



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

Regular and Work Session Meeting Agenda

December 2, 2014
5:00 p.m.

Pledge of Allegiance
Roll Call:

1. Minutes: Approval of the September 30, 2014 and October 07, 2014 meeting minutes
2. Petitions, Applications and Public Hearings
 - 2.1. Administrative Items
 - a. New Business:
 1. CUP 2014-29 Consideration and action on a Conditional Use Permit (CUP) application for a condominium project including lockout rooms and allowance to exceed the required 25 feet in building height located at 3567 Nordic Valley Way in Eden, in the Commercial Valley Resort-1 (CVR-1) Zone (Skyline Mountain Base, LLC, Applicant)
 - 2.2. Legislative Items
 - a. New Business:
 1. ZTA-2014-05 Consideration and action on a request to add an addendum to the 2002 Zoning Development Agreement for Wolf Creek Resort (Wolf Creek Stakeholder Members, Applicant)
3. Public Comment for Items not on the Agenda
4. Remarks from Planning Commissioners
5. Report of the Planning Director
6. Remarks from Legal Counsel
7. Adjourn to Convene a Work Session
 - WS1. DISCUSSION: Ordinance Revision: Title 108, Standards, Chapter 12, Noncomplying Structures and Noncomplying Uses/Parcels
 - WS2. DISCUSSION: Weber County Land Use Code Revision Process: Main Use, Accessory Use, Main Building, and Accessory Building

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting



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Minutes of the Ogden Valley Planning Commission Regular meeting September 30, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

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

Absent/Excused: Kevin Parson

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

Guests: Commissioner Bell, Commissioner Gibson, Commissioner Zogmaister
Logan Simpson Design: Jim Carter; Buck Sweeney; Krissy Nelson

Pledge of Allegiance

Roll Call:

- 1. Minutes:** Approval of the August 26, 2014 and September 2, 2014 meeting minutes

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

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

2. Consent Agenda:

- 2.1. UVS081214:** Consideration and action on a request for preliminary approval of the Satterthwaite Southfork Ranches Subdivision consisting of 5 Lots at 1050 South 7900 East within the Forest Valley-3 (FV-3) Zone (Dale Satterthwaite, Applicant)

MOTION: Commissioner Warburton moved to approve consent agenda item UVS081214. Commissioner Miller seconded. A vote was taken with all members present voting aye and Chair Hollist said that the motion carried (5-0).

Commissioner Haymond arrived at this time.

3. Petitions, Applications and Public Hearings

3.1. Administrative Items

a. New Business:

- 1. CUP 2014-11:** Consideration and action on a Conditional Use Permit (CUP) application for the placement of temporary sheds and temporary storage units, removal of maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas at approximately 3567 Nordic Valley Way in the Commercial Valley Resort -1 (CVR-1) Zone (Skyline Mountain Base, Applicant)

Ronda Kippen said the application that is being reviewed is a consideration of multiple items at the Nordic Valley Resort and the applicant desires to begin a transitional period of beautification and expansion of the resort. The application is to put some temporary sheds and storage units at the base of the resort. They would like to remove the maintenance building, the ski shack, and reconfigure the parking area to allow for some stage platform. Then they can move forward with some minor "glading" of the area to allow them to better identify the topography on the hillside so they can design new lifts for expanded runs. The property that they are looking is owned by the Nordic Valley Resort and the applicant would like to move forward with the "glading" of this area for some future runs. It's so overgrown in that area that they are not able to get in and identify the topography so the "glading" will make it so that removing the brush about six inches from the ground without disturbing any of the vegetation that is there. If the applicant wants to move forward with cut and seal, they will have to meet with the conditions from the Engineering Department through the Fire and Erosion Control and swift measures have been taken prior to any type of excavation.

Ronda Kippen said the primary part of what is being reviewed is actually located on the base of the resort. They would like to put on the south side of the resort some temporary storage sheds and storage units. They will need to meet the setbacks per the zone which is 20' setback so they will have to locate those off of the property line. They would like to demolish the maintenance shed and ski shack and remove it. The reconfiguration of the parking lot has already taken place and they did that so they could put two portable stage platforms there to allow them to hold some concerts

throughout the year. The proposed sheds meet the design review and architectural standards of the Ogden Valley and the only issue would be the red roof. It can be allowed if it's an accent color to the structure; if the Planning Commission can make that findings, then both the shed and the storage unit should conform to those standards for a temporary structure.

Commissioner Howell stated that the application states that it is for a temporary shed and storage unit so how long is temporary? Mrs. Kippen replied that it is pretty much for the construction period. A lot of these will be removed next year because they will be moving forward with the platting and the condominium units they want to put in there.

Greg Jensen, the applicant who resides in Eden, said that they applied for two separate permits. They applied for a land use permit for the stage platform and the temporary sheds on the base area. The operation of the ski runs as a conditional use permit that they applied for separately and this refers to "glading" which refers to taking brush down to the ground. If they need to, they want to cut the smaller diameter trees so people are able to ski through it known as glade skiing. They plan to leave most of the bigger trees and most of the elk brush because they are so thick, they can't get through it. The maintenance building is not going to be removed for about a year when they start their condo project and the shack will not be removed until next summer. There are actually five sheds; three lofted sheds and two utility sheds. They showed some optional locations they would like to have those sheds. The plan called for seven sheds but there are actually five sheds. The red roof matches the lodge and the architectural standard calls for natural muted earth tones.

Commissioner Miller indicated that what has been described is more than minor glading, Mr. Jensen indicated that the glading probably gets done with the first phase of this year and that would be one ski run. It would be about 1,300 feet of vertical and about 50 to 100 feet wide.

Chair Hollist said that the applicant stated that there are two conditional use permits but they are working under one number so will this require two motions or just one? Ronda Kippen replied that the applicant applied for a building permit which required a land use approval for the stage and the sheds. Due to the temporary nature of the sheds and the reconfiguration of the parking lot, the zone required a conditional use.. Instead of having them apply for three conditional use permits, they have consolidated it into one, so the findings and conditions are based on it being one permit.

Commissioner Warburton asked if there was anything in the future that talks about having this turned into a DRR-1 Zone as it would be easier for them? Mrs. Kippen replied not at this point, they are zoned CVR-1 and entitled under a ski resort and have vested under that zone so they are not required to come forward with a master plan. In the next stage of the subdivision process there is a conditional use permit to allow a condominium and the code will actually require a design review which will have site layout, landscaping, and architectural review, so they can see the substantial overall design. Director Wilkinson replied that the only problem with the DRR-1 Zone is they may not have the acreage requirement to qualify.

MOTION: Commissioner Howell moved to approve CUP 2014-11 for the placement of temporary sheds and temporary storage units, removal of maintenance building and ski shack, reconfiguration of the parking area to allow for a stage platform extension and minor "glading" to identify future walking/biking trails and ski run areas at approximately 3567 Nordic Valley Way subject to all review agency requirements and other conditions of approval listed. Commissioner Warburton seconded.

DISCUSSION: Commissioner Graves asked about the red roof not being an issue. Chair Hollist said that the main lodge has a red roof. Commissioner Graves said he didn't have a problem with that but just mentioned it because of staff's report which indicated that may be an issue. Commissioner Warburton said it is more of a rust color so that is not an issue.

VOTE: A vote was taken with all members present voting aye and Chair Hollist said that the motion carried (6-0).

- 2. **CUP 2014-23:** Consideration and action on a Conditional Use Permit (CUP) application for Digis Internet Wireless Transmission Site located on a vacant property identified as Parcel # 20-036-0042 in the Forest Valley-3 (FV-3) Zone (Dennis Watt, Applicant)

Ronda Kippen said the proposal that is before us is a new location for the Digis Site. This was approved back in 2011 to be located on The Legends at Hawkins Creek common area on their water tank. Due to some underlying circumstance, Digis

would like to relocate that tower to a new location. The zone that they are actually evaluating is the FV-3 Zone and it allows for a public utility substation which is what this Digis transmission is being evaluated as. The site is actually going to be located just to the north of the Legends at Hawkins Creek, to the south of Summit Ski Lake Phase 4 and to the east of the existing water tank that is currently on that property. The overall site is going to be approximately 20 x 30 feet to allow for the placement of some solar panels and the transmission site. Come spring they will be able to run permanent power to the site and the solar panels will be removed. The water tank was actually placed in an area where they hadn't done any topography to get the needed elevations. They built the earth up around the tank so it looks like a volcano coming up.

Ronda Kippen said after the staff report was sent out, the applicant came forward and said that based on the timeframe that they are getting permanent power they are not going to put up the shed that was included as part of the their application. They will be able to house all of the electrical components in a smaller cabinet, so there will just be the solar panels and the transmission site. This is a more detailed site plan within that overall acreage that the boundary is the temporary and the smaller boundary will be the transmission site when it's converted and will be a 10 x 10 site. This gives you the overall height of the tower measuring about 12 feet from the base and this was going to be where the shed, tower, and the solar panels. The shed is now null and void and the solar panels will be placed at the proposed location. The applicant has proposed to camouflage the tower and their plans are to paint the dishes and the radios up at the top.

Ronda Kippen said that the most impact will be from the view from lot one and two of the Legends at Hawkins Creek. She received a letter from the owners of Lot 1 with their concerns that this will impact their view shed where it currently is located. However it doesn't impact their view shed but Lot 20's view shed. They are asking that no action be taken on this until the legal issues are taken care of, and if it is ruled that they need to relocate, then we can take action on that. The applicant is being proactive and coming forward in getting this new site located. Staff recommends approval of the Conditional Use Permit request for a Digis Internet Wireless Transmission Site located on vacant property identified as Parcel 20-036-0042. This recommendation for approval is subject to all review agency requirements and other conditions of approval as listed in the staff report.

Commissioner Warburton asked if the legal issues had anything to do with the CC&R's. Ronda Kippen replied that is correct and it really has nothing to do with Planning.

Chair Hollist asked which lot is the Lanier's. Mrs. Kippen replied that would be Lot 1 which is actually owned by Snowbasin.

Dennis Watt, applicant, who resides in Hooper, said that he didn't have anything new to add but would answer any questions the commission had for him.

Chair Hollist stated that when they previously talked about the issue they were told by Digis that they use the solar panel and the battery was getting power to that site. Have they now made a deal that they can get power to the site sooner? Mr. Watt replied that at this point it's based upon when Ray Bowden indicates when there will be power to that area in their phasing plan but the anticipation in the spring.

MOTION: Commissioner Warburton moved for approval of CUP 2014 -23 a Conditional Use Permit (CUP) application for Digis Internet Wireless Transmission Site located on a vacant property identified as Parcel # 20-036-0042 subject to any conditions listed in the staff report. Commissioner Miller seconded.

DISCUSSION: Commissioner Warburton said she would like to discuss the color. Leaving it silver would actually blend more with the sky. Does anyone have any issues with the brown/green or should they just leave it? Chair Hollist said that he didn't have any issues. He asked the applicant about the color and was told that the frame tower would be galvanized and would be allowed to dull with age. Would the boxes and antenna be painted with the some color? Mr. Watt replied that what was requested before was to have it camouflaged as they had done at the other location so that it would blend in from the back. Commissioner's Warburton and Miller said they liked that better than the tower.

Commissioner Warburton asked what part of the valley is that servicing. Matt Widhalm, who resides in Ogden, said that this site actually services 70% of the valley. From that location he could see the Monastery and from the Monastery all the way to North Fork. Commissioner Warburton asked what the service capacity was for this. Mr. Widhalm replied that they

could offer all of the services offsite where they currently offer a 15 MB plan. They also offer enterprise services where they do a dedicated length of businesses and they can go as fast as they want to pay for. They are currently doing improvements across the whole valley.

VOTE: A vote was taken with all members present voting aye and Chair Hollist said that the motion carried (6-0).

4. **Public Comment for Items not on the Agenda:** No public comments.
5. **Remarks from Planning Commissioners:** No Planning Commissioner's remarks.
6. **Report of the Planning Director:** Sean Wilkinson reminded everyone of the APA Conference and they have UTA Passes for the front runner for a five day pass. If they were going to ride the front runner, they need to be on the train at 6:07 a.m. He asked if anyone would like their UTA Pass. They also have a van that would be leaving the county building at 6:45 a.m. and they could have a discussion on what they would like to do for the next couple of days. They could carpool with staff or they are free to drive themselves. As far as a Powder Mountain Tour, they would like to get a commitment on a tour date for the near future, but they wanted to make sure that the Planning Commissioners could participate.

Director Wilkinson asked Scott Mendoza if he had a proposed date. Mr. Mendoza replied that Powder Mountain would not be available on October 6th and suggested that they propose two dates that the commission could be available so they could confirm it with Powder Mountain. There was a discussion and the two dates proposed were Friday, October 17th at 3:00 p.m. and the alternate date was October 20th at 3:00 p.m. Director Wilkinson pointed out the new technology in the Commission Chambers such as the large screen televisions, computer monitors in front of each chair and the new camera.

7. **Remarks from Legal Counsel:** No Legal Counsel remarks.
8. **Adjourn to Convene to a Work Session**

**The Weber County Commission and Ogden Valley Township Planning Commission Joint Work Session
5:00 P.M.**

WS1. Introduction: Ogden Valley General Plan Update Work Plan and Process: Presented by Logan Simpson Design

Charlie Evert said that Logan Simpson Design was selected amongst various applicants for this project. They selected Logan Simpson for their innovative and ingenious approach. He introduced Jim Carter, Project Director; Buck Sweeney, Project Manager; and Krissy Nelson, Community Planner and turned over the work plan for the Ogden Valley General Plan Update to Buck Sweeney.

Buck Sweeney said that planning for the upper valley is all over the board and follows the discipline of planning that was popular in the 1990's. You have a number of planned update pieces that are more modern than that but right now there isn't a true comprehensible plan for the Ogden Valley. One of the foundational things they are doing is taking all of that planning and looking at what is relevant and bringing it into the planning framework. They are also looking at other set of issues that need to be addressed and managed, making sure they have a comprehensive framework that looks across all of those planning disciplines such as recreation, transportation, economic development, open space, and all of the major planning features that you'd expect to hit in a process like this-making sure they are brought into a single functioning interactive plan.

Buck Sweeney presented the proposed four phases and timelines of the project. Phase 1 is Assessment and Process from September to October. Phase 2 is Visioning from October to January. Phase 3 is Scenarios from January to May. Phase 4 is Plan Development from May to August to complete the project. They pride themselves on doing a variety of planning to carefully comprehend and understand what the issues are to the people that live in the place. Our public involvement will be continuous and there is no time in the process that they won't be listening or seeking engagement. Our motto for public involvement is to understand where people are in the community; what they're interacting, what they're doing, and what their lives consist of, and to engage them in conversation to understand how they live and what's important to them. They use whatever tool kit is appropriate and they will custom tailor that as they go.

Phase I – Assessment and Process

- Interviewing – Have interview about 15 people – Important people in the community
- Process of reading the relevant planning documents and management documents
- Producing – existing conditions snapshots – explains what’s on the ground and what are the challenges and opportunities
- Gap Analysis – Pieces not in place – For example if there is not going to be an existing Low Moderate Income (LMI) housing part of the planning and that has to be established by state code and that has to be there

Phase 2 – Visioning – Based on Shared Values

- Community Involvement – Getting their input as to what their vision of Ogden Valley in 20 years
- Visioning Process – Value process will make sure they pick all those things and thoroughly understand
- Translate into Formal Vision Document – Will become the frame work the front end of the plan

Phase 3 – Scenarios

- Land Use Scenarios Workshop #2
- Community Choices Workshop #3
 1. Working with the public – Looking at maps, constraints & opportunities, thinking about the vision
 2. Get to where we want to go – Develop those with the public - Start testing those scenarios and look at:
 - a. Economics
 - b. Dense Development Patterns
 - c. Talking about nodes versus not talking about nodes
 - d. Water as a constraint instead of entitlements as a constraint
 3. How they translate in terms of the transportation infrastructure
 4. How they translate for sewer and water infrastructure
 5. What they mean as far as taxes
- Optimizing Choices:
 1. Goal is a optimize choices based on the vision
 2. Evaluate the good, better, and the best options
 3. Focus on opportunities

Phase 4 - Plan Development

- Vision
- Scenarios
- Final Plan

Final Plan - Preserving Character

- Understanding the character of what this place will be
- Tell a Story – Mountain Village – for the next 30 years
- Monitored and Adaptable: Amount – Location – Type

Ogden Valley Plan 2015 - About the Plan: www.visitogdenvalley.com

Chair Hollist asked to what extent they will be involved as a part of this engagement in helping them with the codification required to implement the plan. Mr. Sweeney replied that as part of the planning process as they are making choices, concluding things, and heading in a particular direction, his role on the project is how this is going to play out in terms of the existing regulations, what changes would be necessary, can this be implemented with the existing staff.

Gary Fulmer, who resides in Eden, said that they have been involved in the reorganization and planning of the Wolf Creek Resort below Powder Mountain. They recently had a community meeting that over 200 people attended. They’ve had input from over 110 individuals and would like to share that information and become part of the planning process. We would hope to report their findings in the next Planning Commission meeting.

Jan Fulmer, who resides in Eden, said that she would appreciate if they came to the valley on a daily basis. The project outlined would take more than a year and they should come during prime ski season and they can see what is going on.

Steve Clarke, who resides in Eden, said that the most effective tool with the visioning process has been to talk about entitlements and what the current planning process would lead to. His experience is when you're envisioning with the people in the valley, the vision stops with "I don't want anything to change." How do these people plan to draw the valley people into the discussion of what the valley might become and what they might prefer in that event? Chair Hollist replied that the staff has laid out an exceptional job in laying down the foundation for what it will look like. They have been looking at documents that make certain population objections and what that might mean.

Buck Sweeney added that the visioning is the first step in the scenario process. The scenarios process depends on us laying out the right kinds of information about the future. Understanding the population pressures, demographic pressures, water constraints, and the visioning will comprehend a baseline of change from the start.

Jim Carter said that he and Buck Sweeney are doing a presentation at the Utah APA Conference which talks about character base planning. This project has imported a lot of principles and they have realized that that all communities are under pressure. The visioning proposed focuses on what works for you and they can develop a scenario to accommodate that when the reality check comes into play, and that's when they develop the visioning that they like.

Commissioner Zogmeister said she was impressed with their approach with the presentation and that it answers some of the questions. She is hoping that they will also be utilizing some of the tools that Wasatch Regional Council has in the 2040 Plan because those help with the visioning and part of the study plan.

Janet Muir representing Dark Sky in the Valley said that last week they did readings on the new moon with Weber State. They have 200 readings of dark sky and they are talking about going through accreditation of the community as a Dark Sky Community of Ogden Valley. They are working with many individuals gathering a lot of information to establish a model ordinance and to decide what they can do with all the collected information.

Charlie Evert said the development of ordinances is going to be ongoing. In fact the Planning Commission will have a presentation to talk about a restructure of our current ordinances as they are. They will continue working on the problems in our code throughout this process; this process is a year long process, but it is necessary for the valley where they know where our policy directives are going. Our consultants will provide us a vision, goal objectives, and policy direction. Under the state law the Planning Commission is the steward of the creation of the general plan and it is the Commission who adopts it. That shouldn't stop us in creating additional ordinances as we move forward and as they are creating those ordinances, get some additional information for their consultants to build their vision and strategies.

Debbie Curl, who resides in Ogden Canyon, said that she wanted to know to what extent does this study affect or take into consideration the Ogden Canyon. Mr. Sweeney replied that they recognize that there is a large issue with workforce movement between the two valleys; they recognize the roads and road system constraints, and all of those will be considered.

Commissioner Bell said in the couple of years that he has worked with the citizens on many projects, one of his favorites is the Dark Sky Program and he appreciated all of the citizens involved in the valley and the canyon. There are a lot of great things out there and he is looking forward to having a good discussion with everyone. He thought it was phenomenal that everyone was respectful of each other.

Commissioner Gibson said he just wanted to mention that Debbie Curl made a comment that she had never known the canyon as not part of the valley. He took that to mean that there are folks who have felt left out in a particular process at times. This is important as they go through this process to remember that there will be many voices and we have to make sure we hear all the voices. As an elected official who is responsible for this process, he wanted to let the Planning Commission and the teams know that he is grateful to everyone that is affected by what they do here. They have committed significant resources for this project and they expect everyone to know that you and those we hire to represent us should handle themselves appropriately. He just wanted to make sure that the people understand that we are here as a resource for you to help the community move forward in a positive way.

9. **Adjournment:** The meeting was adjourned at 6:15 p.m.

Respectfully Submitted,

Kary Serrano, Secretary; Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Work Session held October 7, 2014, in the Weber County Planning Division Breakout Room, commencing at 5:00 p.m.

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

Absent/Excused: Kevin Parson;

Staff Present: Sean Wilkinson, Planning Director; Scott Mendoza, Planner; Charlie Ewert, Planner; Dustin Parmley, Legal Counsel; Kary Serrano, Secretary

1. Discussion: Cluster Subdivision Ordinance

Scott Mendoza said he would review section by section and explain some of the big items in these sections. If you have input tonight, he will take that information and work it into the draft prior to bringing it back to you towards the end of the month for some action. He is preparing a staff report for the Western Weber Planning Commission and he was able to put in there that staff has been working on this for quite some time, the Planning Commission has solicited, they welcomed, and received a lot of valuable public input and developers are just as interested.

Scott Mendoza said he would like to explain the difference between what you had received and what was just handed out. In the previous version is a draft as of last week and he got some great staff reviews and input from them. He has gone back and refined some things.

Section 108-3-1. Purpose and Intent: This was rewritten to remind the developers as they read this code, that there is an inherit gain just because of the cluster itself. That is something that they have talked about and let them know that there is a bonus that is offered to them if they develop this way.

Section 108-3-2. General Regulations: This is a new section and there was a general regulation section that was stricken out. What he ended up doing is adding this new information and those are the zones that don't list a cluster subdivision as a use. In the past the county at some point put cluster subdivision in each zone's land use list. He removed cluster subdivision from all those zones and the lists of uses will be in one place.

Section 108-3-3. Approval Procedure: Staff had a suggestion to remind everybody that when a plat gets to them, the Planning Commission will be giving a recommendation for final approval so this was added to make that clear. Originally, the approval procedure in general was not all clear in the existing code and that is what was created here. What was also created was a sketch plan endorsement, and they don't want to give the impression right from the beginning that the Planning Commission is giving any type of approvals or entitlements. They have clearly written down the procedure and have created a new sketch plan endorsement option. Staff has created a form that a developer will fill out and provide a sketch of what the cluster is going to look like. They will submit it and within a couple of weeks, at a regular Planning Commission meeting, staff will get up and introduce this as a sketch plan endorsement, and everyone attending will know this is a pre-preliminary item. Once this gets to preliminary, it's really administrative and staff does not see turning away cluster subdivisions. It was suggested that the sketch plan endorsement be its own section so that it doesn't get confusing as others look at this.

Section 108-3-4. Cluster Subdivision Design and Layout Standards: A concern from the Western Weber Planning Commission was that most of the units were being placed on one side of the subdivision and the other side was open, so it looked like a very urban subdivision on the left side and a farm operation on the right side. They didn't like the look of this urban neighborhood, so in the current code they will have a minimum number of lots in a cluster, and what he explained was that they could put in a maximum number of lots in a cluster. That would mean that they would have to break these areas into pieces and separate them. In this section what they have done is create a standard where it needs to be clustered or grouped and be entirely surrounded by open space whether it's dedicated as open space or dedicated as common area and/or individually owned parcels. One of the big changes is possibly to leave this as open space that is owned by a Home Owners Association (HOA) to open space that could be individually owned and the Western Weber General Plan supports that. This may be a way to get rid of HOA's that in a lot of cases failed, and in many cases the interest in maintaining the common area is lost.

It was recommended against putting images in the code because images do not make good legislation. They are difficult to apply and when there is an image like this that is not in conformance with all the other standards being put into place, it could lead to a lot of confusion. If there is going to be an image, it needs to conform to every other standard that they're putting in place, and even at that it is not recommended. What they are creating is not a policy document or education material, it's law and pictures make bad law. If you have pictures, then you need to have a disclaimer stating that this is for illustrative purposes only, that the particular picture has no legal force itself, then that could be acceptable.

There needs to be a buffer of 50 feet between small lots. If there is a lot under 15,000 sq. ft. next to a subdivision boundary, it has to be setback 50 feet. There needs to be a common area or an open space parcel in between it and the exterior boundary of a cluster subdivision. It was agreed that the open space area between each cluster of lots shall not be less than 75 feet in width.

Section 108-3-5. Open Space Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards: In this section we talk about the open space plan coming to the Planning Commission so you can take a look at the plan that shows you on these open space parcels and what they are intended to do. An applicant needs to come in, give you a narrative, give all the proposed uses, any phasing and maintenance methods for keeping that open space parcels of the way they are intended to be. This leads them towards putting in an agricultural preservation easement on the property and they've done this in the past. They have come in and shown you on a ten acre parcel what animals are going to be grazing, here's the buildable envelope where a future landowner may build a hay barn or some agricultural structure. In the Guarantee of Open Space Improvements; this is where they clarify that any improvements and if it needs a certificate of occupancy from the Building Department., then they don't have to take a financial guarantee for it. If it's a clubhouse or something like that, they won't take a financial guarantee from them. They also have phasing where they are not going to accept a later phase if this phase amenity hasn't been built or doesn't have a guarantee for it. It was suggested to remove the word agricultural in the agricultural preservation easement when in fact they may be preserving for aquifer preservation, forest land preservation, elk preservation, and have multipurpose for the preservation of the open space preservation easement.

Section 108-3-6. Open Space Parcel Development Standards: Some of the rules have been modified/adapted in order to provide flexibility and encourage design creativity within the cluster subdivisions. The Parcel Area was not clear in the existing code; if there is a piece of common area, what's its minimum size. What they have included is open space parcels dedicated as common area shall not be restricted in area/size; however, they must contain an area that meets the minimum acreage requirement if the common area parcel is intended to garner a bonus density and that does not apply to Ogden Valley. In the Ogden Valley there was a project called The Rivers and they wanted to have a faux guard shack, with a lawn, with a weathered looking entry but they wanted that island to be a common area but the current code required that it be one or three acres or more and they couldn't work that out. Now it's clear that that a small 5,000 sq. ft. piece or even much smaller, out in the middle of the right-of-way if they work it out with the County Engineer's Office, they can call that common area and the HOA can maintain it. It gives more flexibility and that would apply to the Ogden Valley. In the Purpose and Intent, it would clarify that it's in the Western Weber Township and it also clarifies it in the Bonus Density Section. Are you comfortable with one acre parcels that are possibly all fenced? What you may end with is a nice home on a one acre parcel that has a fence with a horse out there. You would see a one acre parcel but there might be another acre across the street and one of those would have to be next to another common area and that gives it a rural area.

Section 108-3-7. Bonus Density Lot Development Standards: This is where they are saying that some of the rules in the regular zones have been modified and adapted to provide some flexibility. In Lot Area, the existing code allows for 10,000 sq. ft. lots and what they are saying is that if your lot is next to a cluster subdivision boundary, it has to be at least 15,000 sq. ft. The standard has gone up in size to mitigate those impacts with the residents out west that were concerned about small lots established next to their two/three acre lot. However, they may go down to a minimum of 6,000 sq. ft. if there's a 50 foot buffer between the lot and the exterior boundary of the subdivision. If the lot lies within a cluster that is adjacent to a previous recorded subdivision or cluster that is similar, they have defined what similar is. If the lot lies within a cluster subdivision that is adjacent to an undeveloped parcel, they have defined what an undeveloped parcel is. In Lot Width because of the reduced lot size they provide some design flexibility and reduce that infrastructure. In Lot Coverage they are not creating a new standard; this is already in the County's Code. In cluster

subdivisions, only 25% of the rear yard can be covered. In Yard Setbacks on these smaller lots, they wanted to provide more flexible setback standards. On a front yard setback there is another part of the code that allows for encroachments. In structure height, the standard today is 35 feet and they are suggesting going up to 40 feet.

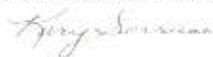
Section 108-3-8. Bonus Density: Bonus densities shall only be awarded to those cluster subdivisions developed within the Western Weber County Township and they kept the 50% bonus criteria set for them.

Section 108-3-9. Owner's Association Required: If there is common area, they are saying that there has to be a n HOA and they have expanded on that.

Section 108-3-10. Example of Cluster Subdivision: It was decided that the illustration should be with the application for the sketch plan.

2. **Adjourn:** The meeting was adjourned at 7:10 p.m.

Respectfully Submitted,



Kary Serrano, Secretary
Weber County Planning Division



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Approval of conditional use permit for a condominium project including lockout rooms and allowance to exceed the required 25 feet in building height per the CVR-1 Zone.
Agenda Date:	Tuesday, December 02, 2014
Applicant:	Skyline Mountain Base, LLC
File Number:	CUP2014-29

Property Information

Approximate Address:	3567 Nordic Valley Way Eden, UT 84310
Project Area:	Approximately 3.2 acres
Zoning:	CVR-1
Existing Land Use:	Ski Resort and Recreation area
Proposed Land Use:	Ski Resort and Recreation area
Parcel ID:	22-023-0086
Township, Range, Section:	T7N, R1E, Section 29

Adjacent Land Use

North:	Forest Residential and Agricultural	South:	Forest Residential
East:	Forest Residential and Open Space	West:	Ski Resort and Private Campground

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SW

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 11 Commercial Valley Resort Recreation-1 (CVR-1) Zone
- Title 108, Chapter 1, Design Review
- Title 108, Chapter 2, Ogden Valley Architectural, Landscape and Screening Standards
- Title 108, Chapter 4, Conditional Uses
- Title 108, Chapter 8, Parking and Loading Space, Vehicle Traffic and Access Regulations
- Title 108, Chapter 16, Ogden Valley Lighting
- Title 110, Chapter 2, Ogden Valley Signs

Background and Summary

Nordic Valley Ski Resort, located at 3567 East Nordic Valley Drive, is requesting approval of a conditional use permit for a condominium project consisting of 54 units with 54 lockout units. The proposed condominium project is conditionally allowed as a "Condominium rental apartment, including lockout rooms" in the Commercial Valley Resort Recreation (CVR-1) Zone per the Uniform Land Use Code of Weber County, Utah (LUC) §104-11-4. In order to reduce the overall building footprint, the applicant is requesting as part of the conditional use permit, that the Planning Commission varies the maximum height requirement of 25 feet per the CVR-1 Zone and consider an average height of 54 feet as conditionally allowed in LUC §104-11-4 and defined by the LUC §101-1-7.

The applicant received approval for the first stage of a transitional process for the ski resort in September of this year. If the Planning Commission approves the request for a condominium project and additional building height, the applicant will begin the process for a condominium subdivision as required in the LUC §106-3.

Conditional use permits should be approved as long as any harmful impact can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and

recommendations of the required public agencies, must review and approve the general siting and architectural design of the building, the layout of the parking areas and the landscaping. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The Ogden Valley General Plan identifies the need to encourage commercial development in the Ogden Valley within established commercial areas, supporting continued development of resort-related commercial areas by promoting active recreational opportunities in the Ogden Valley and encouraging private businesses to meet the growing demand for recreational facilities (see the 1998 Ogden Valley General Plan §3 Ogden Valley General Plan Goals and Objectives and §5 Commercial Development).

Zoning: The intent and purpose of the CVR-1 Zone per the LUC §104-11-1 is:

"(a) The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained."

The CVR-1 Zone allows for condominium rental apartments, including lockout rooms. A condominium rental apartment has been defined in the LUC §101-1-7 as:

"Condominium rental apartment (condo-tel): The term "condominium rental apartment (condo-tel)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit."

The CVR-1 Zone has specific standards identified in the LUC §104-11-6 that shall be met as part of the development process. Those standards are as follows:

- Minimum lot area: 2.5 acre site, with the following minimum area requirement for uses within that site:
 - Condominium rental apartments require, per building, 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.
 - Lockout sleeping room, 500 square feet.
 - Other uses: none.
- Minimum lot width: 150 feet minimum frontage.
- Minimum yard setbacks:
 - Front: 30 feet minimum.
 - Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.
 - Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.
- Building height: Conditional use permit is required if over 25 feet in height.

The subject property will be divided as part of the platting process required for condominium projects and will consist of approximately 3.2 acres. The acreage requirement has been established by the CVR-1 Zone which requires 7,500 square feet for the first 2 units, 2,000 square feet for each additional unit and 500 square feet for each lock-out unit. It appears that the 190,132 sq. ft. structure may be the largest structure in the Ogden Valley. The following percentages have been calculated based on the proposed final 3.2 acres. The proposed condominium project will have an area footprint of 54,003 sq. ft., which will cover 38% of the final site. The hard surface paving will cover 5% and the landscaping will cover 57% of the final site (see Exhibit B-1 (AS101-A)).

The CVR-1 Zone also requires additional design standards including a minimum of ten percent commercial uses other than the condominium rental apartments per LUC §104-11-5. The commercial amenities that have been proposed include 4,035 sq. ft. for office spaces and conference areas located on the lower level (see Exhibit B-2 (A100)), 2,500 sq. ft. for conference areas on the second and third floors (see Exhibit B-4 & B-5 (A102 & A103)), and 5,854 sq. ft. of commercial space on the fourth floor (see Exhibit B-6 (A104)). These amenities will provide 12,389 sq. ft. of commercial use, meeting the required ten percent commercial use of 12,336 sq. ft. based on the building area after removing the plaza, pool and parking areas from the overall square footage calculations. In addition to the commercial amenities, there will be 18,548 sq. ft. dedicated to the outdoor plaza and pool area (see Exhibit B-3 (A101)), and 102 underground parking stalls and five outdoor parking stalls (see Exhibit B-2 (A100)). In approving the site plan, the Planning Commission will need to find that the proposed building and uses are sized in proportion to the recreational amenities for which they will provide goods and services.

The proposal adheres to the required lot area and setbacks. In order to reduce the buildings footprint the applicant is requesting that the Planning Commission vary the maximum building height requirement of 25 feet and consider an average height of 54 feet which is allowed by a conditional use permit. Building height is defined in the LUC §101-1-7 as:

"Building, height of: The term "height of building" means the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof."

The applicant's requested average building height of 54' is based on measurements taken from the highest natural grade line (64') and lowest natural grade line (44') as measured to the highest point on the roof line as identified on the "North to South Grade Section"(see Exhibit C-2 (A301)). In reviewing the proposal, an average building height of 37' can be found based on measurements taken from the highest natural grade line (60'7") and lowest natural grade line (12'9") to the highest point on the roof line as identified on the "East to West Grade Section" (see Exhibit C-2 (A301)). An overall average building height measured from the highest and lowest natural grade line to the highest point on the roof line using the combined measurements from the East to West and North to South Grade Section is 45'5". Based on these calculations, the average building height may not seem too extreme; however, it is essential to make note that the actual building height as measured from the finished grade will range from 26' at the lowest point to 71' at the highest point of the building (see Exhibit C-1 (A201 & A202)). In contrast, a single family residential dwelling is allowed a maximum average building height of 35' in other zones throughout the Ogden Valley. The applicant has designed the site to utilize the surrounding mountains to soften the effect of the proposed structure. The visual impact and height of the condominium project are considerations of the Planning Commission and will require approval.

Conditional Use Review: The proposed uses are conditionally allowed in the CVR-1 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Nordic Mountain Water Inc. (see Exhibit D) for water services and a "Will-Serve Letter" from Wolf Creek Water and Sewer Improvement District (see Exhibit E) for the waste disposal. The applicant has provided the required material to facilitate a review of the proposed project including grading, drainage, and a geotechnical report. The architectural plans have identified an erroneous address for the project location. A condition of approval has been made part of the Planning Division's recommendations to ensure that the approved site plans coincide with the correct site address.

The Engineering Division has reviewed the civil engineering drawings (see Exhibit F) and has conditionally approved the proposal based on more detailed plans that will be made part of the required subdivision process. As part of this process, the recommendations that have been identified in the Geotechnical Report will need to be identified on the subdivision plans and followed throughout the development of the site.

The Weber Fire District has reviewed the proposal and has made specific comments and conditions regarding fire suppression including the need for detailed locations of fire hydrants with adequate flow and a fire access lane along the south side of the building. It appears that the majority of the comments will be able to be addressed without modifying the general layout and design of the site plan with the exception of the fire access lane. The remaining comments and conditions will be addressed during the subdivision process when more detailed plans are required. If modifications to the site plan are necessary to adhere to the requirements of the Weber Fire District and such modifications alter the approved maximum average building height, the applicant will have to receive additional approvals from the Planning Commission.

Design Review: The CVR-1 Zone and the proposed conditional use, mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the building shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. Additional design reviews may be required as the commercial uses within the development are identified to ensure that adequate parking as required by the LUC §108-8 is available and that any proposed signage conforms to the LUC §110-2. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- 1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes improvements for the widening of the existing abutting street together with sidewalk, curb and gutter and adequate drive approaches for the ingress and egress to the site and the building along Nordic Valley Way. The applicant has provided 107 parking spaces on the site plan, of which 102 parking spaces are underground parking. It appears that all the proposed parking meets the parking standards as outlined in LUC §108-8-7(c) as well as the surface lighting of the off street parking as outlined in LUC §108-2-6 & §108-16 (see Exhibit B-1 & B-2 (AS101-A & A100)). Parking requirements for the future uses of the development will be evaluated as part of the required design review process for the new commercial uses.

2) *Considerations relating to outdoor advertising.* The applicant received approval for a monument sign as allowed in LUC §110-2-5 in September of this year. As part of the review, the Planning Division took into consideration the architectural renderings including the location, color, lighting and size of the monument sign for the ski resort. The location of the monument sign has been identified on the site plan as #15 on sheet AS101-A (also identified as Exhibit B-1).

3) *Considerations relating to landscaping, screening and buffering.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 (see Exhibit G (L101 & L102) with the exception of the following:

- The proposed site plan has identified a "temporary trash enclosure" as #16 on sheet AS101-A (also identified as Exhibit B-1). The proposed screening for the trash dumpster adheres with LUC §108-2-7; however, if this location is truly temporary in nature, the applicant will need to provide an alternative trash dumpster location and receive the required approvals for the location and screening. If the proposed trash location will be the permanent location, the site plan will need to be corrected to reflect such. A condition has been made part of the Planning Division's recommendations to ensure adequate garbage facilities and screening.
- The LUC requires that all parking areas are screened or buffered from view along all street rights-of-way and should consist of earth berms or mounds and trees when practicable. Due to the location of the parking area and the access from Nordic Valley Way, requiring additional trees and/or berms to screen the entire parking area may create a traffic hazard when taking into account snow accumulations in the area. According to LUC §108-2-8 when an access way intersects with a public right-of-way, all landscaping and screening within a ten foot triangular area shall provide unobstructed cross-visibility at a level between two and eight feet in height. A condition has been made part of the Planning Division's recommendations to ensure adequate measures have been put in place to maintain clear sight distance and proper screening of the parking area.

When long expanses of building walls and other barriers are part of a proposal as they are with this application, taller trees can be required as part of the landscaping plan to create a softening effect as allowed in LUC §108-2-5(j)(4). If the Planning Commission feels additional landscaping, screening and buffering measures need to be implemented; a specific condition of approval will need to be added.

4) *Considerations relating to buildings and site layout.* The proposed building has an exterior finish consisting of predominantly natural, muted earth tone colors of hardi-plank batten board, hardi-board tongue and groove, stone veneer, timber and asphalt/metal roofing materials. The metal roof areas, aluminum windows and glass store front must be non-reflective. The proposed colors for the external surfaces are found on sheet A201 (see Exhibit C-1) and identified on said sheet as follows:

1. "Driftwood" Asphalt Shingles
2. "Earthen Jug" Hardi-Plank Batten Board
3. "Dark Bronze" Standing Seam Metal Roof
4. "Cottonwood" Stone Veneer
5. "Cinnamon" Stained Timber
6. "Coconut Husk" Hardi-Board T&G Beveled
7. "Dark Bronze" Flashing

The exterior lighting will consist of three 20' parking lot light poles (277 V., 10,000 lumens) and seven 42" high light bollard area lights (277 V., 1,000 lumens @ 15.5 watts). The proposed outdoor lighting must be partially or fully shielded as required in LUC §108-16 in order to comply with the Ogden Valley Lighting night sky requirements. If the Planning Commission feels that additional measures need to be taken to ensure adequate protection of the night sky, a condition of approval will need to be added.

Swimming pools are allowed to be located to the side of a dwelling or private/public facility. The proposed swimming pool location meets the minimum setback of ten feet from the future property line. As part of a building permit, the applicant will need to enclose the swimming pool area with either a substantial fence of not less than six feet in height or by a power safety cover meeting the requirements of the International Building Code

per LUC §108-7-18. A condition has been made part of the Planning Division's recommendations to ensure adequate measures have been taken regarding health, safety and welfare.

The building and site layout has been reviewed against the design criteria of the CVR-1 Zone in the LUC §104-11, the Design Review in the LUC §108-1, the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4 and it appears that the proposal meets the minimum requirements of the applicable areas of the Uniform Land Use Code of Weber County.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant has provided civil engineered drawings (see Exhibit F) that identify the existing and proposed topography, contour lines, utilities, easements and drainage. The applicant will need to adhere to all conditions of the Engineering Division pertaining to utilities to and through the property, storm water drainage including retention facilities by providing more detailed drawings as part of the subdivision process.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The Planning Division is unaware of prior development conceptual plans as part of any rezoning agreement that may have been approved for the subject property by Weber County; therefore, considerations pertaining to this portion of the code are not applicable at this time.

Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by encouraging commercial development in the Ogden Valley within established commercial areas and supporting continued development of resort-related commercial areas by promoting active recreational opportunities in the Ogden Valley.

Summary of Planning Commission Considerations

LUC §108-4-4 states:

"Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use."*

The Planning Commission will need to determine if the proposed condominium project meets the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Are the proposed building and uses sized in proportion to the recreational amenities for which they will provide goods and services?
- Could the additional height of the condominium project be harmful to the adjacent property owners? If yes, what conditions could be put in place to mitigate detrimental effects?
- Does the submittal meet the architectural detail standards required by LUC §108-1 & §108-2? If no, then what conditions/architectural details could be added in order to comply?
- Does additional landscaping and screening need to be implemented to provide adequate screening of the off-street parking and to add a softening effect to the structure in order to fully comply with the requirements of LUC §108-1 (Design Review) and §108-2 (Ogden Valley Architectural Standards)?
- Have the "Criteria for Issuance of Conditional Use Permit" and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2014-29, a conditional use permit request for a 54 unit condominium with 54 lockout rooms and allowance to exceed the required 25 feet in building height in the CVR-1 Zone for the property located at 3567 E Nordic Valley Way, Eden. This recommendation for approval is subject to all review agency requirements and based on the findings and conditions of approval as listed below:

Findings for approval

1. The proposed use conforms to the goals, objectives and policies of the Ogden Valley General Plan.
2. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
3. The proposed building and uses are proportionately sized to the recreational amenities for which they provide goods and services.
4. The additional building height will allow for a smaller building footprint, reducing storm runoff and overall soil disturbance.
5. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.

Conditions of Approval

- The conditional use permit will be contingent on the approval and recordation of a condominium subdivision plat.
- The maximum average height as measured from the natural existing grade to the highest point on the roof line shall not exceed 54'.
- The project location will be corrected on the site plan to reflect the property located at 3567 E Nordic Valley Way.
- The permanent location of the garbage facilities will need to be identified on the site plan.
- All windows, glass store fronts and metal roof areas will consist of non-reflective material.
- Clear sight distance will be maintained for all accesses that abut the public right-of-way to ensure traffic safety.
- To ensure adequate screening from the public right-of-way, additional trees or shrubs will be placed along the parking area.
- Adequate fencing or a power safety pool cover will be required as part of the building permit process for the swimming pool.
- Adequate shielding of all outdoor lighting will be provided in order to conform to LUC §108-16 pertaining to the Ogden Valley Lighting night sky requirements.
- Minor site plan alterations may be approved by the Planning Director but none so much that will surpass the approvals made by the Planning Commission.
- Requirements of the Weber County Building Division
- Requirements and recommendations of the Weber Fire District
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department

Exhibits

- A. Application
- B. Architectural Site Plan
 - 1. AS101-A (Site Plan)
 - 2. A100 (Lower Level Floor Plan & Parking)
 - 3. A101 (Plaza Level Floor Plan)
 - 4. A102 (Second Level Floor Plan)
 - 5. A103 (Third Level Floor Plan)
 - 6. A104 (Fourth Level Floor Plan)
- C. Architectural Elevations
 - 1. A201 & A202 (Exterior Building Elevations)
 - 2. A301 (Grade Sections)
- D. Water "Will Serve Letter"
- E. Sewer "Will Serve Letter"
- F. Civil Engineering Drawings
- G. Landscaping & Irrigation Plans

Map 1



Map 2

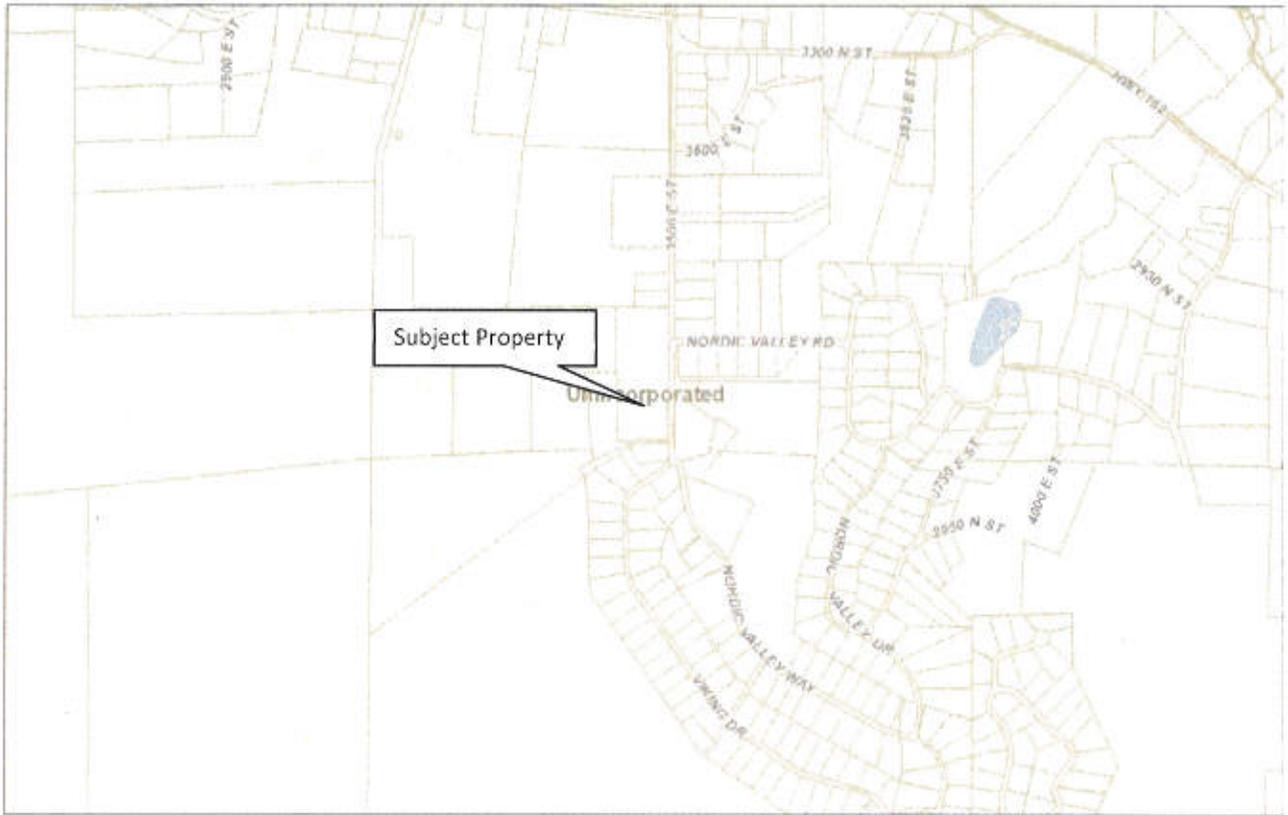


Exhibit A-Application

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Skyline Mountain Base, LLC		Mailing Address of Property Owner(s) 3567 N Nordic Valley Way Eden UT 84310	
Phone 435-210-1910	Fax		
Email Address jrichards@nordicvalley.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Greg Jensen		Mailing Address of Authorized Person 1391 N 5900 E Eden UT 84310	
Phone 801-791-9104	Fax		
Email Address gjensen@nordicvalley.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Pine Canyon Lodge	Total Acreage	Current Zoning CVR-1
Approximate Address 3497 N Nordic Valley Way Eden UT 84310	Land Serial Number(s) 22-023-0086	

Proposed Use
Condominiums & Commercial

Project Narrative

This is a 54 unit condo project with lockout rooms, underground parking, office space and swimming pool. We are seeking a Conditional Use Permit for our building whereas the building's height requires a Conditional Use Permit. The building we are proposing has a total height of 64 feet with a maximum of 54 feet to finished grade.

The building pales to the 3000 ft backdrop of the mountain in the background. In addition, the buiding is in fact small compared to it's counterparts at any other ski area in the state which has developed the necessary element of residential real estate. The building is in harmony with the overall community in relation to other resorts and in relation to it's surroundings.

The building will be a beautiful structure created in cooperation with several multi-million dollar home designers. The building has been inspired by the best architecture in Deer Valley and Jackson Hole. The building's exterior is a combination of natural wood and stone with no use of visible synthetic material with the exeption of use of materials found most friendly to the enviroment.

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Nordic Valley Ski Resort has long been an Ogden Valley Icon. It has the potential to become one of the best ski areas in the state and a crown jewel of Weber County. Nordic Valley hires over 220 seasonally and 50 people year round with the average job annual position paying over \$50K per year with benefits. With events sponsored by Nordic Valley, such as the Balloon Festival, it has been a major factor in community business support, jobs, tourism, recreation and the like, all bringing in much needed revenue to local business while supporting our community in jobs and economic dollars.

Nordic Valley is not fiscally sound which creates a danger to the job base in the community as well as a potential eyesore in the shape of a potential abandon ski area. In order to continue operation, the Ski Area needs the complement of basic development. Not unlike Alta or Park City, Nordic Valley does not make its revenue on ski passes. In the past several years, the resort has not made a profit, and has in fact lost hundreds of thousands of dollars while struggling to stay open. This is evidenced by bankruptcies and bank ownership. Like other ski resorts in the state and all over the world, what we are proposing to do at Nordic Valley is not out of the norm, in fact it is out of the norm to have a ski area with no commercial or residential development. Real estate and commercial development is the economic engine of ski areas, and those elements create jobs for the community, revenue for the community, and security for the long term health of the development and the communities that surround it.

Our request for conditional use for Pine Canyon Lodge helps to ensure the security and longevity at Nordic Valley Ski Resort, thus securing hundreds of local jobs, and in fact creating even more full time non-seasonal jobs in the area. The request for CUP also ensures that seasonal and other year round events the community has enjoyed, will continue. Pine Canyon Lodge will bring a permanent customer base to Nordic Valley and help ensure it's future for decades to come. This is a foundation that is not experimental, but proven at ski areas all over the world.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

Whereas we have not requested anything that is out of the norm for a ski area other than the height of our proposed building is much lower than that of a typical residential building at a ski area, and whereas we are not blocking the views of surrounding properties, and whereas creating such building replaces much older structures and a utility yard, the proposed building is a huge improvement to that which currently exists on the same property. It is proven that such structures are in no way detrimental to the safety or general welfare of the community, but in fact provide additional fire suppression, a security element from both natural and man made hazards, and an attentive general population to assists in monitoring the surrounding areas. This building will also have a commercial element open the the public for restroom use, emergency communication and the like.

Whereas this will be located at a ski area, it is common and traditional to have such structures to compliment the existing business and therefor the surrounding uses. The building is located at the base of a 3000 vertical foot backdrop (the mountain) which causes the proposed building to pail in comparison to its surroundings. The lodge style is complimentary to its location and the landscaping which exists and will be added to further compliment the building and blend it into the natural surroundings.

The parking for the structure will be underground and will pose no visual impact, the traffic generated by this building will be largely seasonal and with only 54 residence hardly noticeable whereas the traffic becomes stationary once the residence is occupied. In comparison with the existing traffic during the ski season, the full time parking for the residence will ease the burden of traffic coming and going to the resort.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

The proposed building and use is in harmony with the regulations and conditions specified. We have retained the services of Reeve and Associates to assure that this use will comply with all regulations allowed within the conditional use guidelines.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

By developing this structure, we begin the process of beautifying the surrounding area and creating a true destination in Weber County which is in direct correlation with the general plan. This will be the first ski area in Weber County to offer an overnight stay to its customers and thus we become a destination "town center" style project in an area (Nordic Valley) which has been identified as an ideal location to create such a center.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The proposed project and use will reverse several decades of neglect to the surrounding environment and the ecology in the general area. The project will introduce large amounts of new living landscape and put measures in place that better control water runoff, retention, and the like. In addition, with the development of this building, we also develop a complimentary complete sewer line stretching all the way to the Wolf Creek Sewer District. With this line in place, we will also connect the existing structures at the ski area as well as several surrounding homes thus removing several septic systems in the area, which systems have been identified by the state and the county as detrimental to the nitrate levels in Pineview and the surrounding area. Thus by approving this CUP the County begins the process of reducing nitrate levels contributed in the immediate vicinity and to the community as a whole, ensuring better storm water control, and creating accountability in the area over such.

As said, the building will be a beautiful structure created in cooperation with several multi million dollar home designers. Please note the accompanying rendering of the building on location. The building has been inspired by successful projects in the French alps, the best architecture in Deer Valley and Jackson Hole. The building exterior nearly 100% natural with a combination of natural wood and stone with no use of visible synthetic material with exception of use of materials found most friendly to the environment and visually pleasing.

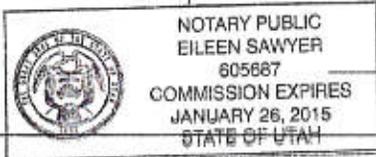
Property Owner Affidavit

I (We), Joshua Richard, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 23 day of Oct, 2014.



[Signature]
(Notary)

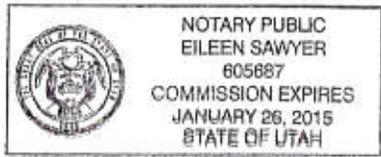
Authorized Representative Affidavit

I (We), Joshua Richard, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Colcady Jensen, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

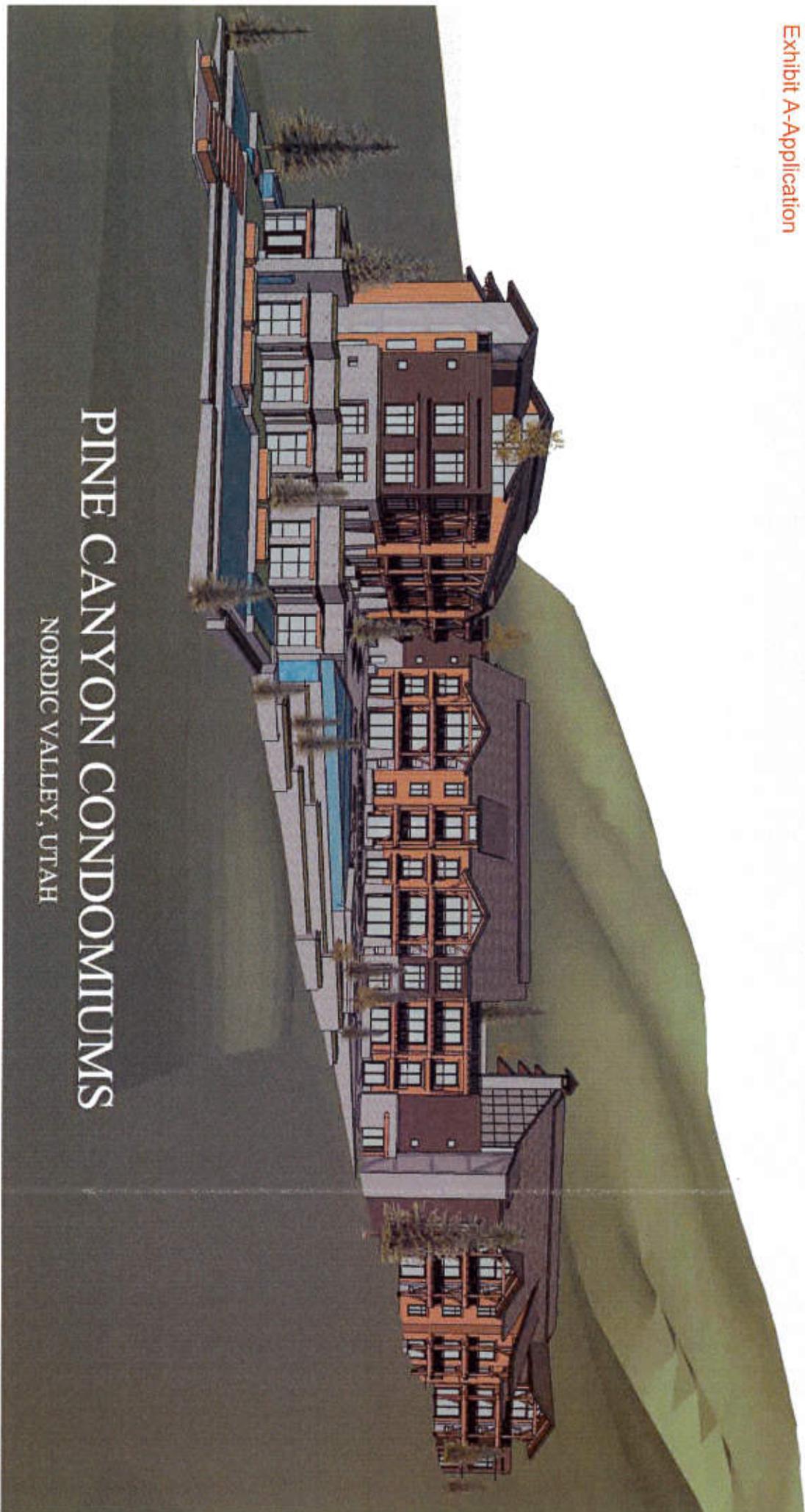
[Signature]
(Property Owner)

(Property Owner)

Dated this 23 day of Oct, 2014, personally appeared before me Joshua Richard, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)



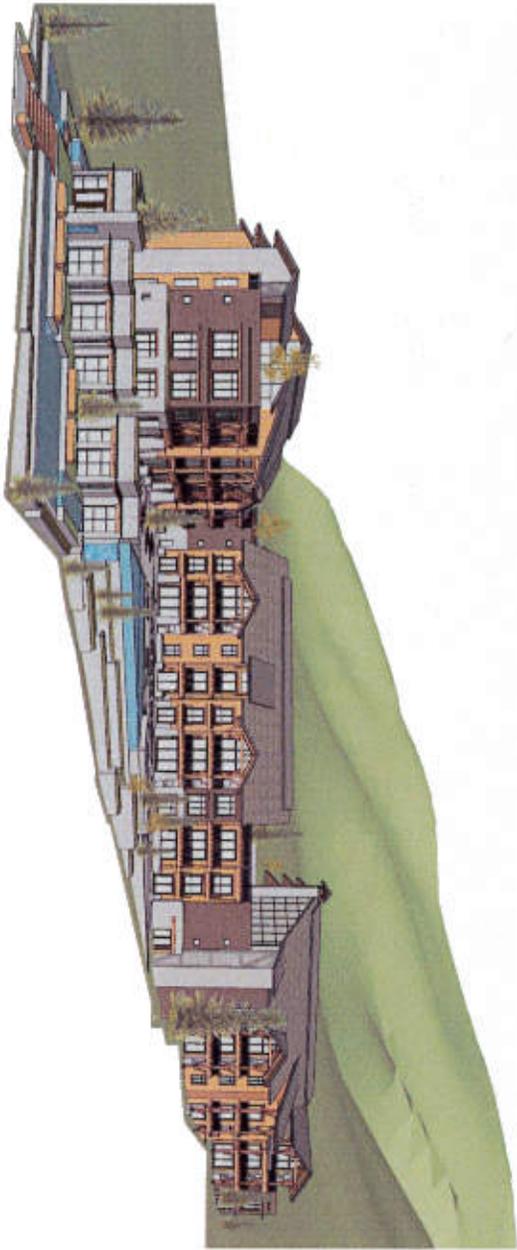
PINE CANYON CONDOMINIUMS
NORDIC VALLEY, UTAH

Exhibit B-Architectural Drawings

PINE CANYON CONDOMINIUMS

2803 NORDIC VALLEY WAY,
EDEN, UTAH 84310

DESIGN DEVELOPMENT
10 / 23 / 2014



PROJECT DIRECTORY

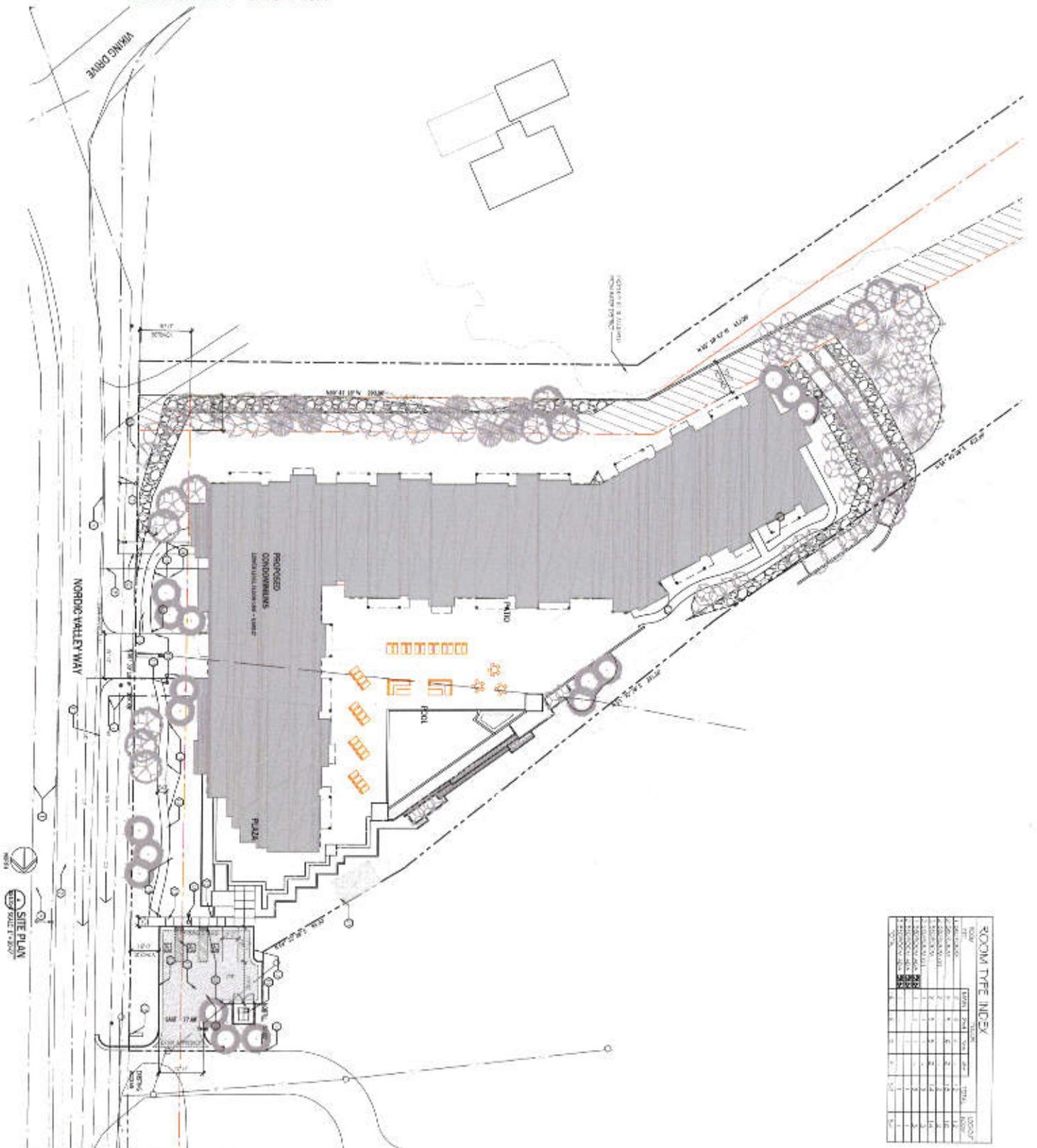
OWNER
PINE CANYON LODGE, INC.
2803 NORDIC VALLEY WAY
EDEN, UT 84310
PHONE: (435) 277-4100

ARCHITECT
WOODRUFF ARCHITECTS
1001 WEST WYOMING
SALT LAKE CITY, UT 84119
PHONE: (801) 466-1100

GENERAL CONTRACTOR
PINE CANYON LODGE, INC.
2803 NORDIC VALLEY WAY
EDEN, UT 84310
PHONE: (435) 277-4100

INDEX TO DRAWINGS	
NO.	DESCRIPTION
01	FOUNDATION
02	CONCRETE
03	BRICKWORK
04	WOODWORK
05	ROOFING
06	MECHANICAL
07	ELECTRICAL
08	PLUMBING
09	PAINTING
10	LANDSCAPE ARCHITECTURE
11	INTERIORS
12	EXTERIORS
13	GENERAL NOTES
14	CONTRACT ADMINISTRATION
15	PERMITS
16	CONSTRUCTION
17	FINISHES
18	MECHANICAL
19	ELECTRICAL
20	PLUMBING
21	PAINTING
22	LANDSCAPE ARCHITECTURE
23	INTERIORS
24	EXTERIORS
25	GENERAL NOTES
26	CONTRACT ADMINISTRATION
27	PERMITS
28	CONSTRUCTION
29	FINISHES
30	MECHANICAL
31	ELECTRICAL
32	PLUMBING
33	PAINTING
34	LANDSCAPE ARCHITECTURE
35	INTERIORS
36	EXTERIORS
37	GENERAL NOTES
38	CONTRACT ADMINISTRATION
39	PERMITS
40	CONSTRUCTION
41	FINISHES
42	MECHANICAL
43	ELECTRICAL
44	PLUMBING
45	PAINTING
46	LANDSCAPE ARCHITECTURE
47	INTERIORS
48	EXTERIORS
49	GENERAL NOTES
50	CONTRACT ADMINISTRATION
51	PERMITS
52	CONSTRUCTION
53	FINISHES
54	MECHANICAL
55	ELECTRICAL
56	PLUMBING
57	PAINTING
58	LANDSCAPE ARCHITECTURE
59	INTERIORS
60	EXTERIORS
61	GENERAL NOTES
62	CONTRACT ADMINISTRATION
63	PERMITS
64	CONSTRUCTION
65	FINISHES
66	MECHANICAL
67	ELECTRICAL
68	PLUMBING
69	PAINTING
70	LANDSCAPE ARCHITECTURE
71	INTERIORS
72	EXTERIORS
73	GENERAL NOTES
74	CONTRACT ADMINISTRATION
75	PERMITS
76	CONSTRUCTION
77	FINISHES
78	MECHANICAL
79	ELECTRICAL
80	PLUMBING
81	PAINTING
82	LANDSCAPE ARCHITECTURE
83	INTERIORS
84	EXTERIORS
85	GENERAL NOTES
86	CONTRACT ADMINISTRATION
87	PERMITS
88	CONSTRUCTION
89	FINISHES
90	MECHANICAL
91	ELECTRICAL
92	PLUMBING
93	PAINTING
94	LANDSCAPE ARCHITECTURE
95	INTERIORS
96	EXTERIORS
97	GENERAL NOTES
98	CONTRACT ADMINISTRATION
99	PERMITS
100	CONSTRUCTION
101	FINISHES
102	MECHANICAL
103	ELECTRICAL
104	PLUMBING
105	PAINTING
106	LANDSCAPE ARCHITECTURE
107	INTERIORS
108	EXTERIORS
109	GENERAL NOTES
110	CONTRACT ADMINISTRATION
111	PERMITS
112	CONSTRUCTION
113	FINISHES
114	MECHANICAL
115	ELECTRICAL
116	PLUMBING
117	PAINTING
118	LANDSCAPE ARCHITECTURE
119	INTERIORS
120	EXTERIORS
121	GENERAL NOTES
122	CONTRACT ADMINISTRATION
123	PERMITS
124	CONSTRUCTION
125	FINISHES
126	MECHANICAL
127	ELECTRICAL
128	PLUMBING
129	PAINTING
130	LANDSCAPE ARCHITECTURE
131	INTERIORS
132	EXTERIORS
133	GENERAL NOTES
134	CONTRACT ADMINISTRATION
135	PERMITS
136	CONSTRUCTION
137	FINISHES
138	MECHANICAL
139	ELECTRICAL
140	PLUMBING
141	PAINTING
142	LANDSCAPE ARCHITECTURE
143	INTERIORS
144	EXTERIORS
145	GENERAL NOTES
146	CONTRACT ADMINISTRATION
147	PERMITS
148	CONSTRUCTION
149	FINISHES
150	MECHANICAL
151	ELECTRICAL
152	PLUMBING
153	PAINTING
154	LANDSCAPE ARCHITECTURE
155	INTERIORS
156	EXTERIORS
157	GENERAL NOTES
158	CONTRACT ADMINISTRATION
159	PERMITS
160	CONSTRUCTION
161	FINISHES
162	MECHANICAL
163	ELECTRICAL
164	PLUMBING
165	PAINTING
166	LANDSCAPE ARCHITECTURE
167	INTERIORS
168	EXTERIORS
169	GENERAL NOTES
170	CONTRACT ADMINISTRATION
171	PERMITS
172	CONSTRUCTION
173	FINISHES
174	MECHANICAL
175	ELECTRICAL
176	PLUMBING
177	PAINTING
178	LANDSCAPE ARCHITECTURE
179	INTERIORS
180	EXTERIORS
181	GENERAL NOTES
182	CONTRACT ADMINISTRATION
183	PERMITS
184	CONSTRUCTION
185	FINISHES
186	MECHANICAL
187	ELECTRICAL
188	PLUMBING
189	PAINTING
190	LANDSCAPE ARCHITECTURE
191	INTERIORS
192	EXTERIORS
193	GENERAL NOTES
194	CONTRACT ADMINISTRATION
195	PERMITS
196	CONSTRUCTION
197	FINISHES
198	MECHANICAL
199	ELECTRICAL
200	PLUMBING
201	PAINTING
202	LANDSCAPE ARCHITECTURE
203	INTERIORS
204	EXTERIORS
205	GENERAL NOTES
206	CONTRACT ADMINISTRATION
207	PERMITS
208	CONSTRUCTION
209	FINISHES
210	MECHANICAL
211	ELECTRICAL
212	PLUMBING
213	PAINTING
214	LANDSCAPE ARCHITECTURE
215	INTERIORS
216	EXTERIORS
217	GENERAL NOTES
218	CONTRACT ADMINISTRATION
219	PERMITS
220	CONSTRUCTION
221	FINISHES
222	MECHANICAL
223	ELECTRICAL
224	PLUMBING
225	PAINTING
226	LANDSCAPE ARCHITECTURE
227	INTERIORS
228	EXTERIORS
229	GENERAL NOTES
230	CONTRACT ADMINISTRATION
231	PERMITS
232	CONSTRUCTION
233	FINISHES
234	MECHANICAL
235	ELECTRICAL
236	PLUMBING
237	PAINTING
238	LANDSCAPE ARCHITECTURE
239	INTERIORS
240	EXTERIORS
241	GENERAL NOTES
242	CONTRACT ADMINISTRATION
243	PERMITS
244	CONSTRUCTION
245	FINISHES
246	MECHANICAL
247	ELECTRICAL
248	PLUMBING
249	PAINTING
250	LANDSCAPE ARCHITECTURE
251	INTERIORS
252	EXTERIORS
253	GENERAL NOTES
254	CONTRACT ADMINISTRATION
255	PERMITS
256	CONSTRUCTION
257	FINISHES
258	MECHANICAL
259	ELECTRICAL
260	PLUMBING
261	PAINTING
262	LANDSCAPE ARCHITECTURE
263	INTERIORS
264	EXTERIORS
265	GENERAL NOTES
266	CONTRACT ADMINISTRATION
267	PERMITS
268	CONSTRUCTION
269	FINISHES
270	MECHANICAL
271	ELECTRICAL
272	PLUMBING
273	PAINTING
274	LANDSCAPE ARCHITECTURE
275	INTERIORS
276	EXTERIORS
277	GENERAL NOTES
278	CONTRACT ADMINISTRATION
279	PERMITS
280	CONSTRUCTION
281	FINISHES
282	MECHANICAL
283	ELECTRICAL
284	PLUMBING
285	PAINTING
286	LANDSCAPE ARCHITECTURE
287	INTERIORS
288	EXTERIORS
289	GENERAL NOTES
290	CONTRACT ADMINISTRATION
291	PERMITS
292	CONSTRUCTION
293	FINISHES
294	MECHANICAL
295	ELECTRICAL
296	PLUMBING
297	PAINTING
298	LANDSCAPE ARCHITECTURE
299	INTERIORS
300	EXTERIORS
301	GENERAL NOTES
302	CONTRACT ADMINISTRATION
303	PERMITS
304	CONSTRUCTION
305	FINISHES
306	MECHANICAL
307	ELECTRICAL
308	PLUMBING
309	PAINTING
310	LANDSCAPE ARCHITECTURE
311	INTERIORS
312	EXTERIORS
313	GENERAL NOTES
314	CONTRACT ADMINISTRATION
315	PERMITS
316	CONSTRUCTION
317	FINISHES
318	MECHANICAL
319	ELECTRICAL
320	PLUMBING
321	PAINTING
322	LANDSCAPE ARCHITECTURE
323	INTERIORS
324	EXTERIORS
325	GENERAL NOTES
326	CONTRACT ADMINISTRATION
327	PERMITS
328	CONSTRUCTION
329	FINISHES
330	MECHANICAL
331	ELECTRICAL
332	PLUMBING
333	PAINTING
334	LANDSCAPE ARCHITECTURE
335	INTERIORS
336	EXTERIORS
337	GENERAL NOTES
338	CONTRACT ADMINISTRATION
339	PERMITS
340	CONSTRUCTION
341	FINISHES
342	MECHANICAL
343	ELECTRICAL
344	PLUMBING
345	PAINTING
346	LANDSCAPE ARCHITECTURE
347	INTERIORS
348	EXTERIORS
349	GENERAL NOTES
350	CONTRACT ADMINISTRATION
351	PERMITS
352	CONSTRUCTION
353	FINISHES
354	MECHANICAL
355	ELECTRICAL
356	PLUMBING
357	PAINTING
358	LANDSCAPE ARCHITECTURE
359	INTERIORS
360	EXTERIORS
361	GENERAL NOTES
362	CONTRACT ADMINISTRATION
363	PERMITS
364	CONSTRUCTION
365	FINISHES
366	MECHANICAL
367	ELECTRICAL
368	PLUMBING
369	PAINTING
370	LANDSCAPE ARCHITECTURE
371	INTERIORS
372	EXTERIORS
373	GENERAL NOTES
374	CONTRACT ADMINISTRATION
375	PERMITS
376	CONSTRUCTION
377	FINISHES
378	MECHANICAL
379	ELECTRICAL
380	PLUMBING
381	PAINTING
382	LANDSCAPE ARCHITECTURE
383	INTERIORS
384	EXTERIORS
385	GENERAL NOTES
386	CONTRACT ADMINISTRATION
387	PERMITS
388	CONSTRUCTION
389	FINISHES
390	MECHANICAL
391	ELECTRICAL
392	PLUMBING
393	PAINTING
394	LANDSCAPE ARCHITECTURE
395	INTERIORS
396	EXTERIORS
397	GENERAL NOTES
398	CONTRACT ADMINISTRATION
399	PERMITS
400	CONSTRUCTION
401	FINISHES
402	MECHANICAL
403	ELECTRICAL
404	PLUMBING
405	PAINTING
406	LANDSCAPE ARCHITECTURE
407	INTERIORS
408	EXTERIORS
409	GENERAL NOTES
410	CONTRACT ADMINISTRATION
411	PERMITS
412	CONSTRUCTION
413	FINISHES
414	MECHANICAL
415	ELECTRICAL
416	PLUMBING
417	PAINTING
418	LANDSCAPE ARCHITECTURE
419	INTERIORS
420	EXTERIORS
421	GENERAL NOTES
422	CONTRACT ADMINISTRATION
423	PERMITS
424	CONSTRUCTION
425	FINISHES
426	MECHANICAL
427	ELECTRICAL
428	PLUMBING
429	PAINTING
430	LANDSCAPE ARCHITECTURE
431	INTERIORS
432	EXTERIORS
433	GENERAL NOTES
434	CONTRACT ADMINISTRATION
435	PERMITS
436	CONSTRUCTION
437	FINISHES
438	MECHANICAL
439	ELECTRICAL
440	PLUMBING
441	PAINTING
442	LANDSCAPE ARCHITECTURE
443	INTERIORS
444	EXTERIORS
445	GENERAL NOTES
446	CONTRACT ADMINISTRATION
447	PERMITS
448	CONSTRUCTION
449	FINISHES
450	MECHANICAL
451	ELECTRICAL
452	PLUMBING
453	PAINTING
454	LANDSCAPE ARCHITECTURE
455	INTERIORS
456	EXTERIORS
457	GENERAL NOTES
458	CONTRACT ADMINISTRATION
459	PERMITS
460	CONSTRUCTION
461	FINISHES
462	MECHANICAL
463	ELECTRICAL
464	PLUMBING
465	PAINTING

Exhibit B-1 Site Plan



ROOM TYPE INDEX

ROOM	TYPE	NO.	SQ. FT.	TOTAL	100% OF
1. OFFICE	1	1	1,000	1,000	100%
2. CONFERENCE	2	1	1,000	1,000	100%
3. MEETING	3	1	1,000	1,000	100%
4. RECEPTION	4	1	1,000	1,000	100%
5. WAITING AREA	5	1	1,000	1,000	100%
6. RESTROOM	6	1	1,000	1,000	100%
7. STORAGE	7	1	1,000	1,000	100%
8. MECHANICAL	8	1	1,000	1,000	100%
9. ELECTRICAL	9	1	1,000	1,000	100%
10. PLUMBING	10	1	1,000	1,000	100%
11. ELEVATOR	11	1	1,000	1,000	100%
12. STAIRWELL	12	1	1,000	1,000	100%
13. CORRIDOR	13	1	1,000	1,000	100%
14. ENTRY	14	1	1,000	1,000	100%
15. LOBBY	15	1	1,000	1,000	100%
16. BREAK ROOM	16	1	1,000	1,000	100%
17. STORAGE	17	1	1,000	1,000	100%
18. MECHANICAL	18	1	1,000	1,000	100%
19. ELECTRICAL	19	1	1,000	1,000	100%
20. PLUMBING	20	1	1,000	1,000	100%
21. ELEVATOR	21	1	1,000	1,000	100%
22. STAIRWELL	22	1	1,000	1,000	100%
23. CORRIDOR	23	1	1,000	1,000	100%
24. ENTRY	24	1	1,000	1,000	100%
25. LOBBY	25	1	1,000	1,000	100%
26. BREAK ROOM	26	1	1,000	1,000	100%
27. STORAGE	27	1	1,000	1,000	100%
28. MECHANICAL	28	1	1,000	1,000	100%
29. ELECTRICAL	29	1	1,000	1,000	100%
30. PLUMBING	30	1	1,000	1,000	100%
31. ELEVATOR	31	1	1,000	1,000	100%
32. STAIRWELL	32	1	1,000	1,000	100%
33. CORRIDOR	33	1	1,000	1,000	100%
34. ENTRY	34	1	1,000	1,000	100%
35. LOBBY	35	1	1,000	1,000	100%
36. BREAK ROOM	36	1	1,000	1,000	100%
37. STORAGE	37	1	1,000	1,000	100%
38. MECHANICAL	38	1	1,000	1,000	100%
39. ELECTRICAL	39	1	1,000	1,000	100%
40. PLUMBING	40	1	1,000	1,000	100%
41. ELEVATOR	41	1	1,000	1,000	100%
42. STAIRWELL	42	1	1,000	1,000	100%
43. CORRIDOR	43	1	1,000	1,000	100%
44. ENTRY	44	1	1,000	1,000	100%
45. LOBBY	45	1	1,000	1,000	100%
46. BREAK ROOM	46	1	1,000	1,000	100%
47. STORAGE	47	1	1,000	1,000	100%
48. MECHANICAL	48	1	1,000	1,000	100%
49. ELECTRICAL	49	1	1,000	1,000	100%
50. PLUMBING	50	1	1,000	1,000	100%

- ### SITE PLAN NOTES
1. SEE ARCHITECTURAL DRAWINGS FOR ROOM SCHEDULES.
 2. SEE ARCHITECTURAL DRAWINGS FOR ROOM SCHEDULES.
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OWNER'S REQUIREMENTS

NO.	DESCRIPTION	REMARKS
1	OWNER'S REQUIREMENTS	
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17	OWNER'S REQUIREMENTS	
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20	OWNER'S REQUIREMENTS	
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50	OWNER'S REQUIREMENTS	

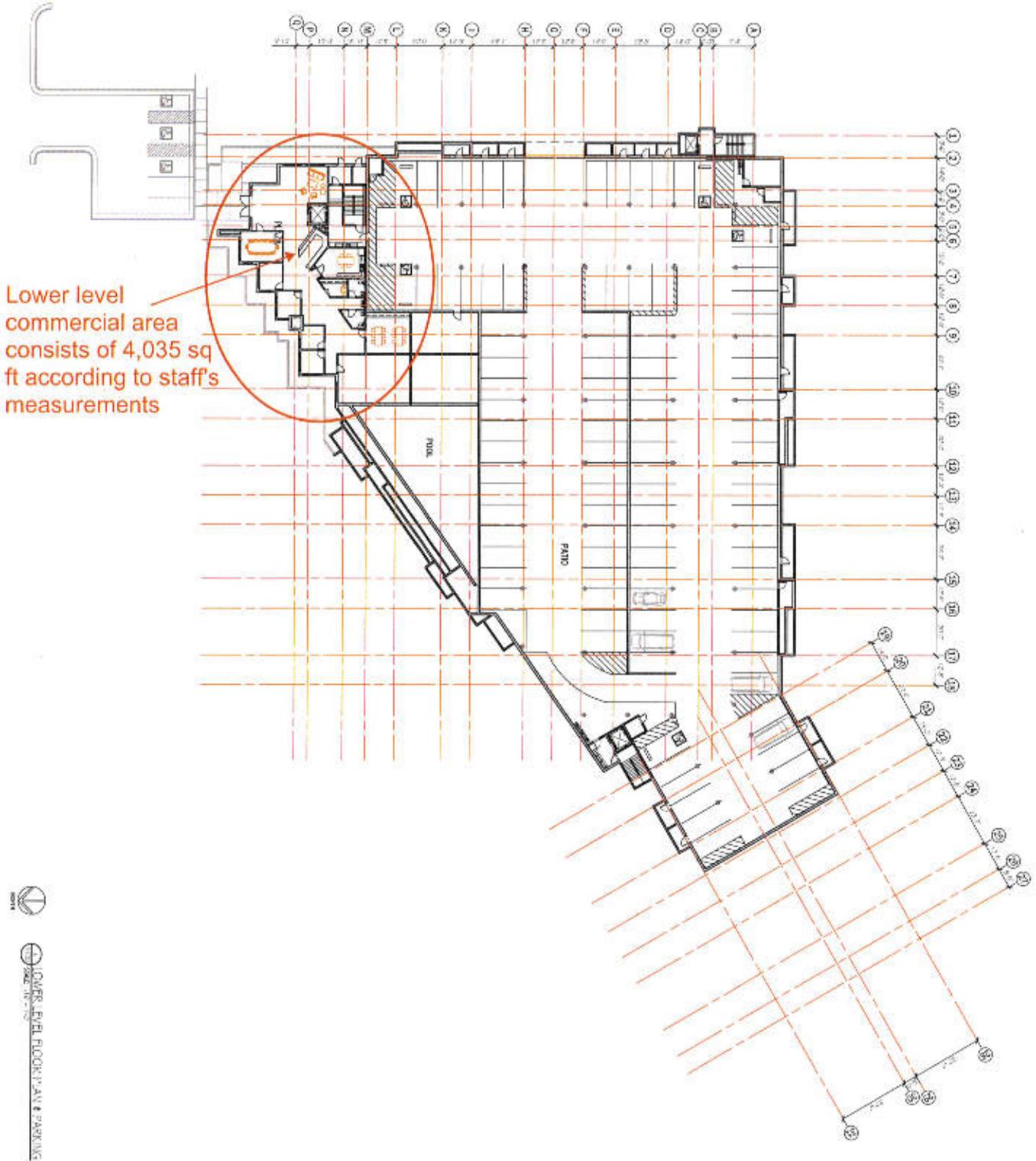
OWNER: OWNER'S NAME
 PROJECT: **NORDIC VALLEY DEVELOPMENT**
 3547 NORDIC VALLEY WAY, EDEN, UTAH 84310

DATE: 11/2014

AS101-A
 SHEET NUMBER:
 DATE: 11/2014

SITE PLAN

Exhibit B-2: Lower Level Floor Plan & Parking



LOWER LEVEL FLOOR PLAN & PARKING

LOWER LEVEL FLOOR PLAN & PARKING
SHEET NUMBER:
A100
DATE: 11/2012



OWNER: PINE CANYON LODGE, INC.
PROJECT: PINE CANYON CONDOMINIUM
LOCATION: 3057 NORDIC VALLEY WAY, EDEN, UTAH 84310

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DATE:	11/2012
SCALE:	AS SHOWN
PROJECT:	PINE CANYON CONDOMINIUM
DESIGNED BY:	W. VONZOBEN
CHECKED BY:	W. VONZOBEN
DATE:	11/2012



Exhibit B-3: Plaza Level Floor Plan



PLAZA LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

SHEET NUMBER:
A101
DATE: 11/2014

PLAZA LEVEL FLOOR PLAN

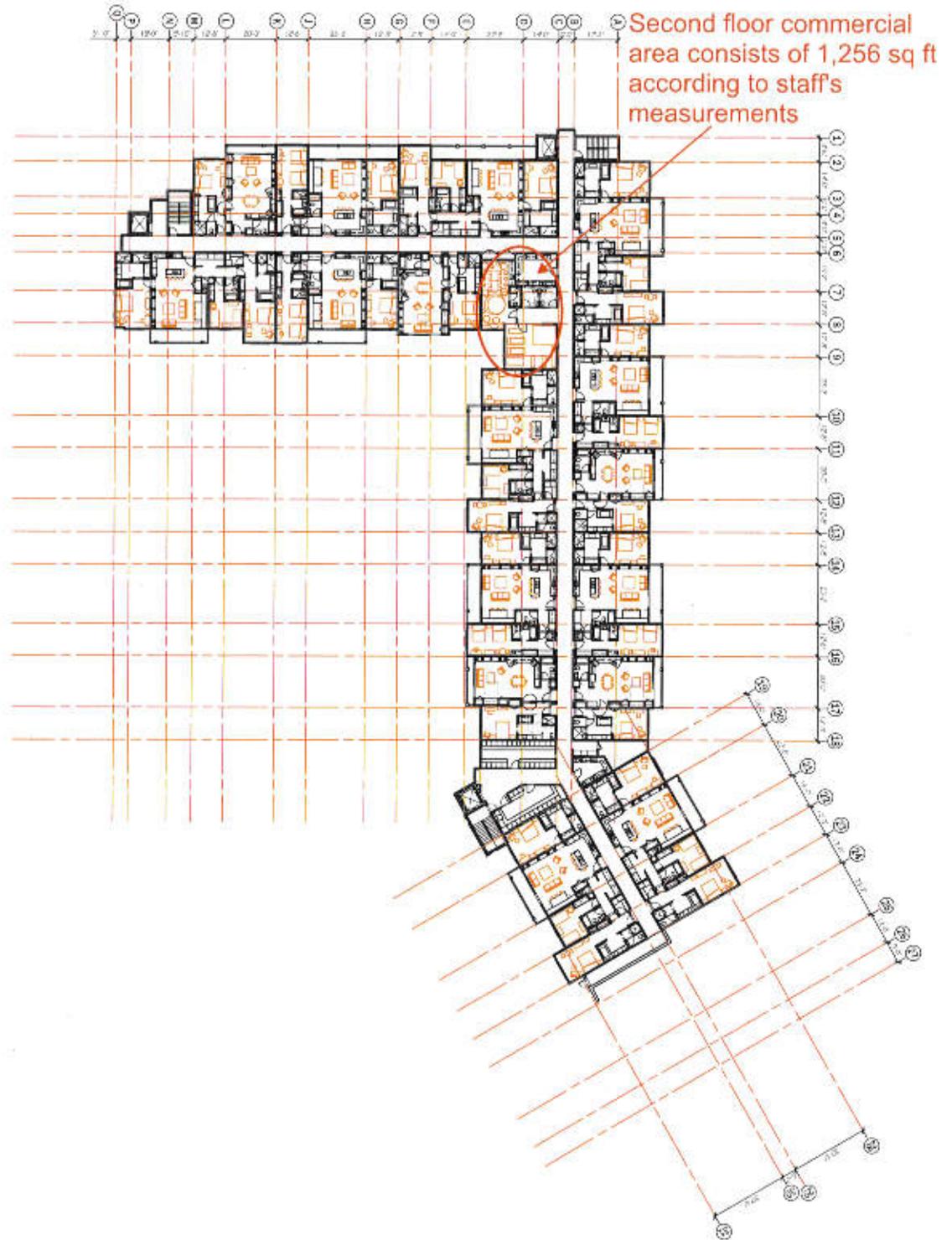
OWNER: PINE CANYON LODGE, INC.
PROJECT: PINE CANYON CONDOMINIUM
LOCATION:  NORDIC VALLEY WAY, EDEN, UTAH 84310

© 2014 Cedar Contractors. This drawing shall not be reproduced without consent of Cedar Contractors, nor shall it be used for any project other than the originally intended project.

PROJECT NO: 200307
DATE: 11/2014



Exhibit B-4: Second Level Floor Plan







SECOND LEVEL FLOOR PLAN



 OWNER: PINE CANYON LODGE, INC.
 PROJECT: PINE CANYON CONDOMINIUM
 LOCATION: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310
 DATE: 11/2014

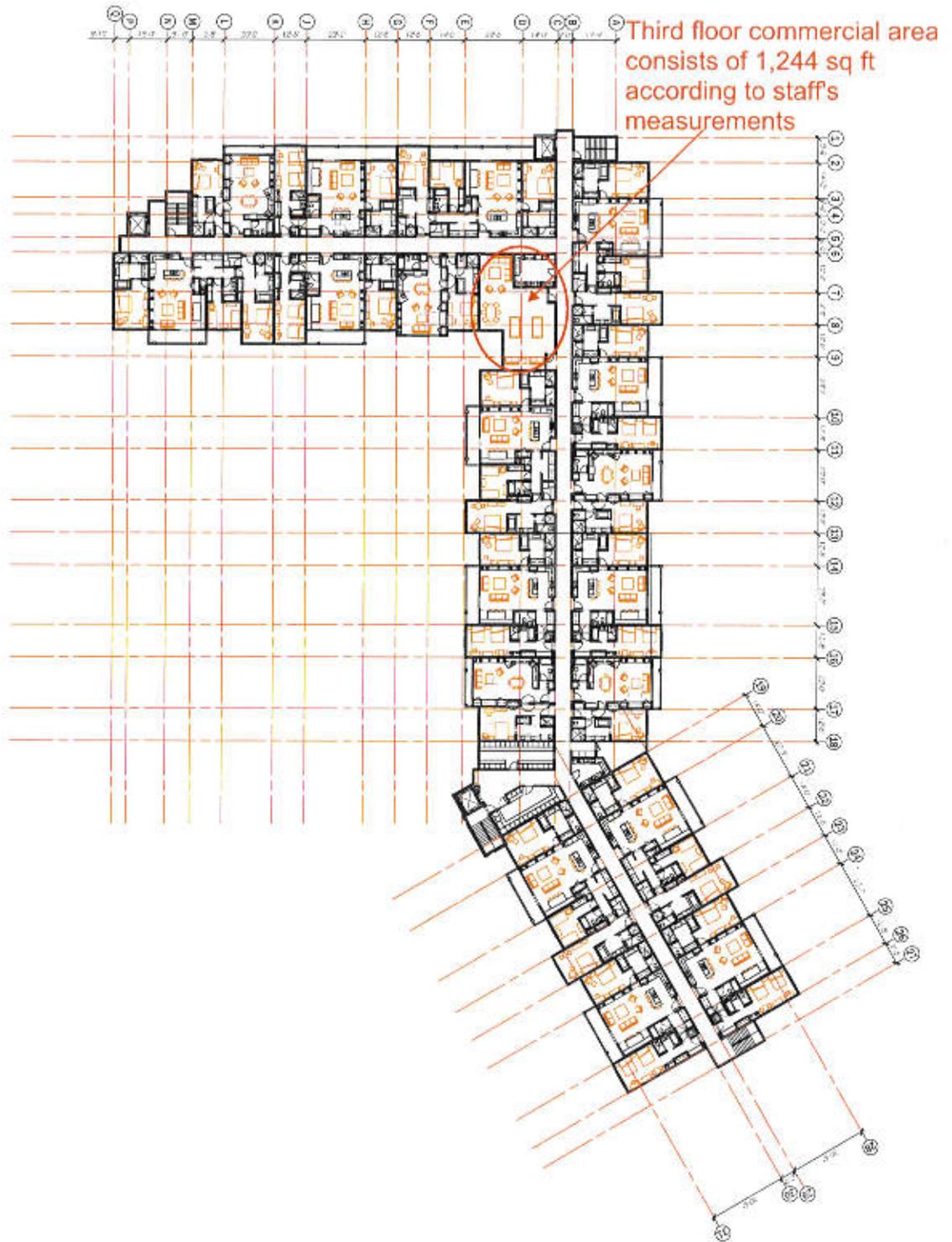
SHEET NUMBER: A102
 SECOND LEVEL FLOOR PLAN



 ARCHITECT: V&D ARCHITECTS
 PROJECT NUMBER: 2014-001

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Exhibit B-5: Third Level Floor Plan



THIRD LEVEL FLOOR PLAN

SHEET NUMBER:
A103
DATE: 11/20/14

THIRD LEVEL FLOOR PLAN



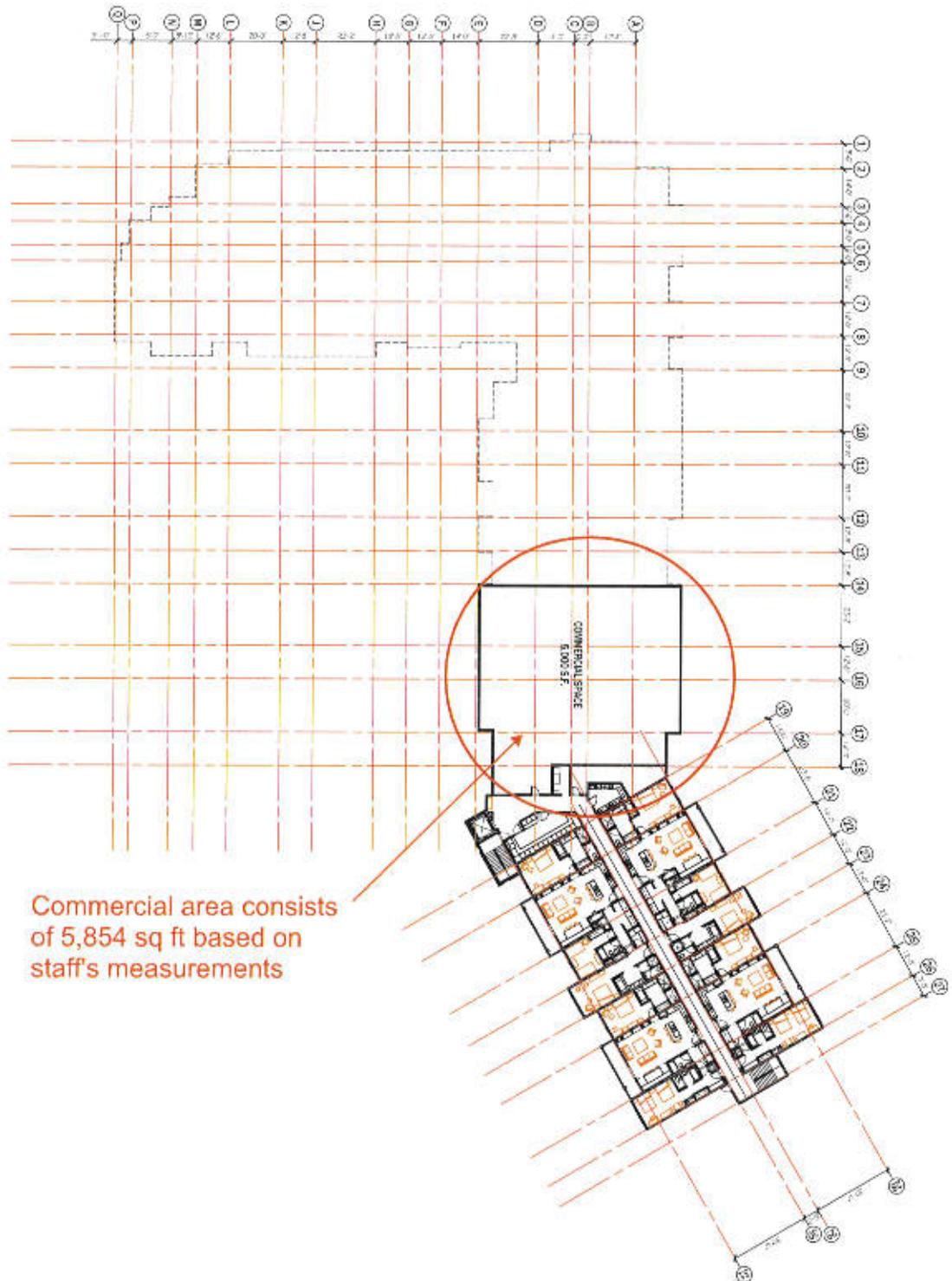
OWNER: PINE CANYON LODGE, INC.
PROJECT: PINE CANYON CONDOMINIUM
LOCATION: 3507 NORDIC VALLEY WAY, EDEN, UTAH 84218

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DATE:	11/20/14
PROJECT:	PINE CANYON CONDOMINIUM
SCALE:	AS SHOWN



Exhibit B-6: Fourth Floor Plan



Commercial area consists of 5,854 sq ft based on staff's measurements



FOURTH LEVEL FLOOR PLAN

SHEET NUMBER:
A104
DATE: 11/20/14

FOURTH LEVEL FLOOR PLAN



OWNER: PINE CANYON LODGE, INC.
PROJECT: PINE CANYON CONDOMINIUM
LOCATION: 3587 NORDIC VALLEY WAY, EDEN, UTAH 84310

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DATE: 11/20/14
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



Exhibit C-Architectural Elevations



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

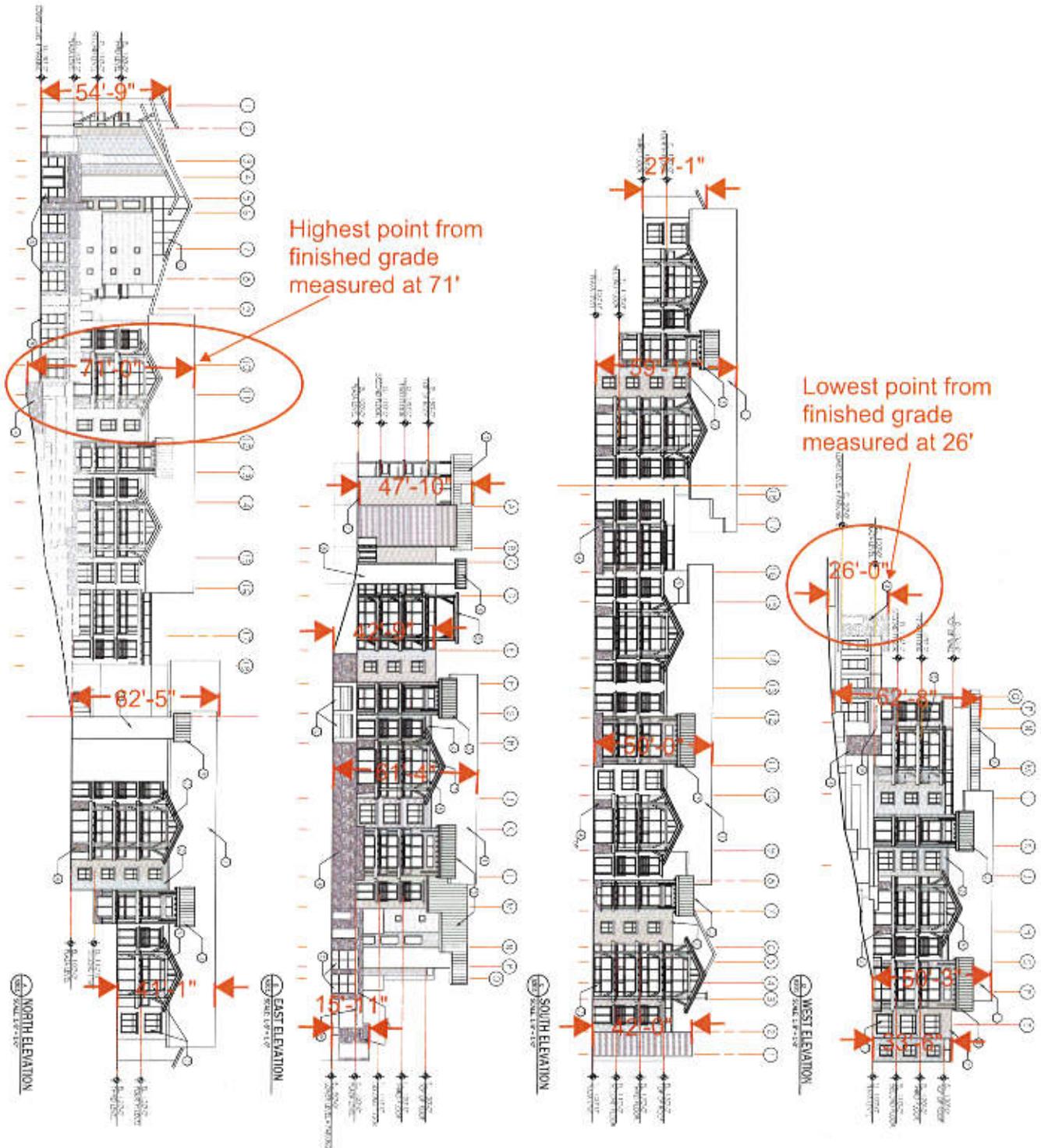
DATE: 03/10/14
 SHEET NUMBER:
A202
 BUILDING
 ELEVATIONS



OWNER: PINE CANYON LODGE, INC.
 PROJECT: **PINE CANYON CONDOMINIUM**
 1-000-728-
3067 NORDIC VALLEY WAY, EDEN, UTAH 84310
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PROJECT NO. 1414	
DATE: 03/10/14	

Exhibit C-1: Exterior Building Elevations

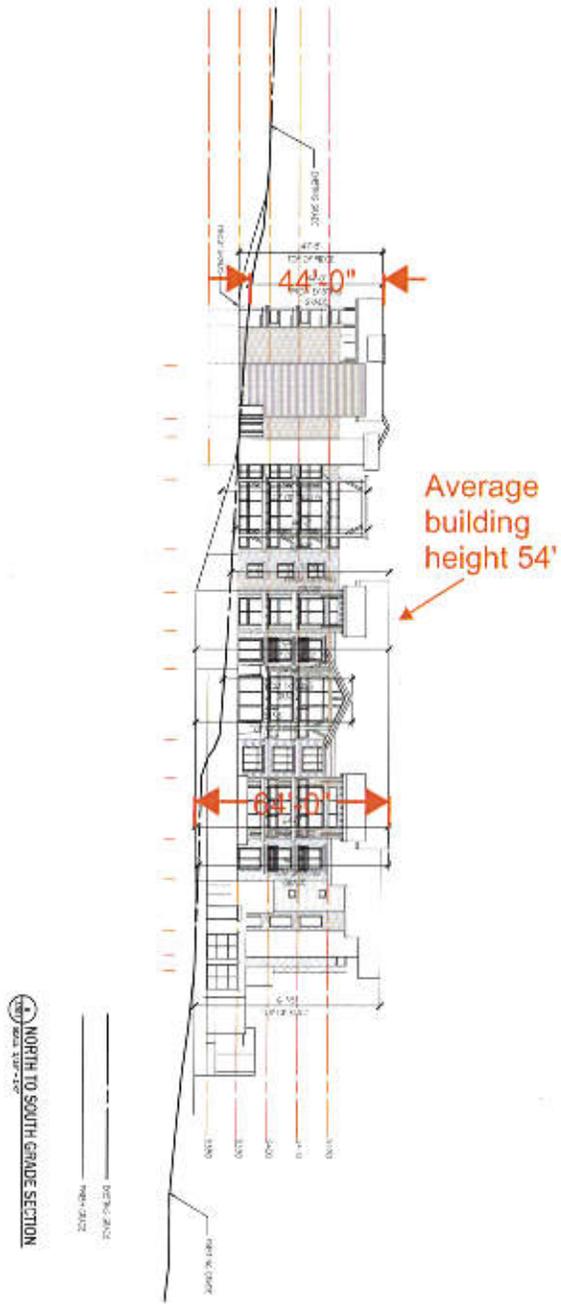
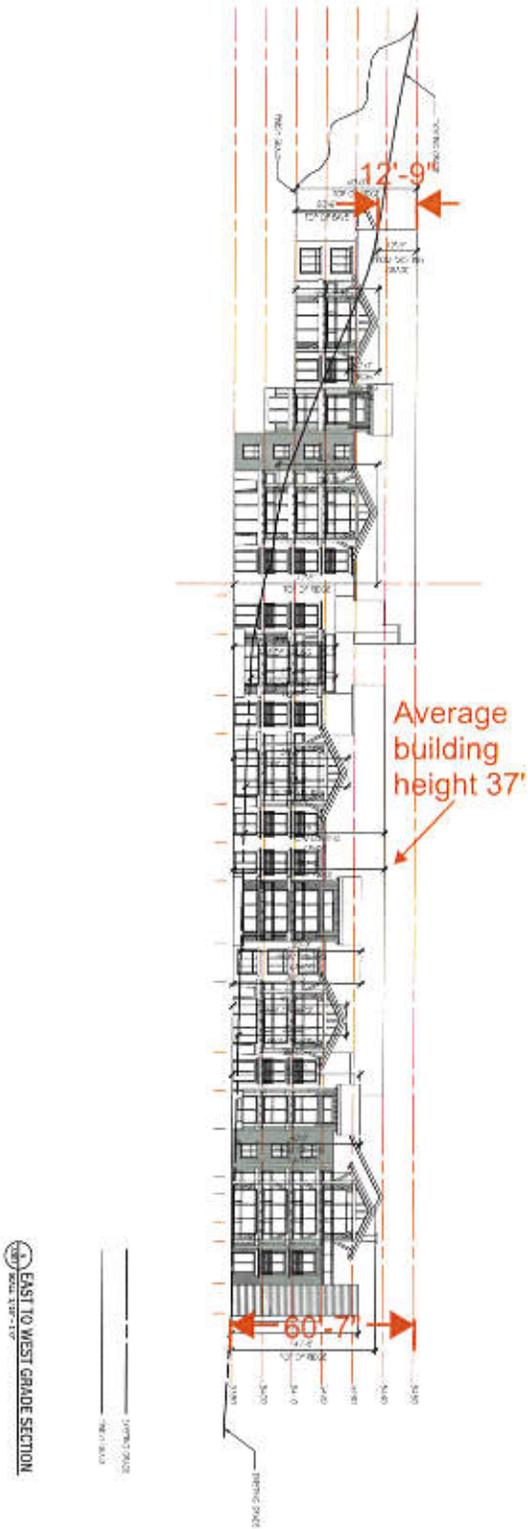


OWNER: PINE CANYON LODGE, INC.	
PROJECT: PINE CANYON CONDOMINIUM	
ADDRESS: 3567 NORDIC VALLEY WAY, EDEN, UTAH 84310	
ARCHITECT: [Logo]	
DATE: 11/13/13	
SHEET NUMBER: A201	
PROJECT NUMBER: 13113	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
SCALE: 1/8" = 1'-0"	

ELEVATION FINISHES:

1. EXTERIOR FINISHES
2. INTERIOR FINISHES
3. ROOF FINISHES
4. FLOOR FINISHES
5. CEILING FINISHES
6. PAINT FINISHES
7. GLASS FINISHES
8. METAL FINISHES
9. STONE FINISHES
10. BRICK FINISHES
11. TILE FINISHES
12. PLASTER FINISHES
13. GYP. BOARD FINISHES
14. CONCRETE FINISHES
15. BLOCK FINISHES
16. CMU FINISHES
17. CMU BLOCK FINISHES
18. CMU BLOCK FINISHES
19. CMU BLOCK FINISHES
20. CMU BLOCK FINISHES

Exhibit C-2: Grade Sections



Combined average building height 45'5"

Exhibit D- Water "Will-Serve Letter"

Nordic Mountain Water Inc.

Pine Canyon Lodge Inc.
54-Unit Pine Canyon Condominium Complex
Liberty, Utah 84310

Ref: Reservation Service Agreement

Nordic Mountain Water Inc. (NMWI) agrees to provide water for to the 54-unit Pine Canyon Lodge Inc. Condominium Complex under the following Terms and Conditions:

- (1) A 10% Non-refundable deposit is required on the total number of connections reserved multiplied by the current Infrastructure Fee per unit rounded up to nearest full unit. (i.e. 54-units X 10% = 5.4 rounded up to 6 units)
 - a. Reservation of Service is guaranteed for one year at the Infrastructure Fee rate in affect on the date this Reservation Service Agreement is signed by both NMWI and its representatives.
 - b. Options after one year are:
 - i. Pay outstanding balance of total Infrastructure Fees outlined in paragraph c.
 - ii. A monthly Stand-by fee is in affect thereafter until physical water connection is made. Currently, the standby fee is \$20/condo per month and is subject to change.
 - iii. Forfeit Reservation, deposit is non-refundable, Service Agreement is nullified.
 - iv. Renegotiate this Reservation Service Agreement at the discretion of NMWI. Previous deposits will continue to be credited to balance due while this service agreement is valid.
 - c. Details
 - i. Total Connections 54 condominiums
 - ii. Total Infrastructure Fee is \$405,000 based on 54 units X \$7,500 per unit
 - iii. Initial required non-refundable deposit is \$45,000 based on 6 units @ \$7,500 each
 - iv. Final payment of \$360,000 due 1 year from date this agreement is signed by both parties and the full deposit is paid.
 - v. Monthly charge per condominium (at completion):
 1. \$51.25 based on \$37+\$14.25 for up to 7,500 gals/month.
 2. Overages will be charged incrementally per 1000 gallons for usage exceeding 7,500 gallons – TBD.
 3. Monthly rate guaranteed for 1 year from date this agreement is signed.
 - d. Restrictions
 - i. Any Home Owners Association (HOA) organized by Pine Canyon Condominium Complex or Pine Canyon after this agreement is in place cannot include any culinary water provided by NMWI.
 - ii. No extensions to the water system developed for the Pine Canyon Condominium Complex that includes water provided by NMWI will be allowed beyond the initial 54-condominium units.
 - iii. Pine Canyon cannot resale, manage, restrict, or charge any additional fees for water provided by NMWI under any circumstance.



Exhibit D- Water "Will-Serve Letter"

- iv. The 5th unit Pine Canyon Condominium Complex is considered to have one voting membership in NMWI.
- (2) Developer pays all costs including required modifications to existing NMWI infrastructure necessary to provide NMWI water to this condominium complex. In addition, the resulting water line extension design and all associated construction is subject to the following:
- a. Must meet all State, County, and County Fire District Specifications and requirements
 - b. Must meet Water System Specifications as identified by NMWI
 - c. All waterline construction must be inspected and approved by NMWI or its identified Agent during all water system construction and/or modification.
 - d. NMWI will take possession of the modified portion of the system at the time of completion.
 - i. Developer will provide a warranty bond to cover costs of the modification during construction and for 1 year following completion of modifications or from date NMWI takes possession, whichever date is later.
- (3) NMWI uses a gravity-flow distribution system. Since an engineering study has not been completed for the proposed Pine Canyon Condominium complex, NMWI cannot guarantee adequate water pressure.
- (4) This agreement is a good faith effort by NMWI and contains terms and conditions as set forth by the NMWI board of directors, however, it may be subject to change pending review by NMWI legal counsel.

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement. We also require purchase of one Membership (see item d paragraph iv) in NMWI at the current rate of \$300 at the time the Infrastructure Fees are paid. If you have any questions, please feel free to contact Bill Green at (801) 791-3976 anytime or through our NMWI office.

Sincerely,

Bill D. Green
President
Nordic Mountain Water

Agreement of Addendum of October 9, 2014:  Date: 10-16-14
Pine Canyon Representative: Josh Richards

Agreement of Addendum of October 9, 2014:  Date: 10/16/2014
Nordic Mountain Water, Inc. Representative: Bill D. Green

Addendum of October 9, 2014:

It is agreed that upon signature of Agreement of Terms above by both parties, this agreement is valid subject to NMWI receiving \$45,000 deposit on or before Oct. 21, 2014. If said deposit is not received by Oct. 21, 2014 this agreement shall become null and void.

Agreement of Addendum of October 9, 2014:  Date: 10-16-14
Pine Canyon Representative: Josh Richards

Agreement of Addendum of October 9, 2014:  Date: 10/16/2014
Nordic Mountain Water, Inc. Representative: Bill D. Green

Exhibit E- Sewer "Will-Serve Letter"



Wolf Creek Water and Sewer Improvement District

P.O. Box 658
3632 N. Wolf Creek Dr.
Eden, Utah 84310
(801) 745-3435
Fax (801) 745-3454

October 7, 2014

Pine Canyon Lodge, Inc.
Attention: Jackson Stevens

Subject: Nordic Valley Area Wastewater Treatment Request

Wolf Creek Water and Sewer Improvement District (WCWSID) on 7 October, 2014 this letter is to notify Pine Canyon Lodge, Inc. that WCWSID has the waste water capacity and CAN and WILL serve 56 additional sewer connections from the Nordic Valley Area as requested.

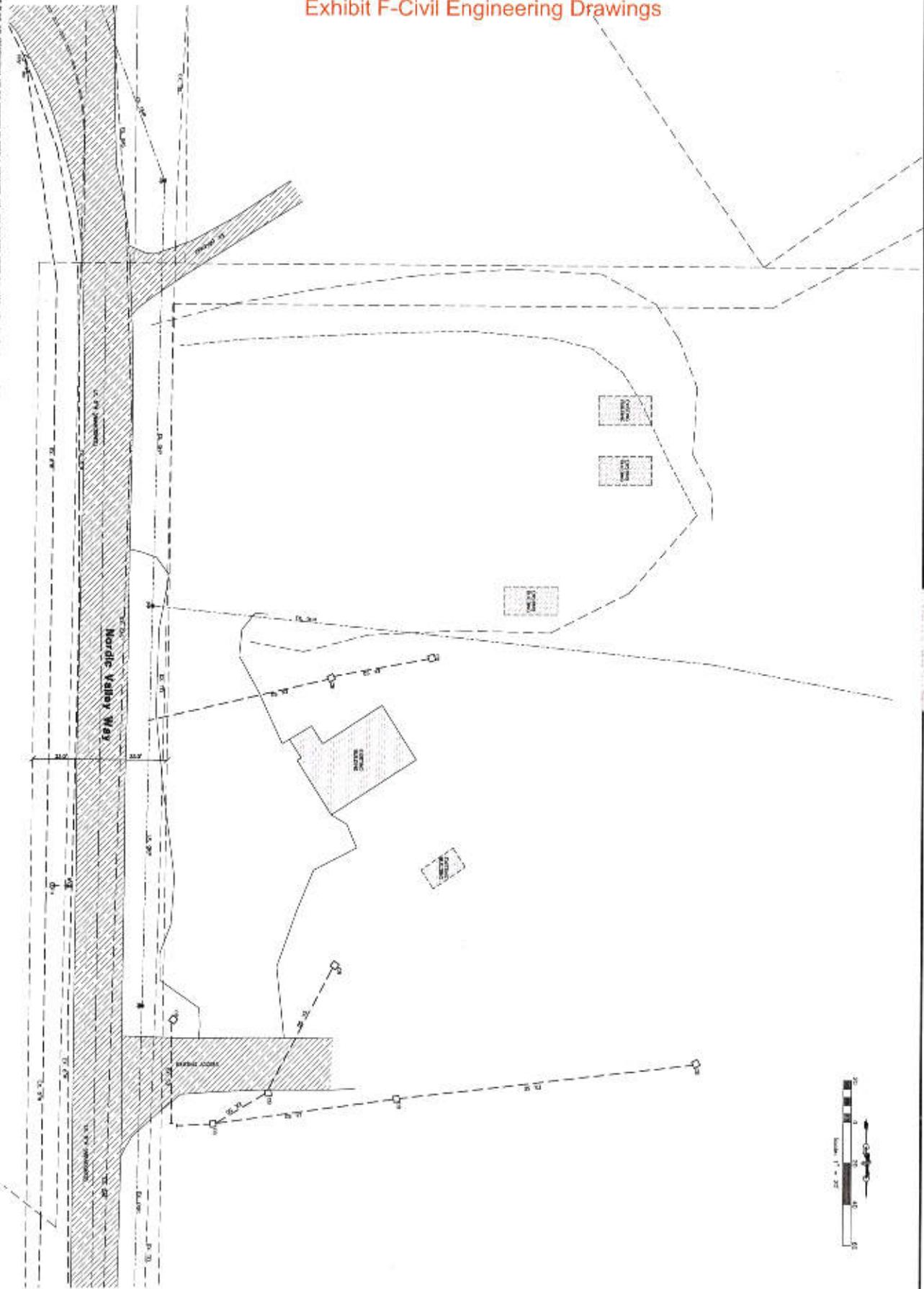
Pine Canyon Lodge, Inc. will be responsible for all associated costs for all required engineering, impact fees, construction drawings, piping installation and all permit approval cost for delivering waste water to the WCWSID treatment plant as approved by WCWSID. Specific terms and conditions to be negotiated in a separate agreement.

Wolf Creek Water and Sewer Improvement District


Robert Thomas, General Manager

Exhibit F-Civil Engineering Drawings

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. NO CHANGE SHOULD BE MADE, UNLESS MADE BY REEVE & ASSOCIATES, INC. ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY IDENTIFIED FOR WHICH THIS DRAWING WAS PREPARED, THE OWNER AND ARCHITECT ARE RESPONSIBLE FOR ANY CHANGES TO THESE PLANS OR THE OWNER'S FAILURE TO MAKE CHANGES.



Revised: 11-21-14

Sheet	9
Of	9

Project Info:
 Project Name: PINE CANYON CONDOMINIUMS
 Location: 1000 S. JENSEN, SALT LAKE CITY, UT 84143
 Date: OCTOBER 8, 2014
 Drawn By: [Name]
 Checked By: [Name]

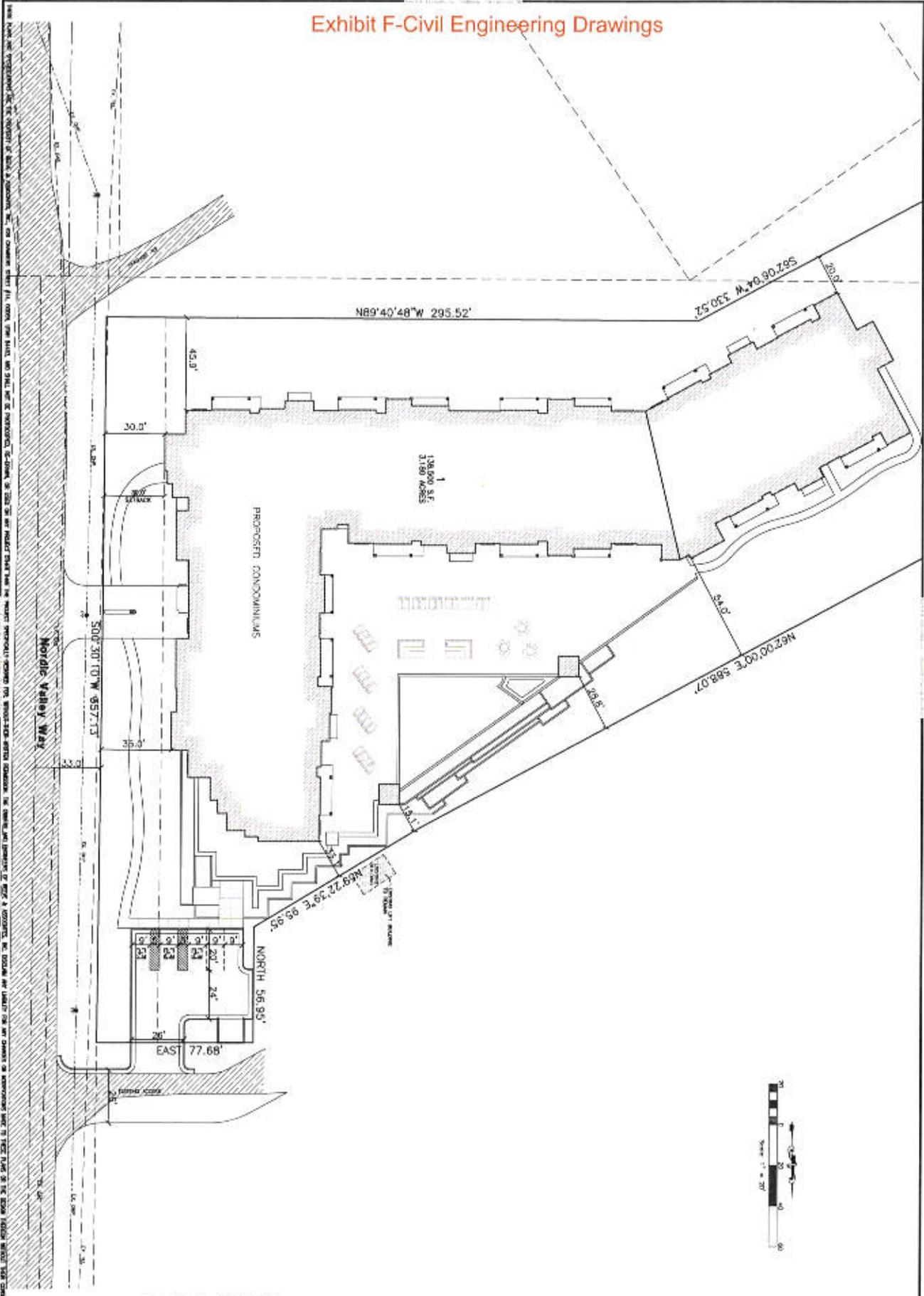


Pine Canyon Condominiums
 1000 S. JENSEN, SALT LAKE CITY, UT 84143
Existing Site Plan

DATE	DESCRIPTION
11-21-14	Architect Changes

Reeve & Associates, Inc.
 1000 S. JENSEN, SALT LAKE CITY, UT 84143
 TEL: 313.571.1700 FAX: 313.571.1700
 WWW.REEVE-ASSOCIATES.COM

Exhibit F-Civil Engineering Drawings



Revised: 11-21-14

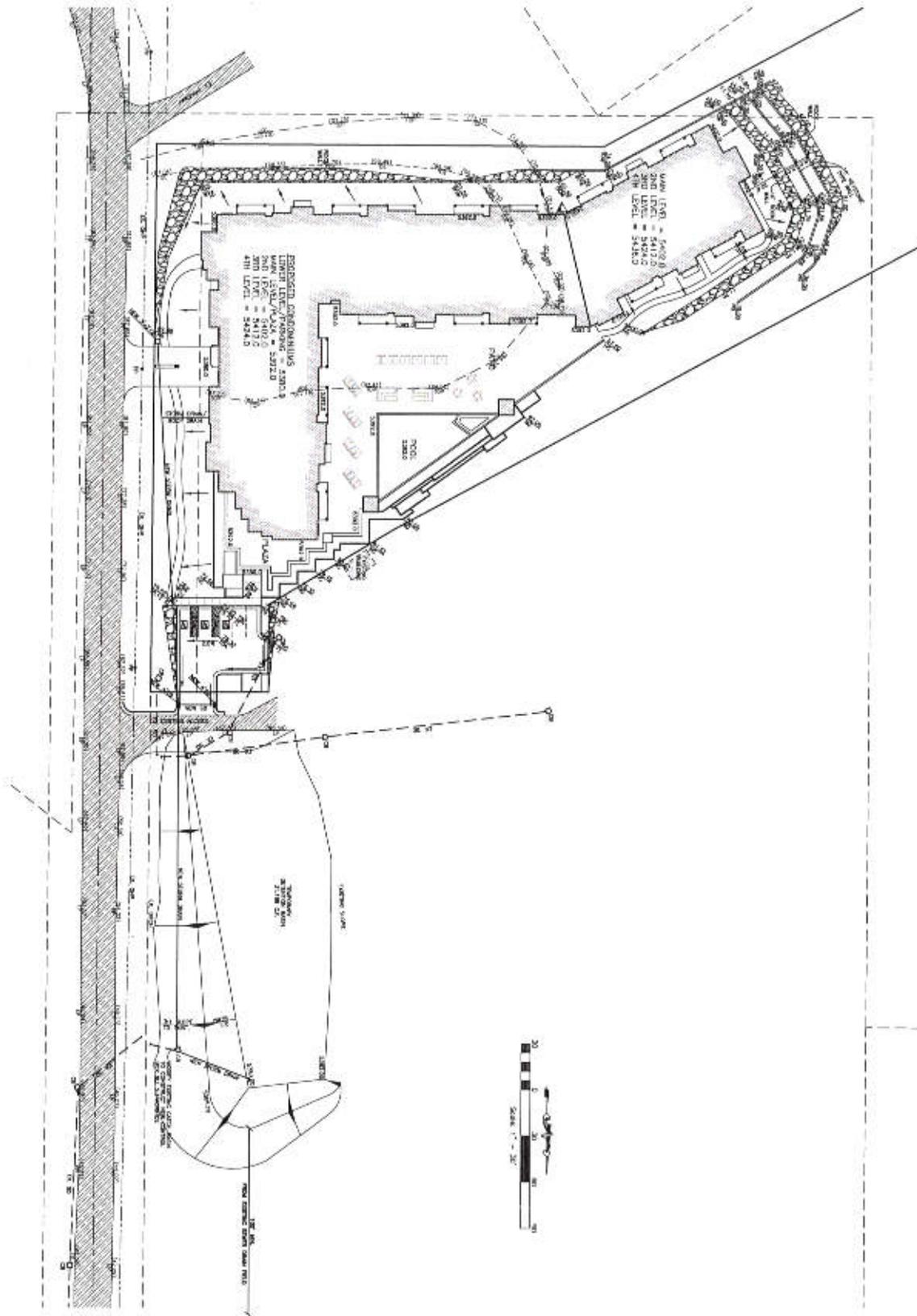
Sheet	9
Of	9
Project Name	Pine Canyon Condominiums
Client	Reeve & Associates, Inc.
Drawn by	[Signature]
Checked by	[Signature]
Scale	AS SHOWN
Date	11-21-14

Pine Canyon Condominiums
 EREN, WEBER COUNTY, UTAH
Proposed Site Plan

REVISIONS
DATE: 11-21-14 BY: [Signature]

Reeve & Associates, Inc.
 100 CHERRY STREET, SUITE 100, BOULDER, CO 80501
 TEL: 303.440.1234 FAX: 303.440.1235
 WWW.REEVE-ASSOCIATES.COM

Exhibit F-Civil Engineering Drawings



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Revised: 11-21-14

6	9
Sheet	of 9
PROJECT INFO: PROJECT: PINE CANYON CONDOMINIUMS LOCATION: 1100 S. 1100 E., SALT LAKE CITY, UT 84143 DATE: DECEMBER 8, 2011 DRAWN BY: [Name] CHECKED BY: [Name]	



Pine Canyon Condominiums
 SALT LAKE COUNTY, UTAH
Grading Plan

REVISIONS	DATE	DESCRIPTION

Reeve & Associates, Inc.

600 CHURCH STREET, SUITE 200, SALT LAKE CITY, UTAH 84143
 TEL: 313.777.7777 FAX: 313.777.7777
 WWW.REEVE-ASSOCIATES.COM

Exhibit F-Civil Engineering Drawings

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAN IS THE SECTION LINE BETWEEN SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT AND SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT AND SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT.

BOUNDARY DESCRIPTION

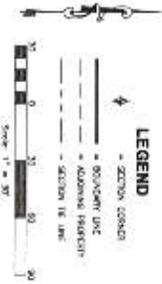
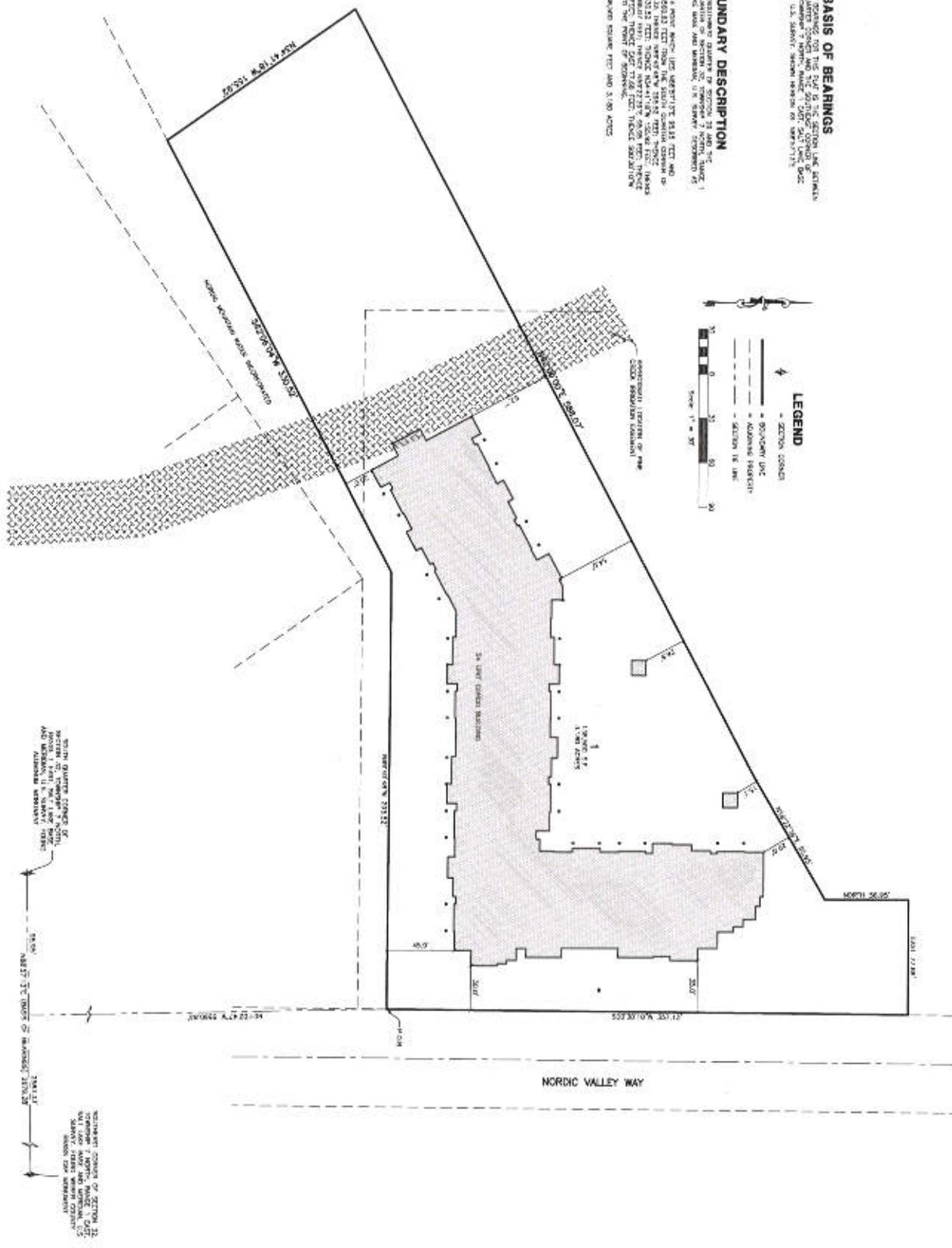
THE BOUNDARY OF THE SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT IS DESCRIBED AS FOLLOWS:

BEARING OF A LINE FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT TO THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT IS BEARING S 89° 59' 59" W DISTANCE 100.00 FEET.

BEARING OF A LINE FROM THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT TO THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT IS BEARING N 89° 59' 59" E DISTANCE 100.00 FEET.

BEARING OF A LINE FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT TO THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT IS BEARING S 89° 59' 59" W DISTANCE 100.00 FEET.

BEARING OF A LINE FROM THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT TO THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT IS BEARING N 89° 59' 59" E DISTANCE 100.00 FEET.



SECTION 22, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT

SECTION 18, TOWNSHIP 7 NORTH, RANGE 11 WEST, SALT LAKE DISTRICT

Sheet	1
Stations	1
Project No.	11-24-214
Drawn by	CSB/CH
Checked by	CSB/CH
Designed by	CSB/CH
Approved by	CSB/CH
Scale	AS SHOWN
Date	11-24-21

PRELIMINARY PLAN
WEBER COUNTY, UTAH

PINE CANYON CONDO - BUILDING 1

REVISIONS	DESCRIPTION

Reeve & Associates, Inc.

1100 SOUTH 1000 WEST, SUITE 100
SALT LAKE CITY, UTAH 84143
TEL: (801) 466-1111 FAX: (801) 466-1112
WWW.REEVE-ASSOCIATES.COM



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A request to add an addendum to the 2002 Zoning Development Agreement for Wolf Creek Resort.

Agenda Date: Tuesday, December 02, 2014

Applicant: Wolf Creek Stakeholder members

File Number: ZTA 2014-05

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Adjacent Land Use

North:	Not Applicable	South:	Not Applicable
East:	Not Applicable	West:	Not Applicable

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
(801) 399-8767

Report Reviewer: SW

Background

The representatives from America First Credit Union and Capon Capital LLC proposed a two-step process to add an addendum to Wolf Creek's Zoning Development Agreement. The proposed first step is to transfer 58 units from the Forest Residential FR-3 Zone owned by Capon Capital LLC to the Residential RE-15 Zoned property owned by America First Credit Union.

This proposal is different from their request the Planning Commission heard in June of 2014, which was to assign 492 floating units. There are no floating units (see attached 2002 Wolf Creek Zoning Development Agreement – Number Analysis); it is simply a transfer of density between the two zones and the two property owners. Since the hearing by the Planning Commission, the property owned by KRK Wolf Creek LLC (the golf course and some of the commercial property) has been bought by Capon Capital LLC (John Lewis). Mr. Lewis has been working with the Home Owners Associations, Summit Mountain Holding Group LLC, GEM committee, the neighbors, and other stake holders. They had Langvardt Design Group summarize the input that was received to start the work of updating the Wolf Creek Master Plan.

Planning Commission Recommendation

The Planning Division Staff supports the transfer of 58 units from the FR-3 Zone to the Residential RE-15 Zone. The transfer of density does not increase the density of Wolf Creek and the number of development units in the RE-15 Zone would still be less than what zoning would allow. The Planning Commission needs to make a recommendation to the County Commission on whether or not the 58 units should be transferred.

Exhibits

- A. 2002 Wolf Creek Zoning Development Agreement – Number Analysis
- B. Wolf Creek Resort maps

2002 Wolf Creek Zoning Development Agreement – Numbers Analysis

- The 1984 Zoning Development Agreement (ZDA) allowed for a total of 2,152 units in Wolf Creek.
- The 2002 ZDA shows 2,152 units as the project total and 1,660 units as the ZDA total.

Zoning	Units
CV-2	250
FR-3	704
RE-15	664
RE-20	28
FV-3	13
FRC-1	1
AV-3 and O-1	0
Total Zoning	1,660

- The difference between 2,152 units and 1,660 units is 492 units.
- The Planning Division has verified 491 units approved and platted in Wolf Creek between 1984 and the 2002 ZDA. The discrepancy between 492 and 491 is due to the amended plat for The Fairways Phase 1. The original plat showed 18 units and these units were accounted for in the 2002 ZDA. In 2004 the plat was amended and one unit was removed leaving only 17 platted units. This unit went back into the FR-3 zoning allotment and raised the number of available development units by one. *Therefore, we are using 1,661 total ZDA units and 705 FR-3 units as the baseline.
- From 2002 – current, 845 of the 1,661 units have been developed or received some sort of approval. This number includes those units already approved for Trendwest, Trappers Ridge, The Fairways, The Ridge, The Retreat, Powder Canyon, etc. (This does not include the 106 units in Eagles Landing).
- The breakdown of the 845 units developed since 2002 is as follows:

Zoning	Units
FR-3	509
RE-15	291
RE-20	45
Total	845

- The difference between 1,661 and 845 is 816 units (remaining for development).

2002 Wolf Creek Zoning Development Agreement – Numbers Analysis

- The remaining development units must comply with the ZDA breakdown for numbers/zones as follows:

Zoning and ZDA Units	Developed Units	Remaining Development Units by Zone
FR-3 / 705*	509	196
RE-15 / 664	291	373
RE-20 / 28	45	-17
FV-3 / 13	0	13
FRC-1 / 1	0	1
AV-3 and O-1 / 0	0	0
CV-2 / 250	0	250
Total Zoning / 1,661*	845	816

- Based on this table, all of the 816 remaining development units are accounted for and there are no extra "floating units" that still need to be assigned. The remaining units are further broken out by parcel/zone ownership in the following tables:

RE-15 Zone Ownership	Units by Property Ownership
America First	355
Eden Village	13
Elkhorn LLC	5
Total	373

FR-3 and FRC-1 Zone Ownership	Units by Property Ownership
Capon Capital/John Lewis/KRK?	(FR-3) 196 + (FRC-1) 1 = 197

CV-2 Zone Ownership	Units by Property Ownership
John Lewis/KRK?	250

FV-3 Zone Ownership	Units by Property Ownership
Summit Mountain Holding Group LLC	13

RE-20 Zone Ownership	Units by Property Ownership
John Lewis/Capon Capital	-17
TOTAL	816

2002 Wolf Creek Zoning Development Agreement – Numbers Analysis

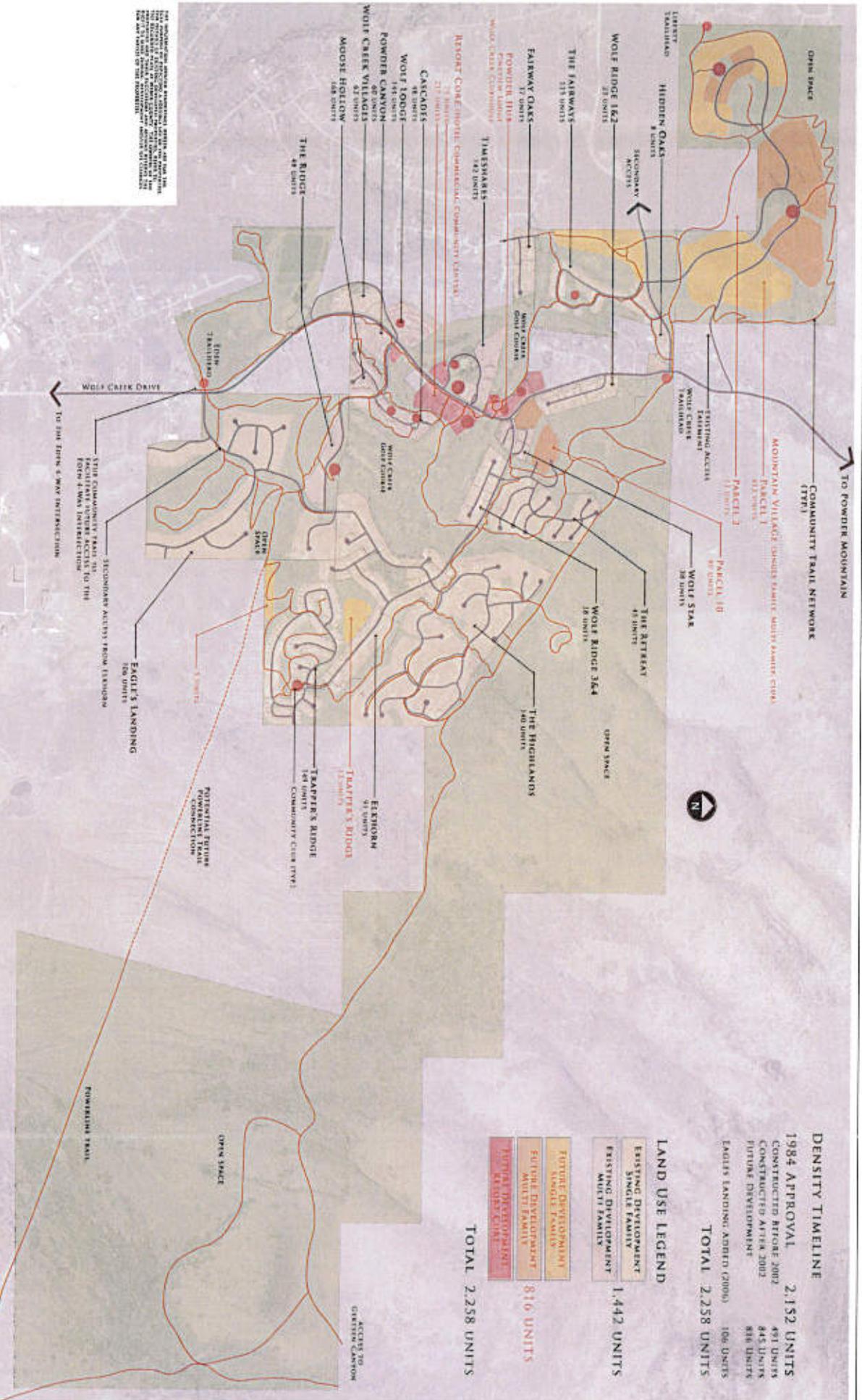
- Using the numbers from this table, John Lewis/KRK/Capon Capital have 430 units (after removing the 17 over-allocated RE-20 units) and America First has 355 units. The proposed addendum shows America First with 413 units and John Lewis/KRK/Capon Capital with 372 units. This requires a transfer of 58 units from John Lewis/KRK/Capon Capital to America First.
- The proposed ZDA addendum still works, but it does not allocate “floating units.” Rather, its purposes are to transfer units from the CV-2, FR-3, and FRC-1 Zones owned by John Lewis/KRK/Capon Capital to the RE-15 Zone owned by America First, and to increase the number of units allowed in the ZDA RE-15 Zone from 664 to 722.
- The biggest questions remaining are which zone(s) the 58 transfer units and the 17 over-allocated RE-20 units will come from.
- Assuming the addendum numbers remain the same and the 58 transfer units and 17 over-allocated RE-20 units come from the FR-3 Zone and FRC-1 Zone, the new ZDA table (showing remaining development units) would look like this:

Zoning	Units
CV-2	250
FR-3	122
RE-15	431
FV-3	13
AV-3 and O-1	0
Total Zoning	816

Zone Ownership	Units by Property Ownership
(RE-15) America First	413
(RE-15) Eden Village	13
(RE-15) Elkhorn LLC	5
	431
(FR-3) Capon Capital/John Lewis/KRK?	122
(CV-2) Capon Capital/John Lewis/KRK?	250
(FV-3) Summit Mountain Holding Group LLC	13
TOTAL	816

- The addendum proposes a total of 798 units. This number is derived from subtracting the 13 Summit FV-3 units and the 5 Elkhorn RE-15 units from 816. The addendum numbers still work as proposed and there is no increase in density from the 2,152 unit total.

WOLF CREEK RESORT



WOLF CREEK RESORT



- LAND USE LEGEND**
- EXISTING DEVELOPMENT
SINGLE FAMILY
 - EXISTING DEVELOPMENT
MULTI FAMILY

- FUTURE DEVELOPMENT
SINGLE FAMILY
- FUTURE DEVELOPMENT
MULTI FAMILY
- FUTURE DEVELOPMENT
FUTURE DEVELOPMENT

- FUTURE MULTI FAMILY
- WOLF CREEK CLUBHOUSE/POWDER HUB EXPANSION
- EXISTING PINEVIEW LODGE
- EXISTING WOLF CREEK CLUBHOUSE/POWDER HUB AND RESTAURANT
- WOLF CREEK FACILITY GREEN, BEET TURT AND CART STATIONS
- POTENTIAL FUTURE 13 HILL UNDERPASS CONNECTING RAVINE AND GOLF VILLAGES
- EXISTING RESORT MAINTENANCE FACILITY
- EXISTING WORKMARK RECEPTION FACILITY AND CLUB
- FUTURE COMMUNITY CLUB FACILITY, COMMERCIAL HOTEL, BEAT VILLAGE AND RESORT PARKING
- FUTURE RESORT VILLAGE COMMERCIAL HOTEL OR MOBILE HOMES
- RESORT TRAIL SYSTEM
- THE CANYON CLUBHOUSE
- EXISTING WINTEROP CENTER/VILLAGE LODGE
- MOOSE HOLLOW CLUBHOUSE

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Weber County Planning Division

To: Ogden Valley Planning Commission
From: Charles Ewert, AICP
Date: November 3, 2014
Subject: Ordinance Revision Work Session: Title 108, Standards, Chapter 12, Noncomplying Structures and Nonconforming Uses/Parcels

Summary. The County is working on expanding certain public rights of way to facilitate street improvements. The right of way expansions may cause some abutting lots that are at the minimum zoning standards to drop below adopted standards. The current Land Use Code does not provide these land owners appropriate protections from the County considering their lots “illegal.” The attached ordinance revisions began as a simple addition to the *Noncomplying Structures and Nonconforming Uses/Parcels* chapter, as can be seen in the attached proposed code change as the new Section 108-12-15. However, as staff reviewed the chapter in its entirety it became apparent that other changes could help for clarity and administration. Those changes are also being presented here.

Background. The Engineering Department is currently working with the public along 3500 West and 12th Street to initiate a public right of way expansion of both roads. The expansions will take the front portions of the parcels that front these streets. The amount taken depends on a myriad of factors, such as the current right of way width, necessary road appurtenances, and proximity to intersections of streets and canals. A special ordinance is necessary that allows lots made noncompliant to current zoning standards to be considered a legal, nonconforming status. This will help clarify in the law that the current occupancy, use, and the right to initiate new uses, as may be allowed by the zone, may be continued on properties that drop below the zoning standards.

In the process of vetting language to enable this, staff found other areas of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, and in model ordinances used throughout the country, the nonconforming use and noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time, and are protected from zoning changes or standards changes presented by new ordinances (often referred to as “grandfathered”). However, the original intent of such an ordinance is to make the changes or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards (achieved by reconfiguring property and/or tearing down old structures). This intent was a method of advancing the purposes of new ordinances, which were presumably enacted to better the health, safety, and welfare of the public.



Weber County Planning Division

In Weber County, such restrictiveness has not prevailed. Even though the framework of Chapter 108-12 *Noncomplying Structures and Nonconforming Uses/Parcels* appears to follow the framework of historic model ordinances, the chapter has been amended to be more permissive regarding the modification of noncomplying structures. It has also been amended with provisions on how to treat nonconforming lots, giving leniency to those lots created in a manner that did not comply with previous subdivision codes. Essentially, what this does is gives a grant of amnesty from subdivision requirements for these lots. The County does this for three reasons:

1. In some cases it is difficult to determine what laws were in effect at the time, and whether they complied with state laws of the time.
2. It is difficult to tell whether the County has consistently and fairly applied those laws to all people/properties.
3. It is politically unpalatable to penalize a successor for violations that were created by a prior owner.

These provisions are not proposed to be removed, but they are being revised to provide clarity.

Proposal. To provide for lots affected by the right of way expansion, Staff proposes the changes that can be found in the attached Exhibit A proposed code change, Section 108-12-15. Along with this new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion. This notice is provided in Exhibit B.

Regarding unplatted properties, the changes proposed in Exhibit A, under Section 108-12-11, maintain the flexibility of the current ordinance whilst also providing clarifications. One primary difference in the proposal that deviates from the historic standard of practice is the modified definition of "Lot, nonconforming." Current ordinance only lists that zoning area and zoning width standards may make a lot nonconforming. The new definition specifies that *all applicable standards* may make a lot nonconforming. The significance of this change is this: lot standards may be found in various places in the code, including the zoning ordinance and the subdivision ordinance. If a lot is legally created or modified under the standards of any land use code requirement at the time and any of those standards are later changed, then the lot is considered nonconforming as it relates to the changed standard, whatever that standard may be. The proposed definition is no longer limiting to zoning area and zoning width standards.



Weber County Planning Division

Because this change parts ways with historic application of this ordinance, both within Weber County and elsewhere, staff consulted with the Weber County legal team and the Office of the Property Rights Ombudsman to ensure the philosophy is keeping with the goal of maintaining a supportable and defensible code.

This new distinction is only important inasmuch as nonconforming lots are treated differently from conforming lots. Staff has searched the code for all references to nonconforming lots and cannot find any reference that this change may negatively affect.

Weber County Land Use Code Revision Workflow. This change fits into the workflow of ordinance changes as ongoing edits, clarifications, and additions to various sections of the Land Use Code, as can be seen in Exhibit C.

Planning Commission Consideration. As the Planning Commission hears and considers this proposed change there are several things to be looking for:

1. Does the proposed change comply with the purpose and/or intent of the specific code section or relevant zone? Every change should comply with that purpose/intent OR that purpose/intent should be changed to more accurately reflect current needs and desires.
2. Does the proposed change comply with the goals and objectives of the General Plan? You will need to dust off those general plans and refresh your knowledge of what is in them. The General Plan should act as a guide to vet land use ordinance decisions.
3. Does the proposed change promote the health, safety, and welfare of the community?
4. Does the proposed change provide equitable balance between land use rights and the public good?

Attachments:

- Exhibit A: Proposed Code Change – Right of Way Expansions Causing Nonconforming Lots
- Exhibit B: Sample Notice of Effect
- Exhibit C: Weber County Land Use Code Revision Process Workflow

Exhibit A: Code Change – Right of Way Expansions Causing Nonconforming Lots.

The following code changes are being proposed due to several planned public right of way expansion projects that may cause some lots to lose area and drop below the minimum lot standards of the applicable zone. During routine review of related code sections, staff found the need for greater clarity throughout, and are proposing such changes here.

This change addresses the following sections:

Sec 101-1-7. Definitions:

- Lot, nonconforming
- Lot of record (lawfully created lot)
- Noncomplying structure
- Nonconforming lot or parcel
- Nonconforming sign

Sec. 108-12-10. Legal use of nonconforming lots

Related Additions, Corrections, and Clarifications:

- Sec. 108-12. General Code Cleanup.
- Sec. 108-12-11. Subdivision Plat Requirements for Nonconforming Lots
- Sec. 108-12-13. Setback requirements for nonconforming lots.
- Sec. 108-12-14. Parcels previously combined

Key to changes:

Language that has been added is shown in blue underline.

~~language that has been moved to a new location is shown in green double strikeout.~~

~~Language that has been deleted is shown in red strikeouts.~~

Language that has been moved from an old location is shown in green double underline.

1 **PART II LAND USE CODE** ^[1]

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS** ^[2]

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

30 Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied
31 with all applicable standards in effect at the time of the lot's creation and, because of subsequent
32 changes to the Land Use Code, does not conform to the current applicable standards. Applicable

standards include standards of the zone in which the lot is located, standards of the subdivision ordinance, and other standards of this Land Use Code, of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance from which this title is derived.

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or
- (5) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- (6) A parcel/lot that is the subject of a land division where Weber County, in compliance with Utah State Code, has expressly approved the division in anticipation of further land use approvals conditioned upon and as authorized by the Weber County Zoning Ordinance; or
- (7) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

There are parcels/lots within Weber County that may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a land use permit and/or building permit for such parcels/lots.

Noncomplying structure. The term "noncomplying structure" means a structure that legally existed before its current land use designation and because of one or more subsequent

Comment [c1]: What needs to be done to consolidate this definition with the one below?

71 land use ordinance changes, does not conform to the setback, height restrictions, or other
72 regulations, excluding those regulations that govern the use of land.

Comment [c2]: Straight from State Code

73 ~~Nonconforming building or structure. The term "nonconforming building or structure"~~
74 ~~means a building or structure or portion thereof, lawfully existing at the time of the effective date~~
75 ~~of the ordinance from which this chapter is derived, which does not conform to all the height, area~~
76 ~~and yard regulations herein prescribed in the zone in which it is located;~~

Comment [c3]: Provided for in "noncomplying structure" above. A search for both "nonconforming building" and "nonconforming structure" of current code did not yield any results.

77 Nonconforming lot or parcel. See "Lot, nonconforming."

78 Nonconforming sign. See "Sign, nonconforming."

79 Nonconforming use. The term "nonconforming use" means a use of land that legally
80 existed before its current land use designation, has been maintained continuously since the time
81 the land use ordinance regulation governing the land changed, and because of one or more
82 subsequent land use ordinance changes, does not conform to the regulations that now govern
83 the use of the land.

Comment [c4]: Straight from State Code.

84 ...

85 Title 108 STANDARDS

86 CHAPTER 1. - DESIGN REVIEW

87 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

88 CHAPTER 3. - CLUSTER SUBDIVISIONS

89 CHAPTER 4. - CONDITIONAL USES

90 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

91 CHAPTER 6. - TIME SHARE

92 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

93 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

94 CHAPTER 9. - MOTOR VEHICLE ACCESS

95 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES

96 CHAPTER 11. - RESERVED

97 CHAPTER 12. - NONCOMPLYING STRUCTURES AND NONCONFORMING USES/PARCELS

Comment [c5]: Chapter of Focus

98 CHAPTER 13. - HOME OCCUPATION, SHORT TERM VENDORS, TEMPORARY OUTDOOR SALES, FARMER'S 99 MARKETS

100 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

- 101 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
- 102 CHAPTER 16. - OGDEN VALLEY LIGHTING
- 103 CHAPTER 17. - OGDEN VALLEY PATHWAYS
- 104 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
- 105 CHAPTER 19. - ACCESSORY APARTMENTS
- 106 CHAPTER 20. - FOREST CAMPGROUNDS
- 107 CHAPTER 21 - AGRI-TOURISM
- 108 ...
- 109 **CHAPTER 12. NONCOMPLYING STRUCTURES AND NONCONFORMING USES/PARCELS**

- 110 Sec. 108-12-1. Purpose and intent.
- 111 Sec. 108-12-2. Maintenance, repairs, and alterations.
- 112 Sec. 108-12-3. Additions and enlargements.
- 113 Sec. 108-12-4. Alteration where parking insufficient.
- 114 Sec. 108-12-5. Moving noncomplying structures.
- 115 Sec. 108-12-6. Restoration of damaged buildings.
- 116 Sec. 108-12-7. One-year vacancy or abandonment.
- 117 Sec. 108-12-8. Change of use.
- 118 Sec. 108-12-9. Expansion of nonconforming use.
- 119 Sec. 108-12-10. Legal use of ~~parcels~~nonconforming lots.
- 120 Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions, ~~Parcels in areas subjected~~
- 121 ~~to change in zoning.~~
- 122 Sec. 108-12-12. ~~Combining~~ Enlarging nonconforming parcels.
- 123 Sec. 108-12-13. Setback requirements for nonconforming lots. ~~Small lots/parcels created prior to zoning.~~
- 124 Sec. 108-12-14. Parcels previously combined for tax purposes.
- 125 Sec. 108-12-15. Effect of Public Right of Way Expansion.

126 **Sec. 108-12-1. Purpose and intent.**

127 The purpose and intent of this chapter is to provide standards for the development
128 and use of noncomplying structures ~~and~~, nonconforming uses, ~~and nonconforming lots or~~
129 parcels. These structures, uses, and ~~lots or~~ parcels are considered legal, despite not
130 meeting the current requirements of the zone in which they are located.

131 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

- 132 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures
133 on lots of record.
- 134 (b) Dwellings or other structures built on lots or parcels which were once legal, but have
135 since been ~~made illegal~~modified in a manner that is in violation of applicable laws, shall
136 not be issued land use or building permits, unless the structure is being strengthened or
137 restored to a safe condition, or the lot or parcel is made to conform to current zoning
138 regulations. In restoring the structure to a safe condition, no expansion of the structure is
139 allowed.

140 **Sec. 108-12-3. Additions and enlargements.**

- 141 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded
142 in any manner, unless such expansion is made to conform to all yard and use regulations
143 of the zone in which the structure is located.
- 144 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any
145 manner, unless such addition or enlargement conforms to all the regulations of the zone
146 in which it is located, or conforms to the reduced yard setbacks as allowed in section
147 108-12-13
- 148 (c) A legally constructed dwelling or other structure on a lot of record, which has yard
149 setbacks that are less than the required yard setbacks for the zone in which it is located,
150 shall be allowed to have an addition, provided that:
- 151 (1) The addition does not encroach into the required yard setbacks further than the
152 existing dwelling or other structure; and
- 153 (2) The addition is located completely on the same property as the existing structure
154 and does not encroach into a road right-of-way or on to adjacent property.
- 155 (d) A legally constructed dwelling or other structure on a lot of record, which is located within
156 a stream corridor setback (as defined by the Weber County Land Use Code
157 sections 108-7-23 and/or 104-28-2, ~~shall be allowed to have an addition(s)~~may be added
158 to or enlarged, provided that:
- 159 (1) The addition does not encroach into the stream corridor setback further than the
160 existing dwelling or other structure; and
- 161 (2) The addition meets the yard setback requirements of the zone in which it is
162 located or conforms to the reduced yard setbacks as allowed in section 108-12-
163 13; or

164 (3) The addition does not encroach into the required yard setbacks further than the
165 existing dwelling or other structure.

166 **Sec. 108-12-4. Alteration where parking insufficient.**

167 A structure lacking sufficient automobile parking space as required by this chapter
168 may be altered or enlarged, provided additional automobile parking space is supplied to
169 meet the requirements of the Weber County Land Use Code.

170 **Sec. 108-12-5. Moving noncomplying structures.**

171 A noncomplying structure shall not be moved in whole or in part to any other location
172 on a lot ~~or~~ parcel, unless every portion of such structure is made to conform to all
173 regulations of the zone in which it is located, or made to conform to the reduced yard
174 setbacks as allowed in section 108-12-13.

175 **Sec. 108-12-6. Restoration of damaged buildings.**

176 A noncomplying structure which is damaged or partially destroyed by fire, flood,
177 wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and
178 the occupancy or use of such structure or part thereof, may be continued or resumed,
179 provided that such restoration is started within a period of one year, by obtaining a land use
180 permit, and is diligently pursued to completion.

181 **Sec. 108-12-7. One-year vacancy or abandonment.**

182 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and
183 which is or hereafter becomes vacant and remains unoccupied for a continuous period of
184 one year, except for dwellings and structures to house animals and fowl, shall not
185 thereafter be occupied except by a use which conforms to the use regulations of the
186 zone in which it is located. Wherever a nonconforming use has been discontinued for a
187 period of one year, such use shall not thereafter be re-established and any future use
188 shall be in conformance with the current provisions of the Weber County Land Use Code.

189 (b) Any building or structure for which a valid building permit has been issued and actual
190 construction was lawfully begun prior to the date when the structure became
191 noncomplying, may be completed and used in accordance with the plans, specifications
192 and permit on which said building permit was granted. The term "actual construction" is
193 hereby defined to be the actual placing of construction materials in their permanent
194 position, fastened in a permanent manner, actual work in excavating a basement or the
195 demolition or removal of an existing structure begun preparatory to rebuilding; provided

196 that in all cases actual construction work shall be diligently carried on until the completion
197 of the building or structure involved.

198 **Sec. 108-12-8. Change of use.**

199 The nonconforming use of a legal structure may not be changed except to a
200 conforming use. Where such a change is made to a conforming use, the use shall not
201 thereafter be changed back to a nonconforming use.

202 **Sec. 108-12-9. Expansion of nonconforming use.**

203 A nonconforming use may be extended to include the entire floor area of the existing
204 legal structure in which it was conducted at the time the use became nonconforming,
205 provided, however, that a ~~certificate of occupancy~~ Land Use Permit is first obtained for such
206 extension of use.

207 **Sec. 108-12-10. Legal use of nonconforming lots~~parcels~~.**

208 ~~(a) — Any legally created lot and/or parcel of land, which existed prior to adoption of the~~
209 ~~Weber County Land Use Code/Zoning Map may apply to develop any of the permitted or~~
210 ~~conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or~~
211 ~~parcel of land is located. In Western Weber County, the 1962 ownership plats are used as~~
212 ~~the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the~~
213 ~~legal reference point.~~

214 ~~(b) — Any legally created lot and/or parcel of land which existed prior to the adoption of the~~
215 ~~Weber County Land Use Code or an amendment to the Land Use Code, but which may now~~
216 ~~require a different lot area or lot width/frontage, may apply to develop any of the permitted or~~
217 ~~conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or~~
218 ~~parcel of land is located.~~

219 Development of any permitted or conditional use on a nonconforming lot, as defined
220 in Section 101-1-7, shall be allowed subject to this Chapter, the zone of the property, other
221 relevant sections of this Land Use Code, and other applicable local, state, and federal laws.

222 ...

223 **Sec. 108-12-11. ~~Parcels in areas subjected to change in zoning~~ Subdivision plat**
224 **requirements for nonconforming lots, exemptions.**

225 All lots and parcels shall be platted as part of a subdivision in conformance with the
226 requirements of Title 106 of this Land Use Code, unless otherwise exempted by State Code
227 or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted
228 subdivision containing nonconforming lots are governed as follows:

229 (a) The following rules govern the treatment of unplatted lots that were created in
230 conformance with the lot standards of the zone in effect at the time of the lots creation
231 but not in conformance with the requirements of the subdivision code in effect at that
232 time:

233 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,
234 the lot shall be exempt from subdivision platting requirements.

235 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling
236 unit, and complied with the standards of the zone in effect at the time of the lots
237 creation, the lot shall be exempt from subdivision platting requirements, and is a
238 nonconforming lot.

239 (3) If the existing lot does not qualify for the provisions of subsections (a)(1) and (a)(2),
240 then the lot shall be platted in accordance with Title 106 of this Land Use Code. Lot
241 standards for such subdivision may be reduced to meet the minimum standards of
242 the zone in effect at the time of the lot's creation so long as it does not create any
243 more lots than currently exist. All such platted lots that do not conform to current
244 zoning standards shall thereafter be considered nonconforming lots. A lot that does
245 not meet the minimum standards of the zone in effect at the time of the lot's creation
246 may be reconfigured upon platting to comply with such standards as long as the
247 reconfiguration does not cause any other lot to become nonconforming or more
248 nonconforming. A lot platted pursuant to this subsection may be further reduced in
249 size to accommodate any right of way dedication as may be required by Title 106 of
250 this Land Use Code. No unplatted lot or parcel governed by this subsection shall be
251 granted a land use permit prior to subdivision platting.

252 (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the
253 standards of the zoning code and subdivision code in effect at the time of its creation, but
254 no longer complies due to subsequent changes to these codes, may be amended
255 pursuant to the minimum standards in effect at the time of its creation. The amendment
256 shall not create any new lots. An amended plat shall be required.

257 Where lot area and/or frontage/width requirements have increased as a result of a change in
258 zoning, the following shall apply:

259 (1) — Parcels not meeting current zoning as to area and/or frontage/width
260 requirements, but containing a single-family dwelling which:

Comment [c6]: Initially I wrote this solely for lots that now no longer comply with zoning area, width, and frontage requirements of today's ordinances, however, it became apparent that such a narrow focus excludes lots that conform to today's zoning but were not properly platted.

Comment [c7]: Even if the lot complies with current zoning standards it does not comply with the current or former subdivision standards (otherwise, if it did, it would be defined as a "Lot of Record"), thus, it is nonconforming to subdivision standards.

a. — Were built on and created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law and met area and frontage/width requirements for the zone in which they were created at the time they were created are considered nonconforming parcels; or

b. — Were created and recorded with an existing single-family dwelling after July 1992 changes to the Utah Code, Subdivision Law but prior to the change in zoning, and met area and frontage/width requirements for the zone in which they were created at the time they were created shall submit an application for subdivision approval;

e. — Were part of a legal subdivision, but were further divided, and met the requirements of subsections (1) a or b of this section shall be subject to the note below:

NOTE: No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of the Subdivision Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in a any manner so as to create more lots than initially recorded without first obtaining the approval of the Land Use Authority. Therefore, an amended plat shall be required.

(2) — Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single family dwelling which:

a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law;

b. — Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and

c. — Complied with all other county ordinances when built;

may submit an application for subdivision approval provided they meet all other requirements of title 106, Subdivisions.

Field Code Changed

(3) — Parcels not meeting current zoning as to area and/or frontage/width requirements which:

a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and

b. — Met area and frontage/width requirements for the zone in which they were created at the time they were created;

299 may submit an application for subdivision approval provided they meet all other
300 requirements of title 106.

Field Code Changed

301 (4) — Lots/parcels which are subject to subsections (1), (2), or (3) of this section,
302 and have boundary descriptions that fall within a roadway, shall be allowed to develop
303 with the lot/parcel area that remains after dedicating land for the roadway, as required
304 by the Weber County Land Use Code.

305 (5) — Parcels that have been combined by the county recorder's office for tax
306 purposes shall be allowed to separate one or more of the combined parcels on an
307 approved and recorded form provided:

308 a. — The parcels that are being separated were originally created prior to July
309 1992 changes to the Utah Code, and Subdivision Law;

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310 b. — The properties as configured prior to the combination met area and
311 frontage/width requirements for the zone in which they were created, or were
312 considered nonconforming parcels;

313 c. — The combination was done by the current owner or same owner acting as
314 trustee, and was done by a quit claim, combination form, or other instrument, which
315 states the consolidation of parcels is for tax purposes;

316 d. — No new lots are being created;

317 e. — The separation of parcels results in a configuration consistent with the
318 original parcels and conforms to the ordinance that was in place prior to the recording
319 of the combination form; and

320 f. — The separation of combined parcels authorized under this subsection does
321 not authorize a change in the configuration of an approved and recorded subdivision
322 or lots within such subdivision. A subdivision plat cannot be changed unless an
323 amended subdivision plat is prepared and recorded in accordance with Utah Code
324 and title 106 of the Land Use Code. |

Comment [c8]: Moved to new section 108-12-14
below.

325 Sec. 108-12-12. **Combining Enlarging nonconforming parcels.**

326 Nonconforming lots may be reconfigured in a manner that complies with the
327 standards of the zone in effect at the time of the lot's creation if the reconfiguration does not
328 create any more lots than currently exist. The reconfiguration shall not cause any other lot to
329 become nonconforming or more nonconforming. If the nonconforming lot is part of a platted
330 subdivision an amended subdivision plat is required. Parcels not meeting current zoning as
331 to area and frontage/width requirements that were legally created or made legal through the
332 provisions of this chapter, may be enlarged by combining adjoining parcels provided that:

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~~(1) The combination is achieved by submitting a subdivision if any of the parcels were part of a recorded subdivision or by combining parcels if they have metes and bounds descriptions;~~

~~(2) All adjoining parcels under common ownership, or brought under common ownership after the date of the adoption of this section are merged to create the largest lot possible;~~

~~(3) The combination does not result in any illegal divisions of land; and~~

~~(e) Structures built on the newly created lot shall resemble the architectural style, height, size and mass of existing noncommercial structures on parcels within 500 feet of the newly created lot, and meet all current setback and height requirements of the zone in which the combination is made.~~

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Comment [c9]: Why? Will we require similar arch styles as adjacent parcels for all residences?

Also, the setbacks may still need to be reviewed under the provisions of 108-12-13 if the lot still does not meet current width and area requirements.

I recommend deleting this section.

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Sec. 108-12-13. Setback requirements for nonconforming lots, small lots/parcels created prior to zoning.

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A nonconforming lot or parcel that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

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(1) A nonconforming lot's/parcel's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x).

(2) The ratio may then be multiplied by the current zone's side yard setback requirement (y) in order to establish a reduced setback (z).

(3) The reduced side yard setback is subject to the conditions listed below.
(Formula: $v \div w = x$, $x \times y = z$.)

a. Under no circumstances shall an interior lot/parcel be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.

b. Under no circumstances shall a corner lot/parcel be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.

Sec. 108-12-14. Parcels previously combined for tax purposes.

Comment [c10]: This section was buried in 108-12-11, but was not relevant to the heading of that section. It has been placed in its own section, with a new section number and heading.

364 (a) Parcels that have been combined by the county recorder's office for tax purposes shall be
365 allowed to separate one or more of the combined parcels on an approved and recorded form
366 provided if:

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at: 0.33"

367 (a)(1) a. — The parcels that are being separated were originally created prior to July 1,
368 1992, changes to the Utah Code, and Subdivision Law;

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369 (b)(2) b. — The properties as configured prior to the combination met area and
370 frontage/width requirements for the zone in which they were created, or were considered
371 nonconforming parcels;

372 (c)(3) c. — The combination was done by the current owner or same owner acting as
373 trustee, and was done by a quit claim, combination form, or other instrument, which
374 states the consolidation of parcels is for tax purposes;

375 (d)(4) d. — No new lots are being created; and

376 (e)(5) e. — The separation of parcels results in a configuration consistent with the
377 original parcels and conforms to the ordinance that was in place prior to the recording of
378 the combination form, and the resulting lots conform with the provisions of Section 108-
379 12-11; and

Comment [c11]: This is additional language to
provide for the possibility that some lots were
created illegally, then combined, and now being
separated. Those lots need to be brought into
conformance, and may need to be platted if the
provisions of 108-12-11(a)(3) apply.

380 (f)(b) f. — The separation of combined parcels authorized under this subSection does not
381 authorize a change in the configuration of an approved and recorded subdivision or lots within
382 such subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is
383 prepared and recorded in accordance with Utah Code and title Any change to the configuration
384 of a subdivision must comply with Title 106 of the Land Use Code, and any applicable state
385 law.

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386 Sec. 108-12-15. Effect of Public Right of Way Expansion.

387 (a) Any structure that legally existed with conforming or nonconforming setback prior to the
388 expansion of a public right of way where the expansion of such public right of way makes
389 the structure noncomplying or more noncomplying to the setback requirements of this
390 Land Use Code, shall be deemed a legal, noncomplying structure.

Comment [c12]: Intended to help lots reduced
in size by ROW expansions.

391 (b) Any lot or parcel that legally existed in a conforming or nonconforming status prior to the
392 expansion of a public right of way where the expansion of such public right of way makes
393 the lot or parcel nonconforming or more nonconforming to the standards of this Land Use
394 Code, shall be deemed a legal, nonconforming lot or parcel.

Comment [c13]: Intended to help lots reduced
in size by ROW expansions.

395 (c) This section does not excuse or exempt any past or future action that creates or modifies
396 a lot or parcel in a manner that is in violation of applicable laws.



Weber County

Notice of Effect
Public Right of Way Expansion of Street Name

Legal Description

SEE EXHIBIT A

RE: Potential Nonconformity on Land Due to the Expansion of the Street Name Right of Way, as part of Project Number and Description.

The parcel of land with the Land Serial Number # _____ is currently zoned ZONE _____ (ZONE SYMBOL).

This notice is intended to document how the above specified right of way expansion project affects the subject property. If the property legally existed in a conforming or legal nonconforming status prior to the expansion of the public right of way, and the expansion of the public right of way has made the lot or parcel nonconforming or more nonconforming to the lot standards of the subject property's zone, the property shall be deemed legal, even though nonconforming. Any further development of it shall be allowed pursuant to and in compliance with Weber County Code §108-12, and other applicable local, state, and federal laws. The same consideration will be given for structures affected by the expansion of a public right of way; if the setbacks are made noncomplying or more noncomplying the structure shall be deemed legal, even though noncomplying.

Note: This notice does not excuse or exempt any past or future action that creates or modifies a lot, parcel, or structure in a manner that is in violation of applicable laws.

_____ Dated this ____ day of _____, 20__

Sean Wilkinson
Planning Director

STATE OF UTAH)
 :SS
COUNTY OF WEBER)

On the _____ day of _____, 20__, personally appeared before me _____ the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.

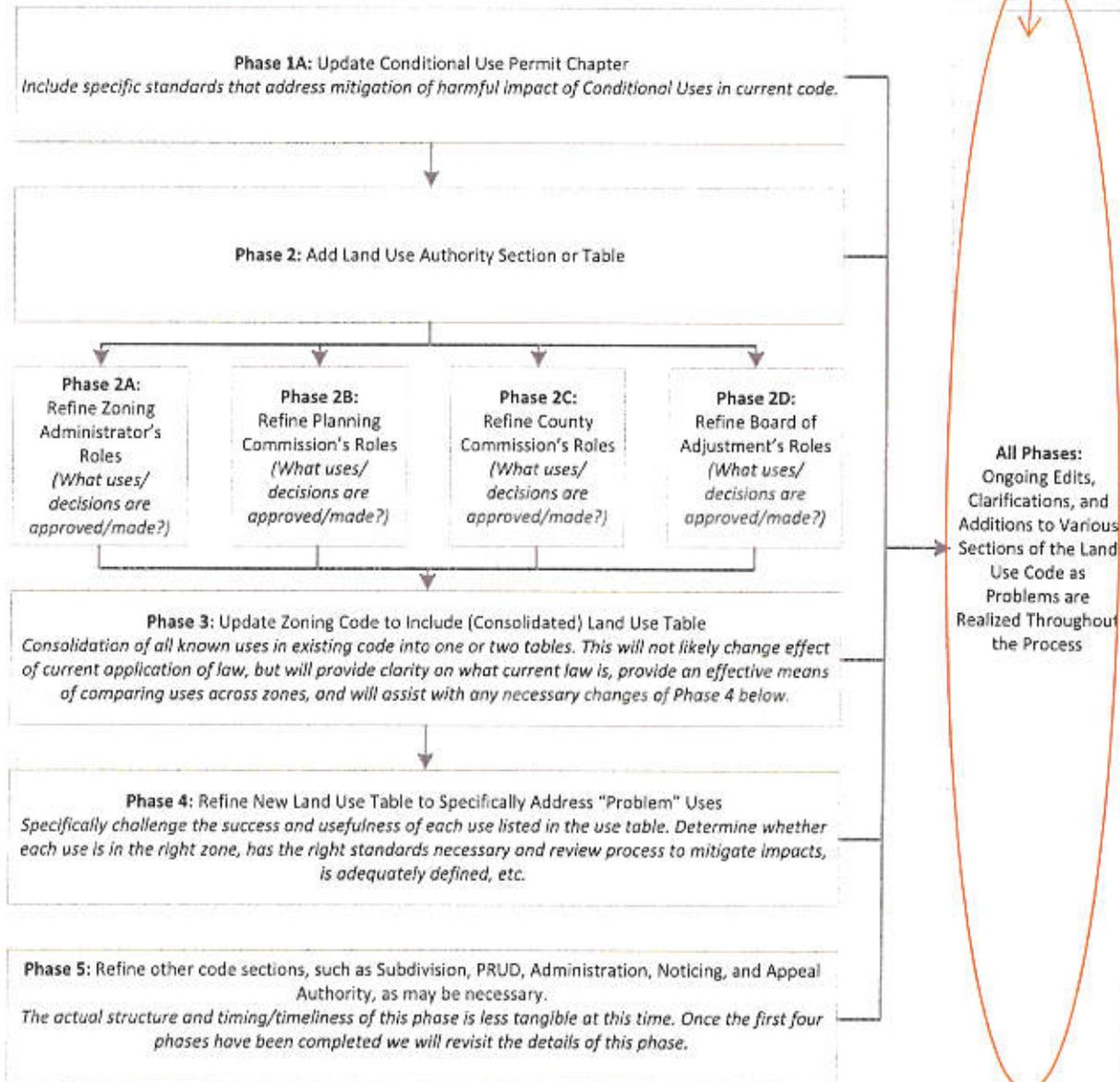
Notary Public

Residing at _____

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here





Weber County Planning Division

To: Ogden Valley and Western Weber Planning Commissions
From: Charles Ewert, AICP
Date: November 10, 2014
Subject: Weber County Land Use Code Revision Process: Main Use, Accessory Use, Main Building, Accessory Building

Summary. During routine workflow staff has discovered a point of conflict in the Land Use Code regarding how the definition of the main and accessory building works with the definition of main and accessory use. In essence, these definitions do not allow an *accessory building* on a lot or parcel that does not have a *main building*. However, the first thing listed in most zones is "accessory building or use customarily incidental to any permitted or conditional use." This listed use implies that an *accessory building* can be allowed on a property without a *main building* as long as it is incidental to a *main use*. This conflict should be resolved.

Under existing ordinances, the impacts, aesthetics, allowed uses and form of an *accessory building* may not necessarily be all that different from a *main building*. However, a *main building* is required to be established and adhere to certain setback standards that are more restrictive than those for an *accessory building* before such an *accessory building* is established on any property. The only substantial difference between the two building types is the setback requirements. Uses of the buildings must comply with those uses listed in whatever zone the building is located.

In this memo the Planning Commission will find an analysis of this topic in the context of current general plans and the land use code. Of particular emphasis, staff analyzes and compares the intent and preferences of certain zones, the separation of incompatible land uses, and whether current codes and the general plans provide land owners/users sufficient motivations to establish or continue the preferred uses of the zone. This discussion has specific impact on open air agricultural uses, thus the analysis hones in on those uses.

This memo proposes a recommended ordinance change. In keeping with the status quo, the proposed changes only clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not speak to the higher-arching implications provided in the analysis. As the Planning Commission explores the higher-arching concepts more thoroughly it may be determined that current policy perspectives need to change. If that is the case, then the included proposal will need to change as well.

Background. This discussion was spearheaded by an applicant that desired to build an accessory building on his property. The property is a legal, subdivided, and conforming lot. The property is also vacant, with the exception of occasional agricultural uses. The property owner asserted that the structure would be accessory to the agricultural use.

The current land use code (LUC), under the definitions of *accessory building*, *main building*, *accessory use*, and *main use*, does not allow for this. It does not allow an accessory building to be placed on a lot that does not have a "main building." In essence, what this means is that any main use of property that is an open air use of property (i.e., agriculture, agritourism, golf course, public and private park, reservoir, mining operations, parking lot, etc.) may not have an accessory building to support the use unless and until a main building has been established. To complicate this, most zones list "accessory building or use customarily incidental to any permitted or conditional use" as a permitted use in the zone, leading one to think that an accessory building can be established without a main building.

Staff has been able to find other means to help the gentleman get what he wants, but these other means tend



Weber County Planning Division

Zoning was originally conceived to separate incompatible uses. It appears that, historically, Weber County has not provided a clear separation between residential uses and other incompatible open air uses. In fact there is evidence in the General Plan(s) and existing code construction that there is an expectation in the agricultural zones and agricultural areas that residential and open air agricultural uses will be located in close proximity to each other.

In determining appropriate policy perspectives, staff and the Planning Commission(s) are supposed to be looking to, first, the general plan and, second, the intent of the zone for guidance. The following analysis takes a closer look at the general plan for both Western Weber and Ogden Valley, and follows with a review of the purpose and intent of specific zones.

General Plan Analysis. The Western Weber General Plan indicates that there is a strong desire to protect agricultural uses. The plan has a dichotomy though, wherein the folks in Western Weber appear to be reluctant to preserve agricultural areas. Instead, they desired to retain the opportunity to develop their agricultural lands in the future at the minimum zoning acreage (primarily one acre lot sizes for residential development). Additionally, the Western Weber County "Proposed Land Use Map"^a designates the majority of Western Weber as "Residential/Agricultural." This does not provide a clear preference on how to treat the issue at hand.

The Ogden Valley General Plan^b establishes a goal to "promote agricultural land" with the following objectives:

1. Identify and promote prime agricultural land
2. Consider agricultural land in dedicated open space planning
3. Develop means to compensate property owners for the loss of development rights on agricultural land
4. Promote working farms as an integral part of the Valley's cultural heritage.

However, like the Western Weber General Plan, this plan does not provide a clear preference on how to approach the conflicting adjacent land use issue.

Ordinance Analysis. Even though the general plans do not provide clear direction, the intent of certain zones do. Those zones listed below explicitly state that agricultural uses are desirable. In the A-1, A-2, A-3, and AV-3 zones it appears as if the language is attempting to protect agricultural uses from the affects of residential uses. In the RE-15 and RE-20 zones it appears the opposite is the case:

A-1:

The purpose and intent:

The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.^c

^a See the West Central Weber County General Plan, pg 33.

^b See the Ogden Valley General Plan.

http://www.co.weber.ut.us/mediawiki/index.php/Ogden_Valley_General_Plan

^c See LUC §104-5-1



Weber County Planning Division

AV-3

The purpose and intent:

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.^j

The preferred use:

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.^k

Accordingly, it appears that the agricultural zones that also allow residential uses are intended to protect and preserve agricultural properties/operations, while residential zones that also allow agricultural uses are intended to protect residential neighborhoods. This is keeping with the requirements of the subdivision code^l which requires a note on every subdivision plat that states that:

Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision.

These elements of the code speak purely to the intent of the zones. What they do not anticipate is that both residential uses and agricultural uses are allowed in all of these zones without a conditional use permit, or other mechanism to assist with the impacts of incompatible uses. What this means is that an owner of a lot that meets the minimum zone requirements in any of these zones are entitled to either uses without additional review for mitigation of impacts. The zones allow them, by right, to reside adjacent to each other – which in some cases will be in close proximity. Rather than regulating the separation of uses, these code references instead provide the public with 'notice' that there is no separation.

This issue begs the question: is the County providing adequate separation of incompatible uses? Why does the Land Use Code indicate that agricultural uses are preferred in zones that allow for one acre – or even three acre – lot sizes? Are one to three acres lots sizes sufficient to support agricultural operations? What about other open air land uses? For example, as it stands, the current County Code enables suburban one acre lot sizes adjacent to agricultural operations in the A-1 and A-2 zones. The current County Code even allows agricultural operations to exist within these subdivisions. The Planning Commission(s) should evaluate and discuss whether greater separation is needed. This is a much higher reaching discussion than the topic at hand that may drive the need for a General Plan amendment and other ordinance revisions if the Planning Commissions do not feel existing ordinances are doing their job effectively.

Proposal. In keeping with the status quo, the following proposal is only intended to clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not

^j See LUC §104-6-1

^k See LUC §104-6-2

^l See LUC §26-1-9(B)(5)

Exhibit A: Code Change – Provisions for Main and Accessory Buildings, and Main and Accessory Uses, and Related Changes to Permitted and/or Conditional Uses in Each Zone.

The following code changes are being proposed to clarify regulations regarding the allowance for main and accessory buildings, specifically as they are applied to open air main uses of land.

This change addresses the following sections:

Title 101 General Provisions

Sec. 101-1-7. Definitions:

Building, accessory

Building, main

Use, accessory

Use, main

Title 104 Zones

Sec. 104-3-2. - Permitted uses.(RE-14 and RE-20)

Sec. 104-4-1. - Permitted uses (G)

Sec. 104-5-3. Permitted uses (A-1)

Sec. 104-6-3. - Permitted uses (AV-3)

Sec. 104-7-3. - Permitted uses (A-2)

Sec. 104-8-3. - Permitted uses (A-3)

Sec. 104-9-2. - Permitted uses (F-5, F-10, F-40)

Sec. 104-10-2. - Permitted uses (S-1)

Sec. 104-10-2. - Permitted uses (CVR-1)

Sec. 104-12-2. - Permitted uses (R-1-12, R-1-10)

Sec. 104-13-2. - Permitted uses (FR-1)

Sec. 104-14-2. - Permitted uses (FV-3)

Sec. 104-15-2. - Permitted uses (R-2)

Sec. 104-16-2. - Permitted uses (R-3)

Sec. 104-17-2. - Permitted uses (FR-3)

Sec. 104-18-2. - Permitted uses (RMHP)

Sec. 104-19-2. - Permitted uses (RMH-1-6)

1 **PART II LAND USE CODE** 

2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS**

13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory
21 language.

22 Sec. 101-1-9. Supplementation of Code.

23 Sec. 101-1-10. Catchlines of sections.

24 Sec. 101-1-11. Altering Code.

25 Sec. 101-1-12. Severability of parts of Code.

26 Sec. 101-1-13. General penalty; continuing violations.

27 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

28 ...

- 62 **Title 104 ZONES**
- 63 CHAPTER 1. - IN GENERAL
- 64 CHAPTER 2. - (RESERVED)
- 65 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20
- 66 CHAPTER 4. - GRAVEL ZONE G
- 67 CHAPTER 5. - AGRICULTURAL ZONE A-1
- 68 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE
- 69 CHAPTER 7. - AGRICULTURAL A-2 ZONE
- 70 CHAPTER 8. - AGRICULTURAL ZONE A-3
- 71 CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40
- 72 CHAPTER 10. - SHORELINE ZONE S-1
- 73 CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1
- 74 CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10
- 75 CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1
- 76 CHAPTER 14. - FOREST VALLEY ZONE FV-3
- 77 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2
- 78 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3
- 79 CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3
- 80 CHAPTER 18. - RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP
- 81 CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6
- 82 CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3
- 83 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2
- 84 CHAPTER 22. - MANUFACTURING ZONE M-1
- 85 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1
- 86 CHAPTER 24. - MANUFACTURING ZONE M-2
- 87 CHAPTER 25. - MANUFACTURING ZONE M-3

114 **Sec. 104-5-3. Permitted uses.**

115 The following uses are permitted in Agriculture Zone A-1:

- 116 (1) Accessory building incidental to the use of a main building; main building
117 designed or used to accommodate the main use to which the premises are
118 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
119 ~~building or use customarily incidental to any permitted or conditional use.~~
120 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
121 ...

122 **CHAPTER 6. AGRICULTURAL VALLEY AV-3 ZONE**

123 ...

124 **Sec. 104-6-3. - Permitted uses.**

125 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- 126 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~
127 ~~use.~~ Accessory building incidental to the use of a main building; main building
128 designed or used to accommodate the main use to which the premises are
129 devoted; and accessory uses customarily incidental to a main use;
130 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
131 ...

132 **CHAPTER 7. AGRICULTURAL A-2 ZONE**

133 ...

134 **Sec. 104-7-3. - Permitted uses.**

135 The following uses are permitted in the Agriculture Zone A-2:

- 136 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~
137 ~~use.~~ Accessory building incidental to the use of a main building; main building
138 designed or used to accommodate the main use to which the premises are
139 devoted; and accessory uses customarily incidental to a main use;
140 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
141

170 The following uses are permitted in the

- 171 (1) Accessory building incidental to the use of a main building; main building
172 designed or used to accommodate the main use to which the premises are
173 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
174 ~~buildings, structures and uses customarily incidental to a permitted use.~~
- 175 (2) Agriculture, grazing and pasturing of animals.
- 176 (3) Boating.
- 177 ...

178 **CHAPTER 11. COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

179 ...

180 **Sec. 104-11-4. - Conditional uses^[c2].**

181 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
182 provided in title 108, chapter 4 of this Land Use Code.

- 183 (1) Beer parlor, sale of draft beer.
- 184 (2) Bed and breakfast inn.
- 185 ...
- 186 (34) Restaurants, including those with drive-up windows.
- 187 (35) Accessory building incidental to the use of a main building; main building
188 designed or used to accommodate the main use to which the premises are
189 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
190 ~~uses to the above listed.~~
- 191 ...

192 **CHAPTER 12. SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

193 ...

194 **Sec. 104-12-2. - Permitted uses.**

195 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- 196 (1) Accessory building incidental to the use of a main building; main building
197 designed or used to accommodate the main use to which the premises are
198 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
199 ~~buildings and uses customarily incidental to any permitted use.~~
- 200 (2) Agriculture.

228 The following uses are permitted in the Two-Family Residential Zone R-2:

- 229 (1) Accessory building incidental to the use of a main building; main building
230 designed or used to accommodate the main use to which the premises are
231 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
232 ~~buildings and uses customarily incidental to any permitted use.~~
- 233 (2) Agriculture.
- 234 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 235 ...

236 **CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

237 ...

238 **Sec. 104-16-2. - Permitted uses.**

239 The following uses are permitted in the Multiple-Family Residential Zone R-3:

- 240 (1) Accessory building incidental to the use of a main building; main building
241 designed or used to accommodate the main use to which the premises are
242 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~
243 ~~buildings and uses customarily incidental to any permitted use.~~
- 244 (2) Agriculture.
- 245 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 246 ...

247 **CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3**

248 ...

249 **Sec. 104-17-2. - Permitted uses.**

250 The following uses are permitted in the Forest Residential Zone FR-3:

- 251 (1) Accessory building incidental to the use of a main building; main building
252 designed or used to accommodate the main use to which the premises are
253 devoted; and accessory uses customarily incidental to a main use. ~~Accessory~~
254 ~~building or accessory use customarily incidental to a use permitted in the zone.~~
- 255 (2) Cluster subdivision in accordance with title 108, chapter 3.
- 256 ...

284 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
 285 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
 286 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	C-2	C-3
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use; Accessory buildings and uses customarily incidental to a permitted use	P	P	P
Air conditioning, sales and service	N	N	P

287 ...

288 **CHAPTER 21. COMMERCIAL VALLEY ZONES CV-1 and CV-2**

289 ...

290 **Sec. 104-21-5. - Uses.**

291 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses
 292 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided
 293 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use; Accessory buildings and uses customarily incidental to a permitted or conditional uses	P	P
Animal hospital	N	C

294 ...

323 ...

324 **CHAPTER 25. MANUFACTURING ZONE M-3**

325 ...

326 **Sec. 104-25-2. - Permitted uses.**

327 The following uses are permitted in the M-3 Zone:

- 328 (1) Any permitted use in an M-2 Zone except dwelling units.
329 ~~(2) Accessory uses and buildings customarily incidental to a permitted use. [c4]~~
330 ~~(3)(2)~~ Laboratories.
331 ~~(4)(3)~~ Machine shop.
332 ~~(5)(4)~~ Office, business, professional and governmental.
333 ~~(6)(5)~~ Public buildings and utilities.
334 ~~(7)(6)~~ Warehouse.
335 ~~(8)(7)~~ Welding shop.
336 ...

337 **CHAPTER 26. OPEN SPACE ZONE O-1**

338 ...

339 **Sec. 104-26-2. - Permitted uses.**

340 The following uses are permitted in the Open Space Zone O-1.

- 341 (1) Accessory building incidental to the use of a main building; main building
342 designed or used to accommodate the main use to which the premises are
343 devoted; and accessory uses customarily incidental to a main use;
344 ~~(1)(2)~~ Agriculture.
345 ~~(2)(3)~~ Botanical or zoological garden.
346 ~~(3)(4)~~ Cemetery.
347 ~~(4)(5)~~ Conservation areas; botanical or zoological.
348 ~~(5)(6)~~ Fishing ponds; private or public.
349 ~~(6)(7)~~ Golf course, except miniature golf courses.
350 ~~(7)(8)~~ Horse raising, provided conducted in a pasture of at least five acre size and with
351 a maximum density of two horses per acre.
352 ~~(8)(9)~~ Private park, playground or recreation area.

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

