



## Staff Report to the Weber County Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on Zoning Petition 2006-18 regarding a request to rezone approximately 4,297 acres located at Powder Mountain Resort from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40).

**Agenda Date:** Tuesday, November 13, 2012

**Applicant:** Steven H Nielsen II (Pronaia Capital), representing Western America Holding, LLC

**File Number:** ZP 2006-18

#### Property Information

**Approximate Location:** Powder Mountain Resort

**Project Area:** Approximately 4,297 acres

**Existing Zoning:** Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40)

**Existing Land Use:** Powder Mountain Resort

**Proposed Land Use:** Expansion and development of Powder Mountain Resort

**Parcel ID:** See project file

**Township, Range, Section:** See project file

#### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
801-399-8765

**Report Reviewer:** RS

### Background

On September 6, 2006, representatives of Powder Mountain Resort submitted a petition to rezone approximately 4,297 acres in order to accommodate future expansion and development of what was described as a "top quality" four-season destination resort. In December 2006 the project was presented to the Ogden Valley Planning Commission as a discussion item only, since Weber County was in the midst of developing a destination and recreation resort zone ordinance at that time. The project was voluntarily put on hold by the petitioner, in anticipation that the resort ordinance could be complete by the spring of 2007; however, the resort ordinance development went beyond this time frame.

In June of 2007, the petitioner requested that the project be put on a July 11, 2007 agenda in order to re-introduce it to the Ogden Valley Planning Commission. The project was presented to the Planning Commission and was subsequently scheduled for a public meeting on August 1, 2007. As a result of the public meeting, the Planning Commission tabled the item in order to allow the petitioner time to gather specific information related to questions that were asked. The Planning Commission continued to work with the Powder Mountain representatives during the next four months, holding four meetings including a field trip to the Powder Mountain Resort property. On December 10, 2007 the Ogden Valley Planning Commission held a final meeting in order to take more public input before making a recommendation to the Weber County Commission. During this meeting the Planning Commission made a recommendation to approve the Powder Mountain Zoning Petition subject to 19 conditions.

On January 18, 2008, prior to Weber County setting the rezone public hearing date, Powder Mountain representatives submitted a petition to incorporate Powder Mountain property and other private property into the Town of Powder Mountain. On July 8, 2008 the petition to rezone Powder Mountain Resort was presented to the Weber County Commission during a public hearing, but no action was taken. An alternate development agreement was discussed during the hearing and later it was decided that Weber County would consider discussing other development options with the representatives of Powder Mountain. After holding a public hearing on June 1, 2010, a Memorandum of Understanding (MOU) was approved by the County Commission, though no action was taken on the rezone petition in order to allow time

for a Development Agreement to be completed. Negotiations on the Development Agreement began shortly after approval of the MOU and were recently completed.

The rezone petition is now back before the County Commission for approval. The proposed zoning map is the same map that was used when this petition was previously before the County Commission. The only change is in the approximate rezone area calculation. The previous area was 4,234 acres, but based on the legal description approved as part of the MOU, the rezone area is now 4,297 acres. This new area number does not change the project boundary or the approved density. Two public hearings have already taken place, as mentioned previously, so the County Commission can take action on the rezone petition without a new public hearing. The Zoning Development Agreement between Weber County and Western America Holding, LLC is directly tied to the rezone petition, though it is listed on the County Commission agenda as a separate item. The most recent draft of this agreement is dated October 29, 2012, though the draft label will be removed from the final document. Approval of this Zoning Development Agreement is a condition for approving this rezone petition.

### **Staff Recommendation**

The Planning Division recommends approval of Zoning Petition 2006-18 subject to approval of the Zoning Development Agreement (October 29<sup>th</sup> draft) between Weber County and Western America Holding, LLC.

### **Exhibits**

- A. Ogden Valley Planning Commission 19 Conditions
- B. Planning Division Staff Report Presented to the County Commission on July 8, 2008
- C. County Commission Minutes from July 8, 2008
- D. County Commission Minutes from June 1, 2010
- E. Approved Memorandum of Understanding
- F. Existing Zoning Map
- G. Proposed Zoning Map
- H. Proposed Density Calculation Table
- I. Proposed Rezone Ordinance and Attachments (Including Exhibit A: Legal Description and Zoning Map)



# Exhibit A

Ogden Valley Planning Commission  
Conditions of Approval  
for the Proposed Powder Mountain Rezone Request

On December 10, 2007 the Ogden Valley Planning Commission held a public meeting to consider several agenda items along with the petition to rezone property at the Powder Mountain Resort. The Planning Commission, after considering public comment, discussed the Powder Mountain rezone proposal and recommended approval with the following conditions:

**Conditions:**

1. Village core commercial space and multi-family resort village to commence with any Phase 1 improvements.
2. A seasonal emergency (ingress/egress) route be provided and improved in a manner that accommodates passenger cars. This route is to be in place prior to any commercial or residential building permits being issued by the Weber County Building Official. Gated or un-gated access needs to be addressed with the Planning Commission.
3. A second permanent access road shall be improved (originating within Weber or Cache County) to the appropriate county's standard prior to site plan approval or final approval of any dwelling unit(lot) and/or sleeping room beyond the entire (Weber and Cache County) project's 895<sup>th</sup> unit and/or room.
4. A transit plan shall be implemented that may include but not be limited to:
  - a. Airport shuttle.
  - b. Complimentary on and offsite transit service.
  - c. Park and Ride provided in Ogden City or other Wasatch Front location.
  - d. Mandatory employee shuttle originating from Wasatch Front.

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

5. An employee housing plan shall be presented and approved by the Ogden Valley Planning Commission and County Commission. This plan shall provide an acceptable number of affordable housing units (as deemed necessary by the Ogden Valley Planning Commission and County Commission) at the resort and may provide other affordable units outside of the resort.
6. No private, corporate or commercial air transportation into the Resort (excludes resort air operations, medical and heli-ski operations). "Resort air operations" refers to those aerial operations vital to construction and management of the resort i.e. lift installation and avalanche control.

7. A minimum of 30% of proposed project's gross acreage shall be permanently preserved by a conservation and open space easement granted to Weber County and/or another entity (approved by Weber County) whose purpose is the conservation of open space and wild lands. This easement shall be presented and approved by the Ogden Valley Planning Commission and County Commission prior to any developer submitting any development application/plans for any improvements within Phase 1. This easement shall include, in addition to all other appropriate language, a metes and bounds description which can be located on the ground.
8. The conceptual development plan to be amended to further reduce road miles and encourage more clustering. This "condition" is associated with density, therefore, the Planning Commission should give specific direction as to what extent the conceptual development plan should be amended after a density number has been determined.
9. Powder Mountain shall agree to develop and adhere to the State of Utah Department of Wildlife Resources recommendations with regards to wildlife buffers where the resort boundary lies adjacent to State wildlife and/or Federal lands.
10. Powder Mountain agrees to limit golf course development to one 18 hole golf course that will substantially preserve the natural landscape characteristics by incorporating a design type that utilizes native vegetation and limits large formal turf landscapes.
11. All construction to utilize Best Management Practices. Each application made to Weber County for development shall be accompanied by a summary of what Best Management Practices are being utilized.
12. Development and implementation of a wild fire prevention, evacuation and suppression plan consistent with the U.S. Forest Service letter dated November 13, 2006.
13. Powder Mountain agrees to follow the recommendations of the State of Utah Department of Environmental Quality and Utah Geological Survey as outlined in letters dated October 12, 2007 and September 18, 2007 respectively.
14. Powder Mountain voluntarily agrees to present a construction mitigation plan, landscape plan, lighting plan and sign plan to the Ogden Valley Planning Commission and gain the Planning Commission's approval on these plans prior to presenting the Powder Mountain Resort Master Plan to the Weber County Commission.
15. Powder Mountain agrees to construct and ensure the operation and maintenance of a waste water treatment facility within the resort boundary. This facility shall provide treatment, to a level of quality, that will allow and guarantee the re-use of treated water for golf course and other irrigation purposes.
16. The Powder Mountain development is limited to 3 corporate retreats with a combined number of rooms not to exceed 36.
17. The Powder Mountain Resort density shall not to exceed 1218 dwelling units.
18. Hotel development is limited to no more than 4 hotel structures with a combined number of rooms not to exceed 385.
19. Powder Mountain commercial development shall not exceed 150,000 square feet. Hotel development does qualify as commercial development and will be counted towards the 150,000 square foot maximum.

# Exhibit B



## Staff Report to the Weber County Commission Weber County Planning Division

### Synopsis

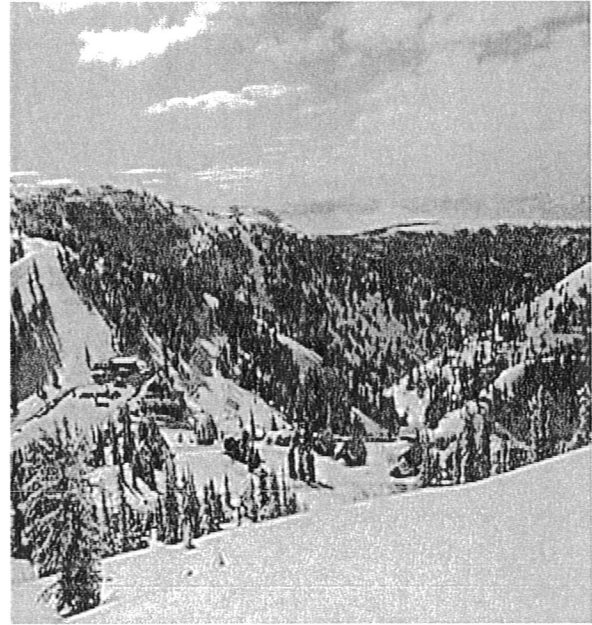
#### Application Information

**Petition Request:** Public hearing to consider a Powder Mountain Development Agreement and Zoning Petition # 18-2006 by Daly Summit Consulting to rezone property located at Powder Mountain Resort. The proposed rezone covers a total of 4,234 acres within Weber County and would change the existing resort zoning from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40).

**Agenda Date:** Tuesday, July 08, 2008

**Petition Presented By:** Daly Summit Consulting

**File Number:** ZP#18-2006



*Powder Mountain Resort*

#### Staff Information

**Report Presenter:** Scott Mendoza  
smendoza@co.weber.ut.us  
801-399-8764

**Report Reviewer:** JG

#### Applicable Ordinances

- Chapter 35: Petitioner Requirements - Rezoning Procedure Development Agreement

#### Background

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

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

The proposed master planned resort covers a total of 7,748 acres (3,486 of which are located in Cache County) however, the amendment only involves the re-zoning of 4,234 acres within Weber County and would change the zones from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) (See attached "Existing and Proposed Zoning" maps).

The Resort area was historically used as grazing land for a family cattle and sheep business until it began operations as a ski resort in 1972. The area remains bordered by these traditional "agriculture-based" land uses to the north, U.S. Forest Service lands to the west and State owned lands, that make up the Middle Fork Wildlife Management Area, to the south and east. It operates three lodges with four restaurants, a rental shop/ski school and 7 lifts servicing 2800 acres (5500 total accessible acres). Housing and other accommodations near the resort consist of approximately 20 single-family dwellings in nearby subdivisions and about 57 combined units within the existing Columbine Inn, Sundown, Moonridge and Powder Ridge Condominiums. These homes and condos are all privately owned and have no direct tie to Powder Mountain or the proposed Master Plan.

The new and expanded Resort development is proposed to be a mixed-use site that consists primarily of ski facilities, a mountain village (commercial, condo, hotel etc.), two 18-hole golf courses and primary/secondary residential uses. The project would be built in four phases over the course of eleven years (2008-2019). The first phase would be divided into three sub-phases (See attached Phasing Map).

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

Uses	Weber	Cache	Combined
Resort Acres	4,234	3,486	7,961
Skier Capacity	?	?	A ski resort expected to service 8,500 skiers on a typical peak day and have an overall skier capacity of 10,000 skiers per day
Single-Family Dwellings	610	200	805
Multi-Family Units (Townhome, Condominium and/or Condo-Hotel)	1,790	300	2,090
Hotels	1-4 (385 Rooms)	?	?
Corporate Retreats/Community Clubs	5 (60 Rooms)	6 (120 Rooms)	11 (180 Rooms)
Recreation Center/Facility	30,000 Sq Ft	30,000 Sq Ft	60,000 Sq Ft
Commercial Uses (Primarily Retail, Restaurant And Resort Village)	150,000 Sq Ft	150,000 Sq Ft	300,000 Sq Ft
18-Hole Golf Courses	2	-	2
Ski Resort Facilities (Lodges)	2	1 (40,000 sq ft)	3 (? Sq ft)
Public Safety Building (Fire/Sherriff)	1	-	1
Air Transportation Facility (Not Including Misc. Emergency Heli-pads)	-	1 (15,000 Sq Ft)	1 (15,000 Sq Ft)
Equestrian Facility	-	1 (40,000 Sq Ft)	1 (40,000 Sq Ft)

The density requested for the Powder Mountain proposal (**Weber County proposal**) has been determined to be a total of 2,405 units. This is a decrease in the number of units from what has been shown on the "Proposed Zoning Table" (Exhibit F), due to a revision of the original boundary which included land not owned by the petitioner and because hotel rooms were originally added to the overall number of units. The acreage not belonging to the petitioner has been removed (resulting in the loss of 6 units) from the resort area calculation. Hotel sleeping rooms are not considered dwelling units in the Weber County Zoning Ordinance, therefore, it is more accurate to say that the project is requesting **2,400 dwelling units plus 385 hotel sleeping rooms and 5 corporate retreats/community clubs** housing 60 guest rooms (**equating 2,790 combined units/rooms**). In addition to the proposed density numbers explained above, it should be understood that additional "lockout" sleeping rooms could possibly be associated with condominium units. This can result in an overall increase in "beds" within the Resort, however, the petitioner's findings state that the Traffic Impact Study accounts for this type of condominium use.

Density totals for Powder Mountain have been shown in two ways and in two different scenarios where densities are calculated using a "non-cluster" (no bonus) and "cluster" (bonus) approach within both current zoning and proposed zoning parameters. The existing and proposed commercial zone densities have been established by multiplying the total commercial zone acres by twenty units. These commercial zone densities are then added to each of the "non-cluster" and "cluster" totals.

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

**Existing Zoning (Potential Units = 1471) See Exhibit F – Page 1 of 2**

1. Total base units "non-cluster" = 868 Units.....868 Units + 350 CVR-1 Units = 1218 Units
2. Total units assuming full bonus "clustering" = 1121 Units.....1121 Units +350 CVR-1 Units = 1471 Units  
Commercial Zone (CVR-1) Units = 350 Units

**Proposed Zoning (Potential Units = 2794) See Exhibit F – Page 2 of 2**

1. Total base units "non-cluster" = 558 Units.....558 Units + 1940 CVR-1 Units = 2598 Units
2. Total units assuming full bonus "clustering" = 854 Units.....854 Units + 1940 CVR-1 Units = 2794 Units  
Commercial Zone (CVR-1) Units = 1940 Units

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

**Concerns Presented by the Public**

Public comments were concerned about how the proposed rezone at the Powder Mountain Resort could result in traffic congestion and the depletion of water and air quality. Access to the Resort was a main point of concern because of the existing grades of the Powder Mountain Road and a proposal to construct a secondary "summer season" access road to the Resort.

**Conformance to the General Plan**

- The General Plan also set a goal to *"Require that development be compatible with the Valley's rural character and that community services conform with the Valley's infrastructure and natural resource capabilities"*. It states that the County should identify acceptable locations for commercial development and determine a target development growth rate that assures that present and future infrastructure needs can maintain adequate service levels and are commensurate with resource capabilities.
- An expansion of the Powder Mountain Resort would conform to the General Plan in that the General Plan set a goal to *"Enhance quality recreational opportunities"*. It lists an objective to *identify recreational assets, facilities and activities in the Ogden Valley and determine which facilities might be expanded to meet an increased recreation demand*. Recreational demand will increase as the populations of the Ogden Valley and Wasatch Front continue to grow. Together with the local population, tourism rates will also continue to increase, therefore, demands on recreation lands will be significant. These demands on recreational lands can be anticipated and planned for through informed decision making at the resort development level.



- The proposal conforms to the General Plan by using development approaches that preserve open space and provides adequate emergency services and facilities.

### Planning Commission Recommendation

On December 10, 2007 the Ogden Valley Planning Commission held a public meeting to consider the petition to rezone property at the Powder Mountain Resort. The Planning Commission, after considering public comment, discussed the Powder Mountain rezone proposal and recommended approval with the following conditions:

#### Conditions:

1. Village core commercial space and multi-family resort village to commence with any Phase 1 improvements.
2. A seasonal emergency (ingress/egress) route be provided and improved in a manner that accommodates passenger cars. This route is to be in place prior to any commercial or residential building permits being issued by the Weber County Building Official. Gated or un-gated access needs to be addressed with the Planning Commission.
3. A second permanent access road shall be improved (originating within Weber or Cache County) to the appropriate county's standard prior to site plan approval or final approval of any dwelling unit(lot) and/or sleeping room beyond the entire (Weber and Cache County) project's 895th unit and/or room.
4. A transit plan shall be implemented that may include but not be limited to:
  - a. Airport shuttle.
  - b. Complimentary on and offsite transit service.
  - c. Park and Ride provided in Ogden City or other Wasatch Front location.
  - d. Mandatory employee shuttle originating from Wasatch Front.

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

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



within the resort boundary. This facility shall provide treatment, to a level of quality, that will allow and guarantee the re-use of treated water for golf course and other irrigation purposes.

16. The Powder Mountain development is limited to 3 corporate retreats with a combined number of rooms not to exceed 36.

17. The Powder Mountain Resort density shall not to exceed 1218 dwelling units.

18. Hotel development is limited to no more than 4 hotel structures with a combined number of rooms not to exceed 385 individual rooms.

19. Powder Mountain commercial development shall not exceed 150,000 square feet. Hotel development does qualify as commercial development and will be counted towards the 150,000 square foot maximum.

## Exhibits

- A. Location Map.
- B. Petitioner's response to zoning application questions.
- C. Petitioner's memorandum regarding discussion on a Transit Plan, Emergency Access, Public Use/Access and Real Estate Transfer Fees.
- D. Petitioner's suggested "Conditions of Approval".
- E. Powder Mountain summary table for proposed density and uses in Weber County.
- F. Existing and proposed density Tables.
- G. Existing and proposed zoning maps.
- H. Concept Development Plan.
- I. Concept Phasing Plan.
- J. Cache County General Concept Development Plan.
- K. State, Federal and County review letters.
- L. Ogden Valley Planning Commission minutes from December 10, 2007.

Commissioner Dearden moved to adopt Ordinance 2008-22 formalizing the County Finance Committee;  
Commissioner Bischoff seconded.

Roll Call Vote:

Commissioner Dearden aye

Commissioner Bischoff aye

Chair Zogmaister aye

## 7/8/08 Minutes

3. Contract with Buck Consultants, LLC for actuarial services related to the county's post-employment health insurance benefit plan - Contract C2008-166

Dan Olsen, County Comptroller, noted the requirement by the Government Accounting Standards Board for entities to provide an actuarial valuation of the OPEB plan. Commissioner Bischoff asked if this item had been issued as a Request for Proposal and if there were any local firms offering this service. Mr. Olsen responded that an RFP was issued a couple of years ago and the couple of local firms that responded came in at a higher cost.

Commissioner Bischoff moved to approve Contract C2008-166 with Buck Consultants, LLC for actuarial services related to the county's post-employment health insurance benefit plan; Commissioner Dearden seconded, all voting aye.

4. Contract with the 2nd District Court for bailiff and security services - Contract C2008-167

Weber County Undersheriff McLeod presented this contract renewal. Chair Zogmaister noted that the contract amount was \$557,700.00 through FY09.

Commissioner Dearden moved to approve Contract C2008-167 with the Second District Court for the county to provide bailiff and security services; Commissioner Bischoff seconded, all voting aye.

G. Public Hearing (will begin at 6:00 p.m.)

1. Commissioner Dearden moved to adjourn the public meeting and convene the public hearing; Commissioner Bischoff seconded, all voting aye.



2. Public Hearing for discussion and/or action regarding the Powder Mountain Development Agreement and Rezone Proposal of Zoning Petition #18-2006

Scott Mendoza, County Planning Department, stated that Powder Mountain submitted a petition in August 2006 to amend the Weber County Zoning Map to allow for a Master Plan for a 4-season destination resort. The petition involved 4,258 acres located within Weber County and 3,486 located in Cache County, and today's item was limited to Weber County. The request was to rezone 70 acres of FR-3, 582 acres of FV-3, nearly 25 acres of CVR-1, and 3,582 acres of F-40 as follows: 2,129 acres of FV-3, 125 acres of CVR-1, and 2,007 acres of F-40 to support approximately 2,800 units. Currently, the existing zoning would allow 1,218 units. The new and expanded resort development was proposed to be a mixed-use site consisting primarily of ski facilities, a mountain village (commercial, condo, hotel, single and multi-family dwellings, etc.), two 18-hole golf courses, a club house, two new lodges, miscellaneous maintenance buildings, a 30,000 sq. ft. recreation center, a public safety building, an undetermined number of helipads, and expanded ski area facilities to accommodate 10,000 skiers.

The Planning Commission recommended approval with 19 conditions, summarized as follows:

1. Village core commercial space & multi-family resort village to commence with any Phase 1 improvements;
2. A seasonal emergency route to be provided and improved in a manner that accommodated passenger cars; route to be in place prior to any commercial/residential building permits being issued by the Weber County Building Official. Gated or un-gated access needed to be addressed with the Planning Commission;
3. A second permanent access road to be improved to appropriate county standard prior to site plan approval or final approval of any dwelling unit and/or sleeping room beyond the entire (Weber and Cache County) project's 895th unit and/or room;
4. A transit plan to be submitted prior to any Phase 1 improvements commencing;
5. An employee housing plan to be approved by the Ogden Valley Planning Commission and County Commission;

6. No private, corporate or commercial air transportation into the Resort (excluding resort air operations, medical and heli-ski operations);
7. A minimum of 30% of proposed project's gross acreage to be permanently preserved by a conservation/open space easement granted to Weber County or another county approved entity whose purpose was conservation of open space and wild lands (approved by the Ogden Valley Planning Commission and County Commission prior to any developer submitting any development application/plans for any improvements within Phase 1);
8. The conceptual development plan to be amended to further reduce road lengths;
9. Powder Mountain to agree to adhere to the State of Utah Department of Wildlife Resources recommendations;
10. Powder Mountain to agree to limit golf course development to one 18 hole golf course incorporating a design type utilizing native vegetation and limited large formal turf landscapes;
11. All construction to utilize Best Management Practices. Each application to be accompanied by a summary of what Best Management Practices were being utilized;
12. Development and implementation of a wild fire prevention/suppression plan consistent with the U.S. Forest Service letter dated November 13, 2006;
13. Powder Mountain to agree to follow recommendations of Department of Environmental Quality and Utah Geological Survey as outlined in letters dated 10/12/2007 and 9/18/2007 respectively;
14. Powder Mountain to agree to present a construction mitigation plan, landscape plan, lighting plan and sign plan to the Ogden Valley Planning Commission and obtain Planning Commission's approval prior to presenting the Powder Mountain Resort Master Plan to the County Commission;
15. Powder Mountain to agree to construct and ensure operation/maintenance of a waste water treatment facility within the resort boundary & provide treated water for golf course;
16. The Powder Mountain development is limited to 3 corporate retreats with a combined number of rooms not to exceed 36;
17. The Powder Mountain Resort density shall not exceed 1,218 dwelling units;
18. Hotel development is limited to no more than 4 hotel structures with a combined number of rooms not to exceed 385 individual rooms;
- 19 Powder Mountain commercial development shall not exceed 150,000 square feet

Brooke Hontz, Project Manager for Powder Mountain, stated that after analyzing the Planning Commission's approval and all the feedback received, the petitioners decided to file for incorporation in January. Immediately there had been much feedback and in March 2008 Commissioner Dearden approached the petitioners to discuss the issue and see if possibly there was another option such as a development agreement. The petitioners had agreed to discuss the issue and the public had a great opportunity to offer input. Ms. Hontz said there were two possible solutions: agreement on a development agreement or completing the incorporation petition. The proposed agreement included about 6,350 acres of Powder Mountain land in Weber County, which was about 1,800 acres added to the area covered by the development agreement at the Commission's request. The 1,800 acres was about 90% open space, located west of the 4,500 acres in the original plan. Within the 1,800 acres there was an island of 160 acres that would be excluded. She indicated that the petitioners had included all the conditions, or intent of the conditions, they felt the project could support in this draft agreement. They would like to have the sewer treatment onsite but were unable to put it in the agreement. They wanted to bring the treatment to a level whereby they could reuse the water onsite for various applications, however, this was subject to State approval. Ms. Hontz outlined some of their key points of this draft development agreement including that it ran with the land; that the petitioners would align what they felt appropriate (including ski & golf) on the property; it established the maximum density of 3,950 dwelling and hotel units on the entire 6,350 acres—the density would average .62 units per acre, which was less units per acre than the originally proposed rezone because hotel units were unrestricted, and was lower than other world class resorts; it had a minimum of 70% open space; created the Powder Mountain Local District; established a 1% transfer fee assessed when any parcel within the project was transferred to a buyer; and the incorporation petition would be automatically withdrawn by the incorporation sponsors at the meeting of the approval of the development agreement.

Commissioner Dearden asked about the following: plans for the batch plant/gravel pit for the development because concerns had been expressed; the fire station, which was not written in the agreement but had always been in the discussions and was referenced in the Weber Fire District's letter that the petitioners would build and equip; and that the petitioner wanted the sewer system higher on the mountain. Ms. Hontz responded that they planned to use onsite materials as much as possible, trucks would not run on certain days/times of the day, the petitioners had an agreement with the Fire District to have an onsite fire station and would have to sign the agreement before moving forward with development; and the technology being used by Powder Mountain Water & Sewer currently used for the Resort was "old school" (sewer ponds) and the petitioner had not planned on utilizing more ponds because there were better ways to treat effluent. They

hoped to treat it onsite and closer to the development but the exact location was not known because the State had to approve it. Commissioner Bischoff asked if the State permitted water re-use because he was not aware of it and Ms. Hontz believed they did but could not cite those facts and added that the petitioners were willing to try to get the State to change that. She showed a map stating that the items labeled villages were areas of more intense uses.

Chair Zogmaister noted that there had been much interest in this issue. She invited public comments and following is a summary:

Ron Gleason, of Huntsville, asked the Commission not to take any action until the public had an opportunity to see the development agreement. Mr. Gleason asked the petitioner to publish it, including all maps. He stated that the 3,950 units were just for Weber County and there was no idea how many there were in Cache County and had no information on a road to reach those additional units. He would like Weber County to conduct its own traffic analysis, not to simply accept the petitioners' document. He added that nothing was mentioned in the new development agreement regarding the heli-pads and he would like them used for possibly construction and medical emergencies, not commercial operations because of the disturbance it would cause for Ogden Valley.

Paula Sowers, of Eden, expressed concern with traffic stating that there was already significant traffic on one road and everything coming out of the development would have to use that same road. She asked where all the water would come from for two golf courses and the culinary water. Ms. Hontz said that the water would come from sources on the site—some existing, some new well sources within the project boundary.

Richard Webb, of Liberty, asked for clarification on the secondary road and whether the rights of ingress/egress would be secured and Ms. Hontz responded that those public rights already existed, that there should be a certain level of need for the property to be developed before traffic would be sent that way, and the petitioners would want the county and those affected to participate in that decision. The petitioner did not feel a secondary access was warranted by the amount of traffic to be generated by the current proposal, but were willing to look at a secondary access in the future.

Sharon Holmstrom, of Eden, expressed how critical it was not to have commercial air in the tiny bowl of the Upper Valley where every sound carried, which would not be acceptable to the ambiance of the Upper Valley. Ms. Holmstrom reiterated the need for the public to have the opportunity to see the development agreement. She noted that Powder Mountain had originally requested 2,800 units and now they were asking for 3,950, and felt the petitioners were taking advantage of a loophole because last August they got prior knowledge that HB466 would be forthcoming. She asked if any of the villages would lie on the Valley floor. She said that there was a policy not to add density above what currently ran with the land, unless it was density that was traded for open space and cautioned that the Commission consider they might have to allow the same for Snow Basin, Wolf Mountain, etc., and this proposal was above and beyond what ran with the land.

Steve Clarke, of Eden, of Eden, asked if the petitioner would commit to an emergency access/all-season access into Cache County, rather than to evaluate it as traffic increased, and date that document, if in return for the difference in density between 1,218 and 3,950 the petitioners would provide a 5% real estate transfer fee in perpetuity, rather than 1% (to provide some money to buy land/development rights in the future)—this would be more comparable to the amount of ground and the number of units proposed, and if the petitioner would be willing to purchase property on the Valley floor and turn it over to the land trust now—commensurate with the difference in the number of units and the number of acres to be determined by review and agreement. Additionally, that the public needed the opportunity to read the details of the plans to ensure the Planning Commission recommendations were being addressed in the development agreement.

Courtney Orum, of Eden, expressed her major concern as the sewage treatment plan because the location had not been defined, that Valley residents should know where it would be located and said that everyone lived downstream.

John Klisch, of Eden, noted that it would be a huge giveaway to go from existing zoning of 1,218 to 3,950 units and as an example, the property was worth \$100,000 each, with the rezoning that the county would be giving, Powder Mountain would receive \$273,200,000.

Keith Rounkles, of Ogden Canyon, had been on the Planning Commission and noted they had been very careful on establishing the conditions and felt they had been fair. He expressed concerns with other

developments asking for this same thing. He noted that Snow Basin Resort had been willing to work with them and had come up with the 1% real estate fee and to retire the entitlements on the properties but Powder Mountain was not willing to do that, but simply wanted more, which he did not see as fair. He expressed frustration with Powder Mountain holding the county hostage because of another law, and that they did not consider the detriment to the community.

David Hartman, resident of South Ogden, President of Ogden-Weber Chamber of Commerce, said that our economy was strong and believed that working with Powder Mountain would be valuable to the community long term.

Cami Geiger, of Ogden City Business Development, read a letter from Ogden Mayor Matthew Godfrey, which spoke in favor of the proposed development, that it would help recognize the community as the capital of outdoor recreation.

Cindy Purcell, of Eden (Powder Mountain Road), asked if there were plans to improve the existing road, that she could stand on her driveway any day of the year and smell the vehicle brakes, and the 4,000 homes with two cars per home concerned her greatly.

Kirk Langford, of Eden, felt that development at Powder Mountain was a good idea but was extremely concerned at the proposed density, which was too big of a project considering the size of Ogden Valley. The Master Plan called for a rural atmosphere and another 4-7 resorts had not yet come to ask for extra density. He noted that currently there were 17,000 units in that small bowl of Ogden Valley, a city of 40,000, with a small highway, and a proposed 10,000 skiers/day. Nearby resorts had much smaller allowed number of skiers. Other resorts had been amenable to transferring units and not just ask that they be handed to them. He expressed concern that people would not want to come to Ogden Valley to be in such traffic congestion on a road that was about 15% grade, with the air pollution, stumbling over 10,000 others, and failure of this proposal adversely affected re-branding Weber County, Ogden City and the rest of the Ogden Valley.

Dan Schroeder, of Ogden, speaking on behalf of the Sierra Club in the county (300+ members), expressed that Powder Mountain did not have to be good neighbors because they had this land that they could hold over the county and threaten to incorporate if they did not get what they wanted, and this concerned him greatly. It is important to look at what immediately borders the Powdered Mountain property—a wildlife management area, that there were some conditions in the Planning Commission's recommendations that would help in this regard but the petitioner had said nothing about implementing those in the development agreement. He said they felt that those conditions needed to be even stronger than recommended by the Planning Commission. He expressed concern if the backyards abutted that boundary and people considered that wildlife management area an extension of their backyards—which happened frequently in northern Utah—and people did inappropriate things. He recommended a buffer zone around the boundary of the wildlife management area, which benefitted everyone in the county who enjoyed the wildlife. They were also very concerned about the total number of proposed units.

Kent Lundell, of Huntsville, said that not all homeowners would live there at the same time and if built right it could be a good project.

Steve Clarke, of Eden, said that there seemed to be a question about the density and he noted that 1,800 acres zoned at 1 per 3 acres would be 600 more residences, which would raise it to 1,800 but it was unlikely that it was all zoned at 3 acres, probably most of it was zoned at F-40, in which case there could only be 45 more residences, and by right density it should be between 1,218+45 and 1,218+600 with the extra 1,800 acres requested by Powder Mountain and with the rezone they had requested, it raised it to 2,800 and an increase to their CVR-1 by a large amount. However, the Planning Commission came up with 1,218 and that was what the county was obligated to, anything beyond that was at the county's discretion, but it was a large difference and the county had the right to ask for some kind of quid pro quo for that kind of density.

Catherine Feeney, of Ogden and owner of a ranch in South Fork Canyon, spoke in opposition to the proposal because the petitioner was trying to circumvent the Planning Commission's rules, which she considered cheating. She expressed concern with traffic and the road stating that anyone who had gone up there skiing had burned up their brakes, and thus another road could help. She also expressed concerns with sewer and where they would get the needed water. She asked the Commission to deny the request.

Susanna Sherman, of Eden, asked the Commission to consider the youth because they would be the ones



dealing with these issues later. Other young people she had talked with did not want to have to deal with the congestion and all the problems. Devon Coggins, stated he did not live in Ogden Valley but felt this development could do a lot of good to the community.

Alan Day, part time resident of Eden, Utah, and of Arizona, stated that there were numerous examples of large and small developments that failed due to water and other problems after the fact when the developers are long gone. Mr. Day noted that developers can prepare a beautiful package with inadequate things in place leaving others to pick up the pieces and that new development generally does not pay its way, that impact fees are after the fact discovered not to have been adequate. He stated that Ogden Valley had been down zoned and the huge majority of those residents were in favor of it, but the only issue being discussed was an up-zoning and asked why down zoning was not on the table.

Sharon Zini, of Huntsville, asked the Commission to let the people see the details on the proposal. She had been to every Ogden Valley Planning Commission meeting and some of the items presented today were new. She asked that the development agreement be very specific on every single item for the developer to accomplish, not to leave room for items to be changed to the petitioners' discretion.

Kimball Wheatley, of Huntsville, former Ogden Valley Planning Commissioner, stated that the Master Plan included the Carrying Capacity Analysis chapter which stated the Valley would be saturated on three natural boundaries at a buildout of 6,200 units and that the Planning Commission realized what an error had been made at the by rights buildout of about 17,000. The County Commission adopted the Recreational Element chapter which had several recommendations for retiring density and in no case does the Master Plan state that density should increase, that it would be beneficial. He asked the Commission to consider the risk of approving a project of this magnitude up that road over the advice of UDOT. Over the last six years four people died from brake failure going down Powder Mountain Road. If traffic is increased by ten fold, which was being proposed in the petitioner's traffic analysis, the deaths would significantly increase.

Russ Brown, of West Haven, stated that in the 1970's he had driven for UTA on Powder Mountain Road every weekend and the bus had made it, and he felt that the project would be a good tax base.

Leann Bose, of Huntsville, asked that because of the loophole in the law if the Commission denied this proposal would they become Powder Mountain Inc. and do what they pleased and not consider the Valley. Chair Zogmaister responded that the petitioner still had the opportunity to incorporate. Regarding the comment by Mr. Brown, she said that she had ridden that bus and they had slid on the first corner.

Mike McMann, of Huntsville, stated that he worked at the Alta ski area and had driven those canyons daily for 20 years and if asked, the Snow Bird Corporation would say their biggest concern would be the road. It now was bumper to bumper every weekend from 3:30 p.m. to 6:30 p.m., and this was with no mishaps.

Gary Fulmer, of Eden, noted a town in Colorado where there were major ski resorts and that most people came in by buses. Mr. Fulmer was extremely concerned about other ski resorts coming in to Ogden Valley or the current ones expanding, and how to transport people around the Valley from resorts, hotels, etc. He encouraged the Commission to ask the petitioners and other resorts to formulate a plan for a mass-transit system to mitigate the traffic. Regarding the Planning Commission's 19 conditions, he was still unclear as to what the petitioners had agreed to and what they opposed and it was a reasonable expectation that the public know before any formal vote on this petition. Ken Camello, resident on the road to Powder Mountain and representing 38 owners of Wolf Star P.R.U.D., stated that he was not against development but a development of this scale with so many contentious issues was beyond comprehension. He asked the Commission that a couple of items be completed prior to considering this rezoning—that the road be tied to specific development stages and if they wanted to go beyond (i.e., 1,200 units) that the petitioner put in another road. He noted how dangerous it was to go to the top of that road and that a tram would help. He said that a lot of Valley residents had no confidence in this Powder Mountain group, indicating the petitioners had done nothing in the last few years to show credibility, citing other groups that did the job right and that were willing to work with the community. From Mr. Camello's experience, when developers got most of their requests, they put the property up for sale and moved on, leaving problems behind.

Commissioner Dearden summarized the major questions that had been asked during tonight's meeting for Ms. Hontz to respond:

1) if any of the villages were below the plateau of the Valley floor. Ms. Hontz showed an area (as one goes up



the road) stating that was not on the Valley floor but was not up on the mountain either.

2) if there was an emergency access commitment. Ms. Hontz read the statement from the development agreement stating that Powder Mountain would support Weber County in pursuing development of a seasonal emergency ingress/egress route providing alternative access other than SR 158 to and from Powder Mountain, which was to be a collaboration between Powder Mountain Resort, Weber County and appropriate stakeholders. Because it was a public road, the developers supported Weber County in improving it. Commissioner Dearden noted that the county had a right-of-way that could be utilized and it was not necessarily the one to be used.

3) a commitment to a certain density along the road. Ms. Hontz stated that the petitioners' traffic study and supplement showed that the traffic was supported by the proposed density and the road could be utilized in an appropriate manner, that there were access points in the area and the county was responsible to determine when and where they were appropriate. The road mitigation plan included plans to enhance it at certain stages of development.

4) wildlife management buffers. Ms. Hontz did not have that part of the development agreement with her but stated the petitioners had been in contact with the Division of Wildlife Resources (DWR) and county staff, and that DWR was enthusiastic about being able to control access points to/from the property and they had discussed with staff locations to have appropriate size buffers.

5) traffic mitigation issues. Ms. Hontz said that the plan included with the development agreement was a preliminary one and would be enhanced as development evolved. The initial plan combined airport shuttles, on/offsite transit service, park & ride locations, and employee shuttles.

5) 5% transfer fee/buying property on the Valley floor. Ms. Hontz said that the proposal was for 1% and the petitioners felt this was adequate, that they had done much research. Commissioner Dearden had asked the petitioner to consider putting some money, \$250,000, into an account right now as part of this agreement to get the process moving if that was the chosen direction and he had not received an answer yet. Ms. Hontz said that the petitioners were willing to frontload the 1% fee and that could be written into the agreement but she would check on the amount.

3. Commissioner Bischoff moved to adjourn the public hearing and reconvene the public meeting; Commissioner Dearden seconded, all voting aye.

4. Action on public hearing:

Chair Zogmaister expressed thanks for all the comments. She noted that the purpose of tonight's hearing had been to consider the rezone request and to have Powder Mountain present their development agreement. She asked if Powder Mountain would consider making the development agreement available. David Wilson, Deputy County Attorney, said that at this point it was a draft agreement and there were still considerable changes to be made, that the main body of the document could be made available one week from today on the county's website and County Planning would continue working through the details and the exhibits. Chair Zogmaister noted that she anticipated comments being received once the development agreement was made available and that no action would be taken tonight.

Commissioner Dearden stated that one point that had come out repeatedly throughout discussions on this item was density and he asked Ms. Hontz that the petitioners revisit it and see what they could do. Chair Zogmaister noted that the other key issue that kept resurfacing besides density was the road and she asked Ms. Hontz to see if these issues could be better addressed by the petitioners. Commissioner Bischoff thanked Powder Mountain for being willing to have dialogue and he commended Commissioner Dearden for reaching out to Powder Mountain and starting discussions on options to an incorporation.

H. Assign Pledge of Allegiance & Thought of the Day for Tuesday, July 22, 2008, 10 a.m.

I. Public Comments: None

J. Adjourn

Commissioner Bischoff moved to adjourn at 8:12 p.m.; Commissioner Dearden seconded, all voting aye.

Hart; Commissioner Zogmaister seconded, all voting aye.

6. First Reading of an Ordinance making certain changes to Title 24, Chapter 7 of the Weber County Ordinances relating to the RAMP Tax

David Wilson, Deputy County Attorney, stated that this amendment is to ensure population-based RAMP grant projects are completed within one year of the date of the notice of the approval letter sent by the County Commission. If they fail to complete the projects and the Commission does not extend the time, RAMP funds for those population grants will be reallocated to other RAMP projects.

Commissioner Zogmaister moved to approve the first reading of an ordinance making certain changes to Title 24, Chapter 7 of the County Ordinances relating to the RAMP tax; Commissioner Dearden seconded, all voting aye.

7. Power Easement Agreement with Rocky Mountain Power - Contract C2010-122

Nate Pierce, County Operations Department Director, stated that this was the second part of an agreement approved on 5/4/2010 for an underground power supply to the current Animal Shelter expansion project. It is for an easement for placement of that underground power source. He noted there had been a problem with the easement description a couple of weeks ago.

Commissioner Dearden moved to approve Contract C2010-122, Power Easement Agreement with Rocky Mountain Power; Commissioner Zogmaister seconded, all voting aye.

F. Public Hearing:

6 / 1 / 10 Minutes

1. Commissioner Dearden moved to adjourn the public meeting and convene the public hearing; Commissioner Zogmaister seconded, all voting aye.



2. Public hearing to consider and/or take action on Zoning Petition #18-2006 involving a request to rezone property located at Powder Mountain Resort. The proposed rezone covers approximately 4,234 acres within Weber County and would change the existing resort zoning from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest 40 (F-40)

Chair Bischoff noted that Commissioner Dearden had been the point commissioner on this issue, which had taken a lot of time and effort by the commissioner, developers' Western America Holdings (WAH), committees and citizens.

Commissioner Dearden stated that Powder Mountain filed for incorporation in January 2008 under statute HB466, which did not require an election or even a majority of registered voters to sign a petition for incorporation. Moreover, the legislation did not allow residents to elect their first mayor and town council. In his opinion, the incorporation took the citizens entirely out of the process. The intent or purpose of incorporation legislation is to help citizens form their own town when they desire local control or more municipal type services. Because the petitioners for incorporation met the requirements of a "qualified petition," the Commission approved the petition for incorporation but declined to appoint the mayor and town council from the list provided by the incorporation petitioners. The Commission started dialogue with WAH to see if a development agreement could be reached to take the incorporation petition off the table. For about four months there was work on a development agreement that came before the Commission in a public hearing on 7/8/2008 but was not acted upon. Litigation ensued to determine the Commission's ability to appoint the town council from a wider pool of people. In the meantime, the legislature met and passed corrective legislation (HB218).

Commissioner Dearden noted that Representative Froerer ran a bill to allow for disincorporation immediately upon incorporation of the town, which failed last year. He ran the bill again this year and it failed again. During the legislative session, WAH contacted the Commission and asked if they would be willing to discuss the issue again and tonight a Memorandum of Understanding (MOU) was discussed. Commissioner Dearden noted that much time and effort had been put forth on the MOU (there had been 12-13 drafts).

Scott Mendoza, County Planning Division, gave some history stating that on 9/6/2006 representatives of Powder Mountain Resort submitted a petition to rezone approximately 4,234 acres in order to accommodate future expansion and development of a 4-season destination resort. On 12/11/2006 the project was presented to the Ogden Valley Planning Commission as a discussion item only since Weber County was in the midst of developing a destination and recreation resort zone ordinance. The project was voluntarily put on hold by the petitioner, anticipating that the resort ordinance could be completed by the 2007 Spring, however, development of the resort zone ordinance went beyond this time frame. The petitioner requested that the project be placed on the 7/11/2007 Ogden Valley Planning Commission (Planning Commission) agenda to reintroduce it, which occurred, and it was then scheduled for a Planning Commission meeting on 8/1/2007 and nearly 500 fairly detailed public meeting notices were sent to residents. The item was tabled in order to allow the petitioner time to gather specific information related to the questions that had been asked. County staff and the Planning Commission continued working with the petitioner's representatives and during the next four months five meetings were held, including an informative field trip to Powder Mountain. By the 12/10/2007 Planning Commission meeting, the planning commissioners felt they had taken ample public input and received the information they had asked for. They recommended approval of the project to the County Commission subject to 19 conditions, listed in the staff report. On 1/18/2008 the petition for incorporation of the town was filed with the Clerk/Auditor's Office and five weeks later the project came to the County Commission.

Joseph Pierce stated that he and Steve Nielsen, who was also a presenter tonight, were partners in a firm called Pronaia Capital Partners, LTD, the asset management company for WAH, the developers. About 8 months ago a number of Powder Mountain limited partners asked Pronaia to take over the management because they had been unhappy with prior management. Mr. Pierce said that neither the developers, the Commission nor many residents were happy with the MOU and everyone was making hard decisions in reaching it. Between 25-30 people (including Mr. Pierce, Utah senators, representatives, Commissioner Dearden and a number of Eden residents) had met in a room at the legislature and were arguing their positions when Senate President Waddoups told them to go back and try resolving their differences. They have been working on this issue for 4-5 months and the MOU, though not the final step, is the result of discussions with residents, Planning Division staff, Commissioner Dearden and counsel for both parties and it begins the process of eliminating incorporation and litigation. A development Agreement will need to be passed and that process will take 6 months or longer.

Mr. Pierce highlighted the following sections of the MOU that had been specifically requested by a number of residents and/or the Commission: Section 2.5, Open Land Donation - sets incremental amounts to be donated by WAH to purchase open lands. Section 4, 1.5% Transfer Fee - whereby the developers agree to the imposition of a 1.5% real estate transfer fee on all real property transfers within the Powder Mountain project to any retail buyer and those funds will be used for open space purchase and road improvements. Senate Bill 161 enacted at the 2010 legislative session may prohibit the assessment and use of transfer fees and under this MOU the parties agree to seek amendment. If they are unable to obtain it, they will set up a trust/mechanism to hold 1.5% of the real estate sales proceeds. Last week Pronaia met with a number of residents who were concerned with Eden Heights being included in the MOU. Those issues will be resolved separately and Mr. Pierce said that the developers and the Commission decided it was prudent to remove Eden Heights entirely from the MOU. There will only be one golf course, which had also been requested.

Mr. Pierce showed a rendition of the project stating that, as part of the development agreement, they would be clustering significantly with villages and pods and more than 80% of the property would be open space on the mountain top. He said that there are challenges to resolve in the development agreement but feels they are resolvable. He read a letter in support of the MOU from Ogden City Mayor Matthew Godfrey. Mr. Pierce noted that many ask why 2,800 units and this was a result of extensive analysis as to what will make this a successful project. He assured that this would not be a short-term development process anticipated over 25 years, and in the next five years to have about 150 units.

Mr. Nielsen addressed some questions that had been voiced at individual and community meetings:

-A main concern is the safety of Hwy. 158/Powder Mountain Road and Mr. Nielsen said the developers share those concerns and want to see improvements. It is a UDOT-maintained road and WAH has made suggestions and offers to UDOT to try to improve that road, including sending a Powder Mountain manager to a meeting with UDOT and offering to deed land to UDOT and provide Powder Mountain's equipment and personnel to build a runaway ramp; UDOT has not accepted those offers. According to UDOT that road had 14 crashes in 2006, 16 in 2007 and 13 in 2008.

-Secondary-road access - the developers have examined this closely, looking at access through Cache County, Monte Cristo, etc., but there are big challenges with this issue. The developers feel it is better use of money to

put it toward the primary road because 90% of those that travel to Powder Mountain use that road. The developers will continue working with UDOT.

-Transfer Fee - there have been many questions about this issue and Mr. Nielsen said that this 1 ½% fee would be applied to all the units, even those that Powder Mountain is currently entitled to, and would be a significant financial benefit.

-The number of units can change with 2,800 units all planned at the top of Powder Mountain there would be a mix of units, some single family, condominiums, hotel, etc., and they were using conservative selling prices (single family, \$750,000, condos \$450,000), resulting in \$17 million to go to open space and road improvements and they want to change legislation and keep that fee perpetual.

-The developers anticipate that 80-90% will be second homes in this top of the mountain development. Mr. Nielsen said that traffic from secondary homes would be less than that of primary homes.

Chair Bischoff invited public comments and following is a summary. Many expressed thanks to the Commission for their many efforts in trying to resolved this issue.

Darla Van Zeben, Eden resident/in the proposed town area, stated that everyone was present today because of a bad law. As one of the plaintiffs, she said that the lawsuit was not a panacea that would make this go away, that the court did not rule on the fairness of the situation, only on the legality, and that the citizen lawsuit plaintiffs were on record as supporting the Commission's approval of the MOU. One of the most compelling reasons to accept it was that it keeps the entire Ogden Valley together, including the 20,000+ acres that constitutes Powder Mountain Town, in one planning and zoning entity. For a compromise on density on 4,200 acres, the county preserves its ability to control zoning on the other 16,000 acres, including the hillsides. Additionally, Valley residents maintain their right to have a voice in what happens to that very large tract of land. As of this morning, of the 28 voters in Ms. Van Zeben's subdivision, Wolf Creek Subdivision #1 (the closest to the proposed development), 24 are in favor of this MOU. They will be impacted all the traffic to Powder Mountain runs right through their neighborhood, and they are counting on the Commission to protect them with what they include in the development agreement.

Steve Clarke, of Eden, stated that the MOU represented good progress on the part of both parties and he asked the Commission to table a decision, enabling continued work on two major MOU issues: fairness; putting teeth into the road study, and one process issue. In 1998 Valley residents who owned more than one acre gave up 2/3 of their building rights when the minimum lot size was changed to 3 acres, in the interest of supporting the General Plan. They depend on the Commission to protect that and not grant rights back to developers who request generous rezones. Taking from one and giving to another seems unfair. The petitioners suggest a real estate transfer fee to be used to increase open space, promoting a rural atmosphere and this would be an excellent idea if it was legal. He recommended tabling the proposal to get the legislature to make it legal. He agreed with the idea of a trust fund, but it would only be in effect for the first land retail sale structure and would return much less to be used for open space in the long run. The proposal to provide \$1.35 million on full build-out is a relatively small amount, most of which comes late in the project life. The petitioner has offered to conduct the road study and the proposal should be tabled to arrive at a plan which really improves safety for residents and visitors. Finally, the issue whether to work for a pragmatic solution or stand on principle needed to be decided. The possibly legal but immoral petition to incorporate has pushed this decision toward the pragmatic side. The residents are held hostage by the developers who maintain their investors are holding them hostage, and the State Senate holds the Commission hostage. He urged the Commission to stand on principle and push the incorporation back to the Senate leadership.

Cheryl Sowers, of Eden, stated that their family has raised four generations at Powder Mountain, which offers employment and recreation. They know the road is a concern. Powder Mountain offers bus service to the mountain and the State has a gate and has the option to close it if it is not safe. Perhaps the State and county could post more signs about safety.

Judy Knudtson, of Eden, stated that she and her husband were full-time residents and were among families being forced into the proposed Powder Mountain town and were not at all happy. They felt this was a move by former Powder Mountain representatives who took advantage of a loophole in the law so they would not have to deal with county development regulations they did not like. New Powder Mountain management put forth an MOU and she supports it, though it is not perfect. She has invested time and money in the lawsuit and believes that money and powerful lobbying impacted law makers. Twice a bill that would have deleted Powder Mountain town was buried in the Utah legislature with no hope of passing. Fairness is another issue that bothers many residents who ask why Powder Mountain got zoning variances when many land owners gave up development rights when the FV-3 zoning was imposed in the Valley. Powder Mountain is a jewel and should be developed and maintained in a pristine manner.



Drew Johnson, of Eden, stated that the commissioners had been put in a difficult position of having to negotiate for hostages and stated he was not a bargaining chip. He asked the Commission to table this issue to allow Powder Mountain to withdraw the incorporation petition and pleaded with Powder Mountain representatives to rescind it stating that the Valley would resent them, creating an irreparable chasm.

Ed Adair, of Eden, stated that there was far more at stake than the 57 families that, in his opinion, had been unethically held hostage by the incorporation statute that had been put into effect and later rescinded. There seems to be plenty of support by Valley residents to see the lawsuit to the end, if the legislature does not pass a law to eliminate this situation. He expressed concern with the MOU and specifically noted language relating to introductory transfer fee amounts referred to by Mr. Pierce because there were no specifics. He believed the developers purchased this property knowing that it had a dedicated amount of units allowed under the resort ordinance, yet they went ahead and purchased the property thinking they could increase it by more than double the set number. He asked the Commission to examine that number carefully.

Jon Bingham referred to a citizens guide book to land use regulations and the nature of decision making by the Commission. He noted that citizens, the Planning Commission and Planning Division staff had invested thousands of hours and tax dollars on many public meetings with input from all interested parties to come to a consensus, the Planning Commission recommendations and conditions for approval are a compromise between the developers' request to rezone and the public interest to maintain their health, safety and welfare, which were trumped by the developers desire for higher density. The Planning Commission's recommendations were a representation of the public's desire and as elected representatives the commissioners needed to represent the citizens by implementing the recommendations by the Planning Commission, that those were not a starting point for private negotiations. The arrogance of the developers was clearly by holding the citizens and elected officials hostage they desire to get significantly higher density zoning, the MOU is clearly against the desire of the Valley community at large, and the community has adopted a 3-acre minimum zoning in its General Plan to preserve its rural nature. Adopting the developers request was a slap in the face of every Valley land owner. He urged the commissioners to explore the reasoning behind their decision as they considered the issue.

Jody Smith, of Eden, referred to an editorial letter, reading a portion of it relating to Senator Bennett's demise, which may have been related to his vote to bring all the garbage to Utah. She stated that the citizens were getting the "short-end of the stick" and that she will continue to fight for the cause.

Erin Stokes, resident of the proposed town, stated that she was upset because some of those speaking were not part of the Valley and those who live there would be stuck in a parcel of land between Wolf Creek resort, which was going under, and a resort that would be private or bankrupt because they cannot develop it. This would make their home values decrease. She felt this was the commissioners' fault because they could have made a decision 2 or 3 years ago. Chair Bischoff asked what decision the commission had not made and she responded she did not see why this had gone this far.

Mike Zeleznick, of Huntsville, stated that there were less than 5,000 people in the Valley when was growing up, there are so many more now. Some years ago an EPA study indicated that the Valley could only support a certain number of people; this development is way above that. He addressed sewer problems for those living downhill from the development as well as traffic issues, indicating that if these very large developments are continued to occur, the river will have to be paved over.

Dan Schroeder, of Ogden City, representing the Ogden Sierra Club, noted he had already mailed comments to the Commission and would not read those. After hearing various points tonight, he felt the MOU was headed in the right direction, but was not ready yet, and asked the Commission to table the item to keep working on it. He wondered why there was no development agreement being presented tonight so the people could see the details. He shared Mr. Clarke's uncertainty regarding the road. He noted that nothing had been said about protecting the wildlife management area and the Sierra Club was very concerned about the 9-mile long border between Powder Mountain property and the wildlife management area, particularly where private residential lots adjoin those public lands because there are always those who consider the public lands to be an extension of their own backyard and take their ATVs, snowmobiles onto those lands. Currently, that area is managed so that all public entry is prohibited each winter until April 15 and he cannot see how this could be enforced unless there is a buffer zone. The buffer zone would have other advantages such as a fire break, access for fire fighters, and could have ascetic benefits. He was concerned about what the mountain would look like from below if there are a lot of ridge-top homes and asked that the boundary be pushed back somewhat to improve the quality of life in the Valley. He noted there was no provision in the MOU allowing

that language to be added later so now was the time.

Dave Hartman, President of the Ogden/Weber Chamber, resident of South Ogden, stated that the MOU was a good first step in moving forward to help the development become a reality while providing assurances to citizens that they won't be railroaded into something where they do not have any say, recognizing that these types of agreements cannot be perfect at the onset.

Steve Waldrip, of Eden, thanked the group of citizens that created a situation where citizens' voices could be heard on this issue. As a real estate developer by trade, an attorney, and working at the Ogden Business Depot, he said that the MOU seemed to be a good framework and step in the right direction toward a reasonable compromise, however it left a lot to the imagination, the detail was so lacking that there was a great deal of room for potential misunderstanding and future disagreements, even in good faith and accepting the MOU as a binding document was a mistake. He suggested making it non-binding on both parties so they could continue in good faith, withdraw the lawsuit, and come back with sufficient detail where an informed decision could be made.

Keith Rounkles, Ogden Valley Planning Commissioner, brought a huge stack of paperwork to the podium relating to the resort ordinance and stressed that the Planning Commission did not make its recommendations blind but had been very thorough in their decision-making and had been commended by the Valley citizens, the Standard Examiner, etc. Mr. Rounkles noted that every time the Planning Commission had come close to making a decision on the resort ordinance, Powder Mountain would always come back wanting to make changes. The Planning Commission had recommended approval. He likes Powder Mountain but said it was too bad it had boiled down to them drawing a circle around some people and telling them that was the way it was going to be, and the citizens had no say. He read a portion of a newspaper article from Cache County stating that the attorney for WAH wrote a letter to Cache County threatening to sue and Mr. Rounkles noted that this was their pattern of doing business rather than trying to do what is right for the people. He stated that density was a problem and they cannot live with it. He hoped for people coming together and working through the issues.

Bill Dowell, an engineer, resident of Eden in the proposed Powder Mountain town area, said that the Ogden Valley General Plan had taken a lot of effort, that people had given up a lot to go to the 3-acre minimum zoning, the Planning Commission had worked very hard in evaluating the proposed rezoning, and there were two parts to this issue: 1) the unconstitutionality of the bill that initially allowed this petition, and 2) that the residents had no right to vote for the initial city council. He opposed having the town formed because it would negate any county planning and zoning, but with a high probability that the town would occur, he preferred the MOU, though it was not perfect, particularly with the high number of units being given. He agreed with removing Eden Heights from this MOU because it would practically be on the valley floor.

Richard Webb, of Liberty, stated that he did not want Powder Mountain to go out of existence and he had empathy for the residents of the proposed town. The Planning Commission had recommended 1,218 units, the MOU discussed 2,600 and he did not see where was the compromise. The developers' \$1.3 million figure over 25 years in today's dollars was about \$150,000 and not much open space can be purchased for that. The 1.5% transfer fee was highly questionable and the \$20 million presented by the developers was highly overstated. He expressed concern over density, but particularly setting a precedent and other developers wanting the same. When these developers do not get what they want, they threaten lawsuits—they expressed empathy for the residents but yet will not drop the lawsuit—if they really felt uncomfortable with their position, they would drop it. The developers can buy the density they need but they simply do not want to; they want the county to give it to them. Other developers have bought the land and provided the open space. Additionally, there is a methodology which the county has supported—the Ogden Valley General Plan—and the citizens appreciate that and the Commission has been consistent. This item is a major inconsistency with the General Plan.

Chelsea Maughan, resident of the proposed town and city planner by trade, stated that she supported her neighbors who are parties to the lawsuit. She feels terrible that the issue had even reached this point. The investors held the residents hostage. She referred to the MOU section that stated WAH would pay for a traffic study after completion of Phase 1, stating that it was completely unreasonable to come for any project without a traffic study in hand or to allow the developers to build 1,477 before this study is completed; they can do it incrementally, but should not be allowed to build more than 150-200 without a traffic study and completing any of the recommended approvals.

Al Sheridan, of Huntsville, stated he did not want to see the character of the Valley change and supports the



MOU because it eliminates the risk of the town, which he feels would be an absolute travesty. Mr. Sheridan said he was concerned with fairness. He saw no realistic chance that 2,800 dwelling units will be built there in his great grandchildren's lifetime noting how the real estate market has significantly changed long-term, noting the large number of properties on the market across the U.S.A., including resorts in Utah, in danger of going out of business. Additionally, Powder Mountain has its challenges such as poor access, no amenities, the altitude and water issues.

Barbara Heward, a 55-year resident at the base of Powder Mountain Road, stated that the road is already a very busy one and people speed excessively. Children walk that road. The developer blames the road problem on UDOT, however, if they give 1.5% for improvements, they have the remaining 98.5% of the profit and can improve access and also buy the transfer of development rights.

Pauly Heward, of Ogden/former resident of the Valley, referred to the current recession. She noted that it is not just Powder Mountain Road that is treacherous and referred to the current death in Ogden Canyon, and with such a resort the roads would be so much worse. She does not want to see in her lifetime the serious problems this would create.

Alan Wheelwright, of Eden, stated that the MOU was not a compromise, it was the developers getting what they want and he urged the developers to drop the incorporation petition and do a real compromise. He expressed concern with setting a precedent "every other developer wanting the same deal. The money they are willing to give for open space and the road is not sufficient "the amount of the road itself can cost \$12-15 million and there is nothing left for open space. He referred to how dangerous the road is and the need to resolve the issue. He requested this item to be tabled until further study and would like the accident figures the developers gave to be confirmed because it is very dangerous road "people lose their brakes, etc. Even with the last big event people were warned strongly to slow down but still there was a death.

Sean Healy, of Ogden, stated he shared the general disgust at Powder Mountain's tactics and opposed any increase in density entitlement beyond the levels of the legal process of the General Plan. He said that a new development in this wildlife management area was not compatible and there should be a buffer and language should be inserted into the MOU clarifying that there will be a buffer. He said that we were not here tonight discussing an MOU because of some ethical hesitation by the developers but because everyone has a practical interest in ending litigation.

Layne Sheridan, property owner in the proposed town, stated that if this becomes a town, the council "for which so far the residents cannot vote for "would have the right to encumber their properties with bond issues; they could go bust but the residents' properties are still collateral for 20-30 years. A condo at the prices the developers stated will sit empty for a very long time. As a town, there would be total lack of control by the community on planning and zoning issues.

Peter Turner, of Eden/not within the proposed town area, likes the Powder Mountain resort, which could be improved, however, he thanked the Commission for upholding the General Plan when Powder Mountain initially came with their proposal. He stated that the General Plan was a document of good planning and wisdom and should be upheld, it should be protected and he would be willing to pay a tax to protect it and the Ogden Valley. He expressed sympathy for the residents that were being "held hostage."

Tim Hansen, of Huntsville, stated that this would not only affect the density but traffic safety with all the visitors coming through because the "resort" idea is to have a lot more people visiting. The traffic study needs to address how it will affect the entire Valley, not just Powder Mountain Road.

Ron Gleason, of Huntsville, stated that one of the reasons he and his wife settled in the Valley was the vision stated in the General Plan. He urged the Commission to adhere to that zoning framework, that they review what the Planning Commission approved with the 19 conditions; they had spent a lot of time on this issue. He asked the commissioners to look at the open space donations in the MOU: \$100,000 when unit 1 is completed, \$250,000 at unit 1,000 and nothing in between. The developers had said there may be 100-150 units completed, and in a linear regression it would be 50 years before there would be 1,000 units and \$350,000 in 30-50 years is nothing. Transfer fees is the same issue "how many years will it take to turn over those units to actually receive those funds? Transfer fees need a lot more clarity as to the use of the funds, who makes those decisions, when and how "there is much room for disagreements because the MOU is very vague. There was zoning that ran with the land when the developers bought it and they should make it work. One point of the MOU states that the parties shall be bound to it, but in paragraph 5 it states that such

stay shall remain in place until the development agreement is completed and executed or until WAH has withdrawn from this MOU and he asked if there is a loophole that people do not know about why the developers still have a clause stating they can withdraw that this is wrong and needs to be investigated. Section 2.1 states, with the approved concept plan and he asked what concept plan, who approved it and if the developers were picking and choosing from what they like of Ogden Valley. He stated that the process was wrong and asked that this be tabled and continue negotiations.

Kathleen Dowell, resident of the proposed town and party to the citizens lawsuit, thanked the commissioners for refusing to appoint a mayor and town council from the Powder Mountain's representatives list. She thanked the citizens who have supported their efforts to stop Powder Mountain town. She sees the MOU as a way to keep oversight of the resort and surrounding area under control of the county. She agreed with others that a traffic study should be done first, that this MOU be non-binding as the parties work in good faith on the development agreement, and that the developers drop the petition to incorporate. She said that if the commissioners felt they could add those items to the MOU, then she asked that they table it to do so, but if not and negotiations would be stopped, then she preferred approving the MOU.

Shana Francis, of Eden, referred to the letter she sent the commissioners and asked whether there is a statute that allows negotiated rezoning. David Wilson, Deputy County Attorney, said that the terminology regarding negotiated rezoning may not fit in this case because that usually refers to when a developer comes with an idea already in mind before starting the rezone process. In this case the negotiations came in the middle of the process. After the incorporation petition filing, the residents of the proposed town requested some assistance and then Commissioner Dearden came into the process. It may apply to the cluster subdivision regulations. Ms. Francis asked what was the legal basis for the number of units under the MOU. Mr. Wilson said that was a legislative decision, the Planning Commission is only vested with authority to make recommendations and when the County Commission hears the issue, they take the action they feel is legitimate. Ms. Francis restated her question noting that each party wanted certain things and she hoped this would not be an arbitrary and capricious decision.

Linda Brown, of Liberty, said she sympathized with those residents being held hostage and supported them, and that this issue affects all residents in the Valley. She could not imagine all those dump trucks, lumber trucks, etc., required to go up and down the canyons. With all those trips it would not be long before tires, brakes and/or steering fail, which is very dangerous. The weekend visitors will not find groceries and other necessities available. Skiers are quite often stranded up there for a night and sometimes for the weekend, but the developer is talking about thousands of people that would be up there and not able to get down that road. The developers blame UDOT and UDOT blames them. There is no way to get around, no way to widen Powder Mountain Road there is a mountain and a river unless, as stated earlier, the river is paved over. Even with an alternate road through Huntsville, motorists still have to go up the mountain for the remainder of the way. The only feasible way, would be to have another access through Cache Valley.

Kimball Wheatley, of Huntsville, stated that there was no statement on the Cache Valley side of this item. At one point there were 987 units for Cache Valley and he asked if it was 2,800 total or an additional number on the Cache Valley side. He suggested adding everything that exists outside this rezone that is already zoned both in Weber and Cache county to see the true impact. He said that it could not be just 2,800 units because there were already hotels on the Cache Valley side and all should be considered. Section 8 of the MOU states that if parties are unable to reach agreement on the ancillary terms of the development agreement, they shall use standard/customary terms used in similar developments within the State, and as has been stated, this leaves a lot to the imagination. He said the litigious behavior of the developers has been shown so far, and there probably is no standard version of this issue no Powder Mountain Road, no 9-mile share with the wildlife management area, no highway going through the middle of a golf course, no Wolf Creek already zoned for 2,500 units sitting six miles at the bottom of a hill, but there are enough reasons this is a unique situation that he does not want to see the County Commission yielding to this MOU; it is not good for our county.

Kirk Langford, of Eden, supports development of Powder Mountain because he has been in the ski business all his life, however, he does not support how the developers have approached developing the mountain. Their rezoning was approved and they received all the entitlements that came with the land and they knew what those were but felt they had the power to do the gainsmanship that they have done to get the free developments. This issue is not just about stopping the town of Powder Mountain, this is about giving density to someone who wants more than what they are entitled to. The General Plan has a mechanism where more density can be obtained, the developers need to buy the development rights and transfer them up onto the mountain. In 1998 the county down-zoned the Valley and all the large land owners gave up 2/3 of their development rights in order to have a community that could be sustainable as a resort in competition with

other resorts; those people lost a lot of wealth. It is not ethical to take away development rights from someone to give them away to someone else, even if they ask nicely, which these developers had not. If this density is granted, it will remain with it for ever. This is not the way to proceed and the MOU is incomplete. He said that fairness was an issue and other developments did not get double their density.

Laura Warburton, of Huntsville, stated that she has examined this issue very carefully. She asked if there was any way the Commission could to make the MOU better, with all the information they had, to do it, otherwise, in her opinion if the town came to be it would be for the worst. She asked the Commission to make the best decision that would be best for everyone.

Kevin Parson, of Liberty and Ogden Valley Planning Commissioner, noted that they spent a lot of time on this issue, that the developers have the ability to buy those development rights, that if there isn't a resort that will drive that market, this will all be for nothing. The concept of having a golf course up there and how much herbicides/pesticides they will have to dump into that dirt to make it green is unreal. The Americans with the highest cancer rates are farmers and greens-keepers, and that will be up above the residents. He asked that this be tabled to come up with better defined solutions.

Sharon Holmstrom, of Eden, told the commissioners that the anger that they have heard is not directed at them, it is infused anger at a developer who would try to blackmail their community, who would hold citizens hostage and would not withdraw his petition. She was at the meeting with the legislators and when Commissioner Dearden was commissioned to work out a resolution in good faith, he had done that; the developers had not. To act in good faith they would have withdrawn the petition, then they would have come to the table to work on a development agreement, and when they did that they would be met with more willingness by the community. In addition to the traffic study, many residents feel that there were serious considerations of water and air quality associated with past Powder Mountain applications. Traffic to Powder Mountain will cross the Valley and go up Ogden Canyon which is different than if it came up through Morgan County. She said that the developers stands to create probably 12 times the equity value they had when they purchased this property.

Marcia Rasmussen, of Eden, stated that the road was downright scary, that the incorporation petition is not right, even though it snuck in under the law, and asked the Commission to table this to have additional time to reconsider the MOU and the intention of truth.

Dan Van Zeben, resident of the proposed town, stated that when they began this fight 2½ years ago they had three objectives: 1) not to have a town, 2) to protect the front range of the Valley and 3) to see that Powder Mountain was a successful development. This issue has been heard for 2½ years and it is time to move forward with the MOU and there are some good suggestions that can be put in the development agreement. There are a number of items that are still necessary to be worked out and can only be accomplished by continued discussion. He urged the Commission to accept the MOU.

Belinda Rounkles, of Ogden Canyon, stated that the Planning Commission had been very fair in their recommendations, and they considered a wildlife buffer zone. Transfer of development rights are well thought out, but to just hand the developers density would be the demise of that resort ordinance. They are for the good of everyone. She read from a newspaper article on a traffic study by WAH estimating that the number of daily peak season trips to the mountain would skyrocket from 1,500 in 2007 to 15,000 in 2019 when the resort would be in full operation, which was terrifying. Currently, the traffic in Ogden Canyon is heavy and it is difficult to get onto the road just in the morning commute, not to mention weekends.

Tracy , Eden, stated that people are more at risk skiing than traveling that road. He is not concerned with the density because those would be secondary homes, people would likely spend a few days there out of the year and stay on the mountain, not travel the road every day. People want the developers to surrender all their rights and don't offer anything to the developers in return. He favors the MOU.

Gregg Greer, of Eden, President of Powder Mountain Ski Resort, stated that he worked with the previous owners/developers and currently worked for the managers from Pronaia. The previous owners would go after as much density as possible routinely discussing 6,000 and 10,000 units. The current owners have listened and have made changes. People being able to stay on the mountain would be a benefit, not only for traffic, pollution and resource issues but for the success of the resort. Because of his home's location, he does not want to see huge amounts of traffic but needs to see improvements, and the MOU begins the process toward the development agreement.

David Barilec, of Huntsville, said that Powder Mountain should be developed and could be improved but should be done according to the unit numbers ascribed the property when the developers bought itâ€”which they knew but thought they could come and bribe their way to moreâ€”and current zoning ordinances, which are well thought out. He came from other resort towns that got too big and ugly and are difficult to drive in. He expressed concern with setting a precedent with the density.

In response to some of these issues, Mr. Pierce said that the wildlife buffer zone had been discussed and believed it would likely be included in the development agreement. He stated for the record that they are in agreement that there should and will be a wildlife buffer zone. He believes that through clustering, they will be able to eliminate ridgeline homes. He noted that the legislature passed a law that allowed for the incorporation process and the prior developers made a decision to take advantage of that law. The MOU is an opportunity to resolve that issue. He stated that this would be a very long, well thought out process. They did not anticipate average price units to sell into the next 5-7 years but at that point the prices should change. They were not going to build a lot of units today and leave them vacant. He said that historically one locates property that appears to have viable development prospects and often then modifies the entitlements. Developers look at the cost of infrastructure (in this case a local fire structure will have to be built on top of the mountain, water, sewer buildings, etc.) and they determine the cost and how many units they need. He said that at the time that zoning was sought, the resort zone had not yet been developed. He said that they respect the transfer of development rights process and Eden Heights would be utilizing it. They have not located anywhere in the country where the TDR process has worked effectively because the cost of the TDRs become so excessive. He thanked the commissioners, stating that this has been a lot of work, that people asked for this item to be tabled but this process has been going back and forth for about six months to reach the best solution, though the developers are not happy with it, they wanted to have about 4,500 units.

Commissioner Dearden said that the Planning Commission sent the rezone to the County Commission with the 19 conditions, such as the wildlife buffer zone, and he asked what was their position on those. Mr. Pierce said that largely they were in agreement that the conditions are reasonable and they were willing to work through all those in the development agreement process. One of the conditions of the MOU is that infrastructure be provided, which would be water, sewer and other issues. Commissioner Dearden asked about removing the binding stipulation from the MOU and Mr. Pierce said that the binding nature was imperative noting that the parties had litigation pending and whichever party wins may have difficulty standing by the MOU if it is non-binding. The MOU stops the litigation and the incorporation mid-flight, before a court decision is made that may dictate for either party. Commissioner Dearden asked about Cache County and Mr. Pierce said that the zoning petition had been withdrawn for Cache County and that portion of their development would likely require a secondary access road through Cache County. They have no immediate plans to seek zoning there.

Commissioner Zogmaister asked if the developers would be willing to move up the road study and Mr. Pierce responded that they had looked at the number of secondary homes and the number of primary residences and came up with a reasonable amount of traffic that the road can currently handle. The vast majority will be secondary homes, probably 10-15% occupancy, and limited traffic. Part of the commercial development will be onsite; it will be very limited but enough to keep some of the residents on top of the mountain.

Chair Bischoff asked how many of all the items presented tonight were appropriate for the MOU and how many for the development agreement and Mr. Pierce stated that all were appropriate for the development agreement. When preparing the MOU some items had been removed because they were too specific to include at this time. The intent was to put an end to the incorporation and the litigation in a timely fashion and go forward with the development, that this was a resolution to those issues.

Chair Bischoff said that the other concern was that to approve the MOU opened the door for anyone else to request additional density, but he had never seen, nor believed he would ever see, a development with this same set of criteria. Mr. Pierce agreed, and he reiterated that all the factors were not present in the MOU; they have to be examined and will go through the zoning process.

Chair Bischoff thanked everyone for their comments stating that it had been very informative.

3. Commissioner Zogmaister moved to adjourn the public hearing and reconvene the public meeting; Commissioner Dearden seconded, all voting aye.

4. Discussion and/or action on a Memorandum of Understanding (MOU) between Weber County and Western America Holding LLC regarding a proposed re-zone of certain property more commonly known as Powder Mountain and establishing the structure for a development agreement to complete the proposed rezone, to



settle the pending litigation and to provide for the withdrawal of the Petition for Incorporation of the Town of Powder Mountain - Contract C2010-131

Chair Bischoff said that it was interesting to analyze and listen and that most of the discussion was centered around the MOU and only references made to the development agreement. That is why he had asked how many issues can be addressed in an MOU, to determine if the process could start, making sure the development agreement is developed in a way that addresses the concerns that have been raised, such as the transfer fees, the infrastructure, water, roads, etc. The other big concerns seem to be density and that residents did not want a town. He said that if the county does not enter into the MOU, then the developer can continue with the incorporation, and it was a risk (if the town is created it would have all the control). This MOU puts the county back in the zoning process and a part in how the development occurs.

Commissioner Zogmaister said that there were not too many issues brought up tonight that were new or that the Commission had not already considered. In her opinion this MOU is the vehicle that brings all of these items back to the table to be discussed, which are all important and should be considered. It would not bind on too many things and would leave so many more for discussion, such as the road, which still concerns her. It was prudent to move up the road study to help alleviate those concerns, but she did not know if that can be accomplished during the development agreement. There is a section in the MOU that says no density shall be allowed unless and until WAH demonstrates the ability to provide water, sewer and necessary infrastructure and to Commissioner Zogmaister this is a protection that was crucial in order to move forward. Additionally, the natural restrictions will come into play and the developers may find there are not enough resources for all that they want to do on top of the mountain. She felt the MOU was only a starting point and there is a huge amount of work ahead and opportunity to get some issues addressed fully and in detail. She still has concerns but also has confidence in the ability to be able to negotiate.

Commissioner Dearden expressed appreciation for so many coming to this meeting; it showed real community spirit to be here for almost three hours. He noted that it had been a very long three years and he has listened to a lot of people. He went almost everyday this year to the legislature and spoke with the leadership of both houses, taking some of the Eden residents along to talk with the legislators about Representative Froerer's bill. At the first meeting, the parties were far from agreement, between the first development agreement which could have given the developer up to 10,000 units and by January it had come down to 4,000 units. That density would be determined by the city council if they incorporated. The road would not change if there was a town and there would be the same traffic. He noted that there was another bill by a Senator that would have given the developer the ability to circumvent the whole current process not have to go to the Planning Commission, etc. and he took some citizens to the legislature and they killed that bill. He pointed out that if this became a city, there was potential for a lot worse outcome than the MOU. He has spoken with residents of Wasatch County, where three towns were formed under that former legislation, and every one is having trouble in being viable. Based on the information the Commission has received and carefully considered, the fact that there are many items within this MOU that meets the General Plan, which addresses the desire for expansion of recreational opportunities, that the MOU addresses preserving open space, keeping the units off the Valley floor, and that it requires negotiation for a development agreement, Commissioner Zogmaister moved to go forward and approve the MOU, Contract C2010-131, Binding Memorandum of Understanding with Western America Holdings, LLC; Commissioner Dearden seconded with a correction to Section 5 of the MOU by deleting the phrase "or until WAH." All voted aye.

G. Assign Pledge of Allegiance & Thought of the Day for Tuesday, June 8, 2010, 10 a.m.

H. Public Comments: None

I. Adjourn

Commissioner Dearden moved to adjourn at 9:05 p.m.; Commissioner Zogmaister seconded, all voting aye.

Kenneth A. Bischoff, Chair  
Weber County Commission

Alan D. McEwan, CPA  
Weber County Clerk/Auditor

# Exhibit E

6-8

C 2010-131

## BINDING MEMORANDUM OF UNDERSTANDING

This Binding Memorandum of Understanding is hereby entered into this 1<sup>st</sup> day of June, 2010 by and between Western America Holding, LLC, a Utah limited liability company and owner of the property commonly known as Powder Mountain ("WAH"), and Weber County, a body politic in the State of Utah ("County") (WAH and County are collectively referred to as the "Parties").

### RECITALS

**WHEREAS**, WAH is the owner of that certain real property in Weber County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached hereto and incorporated into this Agreement (the "Property"); and

**WHEREAS**, certain litigation (Appellate Case No.20090897) is presently pending before the Utah Supreme Court relating to the incorporation of the Town of Powder Mountain and Eden Heights (the "Litigation"); and

**WHEREAS**, the Parties each have an interest in finalizing a Development Agreement ("DA") for the Property (relating to the incorporation of the Town of Powder Mountain and Eden); and

**WHEREAS**, the Parties recognize that significant effort and expense is required to negotiate and memorialize a DA that is suitable to the Parties; and

**WHEREAS**, the Parties are each individually willing and able to finalize a DA with the key terms set forth herein, subject to standard and customary terms, and have agreed to work in good faith to finalize the DA as soon as practicable; and

**WHEREAS**, to facilitate the completion of the DA on a timely basis, the Parties have come to a binding agreement on the issues set forth below;

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to the deal points set forth below as a method for facilitating the completion of the DA, staying the Litigation and withdrawing the pending petition for the incorporation of the Town of Powder Mountain:

### AGREEMENT

1. **Property.** The Property covered by this Memorandum of Understanding is more specifically described in Exhibit A and includes the terms and conditions contained herein.
2. **Density-Powder Mountain in Weber County.** In Weber County, Powder Mountain shall be entitled to the following density on the following terms and conditions:




- 2.1 **Phase 1:** 1,477 units, meaning single-family dwelling units with hotel rooms being counted as the equivalent of one-third 1/3 of a single family dwelling unit. In other words, a 100 unit hotel would count as 33 units. Commercial development is not included in the density number. Recreational and commercial uses shall be developed as needed to support the resort (ski lifts, lodges). Phase 1 may proceed in accordance with this Memorandum and adoption of the DA, which shall not otherwise impair, burden or delay implementation of Phase 1 as long as the development complies substantially with the approved concept plan.
- 2.2 **Phase 2:** Upon the completion of Phase 1, County shall issue a scoping letter and WAH shall pay for a traffic safety/impact study by an entity acceptable to the Parties (the "Traffic Study" or "Study"). The Study shall address the existing access road for the Property and shall make recommendations for improvements to the existing access road and related safety issues, including but not limited to guard rails, additional signage, flashing lights in dangerous areas, and runaway ramps. The Parties shall forward the Study to the Utah Department of Transportation ("UDOT") and actively seek UDOT's implementation of the Study's recommendations. The study shall also determine whether a secondary access is necessary for emergency purposes and/or general use and provide cost estimates for both improvements to the "Powder Mountain Road" and the secondary access. Upon completion of the Traffic Study and in consultation with UDOT, the available Road Improvement Funds (as described in Section 4 below) shall be used to begin implementation of the recommendations set forth in the Traffic Study.
- 2.3 **Phase 2 Density.** Upon meeting the requirements specified in 2.2 above and the conditions and benchmarks to be specified in the DA, WAH shall be entitled to proceed with Phase 2, an additional 1,323 units, which shall include SDUs, MDUs, and hotel rooms. Hotels, commercial and recreation uses shall count as described in 2.1 above.
- 2.4 **Infrastructure.** Density shall be specifically limited by the provision of the necessary water, sewer and infrastructure to support such density. No density shall be allowed unless and until WAH demonstrates the ability to provide water, sewer and necessary infrastructure in accordance with state laws, rules and regulations and county ordinances.
- 2.5 **Open Land Donation:** In connection with the development, WAH or its nominee shall make the following donations to the County, which sums shall be used solely for the benefit of the local community by purchasing and maintaining open lands or other community projects, as determined by the County: I) upon completion of the 1<sup>st</sup> unit, WAH or its nominee shall donate \$100,000; ii) completion of the 1000<sup>th</sup> unit, WAH or its nominee shall donate \$250,000; ii) upon completion of the 2000<sup>th</sup> unit,

WAH or its nominee shall donate \$500,000; and iii) upon completion of the 2800<sup>th</sup> unit, WAH or its nominee shall donate \$500,000. Failure of WAH to complete the agreed upon donation at any stage will be deemed to be sufficient reason for County to deny additional building permits until the donation is received.

3. **Golf.** WAH shall be entitled to develop one 18-hole golf course on the Property.
4. **1.5% Transfer Fee.** WAH voluntarily agrees to the imposition of a One and one half Percent (1.5 %) real estate transfer fee ("Transfer Fee") that shall be applied to all transfers of real property within the Powder Mountain project to any Retail Buyer. The Transfer Fee requirement shall be recorded against the Property. At the time of the closing on any real property sale to a Retail Buyer as defined in the DA, the Transfer Fee shall be collected by the closing agent and shall be escrowed into a special account of the County. One half of the funds from the Transfer Fee shall be used as determined by the County to acquire or expand open space, and/or improve parks and recreation areas in the Ogden Valley. ("Open Space Funds"). One half of the funds from the Transfer Fee shall be used to improve the safety of the Powder Mountain Road and/or towards the construction of a secondary access ("Road Improvement Funds"). Upon completion of the improvements set forth in the Traffic Study, one hundred percent of the Transfer Fee shall be used as Open Space Funds. (The parties recognize that Senate Bill 161 enacted in the general session of the 2010 Utah State Legislature may prohibit the assessment and use of transfer fees as contemplated in this section. The parties agree to seek amendment of the legislation to permit the use of fees as described herein or to use their best efforts to accomplish the objectives stated herein through other means or in accordance with the intent and language of the Senate Bill 161.) Notwithstanding Senate Bill 161, and if the parties are unable to obtain the amendment to Senate Bill 161, then the parties will set up a trust or other mechanism to hold 1.5% of the sales proceeds from any sale of real property to from the developer to retail buyers and shall further create an advisory committee consisting of representatives from the Powder Mountain community, the Ogden Valley community, and the Weber County Planning Division to determine the best and most appropriate use of the Road Improvement Funds and the Open Space Funds held within the trust or other fund holding mechanism.
5. **Pending Litigation/Incorporation.** Upon execution of this MOU, the Parties agree to immediately seek a stay of the Litigation, and to use their best efforts to obtain the cooperation and agreement of any additional parties to such Litigation to the aforementioned stay. Such stay shall remain in place until the DA is completed and executed. Upon completion and execution of the DA, WAH shall immediately cause the Incorporation Petition to be withdrawn.

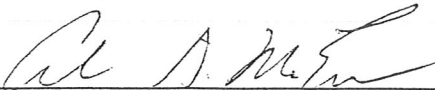
- 6. **Construction Traffic.** The Parties will work together collectively and with local residents to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. WAH shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.
- 7. **Binding Nature of this MOU.** This MOU shall be binding on the Parties.
- 8. **Development Agreement.** The parties shall use their best efforts to complete the DA as quickly as reasonably practicable. The terms set forth herein shall be the key terms set forth in the DA. If the parties are unable to reach agreement on ancillary terms in the DA, the parties shall use standard and customary terms used in similar developments within the State of Utah. This Agreement and the DA shall be binding upon any successors and/or assigns of WAH.
- 9. **Capacity.** Each person signing on behalf of one of the Parties below has full authority to do so, and the Parties themselves have the sole and full right, power, authority and capacity to execute, deliver and perform this Memorandum.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

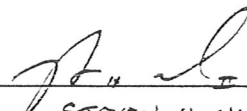
By   
Kerineth A. Bischoff, Chair

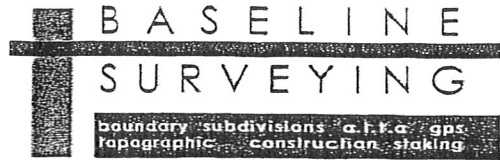
Commissioner Bischoff voted \_\_\_\_\_  
Commissioner Dearden voted \_\_\_\_\_  
Commissioner Zogmaister voted \_\_\_\_\_

ATTEST:

  
Alan D. McEwan, CPA  
Weber County Clerk/Auditor

WESTERN AMERICA HOLDINGS, LLC

By   
Its STEVEN H. NIELSEN  
Manager Representative



## POWDER MOUNTAIN Re-Zone Legal Description

Beginning at a point on the Weber-Cache county line, said point being South 03°24'06" West 1083.29 feet along the section line from the monument marking the Northwest Corner of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian (basis of bearing is South 89°31'02" East 2271.58 feet from said Northwest Corner to the monumented North Quarter Corner of said Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, basis of bearing was measured from Geodetic North at said Northwest corner of Section 6) and running thence along said Weber-Cache county line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21, plat bearing is South 68°01'08" East) South 67°49'02" East 996.28 feet, thence meandering along said Weber-Cache county line the following (2) courses 1) South 68°53'43" East 618.79 feet to the existing Weber County brass monument, 2) South 32°04'40" East 1432.61 feet; thence South 57°57'32" West 266.13 feet to a point of curvature of a 402.11 foot radius non-tangent curve to the right, the center of which bears South 57°54'04" West; thence southerly along the arc of said curve 161.07 feet through a central angle of 22°57'00"; thence South 09°08'56" East 310.95 feet to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 80°51'04" East; thence southerly along the arc of said curve 35.04 feet through a central angle of 01°12'16" to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 79°38'49" East; thence southerly along the arc of said curve 253.22 feet through a central angle of 08°42'12"; thence South 19°03'23" East 177.42 feet; thence North 30°19'57" East 59.89 feet; thence South 74°47'46" East 428.89 feet; thence North 42°56'09" East 501.23 feet to the Weber-Cache county line; thence South 47°03'40" East 477.42 feet along said County line; thence South 76°31'40" East 455.56 feet along said County Line to a point of curvature of a 130.00 foot radius curve to the right, the center of which bears South 37°52'07" West; thence southerly along the arc of said curve 148.28 feet through a central angle of 65°21'05"; thence South 13°11'46" West 60.72 feet to a point of curvature of a 20.00 foot radius curve to the left, the center of which bears South 76°50'14" East; thence southeasterly along the arc of said curve 40.57 feet through a central angle of 116°12'40" to a point of curvature of a 1049.43 foot radius curve to the right, the center of which bears South 12°50'47" East; thence easterly along the arc of said curve 546.24 feet through a central angle of 29°49'23"; thence North 20°08'22" East 90.12 feet to the Weber-Cache County meander line; thence along said County meander line the following (11) courses: 1) South 76°31'40" East 55.28 feet, 2) North 72°56'20" East 2236.46 feet to the existing Weber County brass monument, 3) South 83°59'38" East 300.00 feet, 4) South 44°11'33" East 390.61 feet, 5) South 85°40'38" East 1023.04 feet, 6) North 51°00'22" East 311.10 feet to the existing Weber County brass monument, 7) North 50°59'56" East 762.67 feet, 8) North 64°33'56" East 1678.18 feet, 9) North 68°06'56" East 1724.96 feet, 10) South 84°54'04" East 727.30 feet, 11) North 72°55'56" East 43.77 feet to the Quarter Section line of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence along said Quarter Section line South 00°19'06" East 3595.99 feet to the North quarter corner of Section 9, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°03'35" West 5405.90 feet to the South quarter corner of said Section 9; thence South 86°20'47" East 2617.49 feet to the Southeast Corner of said Section 9; thence South 46°37'20" West 3639.90 feet to the Northeast Corner of the Southwest quarter of Section 16, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°43'08" West 2358.71 feet to the South quarter corner of said Section 16; thence South 86°47'40" West 2650.21 feet to the Southwest Corner of said Section 16; thence North 85°54'28" West 2614.70 feet to the South quarter corner of Section 17, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 87°20'03" West 2432.26 feet to the Southwest Corner of said Section 17; thence North 03°35'27" West 2575.97 feet to the West Quarter Corner of said Section 17; thence North 85°39'14" West 1270.03 feet to the Southwest Corner of the East Half of the Northeast Quarter of Section 18, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence North 04°19'32" West



**B A S E L I N E**  
**S U R V E Y I N G**  
boundary subdivisions & l. & g.  
topographic construction staking

3520.00 feet along the West line of said East Half and the extension thereof to a point 866.76 feet northerly of the Northwest Corner of said East Half; thence West 2460.69 feet; thence South 02°20'05" East 659.64 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 7, Township 8 North, Range 2 East, Salt Lake Base and Meridian ; thence North 84°07'08" West 1197.28 feet to the Southwest Corner of said Section 7; thence North 89°39'48" West 1322.81 feet to the Southwest Corner of the East Half of the Southeast Quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence North 00°06'22" West 2681.08 feet along the West line of said East Half; thence North 89°50'14" West 1322.49 feet to the Southwest Corner of the Northeast Quarter of said Section 12; thence North 00°04'52" West 1344.10 feet to the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 12; thence South 89°45'43" East 1319.67 feet to the Southeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 00°12'08" West 1340.37 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 89°45'21" West 1317.72 feet to the North Quarter Corner of said Section 12; thence North 89°50'36" West 2635.43 feet to the Northwest Corner of said Section 12; thence North 02°14'17" East 5031.31 feet; thence North 01°49'08" East 2646.08 feet; thence North 01°49'08" East 1792.67 feet to the Weber-Cache County meander line; thence along said County meander line the following (5) courses: 1) South 70°19'23" East 5.76 feet, 2) South 62°14'34" East 719.20 feet to the existing Weber County brass monument, 3) South 24°23'46" East 2776.74 feet, 4) South 84°50'46" East 337.97 feet to the existing Weber County brass monument, 5) South 46°17'14" East 1274.89 feet; thence South 33°03'13" West 270.18 feet; thence South 84°03'13" West 206.88 feet; thence South 00°03'26" West 167.56 feet; thence South 84°03'13" West 12.63 feet to a point of curvature of a 197.62 foot radius curve to the left, the center of which bears South 05°56'53" East; thence westerly along the arc of said curve 64.31 feet through a central angle of 18°38'43" thence South 65°24'24" West 52.84 feet to a point of curvature of a 305.00 foot radius curve to the right, the center of which bears North 24°35'34" West; thence westerly along the arc of said curve 116.12 feet through a central angle of 21°48'49"; thence South 87°13'16" West 100.24 feet to a point of curvature of a 240.00 foot radius curve to the left, the center of which bears South 02°46'48" East; thence southwestwardly along the arc of said curve 255.36 feet through a central angle of 60°57'46"; thence South 26°15'26" West 44.03 feet to a point of curvature of a 335.00 foot radius curve to the right, the center of which bears North 63°44'32" West; thence southwestwardly along the arc of said curve 165.97 feet through a central angle of 28°23'10"; thence South 54°38'39" West 37.98 feet to a point of curvature of a 100.00 foot radius curve to the left, the center of which bears South 35°21'29" East; thence southeasterly along the arc of said curve 369.84 feet through a central angle of 211°54'10"; thence North 22°44'21" East 120.59 feet to a point of curvature of a 215.00 foot radius curve to the right, the center of which bears South 67°15'41" East; thence northeasterly along the arc of said curve 307.94 feet through a central angle of 82°03'52"; thence South 15°35'58" West 55.58 feet; thence South 39°45'07" East 136.97 feet; thence North 88°13'31" West 142.96 feet; thence South 47°06'24" West 72.31 feet; thence South 24°12'14" East 397.37 feet; thence North 28°10'49" East 36.38 feet; thence South 61°49'22" East 100.00 feet; thence North 29°09'07" East 4.49 feet; thence South 41°13'35" East 553.25 feet to a point of curvature of a 708.18 foot radius curve to the right, the center of which bears South 07°16'51" East; thence easterly along the arc of said curve 209.63 feet through a central angle of 16°57'37" to a point of curvature of a 215.91 foot radius curve to the right, the center of which bears South 09°40'48" West; thence southeasterly along the arc of said curve 158.63 feet through a central angle of 42°05'46"; thence North 65°04'53" East 316.92 feet; thence North 00°12'10" East 495.42 feet; thence North 61°15'10" East 66.00 feet; thence South 28°44'36" East 123.04 feet; thence North 64°47'59" East 163.00 feet; thence North 25°12'01" West 140.00 feet; thence North 22°21'29" West 100.99 feet; thence North 19°25'39" East 124.19 feet to the Weber-Cache County line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21); thence along said line the following (4) courses: 1) South 26°40'11" East 263.33 feet to the existing Weber County brass monument, 2) South 36°46'13" East 374.24 feet to the existing Weber County brass monument, 3) South 66°55'13" East 745.72 feet, 4) South 67°49'02" East 217.95 feet to the point of beginning.

Containing 4,297 acres.

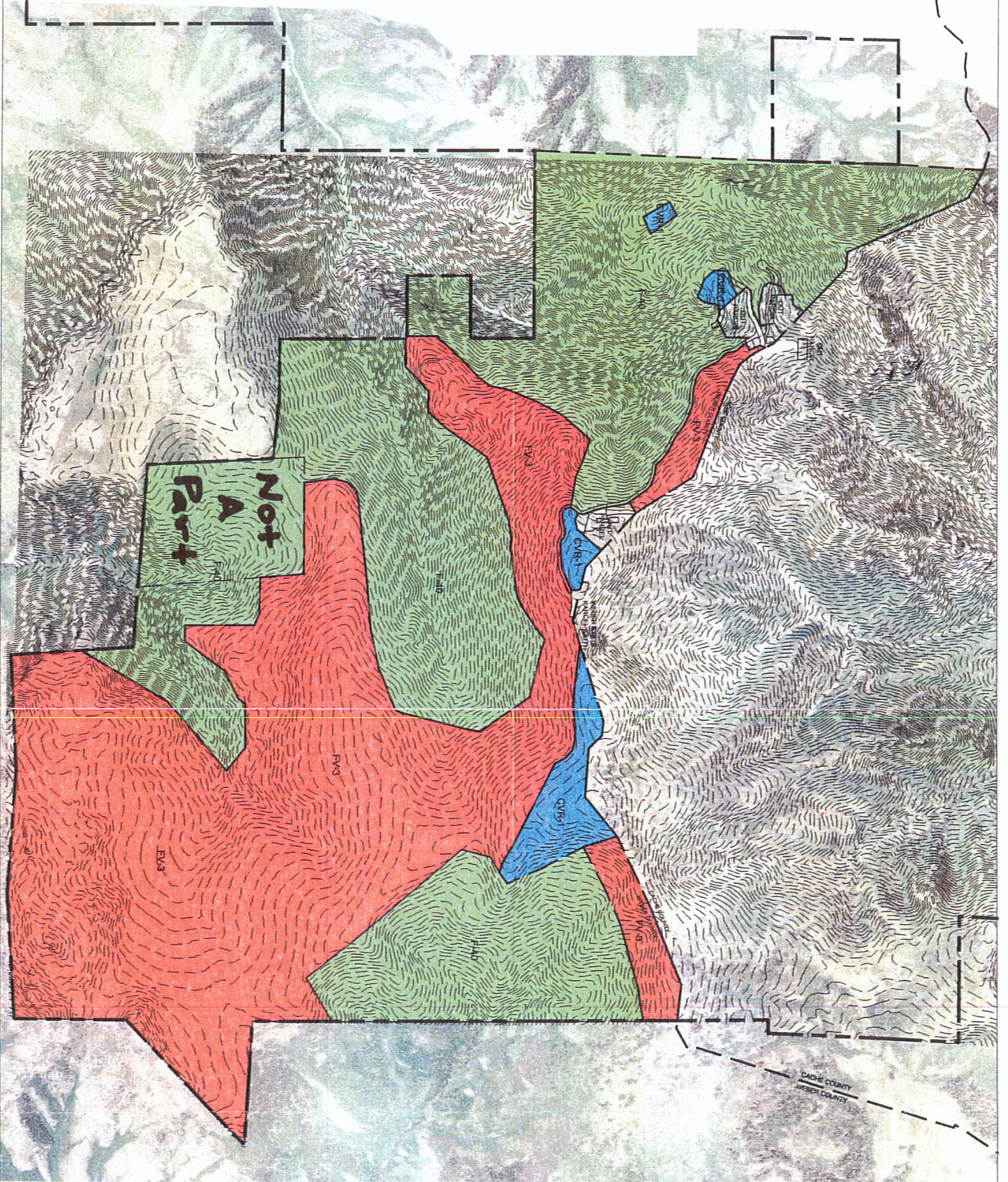
1058 East 2100 South  
Salt Lake City UT 84106  
P 801.209.2152 F 801.487.6009







# Exhibit G



Proposed Zoning



SCALE: 1" = 2,000'

### ZONING LEGEND

- Zone CVR-1
- Zone F-40
- Zone FV-3



**JACK JOHNSON COMPANY**  
 Designing World Discoveries  
 1772 East 10000 Circle, Suite 1000  
 Provo, Utah 84602  
 www.jackjohnson.com

DATE	APPROVED BY	DATE
DESIGNED BY	REVIEWED BY	DATE
DRAWN BY	APPROVED BY	DATE
PROJECT	PROJECT NUMBER	
ISSUE	ISSUE NUMBER	

### REVISIONS

**Powder Mountain Resort**

Proposed Zoning **05**

8/15/2010 10:00 AM, 1772 East 10000 Circle, Suite 1000, Provo, Utah 84602



Handwritten text: H 4:3x3

WEBER COUNTY - PROPOSED ZONING- POWDER MOUNTAIN RESORT				
Zone	Type and Location of Acreage	Number of Acres	Notes	Density
F-40	Total F-40 Acres	2,220		
	Acres under 40%	1,256		
	Total F-40 Developable Acres	(-5% For Roads) 1,193	1 193/40= 30 units	
		Chapter 22 B (8/05)	Total Additional Bonus Density: Total Density Allowed - Cluster	6 units = <b>36 units</b>
FV-3	Total FV-3 Acres	2,129		
	Acres under 40%	2,002		
	Total FV-3 Developable Acres	(-5% For Roads) 1,901	1,901/3= 634 units	= 634 units
			Total Additional Bonus Density: Total Density Allowed - Cluster	190 units = <b>824 units</b>
Total Residential Units Permitted (Cluster and Non-Cluster)	Total Acres All Zones	4,475	Total Residential Units Permitted Under the Non-Cluster Program	F-40 FV-3 (no bonus) 664 total units
				F-40 FV-3 (Cluster) CV-R-1 36 824 860 total units
				Commercial square footage and units based on individual site plans.
CV-R-1	Total CVR-1 Acres	125		
	Acres under 30%	102		
	Total CVR-1 Developable Acres	(-5% For Roads) 97	97x20=1,940	= 1,940 CVR-1 units plus commercial space
			Estimated Total Density Existing Zoning ALL ZONES and USES: Non-Cluster Cluster	2,604 units 2,800 units



# Exhibit I

ORDINANCE NO. \_\_\_\_\_

An Ordinance of Weber County rezoning approximately 4,297 acres located at Powder Mountain Resort from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40).

**WHEREAS**, Western America Holding, LLC seeks to rezone certain property located at Powder Mountain Resort, as described above, for the general purpose of developing a year round destination resort; and

**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 the General Plan as adopted for all or part of the County; and

**WHEREAS**, the Ogden Valley General Plan states that “Weber County supports the continued development of resort-related commercial areas”; and

**WHEREAS**, one of many goals, as outlined in the General Plan is to “enhance quality recreational opportunities” within the Ogden Valley and “encourage private businesses and entrepreneurs to meet the growing demand for recreational facilities”; and

**WHEREAS**, the County is desirous of rezoning the property for the purpose of developing it in the manner presented, but the County does not feel that the property should be rezoned unless the proposed development is commenced as soon as conditions allow and completion is pursued in good faith; and

**WHEREAS**, the Ogden Valley Township Planning Commission, after appropriate notice, held public meetings on August 1<sup>st</sup> and December 10<sup>th</sup> of 2007, and unanimously recommended that the County Commission approve the proposed rezone subject to certain conditions; and

**WHEREAS**, the Weber County Board of Commissioners, after appropriate notice, held public hearings on July 8, 2008, and June 1, 2010 to allow the general public to comment on the proposed rezone; and

**WHEREAS**, the County and Western America Holding, LLC entered into a binding Memorandum of Understanding (MOU) on June 1, 2010 to facilitate the completion of a Development Agreement; and

**WHEREAS**, the County has imposed certain conditions that aid in administering future development of the Resort and promote public safety and health, through negotiation of a Zoning Development Agreement; and

**WHEREAS**, the County and Western America Holding, LLC are desirous that certain litigation (Appellate Case No.20090897) which is presently pending before the Utah Supreme Court relating to the incorporation of the Town of Powder Mountain be dismissed and the Incorporation Petition be withdrawn; and

**WHEREAS**, the Weber County Board of Commissioners finds that the proposed rezoning complies with the goals and objectives of the General Plan; and

**NOW THEREFORE**, the Weber County Board of Commissioners ordains that the attached legal description is hereby rezoned from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) as depicted on the attached map:

See Exhibit A for legal description and map.

Passed, adopted and a synopsis ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the Weber County Board of Commissioners.

WEBER COUNTY BOARD OF COMMISSIONERS

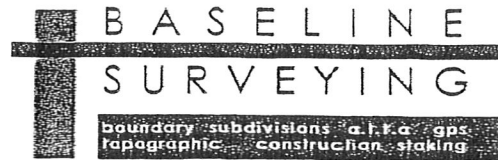
By: \_\_\_\_\_  
Craig L. Dearden, Chair

Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____
Commissioner Gibson	Voting _____

ATTEST:

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

# Exhibit A 1/3



## POWDER MOUNTAIN Re-Zone Legal Description

Beginning at a point on the Weber-Cache county line, said point being South 03°24'06" West 1083.29 feet along the section line from the monument marking the Northwest Corner of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian (basis of bearing is South 89°31'02" East 2271.58 feet from said Northwest Corner to the monumented North Quarter Corner of said Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, basis of bearing was measured from Geodetic North at said Northwest corner of Section 6) and running thence along said Weber-Cache county line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21, plat bearing is South 68°01'08" East) South 67°49'02" East 996.28 feet, thence meandering along said Weber-Cache county line the following (2) courses 1) South 68°53'43" East 618.79 feet to the existing Weber County brass monument, 2) South 32°04'40" East 1432.61 feet; thence South 57°57'32" West 266.13 feet to a point of curvature of a 402.11 foot radius non-tangent curve to the right, the center of which bears South 57°54'04" West; thence southerly along the arc of said curve 161.07 feet through a central angle of 22°57'00"; thence South 09°08'56" East 310.95 feet to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 80°51'04" East; thence southerly along the arc of said curve 35.04 feet through a central angle of 01°12'16" to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 79°38'49" East; thence southerly along the arc of said curve 253.22 feet through a central angle of 08°42'12"; thence South 19°03'23" East 177.42 feet; thence North 30°19'57" East 59.89 feet; thence South 74°47'46" East 428.89 feet; thence North 42°56'09" East 501.23 feet to the Weber-Cache county line; thence South 47°03'40" East 477.42 feet along said County line; thence South 76°31'40" East 455.56 feet along said County Line to a point of curvature of a 130.00 foot radius curve to the right, the center of which bears South 37°52'07" West; thence southerly along the arc of said curve 148.28 feet through a central angle of 65°21'05"; thence South 13°11'46" West 60.72 feet to a point of curvature of a 20.00 foot radius curve to the left, the center of which bears South 76°50'14" East; thence southeasterly along the arc of said curve 40.57 feet through a central angle of 116°12'40" to a point of curvature of a 1049.43 foot radius curve to the right, the center of which bears South 12°50'47" East; thence easterly along the arc of said curve 546.24 feet through a central angle of 29°49'23"; thence North 20°08'22" East 90.12 feet to the Weber-Cache County meander line; thence along said County meander line the following (11) courses: 1) South 76°31'40" East 55.28 feet, 2) North 72°56'20" East 2236.46 feet to the existing Weber County brass monument, 3) South 83°59'38" East 300.00 feet, 4) South 44°11'33" East 390.61 feet, 5) South 85°40'38" East 1023.04 feet, 6) North 51°00'22" East 311.10 feet to the existing Weber County brass monument, 7) North 50°59'56" East 762.67 feet, 8) North 64°33'56" East 1678.18 feet, 9) North 68°06'56" East 1724.96 feet, 10) South 84°54'04" East 727.30 feet, 11) North 72°55'56" East 43.77 feet to the Quarter Section line of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence along said Quarter Section line South 00°19'06" East 3595.99 feet to the North quarter corner of Section 9, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°03'35" West 5405.90 feet to the South quarter corner of said Section 9; thence South 86°20'47" East 2517.49 feet to the Southeast Corner of said Section 9; thence South 46°37'20" West 3639.90 feet to the Northeast Corner of the Southwest quarter of Section 16, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°43'08" West 2358.71 feet to the South quarter corner of said Section 16; thence South 86°47'40" West 2650.21 feet to the Southwest Corner of said Section 16; thence North 85°54'28" West 2614.70 feet to the South quarter corner of Section 17, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 87°20'03" West 2432.26 feet to the Southwest Corner of said Section 17; thence North 03°35'27" West 2575.97 feet to the West Quarter Corner of said Section 17; thence North 85°39'14" West 1270.03 feet to the Southwest Corner of the East Half of the Northeast Quarter of Section 18, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence North 04°19'32" West

2/3

**B A S E L I N E**  
**S U R V E Y I N G**  
boundary subdivisions & l. & g. p.  
topographic construction staking

3520.00 feet along the West line of said East Half and the extension thereof to a point 866.76 feet northerly of the Northwest Corner of said East Half; thence West 2460.69 feet; thence South 02°20'05" East 659.64 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 7, Township 8 North, Range 2 East, Salt Lake Base and Meridian ; thence North 84°07'08" West 1197.28 feet to the Southwest Corner of said Section 7; thence North 89°39'48" West 1322.81 feet to the Southwest Corner of the East Half of the Southeast Quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence North 00°06'22" West 2681.08 feet along the West line of said East Half; thence North 89°50'14" West 1322.49 feet to the Southwest Corner of the Northeast Quarter of said Section 12; thence North 00°04'52" West 1344.10 feet to the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 12; thence South 89°45'43" East 1319.67 feet to the Southeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 00°12'08" West 1340.37 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 89°45'21" West 1317.72 feet to the North Quarter Corner of said Section 12; thence North 89°50'36" West 2635.43 feet to the Northwest Corner of said Section 12; thence North 02°14'17" East 5031.31 feet; thence North 01°49'08" East 2646.08 feet; thence North 01°49'08" East 1792.67 feet to the Weber-Cache County meander line; thence along said County meander line the following (5) courses: 1) South 70°19'23" East 5.76 feet, 2) South 62°14'34" East 719.20 feet to the existing Weber County brass monument, 3) South 24°23'46" East 2776.74 feet, 4) South 84°50'46" East 337.97 feet to the existing Weber County brass monument, 5) South 46°17'14" East 1274.89 feet; thence South 33°03'13" West 270.18 feet; thence South 84°03'13" West 206.88 feet; thence South 00°03'26" West 167.56 feet; thence South 84°03'13" West 12.63 feet to a point of curvature of a 197.62 foot radius curve to the left, the center of which bears South 05°56'53" East; thence westerly along the arc of said curve 64.31 feet through a central angle of 18°38'43" thence South 65°24'24" West 52.84 feet to a point of curvature of a 305.00 foot radius curve to the right, the center of which bears North 24°35'34" West; thence westerly along the arc of said curve 116.12 feet through a central angle of 21°48'49"; thence South 87°13'16" West 100.24 feet to a point of curvature of a 240.00 foot radius curve to the left, the center of which bears South 02°46'48" East; thence southwestwardly along the arc of said curve 255.36 feet through a central angle of 60°57'46"; thence South 26°15'26" West 44.03 feet to a point of curvature of a 335.00 foot radius curve to the right, the center of which bears North 63°44'32" West; thence southwestwardly along the arc of said curve 165.97 feet through a central angle of 28°23'10"; thence South 54°38'39" West 37.98 feet to a point of curvature of a 100.00 foot radius curve to the left, the center of which bears South 35°21'29" East; thence southeasterly along the arc of said curve 369.84 feet through a central angle of 211°54'10"; thence North 22°44'21" East 120.59 feet to a point of curvature of a 215.00 foot radius curve to the right, the center of which bears South 67°15'41" East; thence northeasterly along the arc of said curve 307.94 feet through a central angle of 82°03'52"; thence South 15°35'58" West 55.58 feet; thence South 39°45'07" East 136.97 feet; thence North 88°13'31" West 142.96 feet; thence South 47°06'24" West 72.31 feet; thence South 24°12'14" East 397.37 feet; thence North 28°10'49" East 36.38 feet; thence South 61°49'22" East 100.00 feet; thence North 29°09'07" East 4.49 feet; thence South 41°13'35" East 553.25 feet to a point of curvature of a 708.18 foot radius curve to the right, the center of which bears South 07°16'51" East; thence easterly along the arc of said curve 209.63 feet through a central angle of 16°57'37" to a point of curvature of a 215.91 foot radius curve to the right, the center of which bears South 09°40'48" West; thence southeasterly along the arc of said curve 158.63 feet through a central angle of 42°05'46"; thence North 65°04'53" East 315.92 feet; thence North 00°12'10" East 495.42 feet; thence North 61°15'10" East 66.00 feet; thence South 28°44'36" East 123.04 feet; thence North 64°47'59" East 163.00 feet; thence North 25°12'01" West 140.00 feet; thence North 22°21'29" West 100.99 feet; thence North 19°25'39" East 124.19 feet to the Weber-Cache County line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21); thence along said line the following (4) courses: 1) South 26°40'11" East 263.33 feet to the existing Weber County brass monument, 2) South 36°46'13" East 374.24 feet to the existing Weber County brass monument, 3) South 66°55'13" East 745.72 feet, 4) South 67°49'02" East 217.95 feet to the point of beginning.

Containing 4,297 acres.





SCALE: 1" = 2,000'

ZONING LEGEND

- Zone CVR-1
- Zone F-40
- Zone FV-3

*m/w*



JACK JOHNSON COMPANY

Designing World Destinations  
17775 144th Avenue, Suite 100, Edmonds, WA 98149  
Phone: 425.841.4444 Fax: 425.841.4444  
www.jackjohnson.com

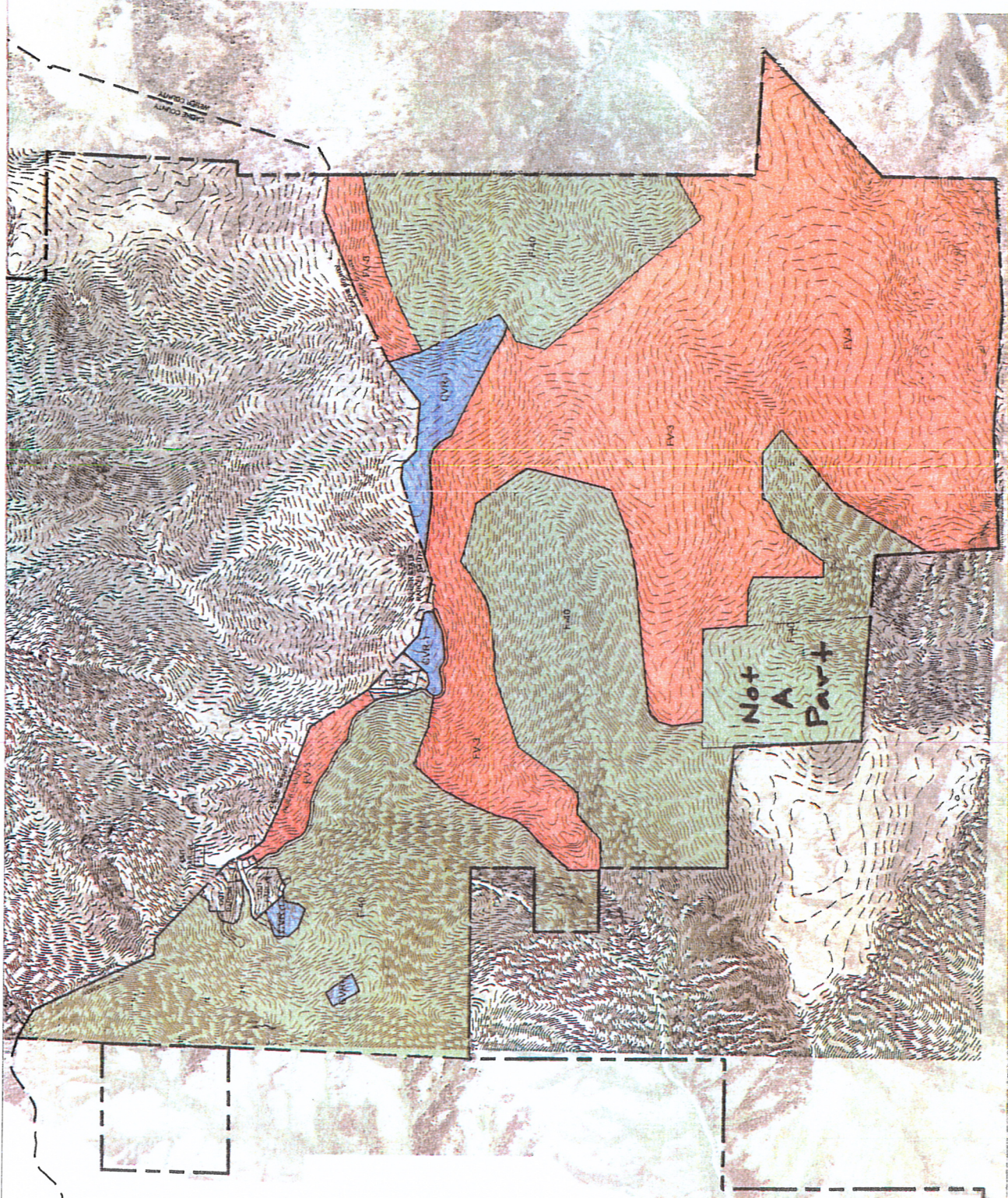
DATE:	SEPTEMBER 1, 2008
DRAWN BY:	MM
CHECKED BY:	AC
PLANNED BY:	
PROJECT:	004-0100-000
SCALE:	INDICATE WHERE SUBMITTAL

REVISIONS:	

Powder Mountain Resort

Proposed Zoning | 05

12/15/05, 12/16/05, 12/17/05, 12/18/05, 12/19/05, 12/20/05, 12/21/05, 12/22/05, 12/23/05, 12/24/05, 12/25/05, 12/26/05, 12/27/05, 12/28/05, 12/29/05, 12/30/05, 12/31/05, 1/1/06, 1/2/06, 1/3/06, 1/4/06, 1/5/06, 1/6/06, 1/7/06, 1/8/06, 1/9/06, 1/10/06, 1/11/06, 1/12/06, 1/13/06, 1/14/06, 1/15/06, 1/16/06, 1/17/06, 1/18/06, 1/19/06, 1/20/06, 1/21/06, 1/22/06, 1/23/06, 1/24/06, 1/25/06, 1/26/06, 1/27/06, 1/28/06, 1/29/06, 1/30/06, 1/31/06, 2/1/06, 2/2/06, 2/3/06, 2/4/06, 2/5/06, 2/6/06, 2/7/06, 2/8/06, 2/9/06, 2/10/06, 2/11/06, 2/12/06, 2/13/06, 2/14/06, 2/15/06, 2/16/06, 2/17/06, 2/18/06, 2/19/06, 2/20/06, 2/21/06, 2/22/06, 2/23/06, 2/24/06, 2/25/06, 2/26/06, 2/27/06, 2/28/06, 2/29/06, 2/30/06, 3/1/06, 3/2/06, 3/3/06, 3/4/06, 3/5/06, 3/6/06, 3/7/06, 3/8/06, 3/9/06, 3/10/06, 3/11/06, 3/12/06, 3/13/06, 3/14/06, 3/15/06, 3/16/06, 3/17/06, 3/18/06, 3/19/06, 3/20/06, 3/21/06, 3/22/06, 3/23/06, 3/24/06, 3/25/06, 3/26/06, 3/27/06, 3/28/06, 3/29/06, 3/30/06, 3/31/06, 4/1/06, 4/2/06, 4/3/06, 4/4/06, 4/5/06, 4/6/06, 4/7/06, 4/8/06, 4/9/06, 4/10/06, 4/11/06, 4/12/06, 4/13/06, 4/14/06, 4/15/06, 4/16/06, 4/17/06, 4/18/06, 4/19/06, 4/20/06, 4/21/06, 4/22/06, 4/23/06, 4/24/06, 4/25/06, 4/26/06, 4/27/06, 4/28/06, 4/29/06, 4/30/06, 5/1/06, 5/2/06, 5/3/06, 5/4/06, 5/5/06, 5/6/06, 5/7/06, 5/8/06, 5/9/06, 5/10/06, 5/11/06, 5/12/06, 5/13/06, 5/14/06, 5/15/06, 5/16/06, 5/17/06, 5/18/06, 5/19/06, 5/20/06, 5/21/06, 5/22/06, 5/23/06, 5/24/06, 5/25/06, 5/26/06, 5/27/06, 5/28/06, 5/29/06, 5/30/06, 5/31/06, 6/1/06, 6/2/06, 6/3/06, 6/4/06, 6/5/06, 6/6/06, 6/7/06, 6/8/06, 6/9/06, 6/10/06, 6/11/06, 6/12/06, 6/13/06, 6/14/06, 6/15/06, 6/16/06, 6/17/06, 6/18/06, 6/19/06, 6/20/06, 6/21/06, 6/22/06, 6/23/06, 6/24/06, 6/25/06, 6/26/06, 6/27/06, 6/28/06, 6/29/06, 6/30/06, 7/1/06, 7/2/06, 7/3/06, 7/4/06, 7/5/06, 7/6/06, 7/7/06, 7/8/06, 7/9/06, 7/10/06, 7/11/06, 7/12/06, 7/13/06, 7/14/06, 7/15/06, 7/16/06, 7/17/06, 7/18/06, 7/19/06, 7/20/06, 7/21/06, 7/22/06, 7/23/06, 7/24/06, 7/25/06, 7/26/06, 7/27/06, 7/28/06, 7/29/06, 7/30/06, 7/31/06, 8/1/06, 8/2/06, 8/3/06, 8/4/06, 8/5/06, 8/6/06, 8/7/06, 8/8/06, 8/9/06, 8/10/06, 8/11/06, 8/12/06, 8/13/06, 8/14/06, 8/15/06, 8/16/06, 8/17/06, 8/18/06, 8/19/06, 8/20/06, 8/21/06, 8/22/06, 8/23/06, 8/24/06, 8/25/06, 8/26/06, 8/27/06, 8/28/06, 8/29/06, 8/30/06, 8/31/06, 9/1/06, 9/2/06, 9/3/06, 9/4/06, 9/5/06, 9/6/06, 9/7/06, 9/8/06, 9/9/06, 9/10/06, 9/11/06, 9/12/06, 9/13/06, 9/14/06, 9/15/06, 9/16/06, 9/17/06, 9/18/06, 9/19/06, 9/20/06, 9/21/06, 9/22/06, 9/23/06, 9/24/06, 9/25/06, 9/26/06, 9/27/06, 9/28/06, 9/29/06, 9/30/06, 10/1/06, 10/2/06, 10/3/06, 10/4/06, 10/5/06, 10/6/06, 10/7/06, 10/8/06, 10/9/06, 10/10/06, 10/11/06, 10/12/06, 10/13/06, 10/14/06, 10/15/06, 10/16/06, 10/17/06, 10/18/06, 10/19/06, 10/20/06, 10/21/06, 10/22/06, 10/23/06, 10/24/06, 10/25/06, 10/26/06, 10/27/06, 10/28/06, 10/29/06, 10/30/06, 10/31/06, 11/1/06, 11/2/06, 11/3/06, 11/4/06, 11/5/06, 11/6/06, 11/7/06, 11/8/06, 11/9/06, 11/10/06, 11/11/06, 11/12/06, 11/13/06, 11/14/06, 11/15/06, 11/16/06, 11/17/06, 11/18/06, 11/19/06, 11/20/06, 11/21/06, 11/22/06, 11/23/06, 11/24/06, 11/25/06, 11/26/06, 11/27/06, 11/28/06, 11/29/06, 11/30/06, 12/1/06, 12/2/06, 12/3/06, 12/4/06, 12/5/06, 12/6/06, 12/7/06, 12/8/06, 12/9/06, 12/10/06, 12/11/06, 12/12/06, 12/13/06, 12/14/06, 12/15/06, 12/16/06, 12/17/06, 12/18/06, 12/19/06, 12/20/06, 12/21/06, 12/22/06, 12/23/06, 12/24/06, 12/25/06, 12/26/06, 12/27/06, 12/28/06, 12/29/06, 12/30/06, 12/31/06, 2006





Summary of Ordinance No. \_\_\_\_\_

An Ordinance of Weber County rezoning approximately 4,297 acres located at Powder Mountain Resort from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40). Adopted and ordered published November 13, 2012, by the Weber County Board of Commissioners, with Commissioners Zogmaister, Gibson, and Dearden voting aye. A copy of the complete ordinance is available for public review at the office of the Weber County Clerk/Auditor, 2380 Washington Blvd, Suite 320 Ogden, Utah.