



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for design review approval to expand the parking areas at the Wolf Creek Welcome Center at 3632 N Wolf Creek Drive.

Type of Decision: Administrative

Applicant: Brandi Hammon

File Number: DR 2021-11

Property Information

Approximate Address: 3632 N Wolf Creek Drive, Eden, UT

Zoning: Commercial Valley (CV-2)

Existing Land Use: Welcome Center/Real Estate Office/Cafe

Proposed Land Use: Welcome Center/Real Estate Office/Cafe

Parcel ID: 22-287-0001

Township, Range, Section: Township 7 North, Range 1 East, Section 22, SW 1/4

Adjacent Land Use

North: Resort/Residential

South: Vacant Resort/Residential

East: Vacant Resort/Residential

West: Resort/Residential

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: RG

Applicable Ordinances

- Weber County LUC Title 104, Chapter 29 - Destination & Recreation Resort-1 (DRR-1) Zone
- Weber County LUC Title 108, Chapter 1 - Design Review
- Weber County LUC Title 108, Chapter 2 - Ogden Valley Architectural, Landscape and Screening Design Standards
- Weber County LUC Title 108, Chapter 8 - Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

The applicant is requesting an administrative design review approval to construct additional parking area at the Wolf Creek Welcome Center (see **Exhibit A**). The proposed expansion will add a total of 17 parking stalls in a new lower parking lot area accessed from Moose Hollow Drive. This will add to the existing 22 stalls in the upper lot (one of which is ADA accessible) that is accessed from Wolf Creek Drive for a total of 39 stalls. The project will improve the proposed lower lot with asphalt pavement, landscaped areas, and a walkway/staircase to the upper entrance level of the existing and unchanged structure (see **Exhibits A & B**). At present, the applicant does not propose any lighting or signage with the project.

LUC Sec. 108-1-2 (Design Review) allow for small improvements to commercial properties that impact an area of less than one acre to be reviewed and approved administratively by the Planning Director. This proposed project meets this threshold by only impacting a half acre in area.

Analysis

Zoning: The proposed structure is located in the CV-2 zone. This zone allows for the existing building's continued use as a welcome center, real estate office, and cafe. The existing structure is not proposed to change use.

Design Review: The CV-2 Zone requires a design review (as outlined in LUC §108-1) to ensure that the general design, layout, and appearance of commercial sites and buildings is orderly and harmonious with the surrounding areas.

As part of a design review, the Planning Commission shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. Consideration is given to the following:

- **Traffic safety and traffic congestion:**

- No new streets are proposed. The new lot will gain access from Moose Hollow Drive approximately 450 feet from its intersection with Wolf Creek Drive.
- Additional traffic to the building is not expected as the use of the existing structure is not proposed to change.
- The proposed parking will reduce the need for on-street parking.
- **Outdoor advertising:**
 - The project will not include any outdoor advertising.
- **Landscaping:**
 - Staff has found that the proposed parking lot and associated landscaping plans are consistent with the requirements of LUC Sec. 108-1-4(c) by providing landscaping to more than the 10% of the project area (53.96%) (see **Exhibit B**).
 - Per LUC Sec. 108-1-7 and LUC Sec. 108-2-5, all elements of the landscape plan are required to guarantee financially to ensure their installation within a one-year timeframe. As such, and as a condition of approval, an estimate for the proposed landscaping plan/revegetation is required to be submitted for review. A Development Improvement Agreement and a cash escrow will be required for the approved estimated cost to serve as the financial guarantee. This cash escrow shall be deposited prior the issuance of a land use permit and will be released back to the applicant once the landscaping has been installed.
- **Building and site layout:**
 - There are no buildings being proposed as part of the project.
- **Utility easements, drainage, and other engineering questions:**
 - The lot contains a 10-foot utility easement along its frontage with Moose Hollow Drive. Based on the site plan, this easement is not being encroached upon by any of the proposed improvements (see **Exhibit C** for the subdivision plat for this lot).
 - The proposal must meet all review agency requirements, including the requirements outlined in the Engineering Division's review.
- **Prior development concept plan approvals associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval:**
 - The proposed project is consistent with the applicable zoning development agreement approved in May of 2006, Entry # 2184620 (see **Exhibit D**).

Architectural, landscape, and screening design standards: Per LUC Sec. 108-2, the following architectural, landscape, and screening design standards apply to all commercial uses in the Ogden Valley Planning Area. Staff's analysis is provided below each standard:

Minimum Standards; Architectural: This subsection is not applicable as there are no structures associated with this proposal.

Minimum Standards and Guidelines, General Landscaping: The proposed landscaping plan (see **Exhibit B**) has been reviewed and found to meet the minimum requirements to landscape at least 20% of the total lot area, 80% of which being landscaped with living plant materials. In fact, the project area will be landscaped to 53.96%. Staff review has found that the landscaping plan meets the minimum requirements for landscaping along street frontages and property lines. Additionally, the proposed plant material, quality, size, and method of irrigation (automatic system) meet the minimum standard requirements outlined in LUC Sec. 108-2-5.

It will be the responsibility of the applicant to ensure ongoing compliance with the requirements of LUC Sec. 108-2-5(j) regarding landscaping maintenance.

Screening and Buffering: LUC Sec. 108-2-7 requires that parking areas be obscured from view along any property line which is contiguous to a residential use or zoning district.

The subject property is bounded by open space zoning to the north and east where screening isn't necessary. However, to the south, there are platted, but not yet built, residential condos. The proposed landscaping plan offers screening to these platted condos by planting trees along the southern lot line between the proposed parking and the residential use to the south.

Parking and Loading Space, Vehicle Traffic and Access Regulations: Per LUC Sec. 108-8, the current land use of the building (welcome center, real estate office, & café) require a minimum parking as follows:

Real Estate Office – Required to have one space per two employees plus four spaces for client use. The applicant has indicated that they have 10 on-site employees. This would require 5 spaces plus 4 spaces for client use for a total of 9 required spaces.

Café – Required to have one space per eating booth and table plus one space per three stools. The café currently has 9 tables. This requires a minimum of 9 spaces.

Welcome Center – The land use code does not specify the number of spaces required for a welcome center. However, it does indicate that the number of spaces should be based on a reasonable estimate for staff and customers.

With the real estate office needing 9 spaces, and the café needing 9 spaces, this would leave 21 stalls available for the welcome center’s use (39 total stalls – 9 café stalls – 9 real estate office stalls = 21 remaining stalls).

The proposed plans indicate that the proposed stalls will be approximately 166 sq. ft. in area. LUC Sec. 108-8-7 requires that the minimum parking area per stall encompass not less than 180 sq. ft. That said, the applicant is providing a 24-foot wide access right-of-way into the stalls. This width is allowed to be as little as 16 feet which allows the stalls to meet the 180 sq. ft. area requirement.

Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by continuing development and improvements to the approved Wolf Creek Resort area under the existing Zoning provisions.

Staff Recommendation

The Planning Division recommends approval of DR 2021-11, subject to all review agency requirements and based on the following condition of approval:

1. An estimate for the proposed landscaping plan/revegetation is required to be submitted for review. A Development Improvement Agreement and a cash escrow will be required for the approved estimated cost to serve as a financial guarantee. This cash escrow shall be deposited prior the issuance of a land use permit and will be released back to the applicant once the landscaping has been installed.

This recommendation for design review approval is based on the following findings:

1. The proposed project conforms to the Ogden Valley General Plan.
2. The proposed project complies with applicable County codes.
3. The proposed project complies with the applicable Zoning Development Agreement.
4. The proposed project will not negatively affect public health, safety, or welfare.
5. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Administrative Approval

Administrative approval of DR 2021-01 is granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: 10/7/21


Rick Grover
Weber County Planning Director

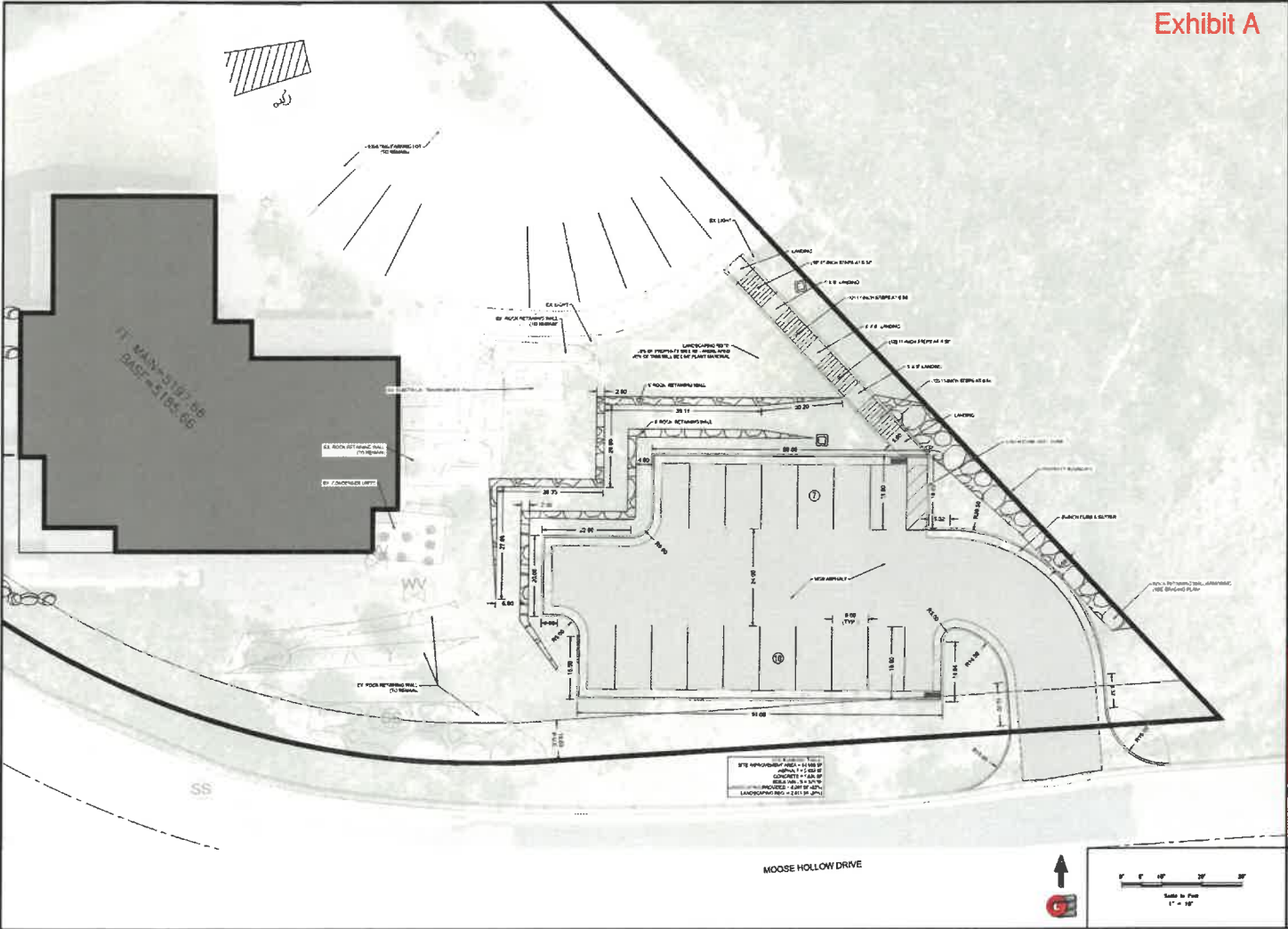
Exhibits

- A. Improvement Plans
- B. Landscaping Plan
- C. Welcome Center Subdivision
- D. 2006 Zoning Development Agreement

Vicinity Map and Street View



Exhibit A



DATE	DESCRIPTION

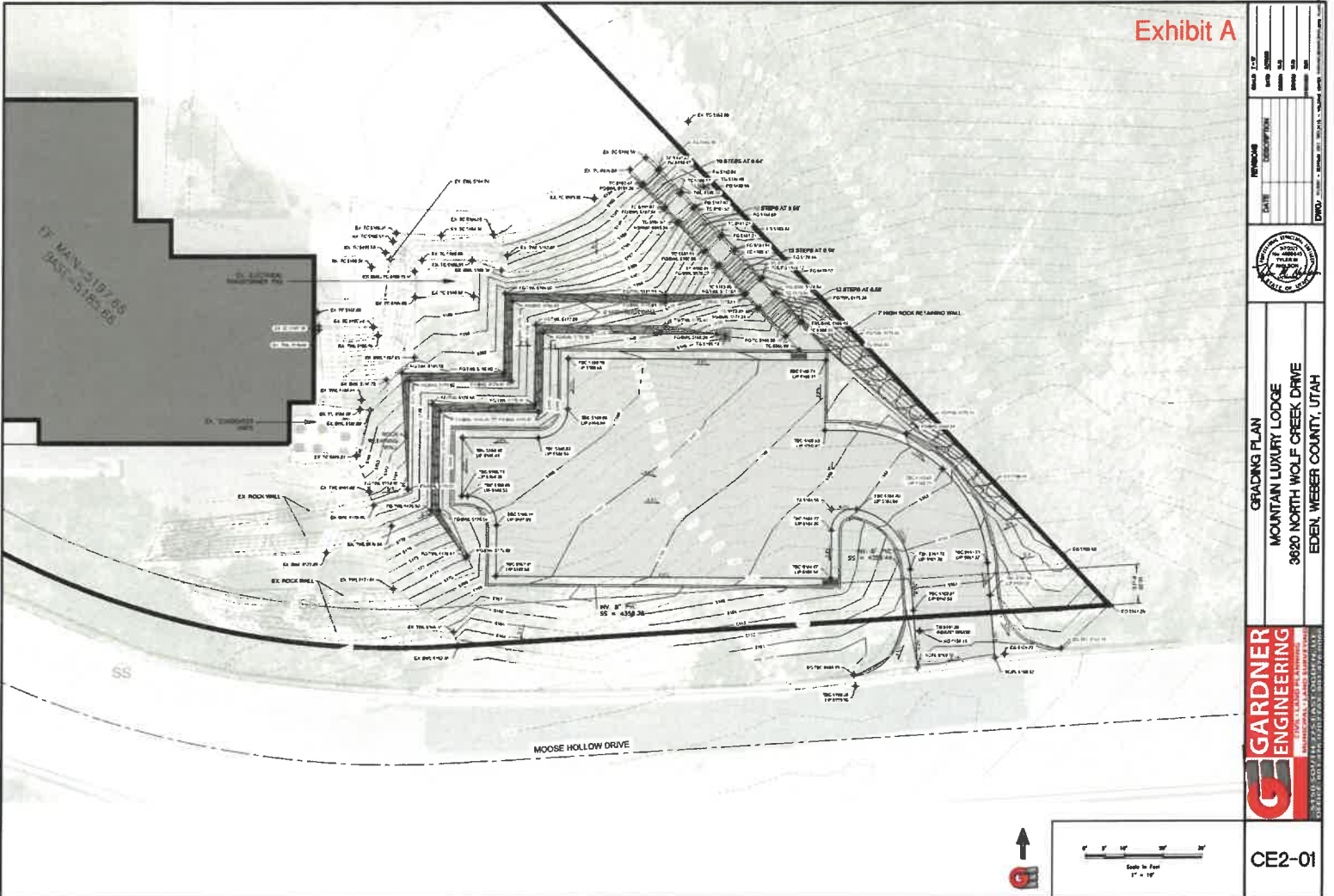


SITE PLAN
MOUNTAIN LUXURY LODGE
3820 NORTH WOLF CREEK DRIVE
EDEN, WEBER COUNTY, UTAH



CE1-01

Exhibit A



DATE	BY	CHECKED	DATE

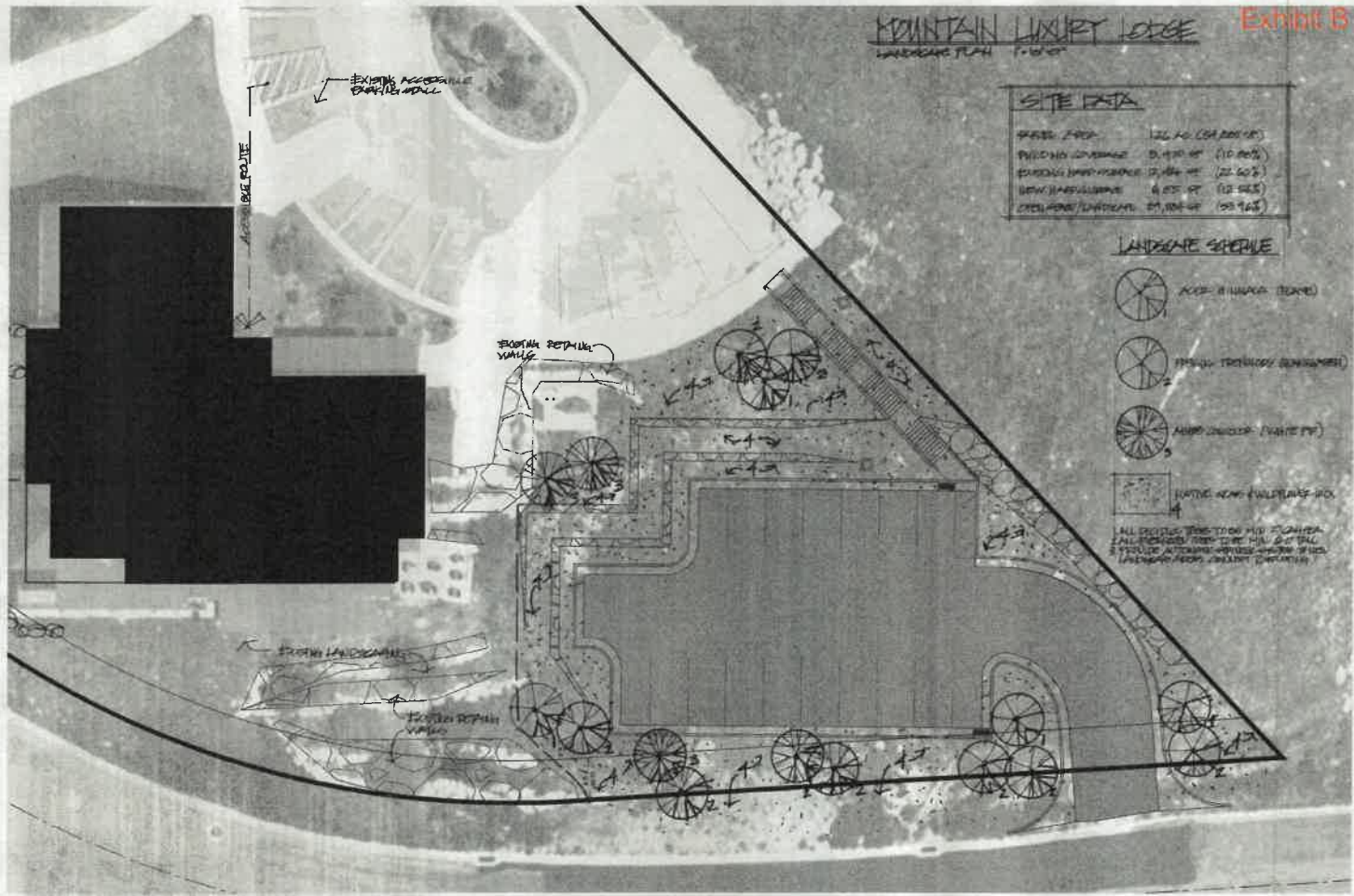
GRADING PLAN
MOUNTAIN LUXURY LODGE
3620 NORTH WOLF CREEK DRIVE
EDEN, WEBBER COUNTY, UTAH

GARDNER ENGINEERING
 INCORPORATED
 100000001
 STATE OF UTAH

CE2-01

MOUNTAIN LUXURY LODGE
LANDSCAPE PLAN 1-10-07





Exhibit B



SITE DATA

SPACE ZONE	122,400 SQ. FT.
PARKING CAPACITY	51 SPACES (10 ADA)
EXISTING IMPERVIOUS	12,480 SQ. FT. (10.5%)
NEW IMPERVIOUS	4,800 SQ. FT. (3.9%)
PERMEABLE/UNPAVED	105,120 SQ. FT. (85.6%)

LANDSCAPE SPECIES

-  ACER BIRCH (TREE)
-  PRUNUS TRICHOCARPUS (SHRUB)
-  AMYGDALUS (VARIETY)
-  NATIVE GRASS (MULTIPLANT SPECIES)

ALL SPECIES IDENTIFIED WITH PLANTER
CALL PERIODS FROM TREE HULL OUT CALL
& STORAGE ATTENDING PERIODS AND/OR OTHER
LANDSCAPE FROM PLANTING DATE

MOOSE HOLLOW DRIVE

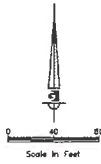


SL-87

WELCOME CENTER SUBDIVISION

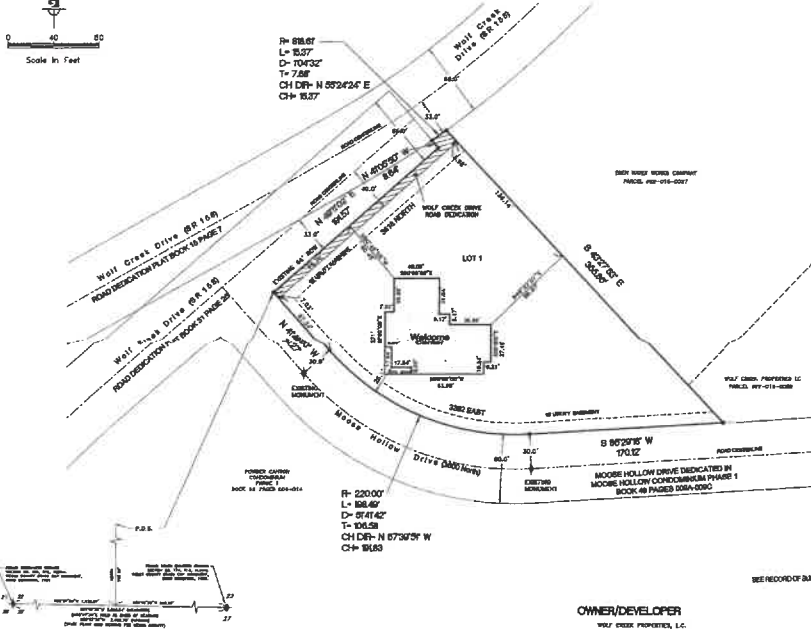
A PART OF THE SOUTHWEST 1/4 OF SECTION 22,
17N, R1E, SALT LAKE BASE & MERIDIAN,
WEBER COUNTY, UTAH

MAY 2008



Scale In Feet

PH 88187
L= 15.57
D= 70432
Tx 7.58
CH DEF- N 852424' E
CH= 15.57



R= 22000'
L= 181.62
D= 074742
Tx 10.55
CH DEF- N 673075' W
CH= 181.83



VICINITY MAP

NARRATIVE

THIS SURVEY AND SUBDIVISION PLAT WAS REQUESTED BY WOLF CREEK PROPERTIES, LLC FOR THE PURPOSE OF ESTABLISHING AND SUBDIVIDING THE LOCATION OF THE BOUNDARY OF THE SUBJECT PROPERTY AS SHOWN FROM A LARGER PARCEL OF LAND. WEBER COUNTY RECORDS OFFICE RECORDS WERE FOUND AS SHOWN ON PLAT, AND USED TO ESTABLISH THE SUBJECT PROPERTY. SURVEYS IN THE AREA PERFORMED BY GARLAND CHRISTENSEN AND LAMAR & ASSOCIATES WERE LOCATED ON THE SURFACE AND USED TO ESTABLISH THE BOUNDARY LINES OF THE SUBJECT PROPERTY. THE BIRTH OF THE LINE OF WOLF CREEK DRIVE WAS ESTABLISHED BY FOLLOWING THE EXTENSION OF THE BIRTH OF THE LINE AS SHOWN ON THE POWER CENTER CONDOMINIUM PROJECT, PHASE 1 CONDOMINIUM PLAT AS REQUESTED BY THE WEBER COUNTY SURVEYOR OFFICE. A LINE BEING SHOWN BETWEEN THE SOUTHWEST CORNER AND NORTH QUARTER CORNER OF SECTION 22, 17N, R1E, SLM, S&M, WAS LINED AS THE BIRTH OF BEARING.

REMARKS

1. BUILDING SHOWN AS CONSTRUCTED.
2. ALL THE LINES SHOWN BEING PROPERTY LINES TO BOUNDARIES ARE PERPENDICULAR TO THE PROPERTY LINES UNLESS OTHERWISE NOTED.
3. BEING 1/2" LINE AND YELLOW PLASTIC SURVEY TAPE TO BE SET AS EXTERIOR BOUNDARY CORNER.

SEE RECORD OF SURVEY # 004079

OWNER/DEVELOPER

WOLF CREEK PROPERTIES, LLC
ATTN: ERIC HENNINGSEN
2363 WOLF CREEK DRIVE
SALT LAKE CITY, UT
(801) 781-1110

EXHIBIT C SURVEYOR'S CERTIFICATE

I, **WELDON C. BECKER**, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR, AND THAT I ALSO CERTIFY TO BE QUALIFIED BY ACCORDANCE WITH UTAH AS OUTLINED IN PROFESSIONAL STANDARDS AND LAND SURVEYING LICENSES BY THE STATE OF UTAH. I PARTICULARLY CERTIFY THAT BY AUTHORITY OF THE BOARD I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTIONS 17-20-17 AND HAVE VIEWED ALL NECESSARY MONUMENTS. MONUMENTS WILL BE PLACED AS REPRESENTED ON THE PLAT. EACH OF THE LOTS LOCATED ON THIS PLAT AND THIS SUBDIVISION PLAT COMPLETES WITH THE PROVISIONS OF THE CURRENT SUBDIVISION AND OTHER APPLICABLE ORDINANCES OF WEBER COUNTY.

BOUNDARY DESCRIPTION

FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, S&M	TO	BEARING	DISTANCE
Lot 1	Lot 2	N 85° 24' 24" E	15.57 FEET
Lot 2	Lot 3	N 67° 30' 75" W	181.83 FEET
Lot 3	Lot 4	S 85° 24' 24" E	15.57 FEET
Lot 4	Lot 5	S 85° 24' 24" E	15.57 FEET
Lot 5	Lot 6	S 85° 24' 24" E	15.57 FEET
Lot 6	Lot 7	S 85° 24' 24" E	15.57 FEET
Lot 7	Lot 8	S 85° 24' 24" E	15.57 FEET
Lot 8	Lot 9	S 85° 24' 24" E	15.57 FEET
Lot 9	Lot 10	S 85° 24' 24" E	15.57 FEET
Lot 10	Lot 11	S 85° 24' 24" E	15.57 FEET
Lot 11	Lot 12	S 85° 24' 24" E	15.57 FEET
Lot 12	Lot 13	S 85° 24' 24" E	15.57 FEET
Lot 13	Lot 14	S 85° 24' 24" E	15.57 FEET
Lot 14	Lot 15	S 85° 24' 24" E	15.57 FEET
Lot 15	Lot 16	S 85° 24' 24" E	15.57 FEET
Lot 16	Lot 17	S 85° 24' 24" E	15.57 FEET
Lot 17	Lot 18	S 85° 24' 24" E	15.57 FEET
Lot 18	Lot 19	S 85° 24' 24" E	15.57 FEET
Lot 19	Lot 20	S 85° 24' 24" E	15.57 FEET
Lot 20	Lot 21	S 85° 24' 24" E	15.57 FEET
Lot 21	Lot 22	S 85° 24' 24" E	15.57 FEET
Lot 22	Lot 23	S 85° 24' 24" E	15.57 FEET
Lot 23	Lot 24	S 85° 24' 24" E	15.57 FEET
Lot 24	Lot 25	S 85° 24' 24" E	15.57 FEET
Lot 25	Lot 26	S 85° 24' 24" E	15.57 FEET
Lot 26	Lot 27	S 85° 24' 24" E	15.57 FEET
Lot 27	Lot 28	S 85° 24' 24" E	15.57 FEET
Lot 28	Lot 29	S 85° 24' 24" E	15.57 FEET
Lot 29	Lot 30	S 85° 24' 24" E	15.57 FEET
Lot 30	Lot 31	S 85° 24' 24" E	15.57 FEET
Lot 31	Lot 32	S 85° 24' 24" E	15.57 FEET
Lot 32	Lot 33	S 85° 24' 24" E	15.57 FEET
Lot 33	Lot 34	S 85° 24' 24" E	15.57 FEET
Lot 34	Lot 35	S 85° 24' 24" E	15.57 FEET
Lot 35	Lot 36	S 85° 24' 24" E	15.57 FEET
Lot 36	Lot 37	S 85° 24' 24" E	15.57 FEET
Lot 37	Lot 38	S 85° 24' 24" E	15.57 FEET
Lot 38	Lot 39	S 85° 24' 24" E	15.57 FEET
Lot 39	Lot 40	S 85° 24' 24" E	15.57 FEET
Lot 40	Lot 41	S 85° 24' 24" E	15.57 FEET
Lot 41	Lot 42	S 85° 24' 24" E	15.57 FEET
Lot 42	Lot 43	S 85° 24' 24" E	15.57 FEET
Lot 43	Lot 44	S 85° 24' 24" E	15.57 FEET
Lot 44	Lot 45	S 85° 24' 24" E	15.57 FEET
Lot 45	Lot 46	S 85° 24' 24" E	15.57 FEET
Lot 46	Lot 47	S 85° 24' 24" E	15.57 FEET
Lot 47	Lot 48	S 85° 24' 24" E	15.57 FEET
Lot 48	Lot 49	S 85° 24' 24" E	15.57 FEET
Lot 49	Lot 50	S 85° 24' 24" E	15.57 FEET
Lot 50	Lot 51	S 85° 24' 24" E	15.57 FEET
Lot 51	Lot 52	S 85° 24' 24" E	15.57 FEET
Lot 52	Lot 53	S 85° 24' 24" E	15.57 FEET
Lot 53	Lot 54	S 85° 24' 24" E	15.57 FEET
Lot 54	Lot 55	S 85° 24' 24" E	15.57 FEET
Lot 55	Lot 56	S 85° 24' 24" E	15.57 FEET
Lot 56	Lot 57	S 85° 24' 24" E	15.57 FEET
Lot 57	Lot 58	S 85° 24' 24" E	15.57 FEET
Lot 58	Lot 59	S 85° 24' 24" E	15.57 FEET
Lot 59	Lot 60	S 85° 24' 24" E	15.57 FEET
Lot 60	Lot 61	S 85° 24' 24" E	15.57 FEET
Lot 61	Lot 62	S 85° 24' 24" E	15.57 FEET
Lot 62	Lot 63	S 85° 24' 24" E	15.57 FEET
Lot 63	Lot 64	S 85° 24' 24" E	15.57 FEET
Lot 64	Lot 65	S 85° 24' 24" E	15.57 FEET
Lot 65	Lot 66	S 85° 24' 24" E	15.57 FEET
Lot 66	Lot 67	S 85° 24' 24" E	15.57 FEET
Lot 67	Lot 68	S 85° 24' 24" E	15.57 FEET
Lot 68	Lot 69	S 85° 24' 24" E	15.57 FEET
Lot 69	Lot 70	S 85° 24' 24" E	15.57 FEET
Lot 70	Lot 71	S 85° 24' 24" E	15.57 FEET
Lot 71	Lot 72	S 85° 24' 24" E	15.57 FEET
Lot 72	Lot 73	S 85° 24' 24" E	15.57 FEET
Lot 73	Lot 74	S 85° 24' 24" E	15.57 FEET
Lot 74	Lot 75	S 85° 24' 24" E	15.57 FEET
Lot 75	Lot 76	S 85° 24' 24" E	15.57 FEET
Lot 76	Lot 77	S 85° 24' 24" E	15.57 FEET
Lot 77	Lot 78	S 85° 24' 24" E	15.57 FEET
Lot 78	Lot 79	S 85° 24' 24" E	15.57 FEET
Lot 79	Lot 80	S 85° 24' 24" E	15.57 FEET
Lot 80	Lot 81	S 85° 24' 24" E	15.57 FEET
Lot 81	Lot 82	S 85° 24' 24" E	15.57 FEET
Lot 82	Lot 83	S 85° 24' 24" E	15.57 FEET
Lot 83	Lot 84	S 85° 24' 24" E	15.57 FEET
Lot 84	Lot 85	S 85° 24' 24" E	15.57 FEET
Lot 85	Lot 86	S 85° 24' 24" E	15.57 FEET
Lot 86	Lot 87	S 85° 24' 24" E	15.57 FEET
Lot 87	Lot 88	S 85° 24' 24" E	15.57 FEET
Lot 88	Lot 89	S 85° 24' 24" E	15.57 FEET
Lot 89	Lot 90	S 85° 24' 24" E	15.57 FEET
Lot 90	Lot 91	S 85° 24' 24" E	15.57 FEET
Lot 91	Lot 92	S 85° 24' 24" E	15.57 FEET
Lot 92	Lot 93	S 85° 24' 24" E	15.57 FEET
Lot 93	Lot 94	S 85° 24' 24" E	15.57 FEET
Lot 94	Lot 95	S 85° 24' 24" E	15.57 FEET
Lot 95	Lot 96	S 85° 24' 24" E	15.57 FEET
Lot 96	Lot 97	S 85° 24' 24" E	15.57 FEET
Lot 97	Lot 98	S 85° 24' 24" E	15.57 FEET
Lot 98	Lot 99	S 85° 24' 24" E	15.57 FEET
Lot 99	Lot 100	S 85° 24' 24" E	15.57 FEET

DATE: 5/19/08
SIGNATURE: [Signature]

OWNER'S SUBDIVISION DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND DO HEREBY SET APART AND DEDICATE TO THE PUBLIC USE AS SHOWN HEREON AND SHALL MAINTAIN SAID DEDICATION PERPETUALLY AND SO HEREAFTER.

WOLF CREEK PROPERTIES, LLC
c/o ERIC HENNINGSEN
DATE: 7/22/08

WEBER COUNTY PLANNING COMMISSION APPROVAL

WE DO SO CERTIFY THAT THIS SUBDIVISION PLAT WAS DAILY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 22nd DAY OF July, 2008.

WEBER COUNTY ATTORNEY
I HAVE REVIEWED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS SUBMITTED WITH THIS SUBDIVISION PLAT AND AS MY OPINION IS, I CONSIDER THE COUNTY GUARANTEE APPLICABLE HEREON.

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR COMPLIANCE WITH THE SUBDIVISION ACT, AND THE HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LAND SURVEYOR AND DEDICATOR FROM THE RESPONSIBILITIES ASSOCIATED THEREWITH.

WEBER COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND SPECIFICATIONS FOR THE SUBDIVISION CONTAIN WITH COUNTY ENGINEERS AND THE HARMONY OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC USES AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS APPROVED BY THIS SUBDIVISION, BEING THE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.

WEBER COUNTY COMMISSION
DATE: 22nd day of July, 2008
ADMIN ASSISTANT
LORIAN STANBURN

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF WEBER }
ON THIS 22nd DAY OF July, 2008.

PERSONALLY APPEARED BEFORE ME ERIC HENNINGSEN, WHO BEING BY ME DULY SWORN, DOES SAY THAT HE IS PRESIDENT OF WOLF CREEK PROPERTIES, LLC, AND THAT THE FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID LLC, AND HE ACKNOWLEDGES TO ME SAID SAID LLC DECEASED THE SAME.

Notary: Steven Roberts
Notary Member

COUNTY RECORDER
DATE: 7/22/08
RECORDED: 234804
RECORDS: 234804-2008-0075
BY: [Signature]

C 2006-58
WEBER COUNTY

5-23
Ord 2006-14

ZONING DEVELOPMENT AGREEMENT E# 2184620 PG 3 OF 11

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

EFFECTIVE DATE: The effective date of this Agreement will be the date that rezoning approval is granted as outlined below by the Weber County Commission ("the Commission").

RECITALS: Whereas, the petitioner seeks to rezone property generally located at 3600 N. Wolf Creek Drive within the unincorporated area of Weber County, Utah from Forest Residential FR-3 Zone to Commercial Valley CV-2 Zone for the purpose of constructing a Welcome Center/Sales Office for the Wolf Creek Resort which property consists of 1.3 acres and is more particularly described on EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); 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 adopted Land Use General Plans of all or part of the County; and

WHEREAS, petitioner has requested that certain property be rezoned for purposes of allowing him or his designees to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the petitioner considers it to his advantage and benefit for the County to review his petition for rezoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's master plan and for the area and the existing land use surrounding the property to be rezoned as outlined in Exhibit A.

WHEREAS, the County is desirous of rezoning the property for the purpose of developing the property in the manner outlined to the county but does not feel that the property should be rezoned unless the development that the petitioner contemplates is commenced and completed on the property within an agreed upon reasonable time; and

WHEREAS, it is in the best interests of both the petitioner and the County that in the event the petitioners project is not commenced, constructed and completed within a reasonable time that the zoning of the parcel described in Exhibit A be rezoned back to the zoning that existed prior to granting petitioners initial rezoning request.

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

1. The County will rezone the property described in Exhibit A from Forest Residential FR-3 Zone to Commercial Valley CV-2 zone for the purpose of allowing the petitioner to develop his property in conformance with the approved concept development plan.
2. The petitioner will develop the subject property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and modified but the general concept of the plan will not be changed without prior formal approval of the County. The petitioner will begin construction on the designated project described in Exhibit B within two (2) years of the date on which final approval of the rezoning petition is granted and will complete the project within five (5) years of rezoning approval.
3. Petitioner acknowledges that if the project has not begun or has not been completed within the time frames outlined above that he will request that the property be rezoned from Commercial Valley CV-2 Zone to Forest Residential FR-3 zone and this document will serve as his request that the

Zoning Development Agreement

EA 2184620 PG 4 OF 11

Page 2

property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.

4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
 - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain land use and building permits and complete construction within the time periods specified in this Agreement.
 - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
 - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.
9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest, occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

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Exhibit A

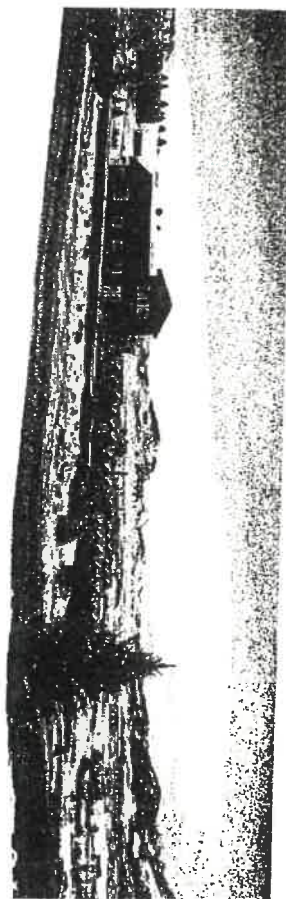
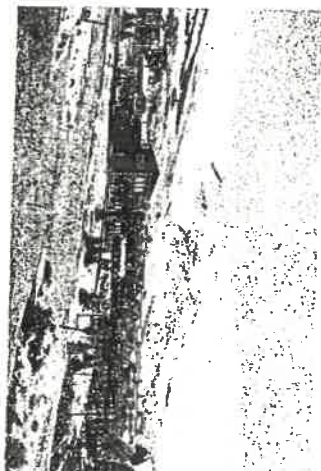
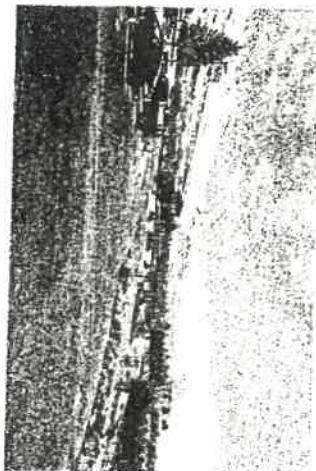
A part of the Southwest Quarter of Section 22, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point South 1,749.74 feet and West 689.60 feet from the center of Section 22, said point also being on the easterly Right of Way of Wolf Creek Drive; thence the following courses: S 43°27'38" E 363.83 feet to the northerly ROW of Moose Hollow Drive (2600 North); thence S 86°29'18" W 170.44 feet along said ROW to a tangent curve; thence Northwesterly 198.50 feet along said ROW and a curve to the right to a tangent line (R=220.00' Delta=51°39'49" T=106.56', CH=191.83' CHB=N 67°39'51" W); thence N 41°49'01" W 81.79 feet along said ROW to the easterly ROW of Wolf Creek Drive; thence N 46°52'22" E 198.93 feet along Wolf Creek Drive to a curve to the right; thence Northeasterly 8.12 feet along said ROW and a curve to the point of beginning. (R=818.61' Delta=0°34'06" T=4.06', CH=8.12' CHB=N 54°55'36" E) Contains: 56,622 sq. ft. / 1.30 acres

Exhibit B
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WELCOME CENTER
EDEN, UTAH

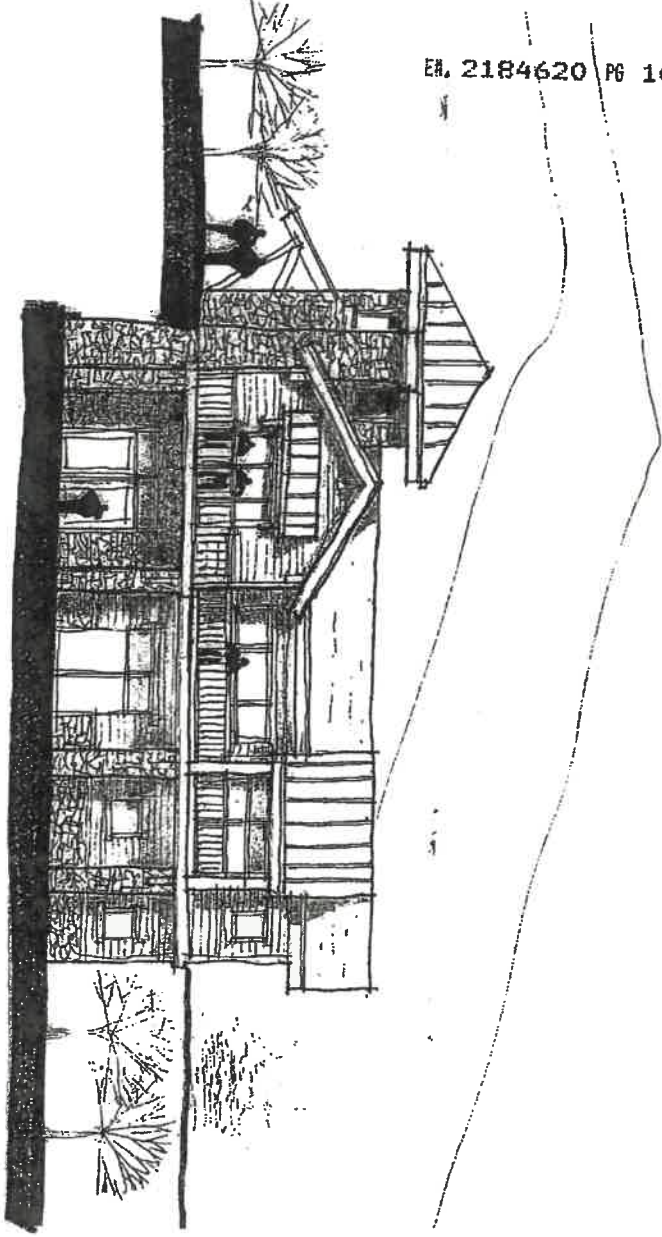


BERTOLDI
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Fax: 801-474-0000

WELCOME CENTER

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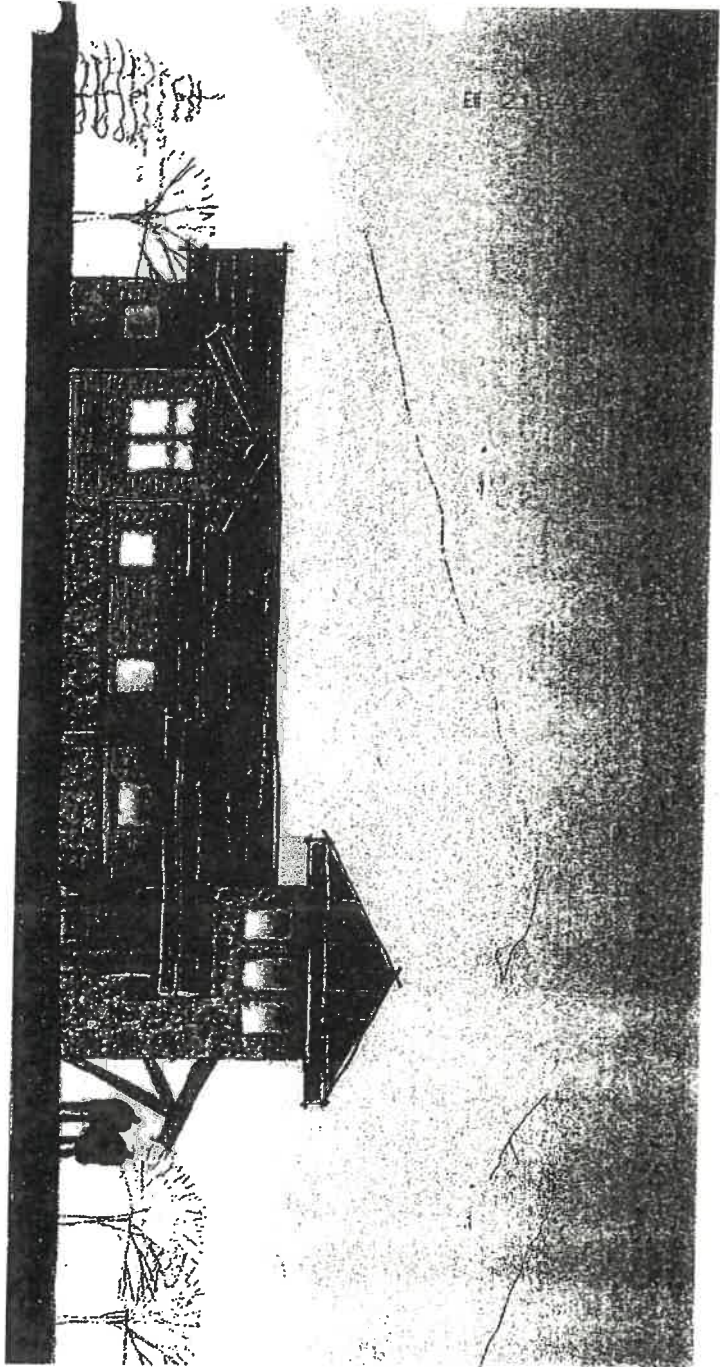
Exhibit B
3 of 4



SOUTH ELEVATION

BERTO DI
ARCHITECTS

WELCOME CENTER OF



NORTH ELEVATION

BERTOLDI
ARCHITECTS

Exhibit B
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