



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a proposed amendment to the Weber County Zoning Map, Wolf Creek area by rezoning 9.11 acres of Forest Residential FR-1 to Open Space O-1; rezone approximately 15.97 acres of Open Space, and Commercial Valley CV-2 to a Commercial Valley Resort Recreation CVR-1 Zone; and rezone 30.65 acres of Forest Residential FR-3 to Open Space O-1.

**Type of Decision:** Legislative

**Agenda Date:** Tuesday, July 28, 2015

**Applicant:** John Lewis

**File Number:** ZMA 2015-01

#### Property Information

**Approximate Address:** Wolf Creek

**Project Area:** Wolf Creek Commercial Core

**Proposed Land Use:** Open space and development of the commercial core

#### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

#### Staff Information

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

**Report Reviewer:** SW

### Applicable Land Use Code

- Weber County Land Use Code Title 102 (Administration) Chapter 5 (Rezoning Procedures)
- Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation) CVR-1 Zone
- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential) FR-1 Zone
- Weber County Land Use Code Title 104 (Zones) Chapter 17 (Forest Residential) FR-3 Zone
- Weber County Land Use Code Title 104 (Zones) Chapter 21 (Commercial Valley Zones) CV-1 and CV-2
- Weber County Land Use Code Title 104 (Zones) Chapter 26 (Open Space) O-1 Zone

### Background

The applicant is proposing to rezone three different areas of Wolf Creek Resort. The rezones are in line with the Zoning Development Agreement that was approved in 2002. The first rezone area to discuss is 30.65 acres of FR-3 land on the back nine of the golf course to O-1. This area is identified as Parcel 3 on the Wolf Creek Parcel Number map and has 73 units. This area is currently being used as the back nine of the golf course. The applicant's proposal is to rezone the property to the Open Space O-1 Zone. Staff's question is where will the 73 units be absorbed within Wolf Creek? The County Commission approved an addendum to the Wolf Creek Zoning Development Agreement and if it is signed and recorded then 56 units would transfer to Parcel 1 and the property that is owned by America First.

The second area to be rezoned is in the commercial core of Wolf Creek. The applicant is proposing to rezone approximately 15.97 acreage of Open Space O-1, Commercial Valley Resort Recreation CVR-1, and Commercial Valley CV-2 Zone, to a Commercial Valley Resort Recreation CVR-1 Zone. There is 4.68 acres zoned Commercial Valley Resort Recreation CVR-1 and another 2.11 acres of Commercial CV-2 Zone leaving approximately 9.18 acres of Open Space that will be rezoned to the Commercial Valley Resort Recreation CVR-1 Zone. In the 2002 Zoning Development Agreement, there were 250 units assigned to the Commercial CV-2 Zone, even though the CV-2 Zone doesn't allow residential units. Because of the error in the Zoning Development Agreement, a requirement has been in place requiring the property owners to rezone the property to a Commercial Valley Resort Recreation CVR-1 Zone which allows the residential units. The Wolf Creek Parcel Number map has identified this area as the commercial core area. Since this is in the commercial core of Wolf Creek, the

applicant has been working with the residents, home owners associations, and other interested parties in developing the concept plan for this area. The concept development plan shows additional amenities that will be part of Wolf Creek. The Concept Development plan is Exhibit B, and the applicant will explain the vision for this area.

The final area being rezoned is the 9.11 acres of Forest Residential FR-1 to Open Space O-1 Zone. This area is identified as Parcel 4 on the Wolf Creek Parcel Number map, and has one unit. This rezone is being done to compensate for the approximately 9.18 acres of open space that is being rezoned to the Commercial Valley Resort Recreation CVR-1 Zone discussed above. Staff's question is where will this one unit be reassigned to?

## Summary of Planning Commission Considerations

The purpose of zoning regulations is to promote the general welfare, safety, health, convenience and economic prosperity of the county, it is county policy that rezoning of property, should further this purpose, by complying with the county's general plans. The Rezoning Procedures Section 3 - Approval criteria is listed below:

- (a) To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of the county and the purposes of this chapter.
- (b) The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions, and which, therefore, promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

The Planning Commission should consider the following questions in making a recommendation to the County Commission:

- The FR-3 Zone has 73 units. What parcel will the units be reassigned to?
- The FR-1 Zone has 1 unit assigned to the 9.11 acres. What parcel will this one unit be reassigned to?
- Are there any major detrimental effects that may come from approving this amendment?

## Conformance to the General Plan

The Ogden Valley General Plan, as adopted in 1998, states that Weber County "supports the continued development of resort-related commercial areas" (OVGP, p.12). In December of 2005, Weber County adopted the Recreation Element of the General Plan and within that document it suggests that Weber County "accommodate expected demand for second home, year-round home, and resort-related development without generating suburban/resort sprawl" by "encouraging the creation of new resort villages."

## Conditions of Approval

- Legal descriptions of the properties being rezoned. The Planning Division has received the legal descriptions for the properties and is having them checked by the County Surveyor's Office.

## Staff Recommendation

Staff recommends approval of the proposed amendment to the Weber County Zoning Map, Wolf Creek area by rezoning 9.11 acres of Forest Residential FR-1 to Open Space O-1; rezoning approximately 15.97 acres of Open Space, and Commercial Valley CV-2 to a Commercial Valley Resort Recreation Zone CVR-1; and rezone 30.65 acres of Forest Residential FR-3 to Open Space O-1.

The recommendation is based on the following:

- Compliance with the Ogden Valley General Plan.
- The proposal is consistent with the 2002 Zoning Development Agreement for Wolf Creek.
- Provides the necessary land use code that the 2002 Wolf Creek Resort Zoning Development Agreement intended.
- This petition does not reduce the acreage of Open Space O-1 Zone.
- The applicant is proposing additional amenities and recreational opportunities at Wolf Creek.
- There are 250 units assigned to the Commercial CV-2 Zone, which doesn't allow residential units. Wolf Creek in the past has been required to rezone to the Commercial Valley Resort Recreation CVR-1 Zone.

The Planning Commission's decision should be made as a recommendation to the County Commission.

## Exhibits

- A. Applicant's narrative
- B. Location map
- C. Wolf Creek Resort Village Development plan
- D. The 2002 Zoning Development Agreement
- E. Wolf Creek Parcel Number map

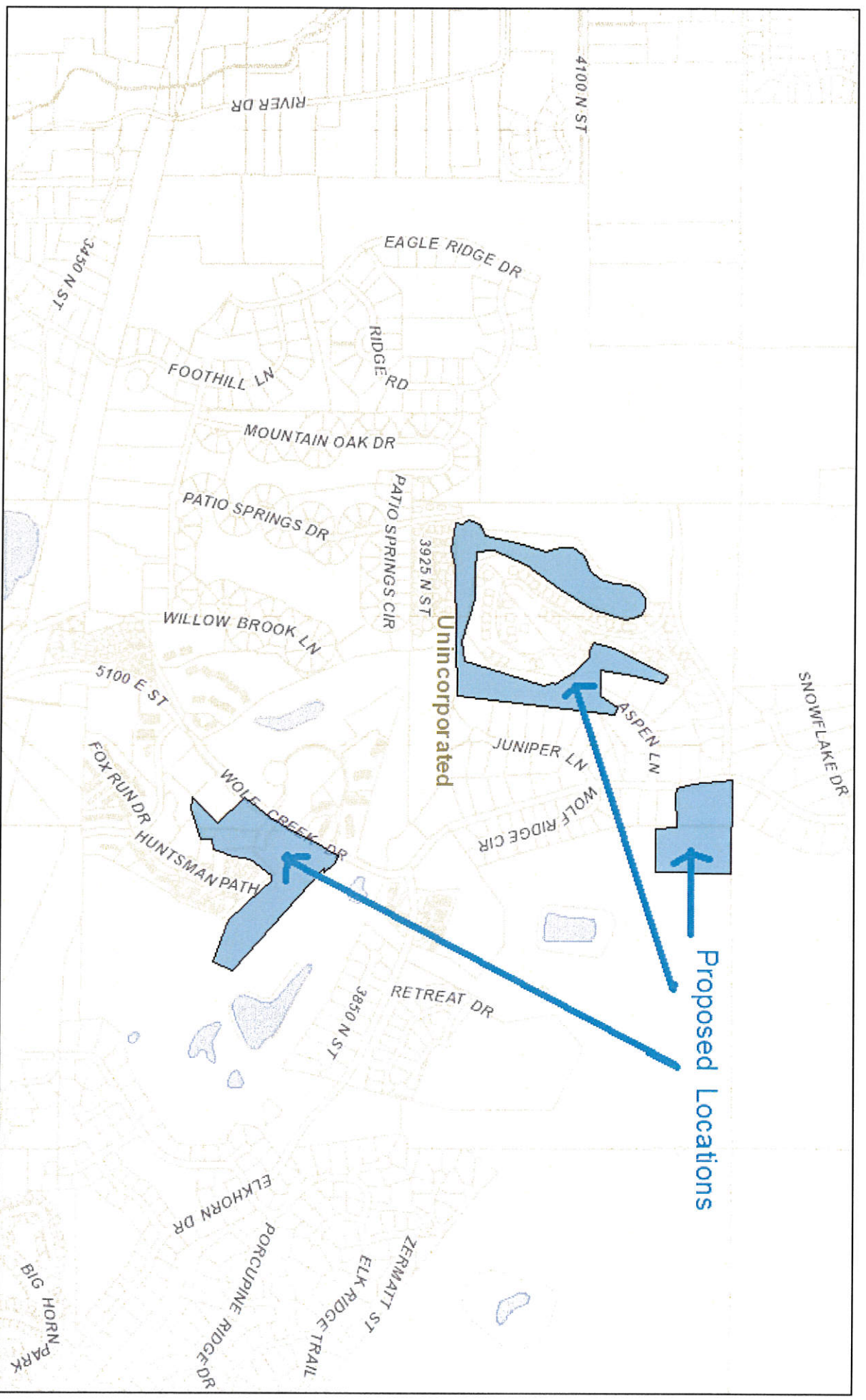
**Wolf Creek Resort Village**  
**Resort Core Zoning and Concept Development Plan**  
07.2015

**Application Sections**

1. Describing the project vision
  - The Zoning Development Agreement (ZDA) for Wolf Creek Resort was first established with Weber County in the early 1980s. One purpose of this application is to provide land use zoning in the village core area of the resort that will support a blend of commercial and residential uses (mix use). The most recent ZDA from 2002 identified certain allowable uses in the CV-2 zone that are not allowed by the current commercial land use ordinance. We feel that the CVR-1 zone gives us the most flexibility as we move forward with the attached concept development plan. The overall vision is to provide both guests and the local community a combination of services. The 15.975 acre resort core plan includes retail opportunities, professional office space, restaurants and eateries, recreation facilities, a hotel and privately owned condos. The site data table in the exhibit breaks down the square footages by use types as well as the purposed parking. Trails will feed the village from the surrounding communities and the “market street” will have the ability to close down to host various events. In addition, a community center would provide a new neighborhood and resort amenity.
  - The concept development plan illustrates architectural examples and the layout for the different building locations. Building heights will vary, step with the elevation grades and will be established by final design. We are projecting the highest structure to the hotel at the south end of the project at an estimated 45 to 50 feet. The proposed concept has 68 condominiums along with 93 hotel rooms. Storm Water runoff can be easily mitigated at the Resort Village location and will be incorporated into the subdivision/Conditional Use Permit design. Additional details will be presented at the Ogden Valley Planning Commission meeting.
  - As illustrated in the concept development plan exhibit, the proposed amendment to the Weber County zoning map is as follows;
    - 9.11 acres of FR-1 to O-1
    - Approximately 15.975 acreages of O-1, CV-2 and CVR-1 zoned property to become CVR-1
    - 30.65 acres of FR-3 land on the back nine of the golf course to O-1
2. How is the change in compliance with the General Plan?
  - The General Plan for the upper Ogden Valley supports resort communities and clustered development in identified areas such as Wolf Creek Resort. The site of the proposed rezone has been planned for mix use development for some time and this action puts the proper zoning in place to support the concept plan.
3. Why should the present zoning be changed to allow this proposal?
  - Will provide the necessary land use code that the 2002 Wolf Creek Resort ZDA intended. Within the overall master plan, this petition does NOT reduce acres of O-1 zoning but technically increases it by 30.65 acres. The new proposed CVR-1 boundary incorporates existing commercial zoning, built resort structures and provides expansion for a community amenity.
4. How is the change in the public interest?
  - Supports the General Plan and is consistent with previous concepts. The development plan will provide additional local services and amenities to the community. The commercial component will provide local employment and provide economic development to the valley.
5. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
  - The county is requiring CVR-1 zoning to utilize the entitlements assigned to the undeveloped commercial zoning as identified in the 2002 ZDA for Wolf Creek Resort. This action is consistent with rezoning that occurred at this site in 2006, from CV-2 to CVR-1.
6. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
  - Will provide commercial, residential and recreational opportunities that will be used by the local community. Long term, we hope to attract a medical service such as an “instacare” facility.



# Location Map



July 7, 2015

Street Labels

City Labels





# WOLF CREEK RESORT VILLAGE

## CONCEPT DEVELOPMENT PLAN

### EXISTING ZONING



THIS EXHIBIT REPRESENTS THE CURRENT DESIGN INTENTIONS AND REPRESENTATIONS OF WOLF CREEK. THE INFORMATION SHOWN HEREON IS CONCEPTUAL AND SUBJECT TO CHANGE AT ANY TIME. WOLF CREEK IS NOT LIABLE FOR ANY MISREPRESENTATIONS.



# WOLF CREEK RESORT VILLAGE CONCEPT DEVELOPMENT PLAN PROPOSED ZONING



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# WOLF CREEK RESORT VILLAGE

## CONCEPT DEVELOPMENT PLAN



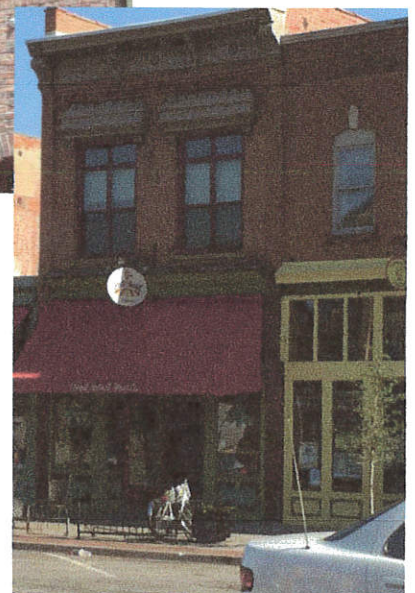
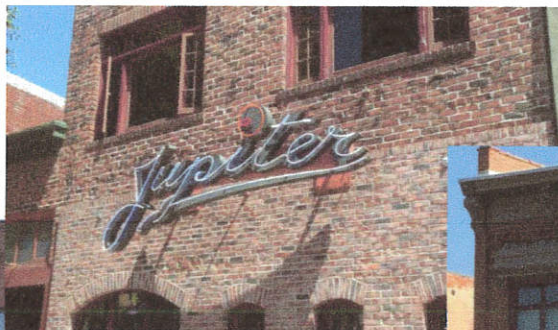
### SITE DATA

PROJECT AREA	15.975 ACRES
RETAIL	39,670 SF (NET)
OFFICE	8,900 SF (NET)
RECREATION	6,650 SF (NET)
EXISTING CLUB	13,680 SF (NET)
CLUB EXPANSION	5,200 SF (NET)
HOTEL ROOMS (350 SF)	93
CONDOMINIUMS (750 SF)	68
PARKING	356 STALLS

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# VILLAGE ARCHITECTURE MERCANTILE



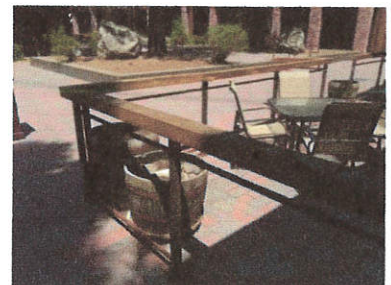
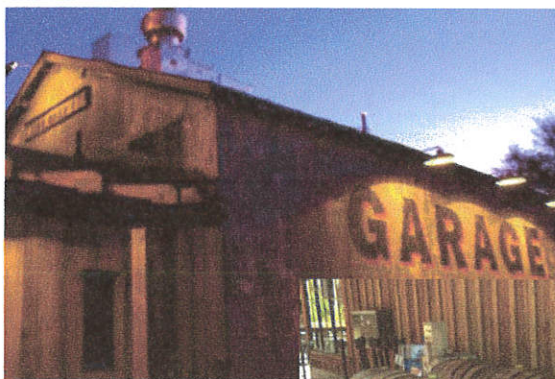
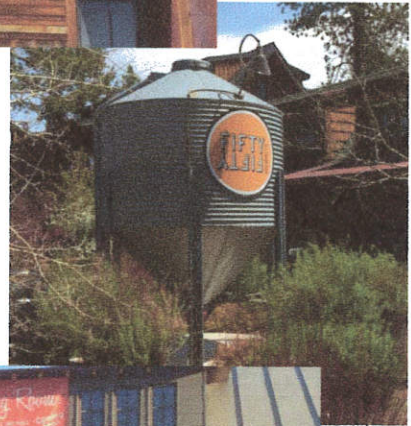
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# VILLAGE ARCHITECTURE

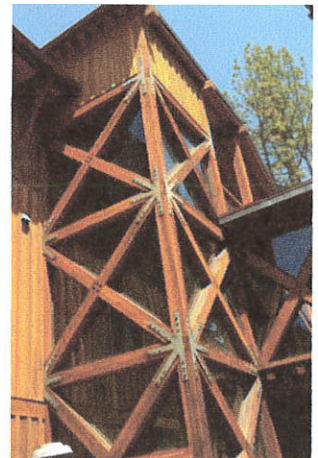
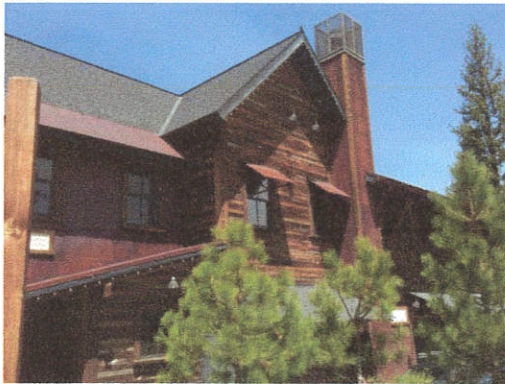
## RESTAURANT/CAFE/BREWERY



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# VILLAGE ARCHITECTURE HOTEL



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# VILLAGE ARCHITECTURE

## THE BARN



PHOTO CREDIT: DORNY PETERSON



PHOTO CREDIT: CELESTE PARKER



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10-22

C2002-139

WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT



\*R1883524\*

PARTIES: The parties to this Zoning Development Agreement ("Agreement") are Wolf Creek Properties, L.C. ("petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement shall be the date that this document is signed by all parties and recorded.

RECITALS: Whereas, the petitioner seeks approval for the amended Master Plan for the Wolf Creek Resort which includes the re-zoning of property within the Wolf Creek Resort, generally located in the Eden area of the Ogden Valley, and more specifically as described in the legal descriptions attached hereto and incorporated herein by this reference ("the property"); and, as shown on the attached Master Plan Map, within the unincorporated area of Weber County, Utah for the purpose of continuing the future development of the Wolf Creek Resort as follows:

ZONE	DENSITY	TOTAL ACRES	UNDEVELOPED ACRES	UNITS
O-1	***Open Space	1731.45	1731.45	0
CV-2	Limited Commercial	21.12	21.12	250
FR-3	*6.0 DU/acre	160.47	136.92	704
RE-15	**1.75 DU/acre	517.56	444.35	664
RE-20	1.5 DU/acre	46.94	35.75	28
FV-3	1 DU/3 acres	40.00	40.00	13
AV-3	0	84.74	84.74	0
FRC-1	1	9.11	9.11	1
	<u>TOTAL</u>	n/a	2503.44	1660
	<u>PROJECT TOTAL</u>	2611.39		2152

\* DU/acre is an average for all parcels zoned FR-3

\*\* DU/acre is an average for all parcels zoned RE-15

\*\*\*An additional 190.00 acres of open space will be required within zones FR-3, RE-15 and FV-3.

Total Open Space including AV-3 = 2006.19 acres

AND WHEREAS, the 21.12 acres re-zoned to the CV-2 designation shall be limited to the following uses:

<u>Arts and Crafts Store</u>	<u>Art Gallery</u>	<u>Bed and Breakfast Inn</u>
<u>Health and Fitness Club</u>	<u>Bank</u>	<u>Bed and Breakfast Hotel</u>
<u>Cafe</u>	<u>Community Center/Meeting Room</u>	<u>Liquor Store</u>
<u>Medical/Dental Office</u>	<u>Deli/Small Grocery Store</u>	<u>Beer Parlor, sale of draft beer</u>
<u>Sporting Goods Store</u>	<u>Salon/Barber Shop</u>	<u>Antique, import or souvenir</u>
<u>Dry Cleaning Pick up Station</u>	<u>Florist Shop</u>	<u>Hotel, Condo/Hotel</u>
<u>Ice Cream and Coffee Shop</u>	<u>Local Artist Shop</u>	<u>Temporary building for uses incidental to</u>
<u>Pet Grooming and Supplies</u>	<u>Insurance Agency</u>	<u>Construction work. Such buildings shall be</u>
<u>Legal Office</u>	<u>Book Store</u>	<u>Removed upon the completion of the</u>
<u>Music and Video Store</u>	<u>Office Supply</u>	<u>work.</u>
<u>Real Estate Agency</u>	<u>Restaurant</u>	
<u>Travel Agency</u>	<u>Interior Decorator Establishment</u>	

WHEREAS, the developer agrees to submit a Landscape Plan for the Sewer Pond area which includes plans for the irrigation and maintenance for such landscaping, shall be approved administratively and installation of such landscaping materials shall be completed within six (6) months of the signing and recordation of this document; and

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DOUG CROFTS, WEBER COUNTY RECORDER  
22-OCT-02 4:27 PM FEE \$1.00 DEP JPM  
REC FOR: WEBER COUNTY PLANNING

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, the Petitioner has requested that certain property be re-zoned for purposes of allowing the Petitioner to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the Petitioner considers it to its advantage and benefit for the County to review its petition for re-zoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's General Plan and for the area and the existing land use surrounding the property.

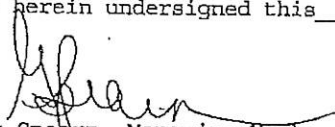
NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will re-zone the property described in attached legal descriptions and as described above, for the purpose of allowing the Petitioner to construct the allowed uses on the property.
2. The petitioner shall develop the subject property based on development plans submitted and reviewed as proscribed in the Weber County Zoning and Subdivision Ordinances and any other applicable State or Federal law or regulation.
3. No other uses shall be approved until or unless this Agreement and the approved Master Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue Land Use and Conditional Use Permits for only those uses determined to be within the general land use types listed above and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner:  
  
A written petition by the petitioner, filed with the County seeking to void or materially alter any of the provisions of this Agreement.



9. In the event that any of the conditions constituting default by the petitioner, occur, the County finds that the public benefits to accrue from re-zoning as outlined in this Agreement will not be realized. In such a case, the County shall examine the reasons for the default and proposed major change of plans, and either approve a change in the Master Plan or initiate steps to revert the zoning designation to its former zone.
10. The parties may amend or modify the provisions of this Agreement, the Master Plan and list of use types only by written instrument and after considering the recommendation of the Planning Commission, which may hold a public meeting to determine public feeling on the proposed amendment or modification.
11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 11<sup>th</sup> day of October, 2002

  
Greg Spear, Managing Member  
Wolf Creek Properties, L.C.

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH )

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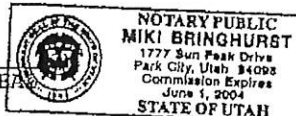
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COUNTY OF WEBER )

) SS

On this 11<sup>th</sup> Day of October, 2002,  
Greg Sparr personally appeared before me, duly  
sworn, did say that he is the Managing Member of the corporation  
which executed the foregoing instrument, and that said instrument  
was signed in behalf of said corporation by authority of a  
Resolution of its Board of Directors that the said corporation  
executed the same.

NOTARY PUBLIC

My commission expires 6-1-04

Glen H. Burton, Chair  
Weber County Commission

Kenneth A. Bischoff, Vice Chair

ATTEST:

Linda G. Lunceford, CPO  
Weber County Clerk/Auditor

Documents Attached:

Exhibit A: Copy of legal descriptions

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# WOLF CREEK RESORT

