

The Exchange DA Amendment

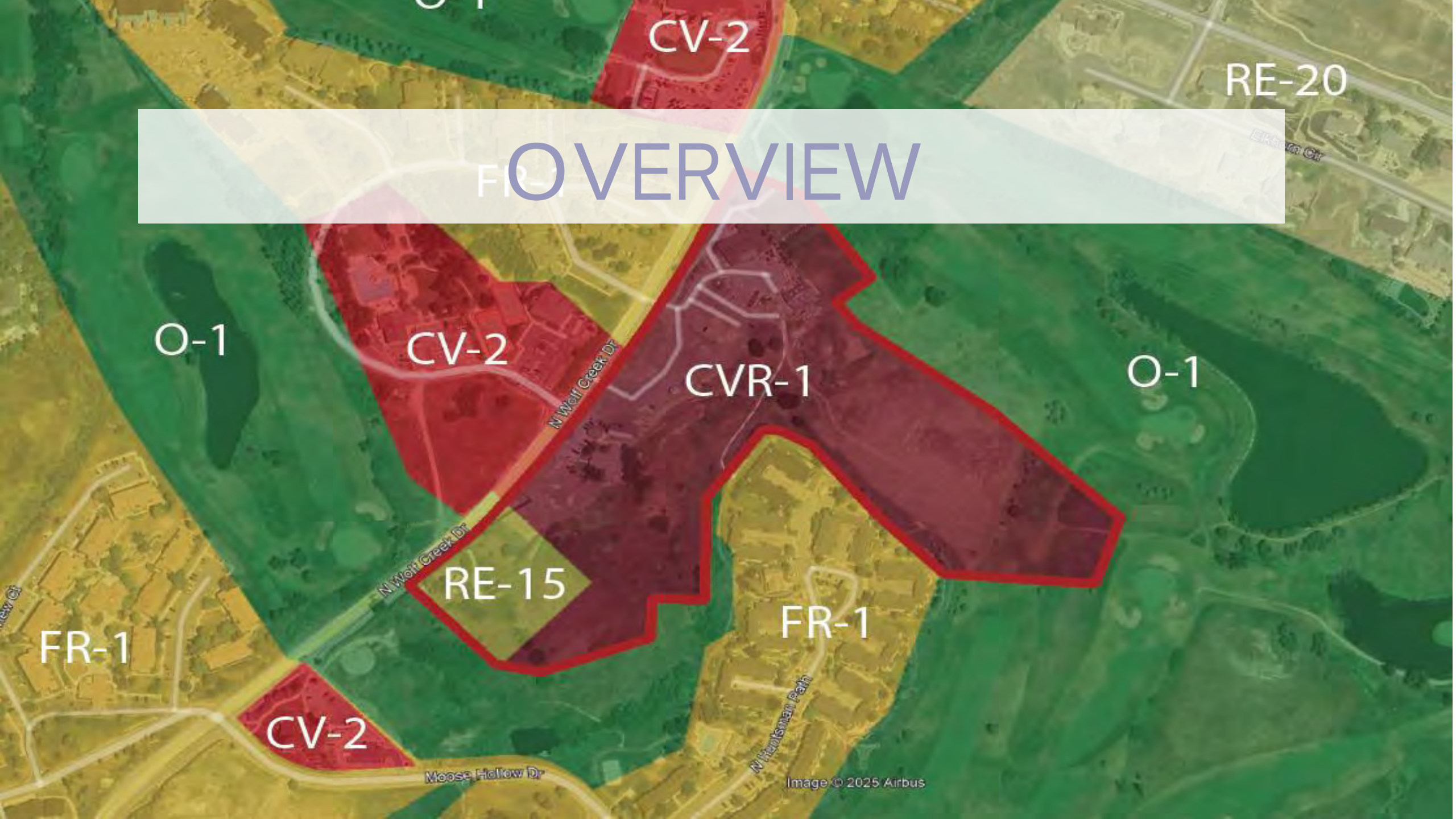
A REQUEST TO AMEND DEVELOPMENT AGREEMENT FOR THE
PREVIOUSLY APPROVED EXCHANGE DEVELOPMENT

OVERVIEW

OVERVIEW



OVERVIEW





EXISTING MASTER PLAN

DEVELOPMENT DATA

DEVELOPMENT BOUNDARY AREA	17.841 ACRES
PROPOSED UNITS	164 UNITS
MULTI-FAMILY	144 UNITS
TOWNHOMES	20 UNITS
MULTI-PURPOSE COMMERCIAL	
HOTEL	

NOTE:
ALL ROADS WILL BE PRIVATE

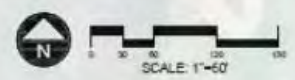


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EXHIBIT B
MASTER PLAN

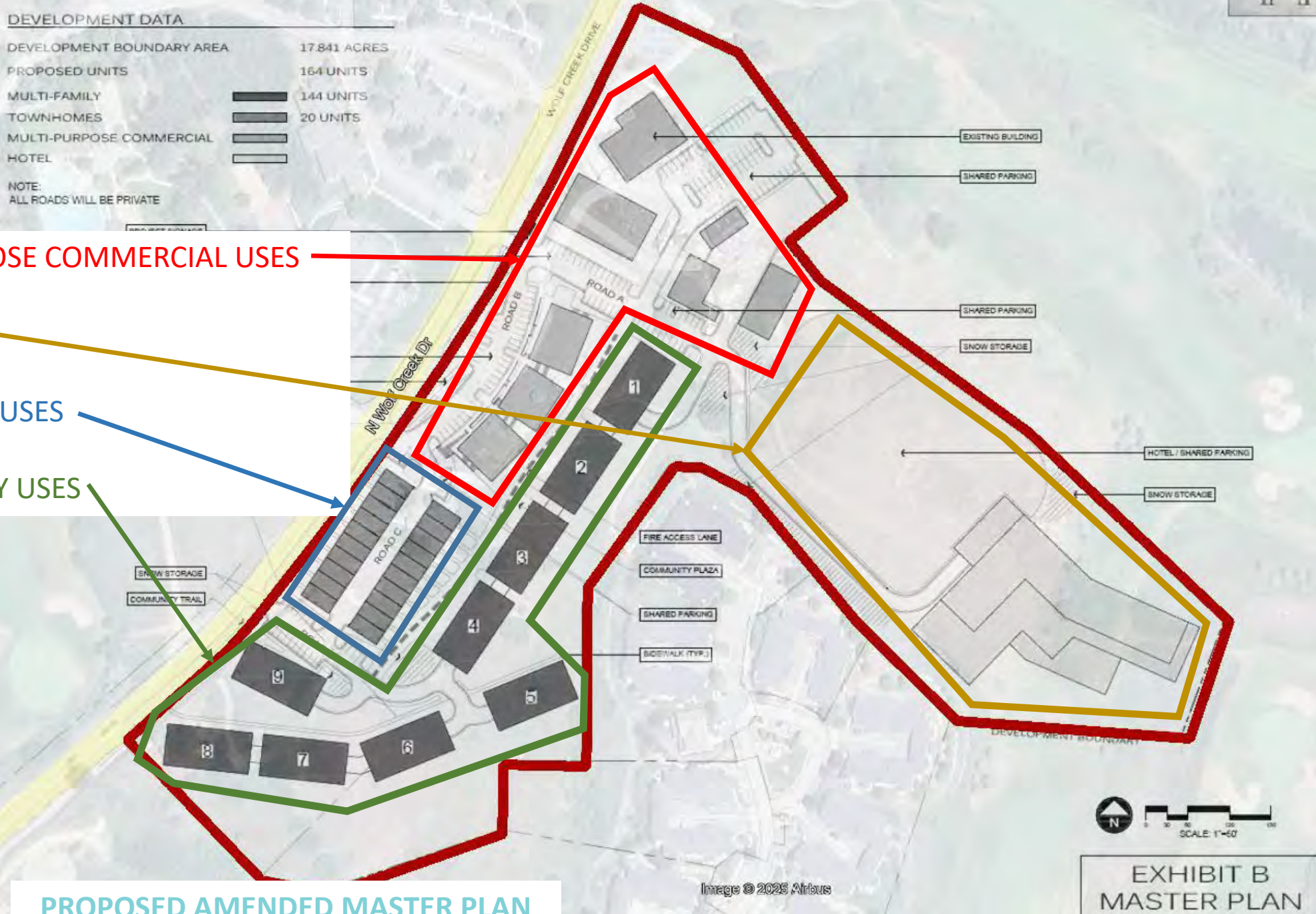
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MULTI-PURPOSE COMMERCIAL USES

HOTEL USES

TOWNHOME USES

MULTI-FAMILY USES



PROPOSED AMENDED MASTER PLAN

EXHIBIT B
MASTER PLAN

DEVELOPMENT AGREEMENT OVERVIEW

- **DEVELOPMENT AGREEMENTS REQUIRE MUTUAL CONSIDERATION**
 - Legislative action/process – involves rulemaking/amending.
 - County not obligated to approve. Developer not entitled to approval.
 - Voluntary. Neither party can force the other into agreement.

DEVELOPMENT AGREEMENT OVERVIEW

PRIMARY PLANNING COMMISSION CONSIDERATION:

IN THE CONTEXT OF EXISTING RIGHTS AND OBLIGATIONS, WILL THE
PROPOSED AMENDMENTS GIVE ADDITIONAL WELL-BALANCED BENEFITS
TO BOTH PARTIES?

DEVELOPMENT AGREEMENT OVERVIEW

- **THE EXCHANGE IS CURRENTLY GOVERNED BY EXISTING AGREEMENT (ADOPTED IN 2023) THAT GIVES BOTH PARTIES SPECIFIC RIGHTS AND OBLIGATIONS.**
 - The portion of property governed by existing concept plan is to be developed as generally illustrated in concept plan.
 - By omission from concept plan, rest of property allowed to develop as otherwise governed by code.
 - Generally, developer has rights for the ala carte uses of the CVR-1 zone.

DEVELOPMENT AGREEMENT OVERVIEW

- **THE EXCHANGE IS CURRENTLY GOVERNED BY EXISTING AGREEMENT (ADOPTED IN 2023) THAT GIVES BOTH PARTIES SPECIFIC RIGHTS AND OBLIGATIONS.**
 - Existing “architectural depictions?”
 - Likely not specific enough to be enforced on developer, but may be enough to allow developer to enforce on county.
 - Legal principle: ambiguity and vagueness typically required to be erred in favor of landowner’s rights.

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DEVELOPMENT AGREEMENT OVERVIEW

- **THE EXCHANGE IS CURRENTLY GOVERNED BY EXISTING AGREEMENT (ADOPTED IN 2023) THAT GIVES BOTH PARTIES SPECIFIC RIGHTS AND OBLIGATIONS.**
 - Property initially entitled for 144 units – 80 were moved to Eagle Crest, leaving 64 units.
 - Developer has rights to 20 “floating units” to be assigned to property, increasing the site’s currently entitled density to 84 residential units.
 - Project entitled to be constructed based on CVR-1 “site” design standards (CVR-1 zone does not have the “lot” design standards as other zones do).

DEVELOPMENT AGREEMENT OVERVIEW

HOW DOES AMENDMENT AFFECT EXISTING RIGHTS AND OBLIGATIONS?

- Density:
 - No proposed change to existing entitled density (84 units),
 - New right proposed to allow up to 60 additional units to be transferred to the development from elsewhere in the Ogden Valley.
 - If transfers are successful, could bring final density back up a to a max of 144 units.

DEVELOPMENT AGREEMENT OVERVIEW

HOW DOES AMENDMENT AFFECT EXISTING RIGHTS AND OBLIGATIONS?

- Site and building layout and design standards:
 - Including the hotel area provides additional design detail for the entire site instead of the partial layout of existing plan – increases outcome predictability.
 - Specific development categories, each with their own use provisions, are designated for specific building locations on concept plan – increases outcome predictability.
- Adds lot development standards but omits site development standards
 - Enhances individual lot predictability
 - Forgoes the existing “site” setback requirements (30 feet from highway, 20 feet on exterior site boundary for all other sides).

DEVELOPMENT AGREEMENT OVERVIEW

HOW DOES AMENDMENT AFFECT EXISTING RIGHTS AND OBLIGATIONS?

- Site and building layout and design standards:
 - Increases entitled building height from 50 feet to 60 feet.
 - Eliminates 10 percent minimum commercial area requirement in favor of allowing proposed designated uses to govern.
 - Eliminates references to unenforceable architectural standards.

PAST CONSIDERATIONS

PRIOR TO THE 2023 DEVELOPMENT AGREEMENT, THE PROPERTY WAS GOVERNED BY A 2015 DEVELOPMENT AGREEMENT.



Image © 2025 Airbus

2015 APPROVED CONCEPT PLAN



**2023
APPROVED
CONCEPT
PLAN**



PROPOSED CONCEPT PLAN

MERCANTILE

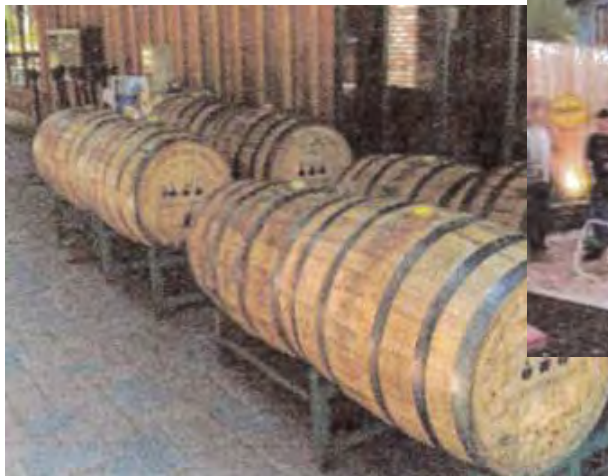
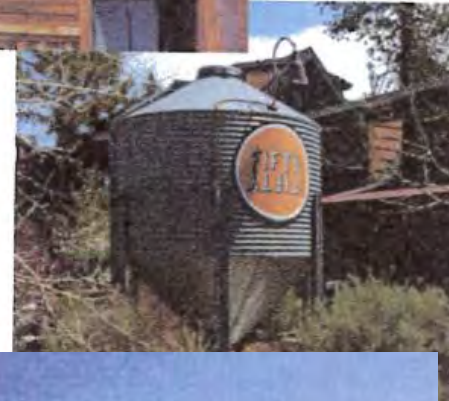
2015 ARCHITECTURAL DESIGN STANDARDS



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

RESTAURANT/CAFÉ/ BREWERY

2015
ARCHITECTURAL
DESIGN
STANDARDS



HOTEL

2015 ARCHITECTURAL DESIGN STANDARDS



THE BARN

2015 ARCHITECTURAL DESIGN STANDARDS



CURRENT CONSIDERATIONS

SPECTRUM OF OPTIONS



CURRENT CONSIDERATIONS

SPECTRUM



ACCEPT
PROPOSAL

[WITH STAFF
RECOMMENDED EDITS]

- NO UNENFORCEABLE ARCHITECTURAL STANDARDS
- ADDITIONAL CONCEPT PLAN DETAIL
- ADDED LOT DEVELOPMENT STANDARD SPECIFICITY
- FOUR DEVELOPMENT CATEGORIES WITH SPECIFIC USE PROVISIONS
- HEIGHT MAX INCREASED FROM 50' TO 60'
- RIGHT TO IMPORT 60 ADDITIONAL UNITS (TDRs) FROM ELSEWHERE
- NO OVERALL SITE SETBACK MINIMUMS
- 10 PERCENT MIN COMMERCIAL NOT REQUIRED
- ALLOWANCE FOR OUTSOURCED REVIEW EXPERTS
- WOLF CREEK DRIVE PATHWAY EXTENDED TO NORTHERN SIDE OF SITE

CURRENT CONSIDERATIONS

SPECTRUM



MASHUP;
ACCEPT SOME,
NOT ALL; ADD
ADDITIONAL?

[WITH STAFF
RECOMMENDED EDITS]

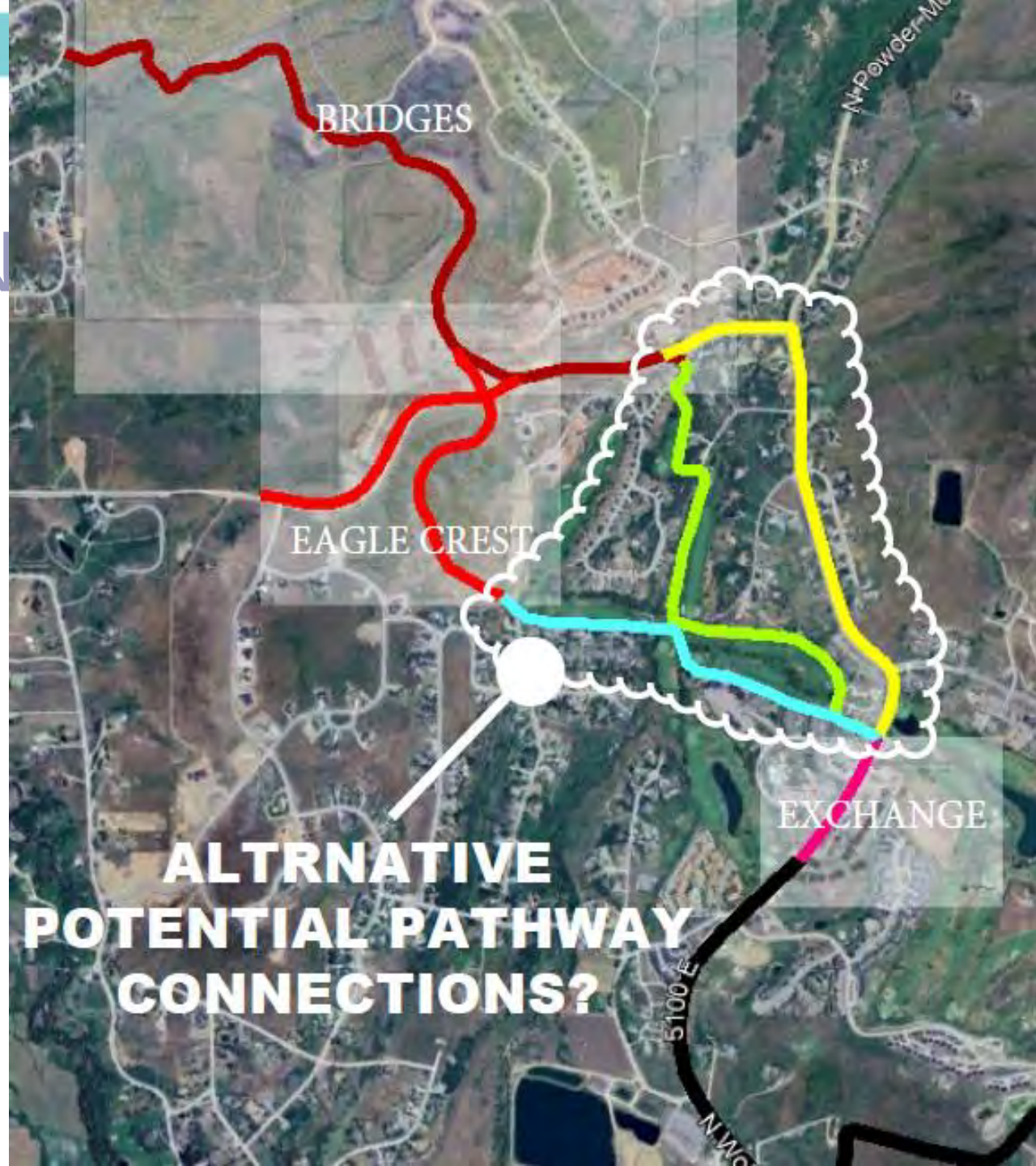
- SELECT CERTAIN RIGHTS AND BENEFITS TO INCLUDE IN AGREEMENT
- ADDITIONAL COMMUNITY BENEFITS?
 - EXTEND WOLF CREEK DRIVE PATHWAY $\frac{3}{4}$ MILE TO CONNECT TO PROPOSED FAIRWAY DRIVE PATHWAY? ALONG HIGHWAY OR THROUGH GOLF COURSE?
 - REINSERT 2015 ARCHITECTURAL STANDARDS?
 - OTHERS?

SPECTRUM

CURRENT CON

MASHUP;
ACCEPT SOME,
NOT ALL; ADD
ADDITIONAL?

[WITH STAFF
RECOMMENDED EDITS]



CURRENT CONSIDERATIONS

SPECTRUM

- AMEND PROPOSAL FOR
 - RESTRICT HEIGHT TO CURRENT CVR-1 STANDARD (50')
 - NO ALLOWANCE FOR TDRS
 - INCLUSION OF OVERALL SITE SETBACK MINIMUMS
 - REQUIRE 10 PERCENT COMMERCIAL FLOOR AREA FOR OVERALL SITE
 - NO ALLOWANCE FOR OUTSOURCED REVIEW EXPERTS
 - NO UNENFORCEABLE ARCHITECTURAL STANDARDS
 - ADDITIONAL CONCEPT PLAN DETAIL
 - ADDED LOT DEVELOPMENT STANDARD SPECIFICITY
 - FOUR DEVELOPMENT CATEGORIES WITH SPECIFIC USE PROVISIONS
- ACCEPT
CLARIFICATIONS,
BUT NO NEW
RIGHTS
[WITH STAFF
RECOMMENDED EDITS]

CURRENT CONSIDERATIONS

SPECTRUM

- KEEPS EXISTING AGREEMENT, RIGHTS, AND OBLIGATIONS IN PLACE
- NO ADDITIONAL RIGHTS TO DEVELOPER, NO BENEFIT OF ADDED CLARITY FOR BOTH DEVELOPER AND JURISDICTION
- IF DEVELOPER IS NOT INTERESTED IN COUNTY'S COUNTERPROPOSAL AND CHOOSES TO TAKE NO ACTION, THIS IS THE DEFAULT ACTION. ALL EXISTING ENTITLEMENTS REMAIN UNCHANGED.



STAFF RECOMMENDATION

RECOMMENDING APPROVAL – FINDINGS:

- Proposal does not lend to substantial community impacts greater what currently exists
- Light-to moderate potential impacts (i.e. additional height, transferable development rights, and site development standards) can each be mitigated, limited, or eliminated if desired by planning commission.
- The clarifications will help avoid future conflict
- Additional site specificity will provide a more predictable outcome

STAFF RECOMMENDATION

RECOMMENDING APPROVAL – FINDINGS:

- Proposed use restrictions/permissions will provide a more predictable outcome
- Proposed transferable development rights supported by general plan
- Village development supported by general plan

POSSIBLE ACTION ON REZONE

As a legislative item, the planning commission is an advisory body for this item. The item needs a recommendation for the County Commission to consider. The planning commission may:

Recommend approval of the development agreement amendment.

- ▶ Base recommendation on objective findings (i.e., timing, changing conditions, changing trends, etc).
- ▶ Base recommendation on general plan.
- ▶ Include any additional findings, corrections, and/or conditions desired

Recommend denial of the development agreement amendment.

- ▶ Base recommendation on objective findings (i.e., timing, changing conditions, changing trends, general plan, etc).