they were really flexible, but it wasn't their intent that they were going to be exactly the same.

Chair Cooper stated the total of 1,218 or somewhat less but that's what they have now by right. They have addressed the housing units and the retreats, so now they need to talk about hotel units. Commissioner Siegel stated that he included the hotel units in that first 895 so they want 385. The Planning Commission gave them 610 accommodations of single family and multi- family and then they added the 385 hotels. Chair Cooper stated they're requesting 385 and 1-4 Hotels.

Commissioner Lythgoe said on the residential dwellings, are they going to let them determine which are single family and which are multi-family out of that total number? Commissioner Siegel replied yes, it doesn't matter it's just 610 regardless. Commissioner Lythgoe stated that 385 is not a lot of hotel rooms. Commissioner Rounkles clarified that they could have four structures that come up to 385. A brief discussion followed regarding the proposal numbers and what they desire to limit. Ms. Hurtado stated that the Planning Commission members need to focus on what they are trying to encourage.

Chair Cooper stated they want to have the best resort they can for the public in the valley and the public that comes to utilize the resort, but they do not want to increase density beyond what they had. The Planning Commission is saying that they will let the developer have the flexibility to move zones around, but that it's not fair to all the people in the valley floor that have had to go to three-acre zoning or have been limited. Other ski resorts who are going to come in here and say that they want some increase in density and they will be told they have to get their density off the valley floor or figure a way that they don't increase overall density in the valley. That's what the Master Plan said, that's what we've heard the public say time and time again, and he didn't know how to do that when they're talking about footage.

Monette Hurtado asked if they have a concern about the size of the commercial zone and the amenities? Commissioner Siegel stated that he wanted to set a precedent that they are not going to have. Ms. Hurtado replied that they would address the precedent issue by doing the factual basis for your determination. Commissioner Siegel stated he understood that but believes they will set a precedent for other resorts to ask for the same as Powder Mountain because the scale is what needs to set the precedent for a resort. He knows that they were working on that in the resort ordinance with the size that they have to be, but he has no ideas regarding the commercial area.

Commissioner Rounkles stated that when they comparing the residential and commercial on the old Snow Basin road, they indicated that there was a certain amount of commercial space and as they started they had to do the commercial along with the residential so the issue was about traffic. It seemed that there was a formula that they came up with.

Chair Cooper stated think of it this way, the commercial area even though it may be larger, gives the amenities on the mountain to keep the people there. They want to keep their clientele on the mountain so they spend their money up there. It also would be just like a resort where you went up yourself, let's just say you don't own a unit up there. You went skiing or you didn't want to ski you just wanted to go up there and there's nothing to do. There's condos, there's hotels, but there's nothing to do so just the general public that wants to travel up on the weekend or whatever. So you do need some relatively attractive commercial. He doesn't think it's a big deal to limit the commercial it severely.

Staff stated that the Planning Commission members may want to ask if the commercial square footage has any relation to the number of units or the skier capacity? Obviously, there's 150,000 square feet currently.

Commissioner Lythgoe stated they put in a unit cap and hotel unit cap. Ms. Hurtado stated that it's based on demand and so if there's not a demand why would they build all the way out. Commissioner Siegel clarified that they are referring to limiting the square footage to a percentage of what they gave them for units. Staff stated that's an excellent way to look at it. It's going to be based on the demand. What you have taken what was originally proposed as far as units was 24 plus the hotel rooms and now they have settled on a number. The question is will the demand for that commercial space also diminish with the total number of units?

Commissioner Graves stated even if we left the number the same, it doesn't mandate them to build out to that either. Monette Hurtado stated in the commercial area they are saying it's not to the developer's advantage to build empty space that's not used. It is very closely tied to the density so even though you give them the space it's unlikely if there's not a demand that they would continue to build out.

Chair Cooper stated that he wouldn't want to limit them to the people up there because if they want to draw people, and you want to have a resort that people really want to go to and have something to do and you want to have some decent commercial uses.

Commissioner Siegel stated that because the floor space is going to be expensive, it's not just going to sit there.

Commissioner Graves asked what the 150 is half of? Commissioner Siegel stated that everything they do commercially will come before the Planning Commission to look at. Whether they have 150,000 feet that's approved, they are not going to see it in two years especially with the limits and the caps that they have already put on.

Chair Cooper asked if they were real successful and they needed more commercial, how would they apply for that? Monette Hurtado stated that they would come back and amend their Master Plan and they may do a rezone in conjunction, but they would be separate items. For example, look at Wolf Creek who have realized that they needed the commercial in different areas so they've actually tinkered with their Master Plan to adjust for where that commercial is. You still have control over the square footage. But if they're comfortable with where that commercial is, they just increase amount of square footage, then they would come to the Planning Commission to amend that number and show their concept plans.

Commissioner Graves asked if they want to keep the numbers the same or do they want to reduce it, that's the question.

Chair Cooper stated that he's trying to visualize the negative impact. It's basically economically driven and they are not going to build a bunch of commercial space that's going to sit.

Commissioner Graves stated that he's inclined to leave it and let the market decide. Chair Cooper said if they leave it, what is the square footage then? Commissioner Siegel replied 150.

Chair Cooper stated they have determined the number of hotel rooms and retreats, they have decided 1,218 total units of density, and they have talked about 150,000 square feet in commercial, so other than the issue about lockouts, what else do they need to deal with?

Commissioner Lythgoe stated that lockouts would be shown more on a site plan. Staff asked if the lockouts were part of the 385 units? Chair Cooper stated that's 385 including lockouts.

Commissioner Rounkles stated the 385 was the hotel rooms, but then we talked about the condo hotels was on the multi-family units and those numbers were a lot larger.

Commissioner Graves stated isn't that covered with the overall 1,218. Chair Cooper asked if the lockouts were included in the overall density? Commissioner Lythgoe stated that the lockout doesn't count against your density. Staff stated that it's part of the 385. Chair Cooper said they have discussed the number of hotel units, but what about condo-hotels?

Staff replied they use the hotels with the lockout rooms as part of the 385.

Chair Cooper asked if they sell one to him and he buys a condo and he wants to do a lockout, don't they have some control over that? This has nothing to do with their hotel. He buys a condo unit and he wants to lock part of it out. Commissioner Siegel asked if Wolf Creek did not with their condo-hotel? Ms. Hurtado replied that she thought that the Home Owner's Association came back and petitioned to allow the owners to do lockouts. They have seen it at Moose Hollow as well.

Staff stated that lockout rooms are counted as part of the density. In answer to a comment from Commissioner Rounkles, Monette Hurtado said the numbers are going to be calculated on their density.

Commissioner Rounkles stated that even here you have a variety of town homes, condominiums, or condo/hotels. So the condo/hotel could be where the lockout rooms are but on a town house maybe not. Maybe a condo makes more sense to be a lockout, but a hotel should just be a hotel and not a lockout.

Staff stated that they were still unclear on how the Planning Commission wants to deal with the hotel unit number and lockouts.

Chair Cooper stated as per Legal Counsel based on the lockouts being in the condominiums which might take an action by Homeowners Associations and those type of things to come into petition as they don't really have to make a decision on lockouts for that. Monette Hurtado stated that they would see the lockouts on the site plan. They would see the design as far as the site plan initially and then they could decide whether to allow homeowners to have lockouts.

Chair Cooper asked if they could limit the number of lockouts when they come to them in the future? Staff said that they believed the Planning Commission could limit it at the time of site plan approval. It is typically their conditional use within the CVR-1 zone.

Chair Cooper asked how many hotels did we want, did we say? Staff stated that the Planning Commission capped it at 3 to 5 and 1 - 4 hotels.

Monette Hurtado reminded the Planning Commission members need to be specific on the factual basis for their determination; for example, they request a rezone based on the design, the area, the location, how to address the existing resort, the size, do they think the rezone is probably more desirable than the existing zoning, etc. The County Commission wants to know the basis for the Planning Commission's decision.

MOTION: Commissioner Siegel moved to approve Zoning Petition ZP #18-2006 by Daly Summit Consulting based on the belief that the proposed zoning would be more beneficial to the density proposed by the Ogden Valley Planning Commission for the location described. The rezone meets 6-12 of the Ogden Valley Master Plan intent for enhancing resort development. The caps that they put in place for density also support the valley for the welfare and the benefit of the valley residents to control traffic, sewage, and impact the valley resources. The motion is to include all the conditions that were discussed and approved by this board with the conditions as discussed with Items 1-15 by the Ogden Valley Planning Commission this evening. The density issues are as follows:
The second permanent access road Item will be pursued at a density of 895 units and that is a combination of single family, multi family and hotel/condo units. That the maximum density for the resort on the Weber County side shall not exceed 1,218 units which is what they're allowed under current zoning. There shall be a total 3 Corporate Retreats, with a total of 36 rooms that count against the total density of 1,218. The motion is subject to all State agencies, staff conditions and other agency requirements and recommendations. Commissioner Rounkles seconded the motion.

VOTE: A vote was taken Chair Cooper said the motion carried with Commissioner Lythgoe abstaining.

Ms. Hurtado stated that they would prepare the findings and circulate them so the members could make sure that they represent what their motion represents.

The remaining agenda items were tabled due to lack of time.

11. Adjourn

THERE BEING NO FURTHER BUSINESS, the meeting was adjourned at 9:00 p.m.

Respectively submitted,

Kary Serrano, Secretary
Weber County Planning Commission