



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for a request to amend a previously approved conditional use for the Fairways at Wolf Creek P.R.U.D. The amendment will reduce the density in the multi-phased PRUD from 115 units to 99 units.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 18, 2017

**Applicant:** Fairway's @ Wolf Creek, LLC

**File Number:** CUP2016-06

### Property Information

**Approximate Address:** 4200 North Sunrise Drive

**Project Area:** 15.8 acres

**Zoning:** FR-3

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-017-0017

**Township, Range, Section:** T7N, R1E, Section 22

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
 801-399-8768

**Report Reviewer:** SM

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zones (FR-3)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Title 104, Chapter 22 Natural Hazards Areas

## Development History

- The Fairways at Wolf Creek PRUD received conditional use approval by the County Commission on April 24, 2004 after receiving a positive recommendation from the Ogden Valley Planning Commission which heard and considered the proposal for 118 dwelling units and two duplex units (for an overall of 122 units) on February 17, 2004 and March 16, 2004.
- The Fairways at Wolf Creek PRUD Amendment 1 received conditional use approval by the County Commission on October 9, 2007 after receiving a positive recommendation for the club house redesign that was heard and considered by the Ogden Valley Planning Commission on September 25, 2007.
- The Zoning Development Agreement for the Wolf Creek Resort was reconfigured from the 2002 Zoning Development Agreement. The reconfigured agreement received approval by the County Commission on February 3, 2015 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on December 2, 2014.

The Zoning Development Agreement the overall density in the Wolf Creek Resort (The Fairways at Wolf Creek PRUD density was reduced from 122 dwelling units to 115 dwelling units) and was recorded on December 4, 2015.

- The Zoning Development Agreement for the Wolf Creek Resort was amended and received approval by the County Commission on March 22, 2016 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on February 23, 2016. The amendment adopted the conceptual maps for the Wolf Creek Resort and was recorded on March 23, 2016.
- The Zoning Development Agreement for the Wolf Creek Resort Amendment 2 received approval by the County Commission on May 7, 2016 after receiving a positive recommendation from the Ogden Valley Planning on April 26, 2016. The amendment transferred five density units from The Fairways at Wolf Creek to Trappers Ridge at Wolf Creek and 11 units will be held in reserve for future development within the Wolf Creek Resort. The amendment was recorded on July 5, 2016 and reduced the density in The Fairway's at Wolf Creek to 99 units.
- The Ogden Valley Planning Commission, after receiving public input, approved the preliminary subdivision plans for The Fairway's at Wolf Creek Phase 4 and The Fairway's at Wolf Creek Phase 5 on June 27, 2017.
- The Ogden Valley Planning Commission, after receiving public input, has forwarded a unanimous positive recommendation to the County Commission for the amendment to the conditional use permit for The Fairway's at Wolf Creek PRUD.

## Summary and Background

The Ogden Valley Planning Commission recommends approval of the request to amend a previously approved conditional use for The Fairway's at Wolf Creek PRUD. The amendment will reduce the density from 115 units to 99 units in the existing multi-phased PRUD (see Exhibit A for The Fairway's at Wolf Creek PRUD Phases 4 & 5). The architectural style of the homes in Phase 4 & 5 will mirror those in the previous phases in the Fairway's Development (see Exhibit B for the architectural designs).

Fairway's at Wolf Creek, LLC and Eden Village, LLC (current owner of Trapper's Ridge at Wolf Creek) have been a part of the recent restructure of the Wolf Creek Resort development and have received approval of the "Second Amendment to the Wolf Creek Resort Zoning Development Agreement" for the transfer of 5 units from "The Fairway's" to "Trapper's Ridge" on June 7, 2016. The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) §108-5 for consideration and approval of the proposed PRUD. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC. Conditional use permits should be approved as long as any detrimental effects can be mitigated. The LUC already specifies certain standards necessary for mitigation of detrimental effects to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the County Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the lots, the layout of the parking areas, and the landscaping.

The proposed PRUD with the proposed lot configuration and based on the recommended conditions listed in this staff report, are in conformance with the existing PRUD (see Exhibit D & F), the current LUC and the Zoning Development Agreement for the Wolf Creek Resort (see Exhibit E for the approved Wolf Creek Resort Concept Plan). The following is staff's analysis of the proposed PRUD as a condition use and the design review.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

**Zoning:** The subject property is located in the Forest Residential Zone more particularly described as the FR-3 zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1 as:

*"The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts."*

**Conditional Use Review:** The proposed PRUD is conditionally allowed in the FR-3 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 Wolf Creek Water and

Sewer District (see Exhibit G) for culinary, irrigation and waste water services. The applicant has provided the required material to facilitate a thorough review of the proposed project including preliminary subdivision plan, grading, drainage, and a geologic site reconnaissance and geotechnical report.

Natural Hazards Area: The proposed subdivision is located in a Zone “X” as determined by FEMA to be an area determined to be outside 500-year floodplain. A geotechnical study has been performed and a report has been prepared by Earthtec Engineering dated March 8, 2016, identified as Project #167003. A geologic site reconnaissance has taken place and a report has been prepared by IGES dated May 19, 2016, identified as Project #01855-007. All site development will need to adhere to the recommendations of these reports and a note will need to be added to the final subdivision plat. Also a separate “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.

Design Review: The FR-3 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 development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the County 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 construction of Fairways Trail and the connection to Patio Springs Drive (see Exhibit A). A “No Access Line” will need to be placed along the northern property lines of Lots 77-81 and 83 that abut Fairways at Wolf Creek Parcel 22-017-0012 to ensure that the lots are accessed only by Fairways Trail, a public right of way.

2) Considerations relating to outdoor advertising. The applicant has not proposed any signage or outdoor advertising as part of the application. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.

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 by providing two landscaped open space areas along Patio Springs Drive (see Exhibit C).

4) Considerations relating to buildings and site layout. The individual lot layout has been reviewed against the design criteria of the FR-3 Zone in LUC §104-3, the Design Review in LUC §108-1, the approved Zoning Development Agreement for the Wolf Creek Resort, and the Ogden Valley Architectural, Landscape and Screening Design Standards in LUC §108-2-4. The lots in The Fairways at Wolf Creek PRUD Phases 4 and 5 will differ from the previous phases in The Fairways and will be developed as individual lots instead of building pads with common area surrounding the individual units; however, the proposal matches the existing architectural style of the existing homes in the Fairways development.

5) Considerations relating to utility easements, drainage, and other engineering questions. The applicant has provided civil engineered drawings 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 including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

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. Per LUC §108-4-5(c)(2)(h), the County may take into consideration standards relating to infrastructure, amenities, and services. As part of this consideration, the County may implement conditions to “mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area”. Prior to recording the final subdivision plats for Phase 4 and Phase 5 of The Fairways at Wolf Creek, the applicant will need to receive certificate of occupancy for the club house in Phase 3, complete any and all improvements associated with the tennis court, swimming pool and any common and/or open space areas that are not in compliance with the previous approvals. Staff recommended a condition of approval to the Ogden Valley Planning Commission, that prior to recording Phase 4 and Phase 5 final Mylar plats, the required improvements for the previous phases will be completed by the applicant by May 31, 2018. The Ogden Valley Planning Commission, after receiving input from the HOA and the Weber County Attorney’s Office, recommended that the applicant should be held to the time limitations that are outlined and part of the LUC instead of setting a

specific date as recommended by staff and the HOA (see Exhibit H for the letter from The Fairways at Wolf Creek HOA).

Additional design standards and requirements: The applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Fairways at Wolf Creek PRUD Phase 4 and Phase 5. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A note will need to be added to the final subdivision plat to declare the development approved for nightly rentals.

Review Agencies: The Weber County Surveyor's Office, the Weber County Engineering Division, the Weber Fire District and the Ogden Valley Starry Nights have reviewed the proposal. These review agencies have approved the proposal and have provided the applicant with redlined drawings that will need to be addressed during the subdivision process. A condition of approval has been made part of the staff report to ensure that any conditions of the review agencies are strictly adhered to.

Tax clearance: The 2016 property taxes have been paid in full. The 2017 property taxes will be due in full on November 1, 2017.

Public Notice: A courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed development prior to the meeting being held by the Ogden Valley Planning Commission.

## Summary of County Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- Does this proposal meet the requirements of applicable County Land Use Codes?
- Does this proposal comply with the Wolf Creek Resort Zoning Development Agreement Conceptual Plan?
- In considering the proposed planned residential unit development, the County Commission shall review and consider the following, as applicable:
  - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
  - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
  - *The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.*
  - *The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.*
  - *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*
  - *The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.*

## Planning Commission Recommendation

The Ogden Valley Planning Commission recommends approval of the request to amend a previously approved conditional use for The Fairways at Wolf Creek PRUD. The amendment will reduce the density in the multi-phased PRUD from 115 units to 99 units located within the approved Wolf Creek Resort Master Development. This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. The applicant will need to complete all construction including finish work and receive a certificate of occupancy for the club house located in Phase 3, complete any and all improvements associated with the tennis court, swimming pool and any common and/or open space areas that are not in compliance with the previous approvals prior to recording the final subdivision plats for Phase 4 and Phase 5 of The Fairways at Wolf Creek. Completion of these improvements will be inspected by the Planning Division prior to signing the final occupancy letter.
2. A "No Access Line" will need to be placed along the northern property lines of Lots 77-81 and 83 that abut Fairways at Wolf Creek Parcel 22-017-0012 to ensure that the lots are accessed only by Fairways Trail, a public right of way.
3. A draft copy of the CC&R's will be provided to the County for review by the applicable agencies prior to final subdivision approval.

4. All site development will need to adhere to the recommendations of the Earthtec Engineering's geotechnical report dated March 8, 2016, identified as Project #167003 and IGES's geologic site reconnaissance report dated May 19, 2016, identified as Project #01855-007.
5. A note on the final plat and a separate "Natural Hazards Disclosure" document will be required to be recorded to provide notice of any recommendations to future property owners regarding Earthtec Engineering's geotechnical report dated March 8, 2016, identified as Project #167003 and IGES's geologic site reconnaissance report dated May 19, 2016, identified as Project #01855-007.
6. A note will need to be added to the final subdivision plat to declare this subdivision approved for nightly rentals.

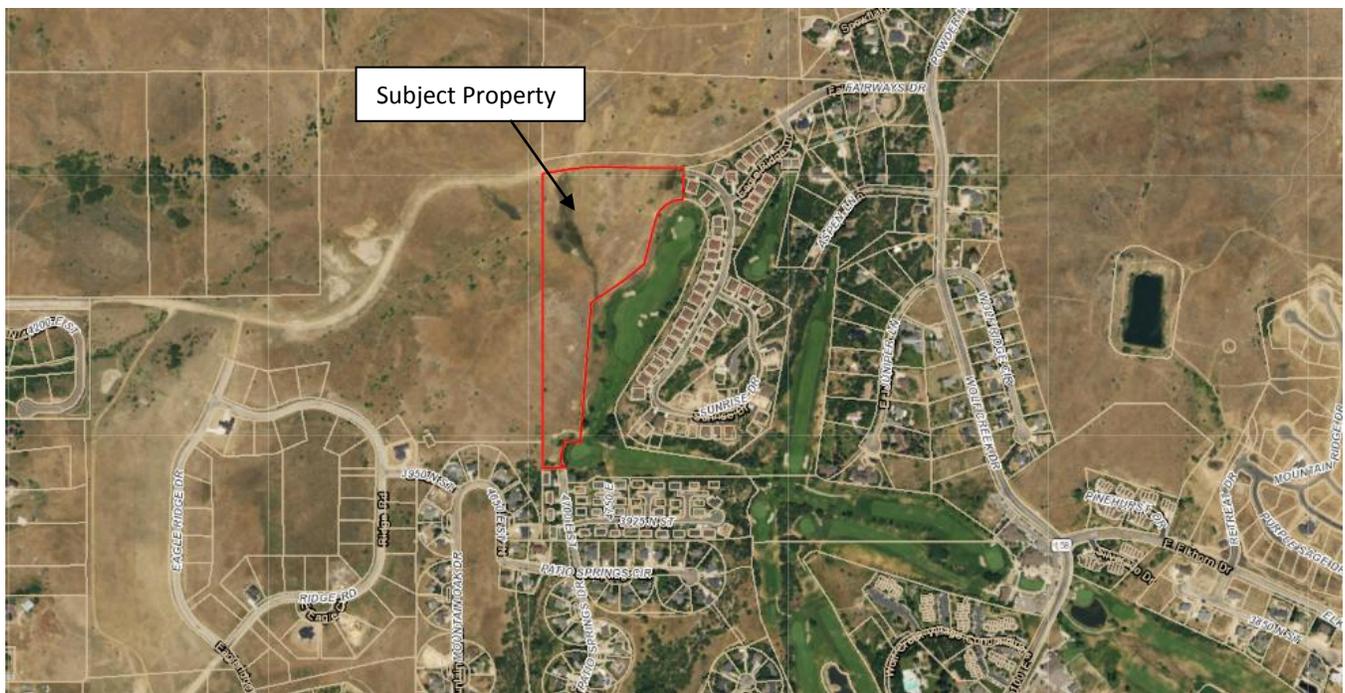
This recommendation is based on the following findings:

1. The proposed conditional use amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed conditional use amendment complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conditional use amendment.
4. The proposed conditional use amendment will not be detrimental to the public health, safety, or welfare.
5. The proposed conditional use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Proposed Fairways at Wolf Creek PRUD, Phase 4 & 5 preliminary subdivision
- B. Architectural Plans
- C. Landscape Plans
- D. Proposed Conceptual Phasing Plan
- E. Wolf Creek Resort Zoning Development Conceptual Plan
- F. Original PRUD Conceptual Phasing Plan
- G. Feasibility Letter
- H. Written Public Comment

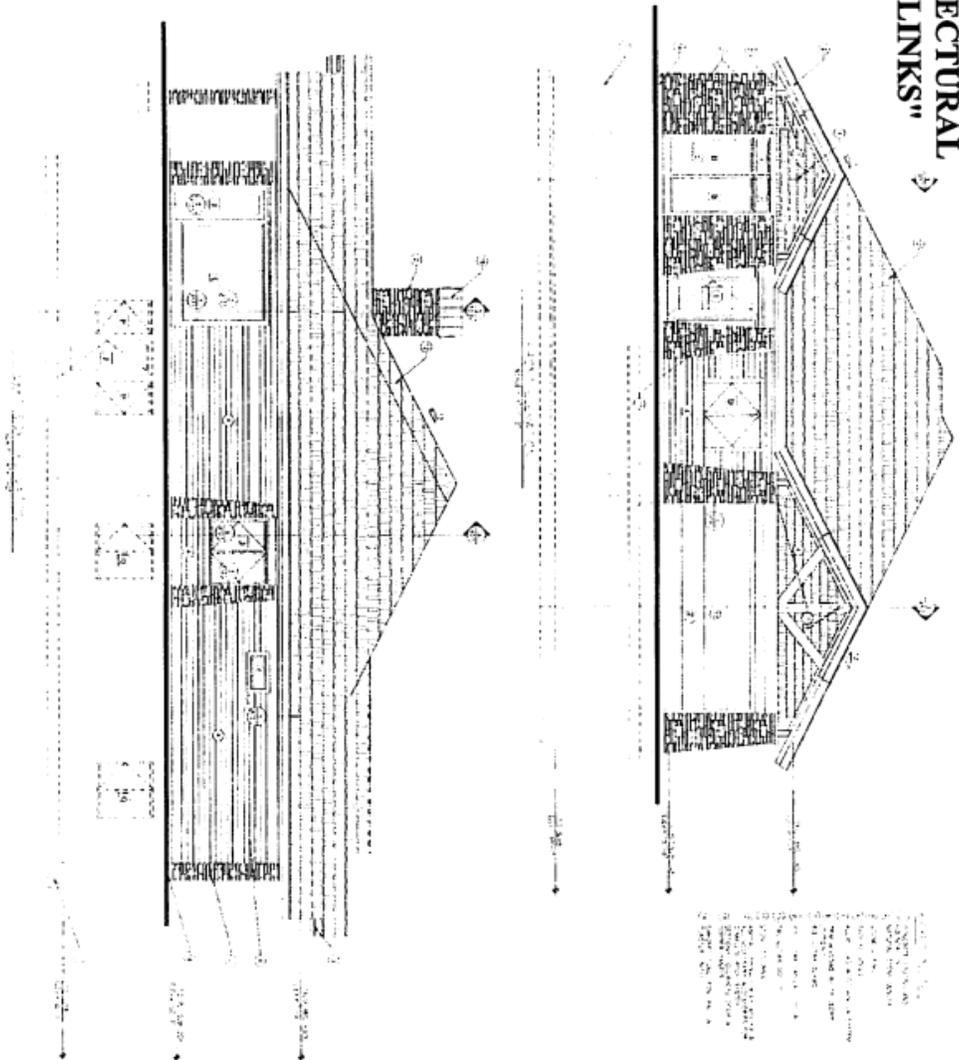
## Location Map



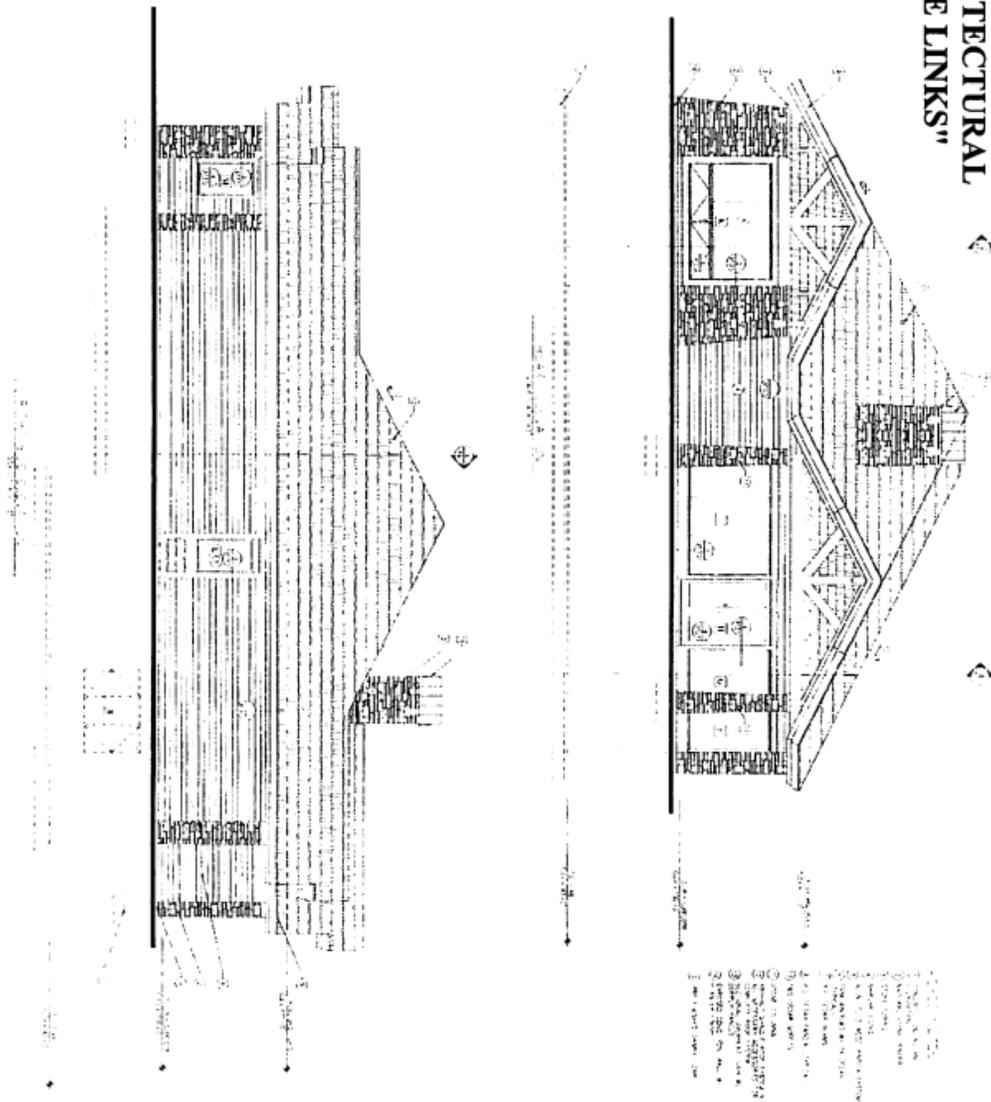




**FAIRWAYS ARCHITECTURAL  
EXAMPLE #1: "THE LINKS"**



**FAIRWAYS ARCHITECTURAL  
EXAMPLE #1: "THE LINKS"**



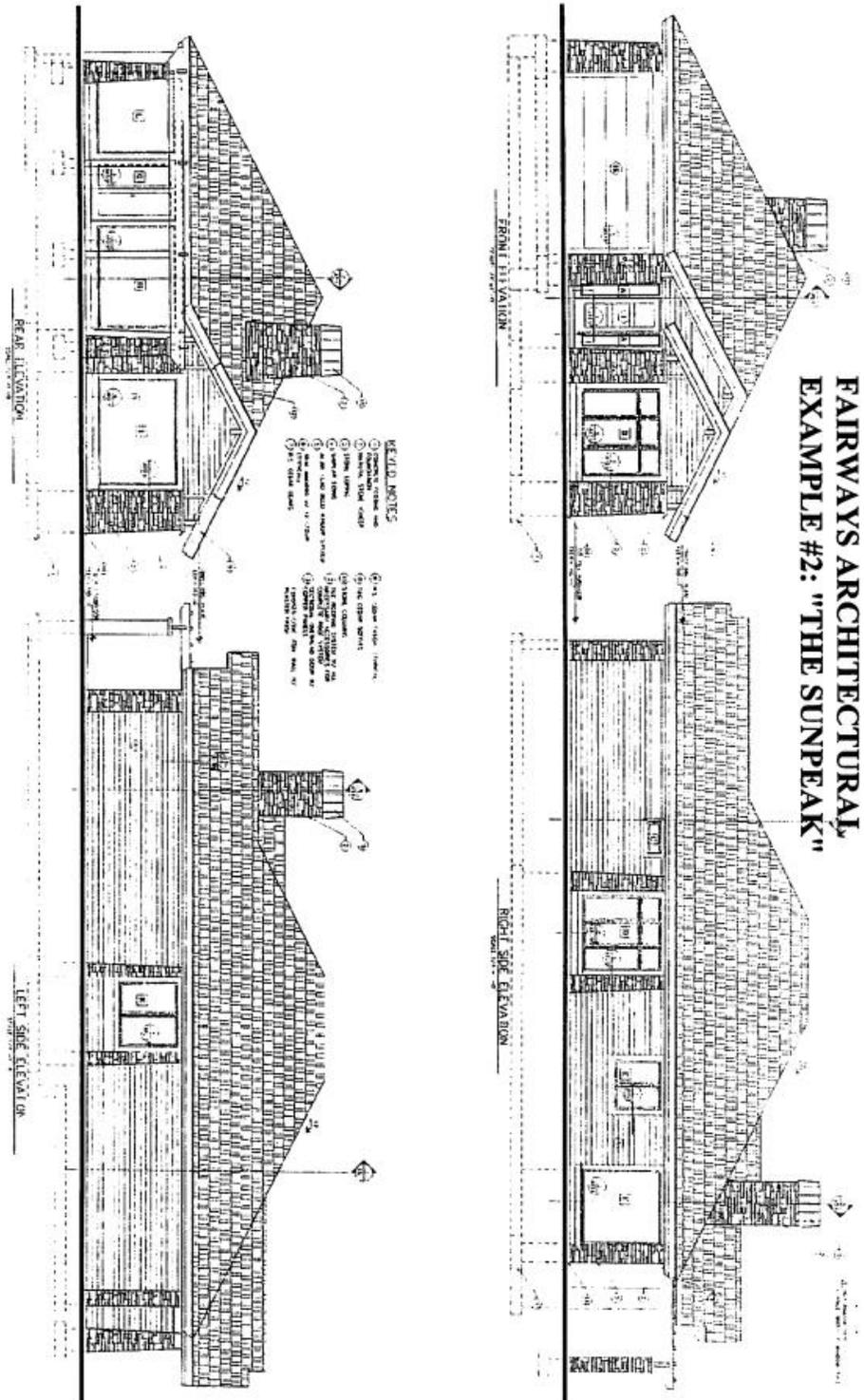


Exhibit B-Architectural Renderings

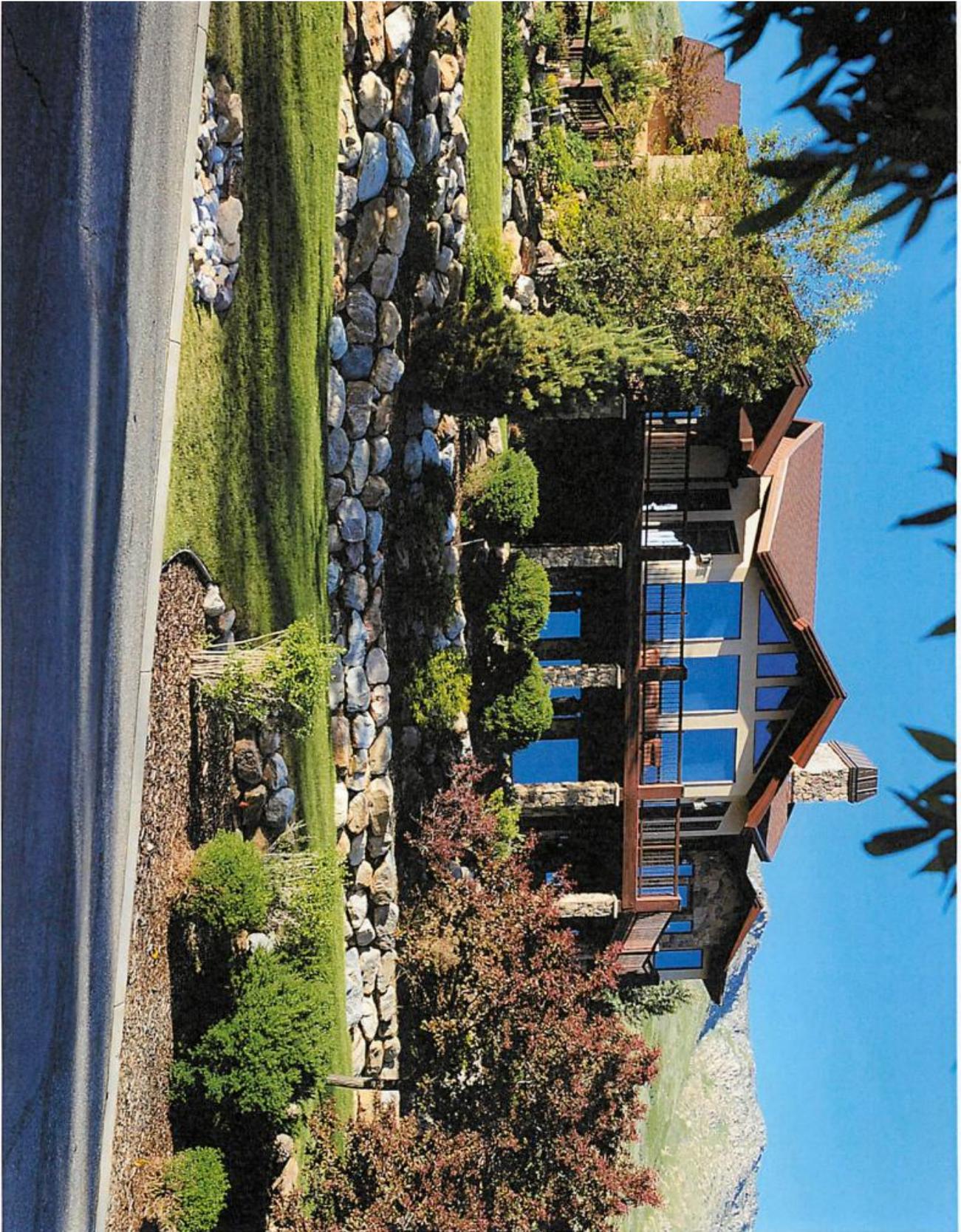


Exhibit B-Architectural Renderings



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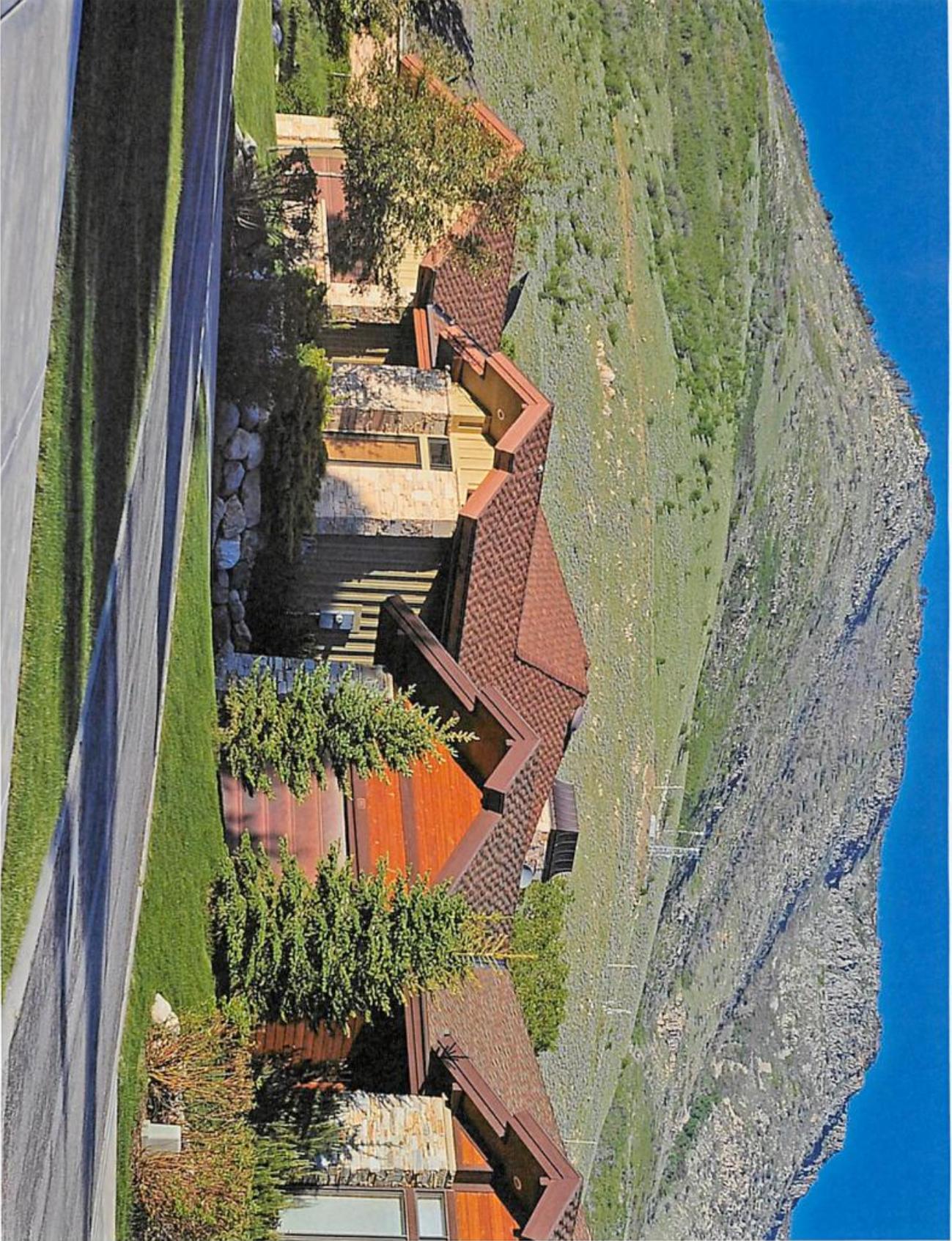
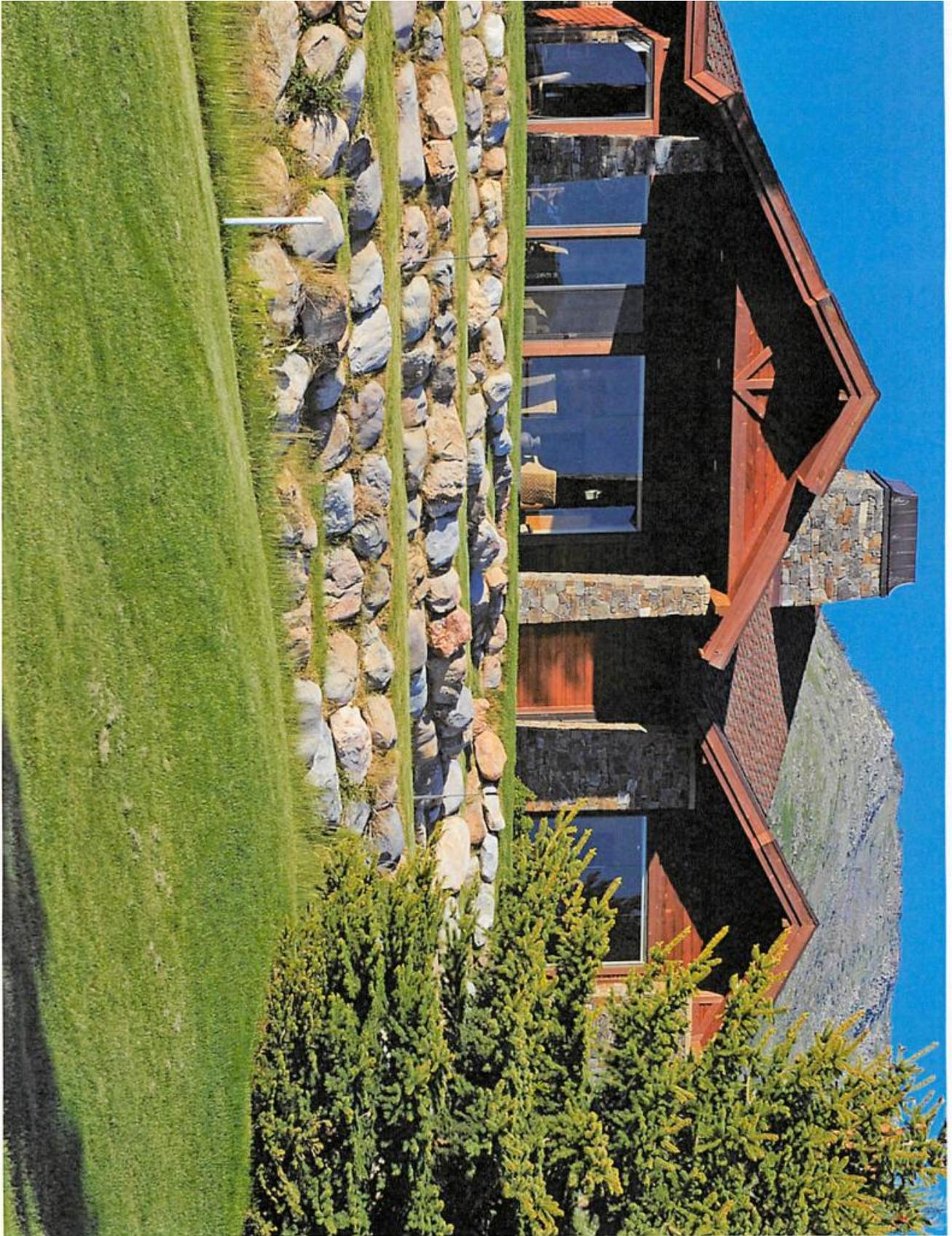


Exhibit B-Architectural Renderings

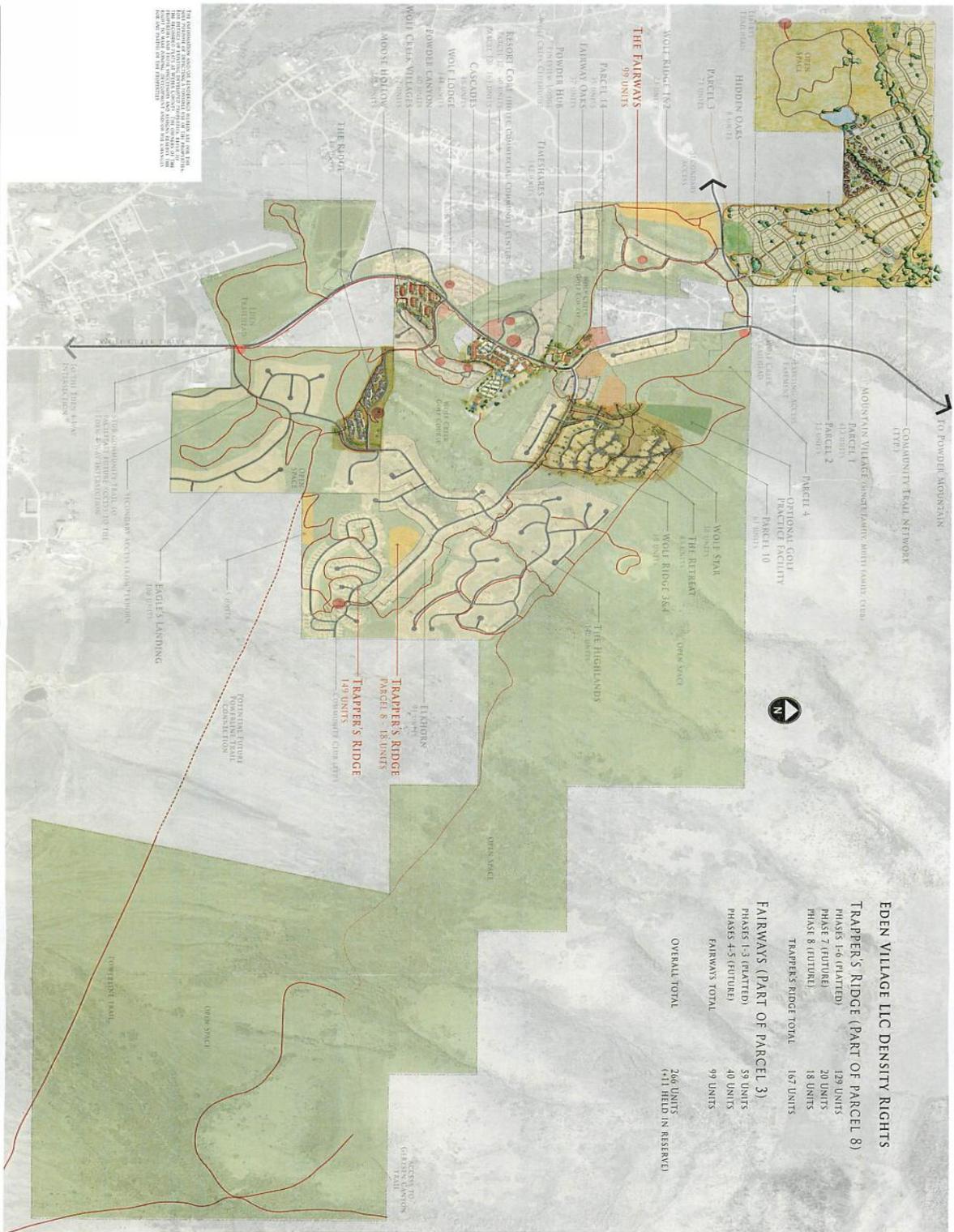






# WOLF CREEK RESORT

MARCH 2016

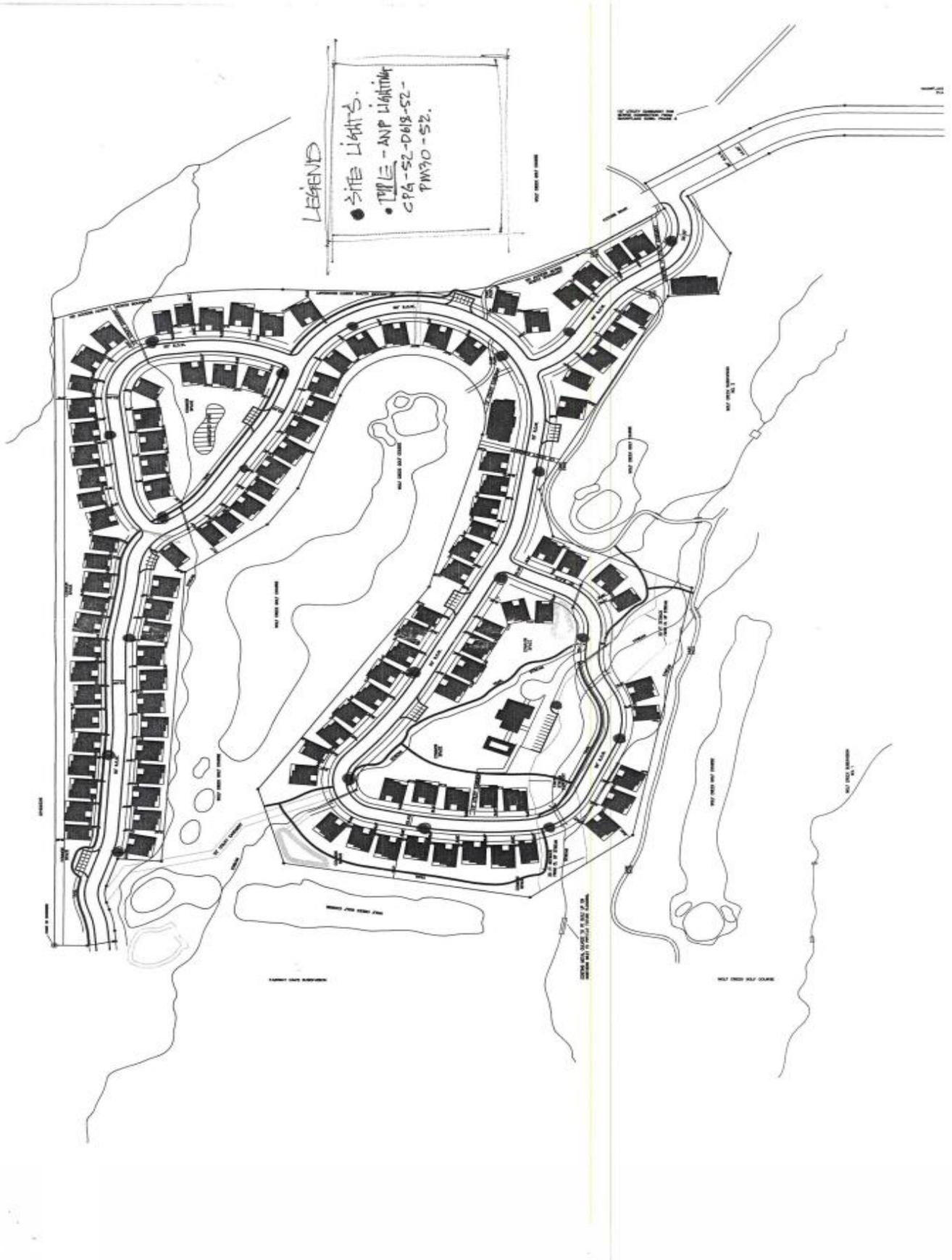


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LANGVARDT DESIGN GROUP

EXHIBIT "C" POST-TRANSFER

Exhibit F-Original PRUD Conceptual Phasing Plan





*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

*RE: Fairways at Wolf Creek PRUD Phase 4  
Fairways at Wolf Creek PRUD Phase 5  
Trappers Ridge at Wolf Creek PRUD Phase 8*

*Russ-*

*Based on our recent discussions, we understand that you are working with the County to adjust your master plans at the Fairways and Trappers Ridge projects referenced above. It is our understanding that the first step of the process will be to reduce the density in Fairways by 16 units, transferring 5 of those to Trappers, and holding 11 in reserve for future use. This leaves the following project densities:*

- Fairways at Wolf Creek PRUD Phase 4 – 23 homes*
- Fairways at Wolf Creek PRUD Phase 5 – 17 homes*
- Trappers Ridge at Wolf Creek PRUD Phase 8 – 18 homes*

*Within the master planning process Wolf Creek Water and Sewer Improvement District has previously anticipated service in accordance with the original master plans and this amendment does not inhibit our ability to serve either of these projects. The excess units to be held in reserve will also remain able to be served by WCWSID with possible conditions depending on where the units are eventually transferred to and other developments or changes that have occurred in the meantime.*

**As you are aware, we operate three separate systems, culinary water, irrigation/secondary water, and sewer with treatment. The capacity of each of these systems is subject to state laws and limitations applied by the Division of Drinking Water and Department of Environmental Quality. In particular, the amount of culinary water we are required to have available is dependent on 1) continuing to supply irrigation water, and 2) limiting outdoor use of culinary water. At the same time, the supply of irrigation water is dependent on flow to the Wolf Creek diversion, which as you know may change due to pumping related to development at Powder Mountain.**

**In view of these concerns, we anticipate the following conditions will be placed upon all future developments:**

- Landscaping plans shall limit irrigated areas and minimize installation of turf, both for building lots and common areas. Each building lot/unit shall be equipped with at least one hosebib tied to the irrigation system.
- Landscaping plans will be reviewed and approved by WCWSID, with an emphasis on xeriscaping and installed as approved
- Drip irrigation systems shall be used for all shrub and tree beds, consistent with the existing Design Guidelines (2010) of the Wolf Creek Master HOA. We strongly recommend design of the irrigation systems with zones based upon planting demand.
- No basement sump pump or footing drain shall be connected to the sanitary sewer.

*In summary, WCWSID is at present able to provide culinary water, sewer, and irrigation services to the projects listed above upon payment of impact fees per our standard schedule. This commitment to Master Planned densities is subject to future review until the connection and impact fees have been paid.*

Let me know if you have any further questions.

Thanks,



Rob Thomas

General Manager

WCWSID

June 20, 2017

Ogden Valley Planning Commission  
attn.: Rhonda Kippen, planner  
2380 Washington Blvd. suite 240  
Ogden, Utah 84401-1473

RE: Application to grant an extension of the Conditional use permit for "The Fairways at Wolf Creek".

Dear Commissioners

We write in support of the following, "recommended conditions of an extension" as provided by Weber County's Planning Staff.

1. No final plat review or approval of The Fairways at Wolf Creek phases four or five (4 or 5) prior to Completion of the amenities in Phase three (3). This includes but is not limited to, issuance of the Certificate of Occupancy (CO) and completed interior finishes and furnishings for the entire club house, Completion of the Tennis Court, its access walk and its immediate surrounds, completion of the foot bridge and completion of all open space irrigation and landscaping in phase 3.
2. Establishment of a binding completion date of January 1, 2018 for the above amenities in #1. We have been without a completed clubhouse for in excess of a decade and believe it is entirely appropriate and logistically possible to complete the amenities this calendar year. We believe the Staff recommended completion date of May 1, 2018 is overly generous to the developer at the expense of the residents.

In addition to the Staff's above recommended conditions, we ask that Weber County require the Applicant to post a suitable financial guarantee for the completion of the common amenities in the event of a default by the applicant in completing the amenities by the January 1, 2018 completion date.

The lack of completed amenities has existed in our community for over ten10 years since the developer's original promised completion date. Since then we

have pursued completion through extended dialogue and a failed attempt to reach a private agreement with the Watts Group (pursuit of a private agreement was terminated by the Developer). We have learned through the help and communication of County staff that no mechanism currently exists to compel a developer to complete common (private/HOA) amenities/improvements which were proffered by the applicant and a condition of a Conditional Use Permit (CUP). We have been informed by Weber County attorneys that our only option is to bring a civil action against the Developer. We can't imagine it is the intent of Weber County that the citizens, taxpayers and residents of a community should be the responsible party to pursue legal action in order to enforce compliance with a County land use permit and zoning process. In our case the applicant has already received the financial benefit of increased density and reduced building setbacks among other things, through the PRUD process and the granting of a Conditional Use Permit, from the sale of homes in phases one, two and three (1,2 & 3). Weber County can currently require the posting of a financial guarantee for landscaping improvements on private common parcels to be owned and maintained privately and we believe the same ability should exist for other PRUD proffered amenities on private common parcels.

We thank you in advance for your consideration of the proposed conditions.

Sincerely,

George Moldenhaur President, Fairways at Wolf Creek Owner's Association

Daryl Styner-Presley Director, Fairways at Wolf Creek Owner's Association

Joe Wood Director, Fairways at Wolf Creek Owner's Association

Jeb Bittner Director, Fairways at Wolf Creek Owner's Association