

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

August 2, 2022

Pre meeting 4:30/Regular Meeting 5:00

- *Pledge of Allegiance*
- *Roll Call:*

1. Minutes: May 24, 2022, June 7, 2022

2. Vote for new Vice-Chair

Petitions, Applications, and Public Hearings:

3. Administrative Items

3.1 UVH042622 - Consideration and action on a request for a positive recommendation from the Planning Commission for final approval of Hidden Brook Estates Subdivision, consisting of 8 lots. **Presenter Felix Lleverino**

3.2 UVB040422 – Request for a recommendation of final approval of Bright Acres Subdivision, a four-lot subdivision consisting of 14.06 Acres in the AV-3 zone. Located at approximately 5638 N 3100 E, Liberty, UT, 84310. **Presenter Tammy Aydelotte**

3.3 UVO111221 – Consideration and action on a request for preliminary approval of Osprey Ranch Subdivision Phase 1, a 31-lot subdivision consisting of 283.78 acres, in the FV-3 zone. Located at approximately 1385 N Hwy 158m Eden, UT, 84310. **Presenter Tammy Aydelotte**

Petitions, Applications, and Public Hearings:

4. Legislative Items

4.1 ZDA 2022-01: A public hearing to consider and take action on a request for approval of the 2nd amendment to the Powder Mountain Development Agreement to update concept area maps and to add language allowing staff and Planning Commission to approve minimal changes to area maps. Applicant is Rick Everson. **Presenter Steve Burton**

4.2 ZDA 2022-03: A public hearing to consider and take action on a request for approval of the 2nd amendment to the Snowbasin Development Agreement, to exempt the Resort from certain provisions of the subdivision ordinance. Applicant is Snowbasin. **Presenter Steve Burton**

5. Public Comment for Items not on the Agenda:

6. Remarks from Planning Commissioners:

7. Planning Director Report:

8. Remarks from Legal Counsel:

Adjourn to work session

W1: Discussion regarding new state requirements for moderate-income housing plans and implementation strategies.

W2: Discussion regarding a zoning map amendment to rezone property from RE-15, RE-20, FR-3, O-1, F-5, and AV-3 to the Master Planned Development Overlay zone. Applicant is John Lewis. Presenter Steve Burton

The regular meeting will be held on Zoom.

Zoom Video Conferencing at <https://us02web.zoom.us/j/86965330751> Meeting ID: 869 6533 075

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes of the Work Session of the Ogden Valley Planning Commission for May 24, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/82173922403>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair; Shanna Francis, Vice Chair, Jeff Burton, John (Jack) Howell, Dayson Johnson, Jared Montgomery, Justin Torman.

Absent/Excused: None

Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:**

Chair Shuman asked if anyone had any ex parte communication or conflict of interest to declare. Commissioner Johnson stated he may have a potential conflict with agenda item 3.1; he has the right to purchase a lot from the applicant, but he does not believe it is in the phase of the project that is subject to the agenda item.

Chair Shuman then rearranged the agenda; he moved to agenda item six and invited Planning Director Grover to provide his comments about John Lewis, who recently resigned from the Ogden Valley Planning Commission. Mr. Grover reported Mr. Lewis has served as a member of the Commission since 2016, serving as Vice Chair and Chair for several years. He has provided a great deal of time and effort to serving the Ogden Valley through his position on the Commission. He always allowed public input on the items being considered by the Commission and conducted meetings very effectively and professionally. He presented Mr. Lewis with a plaque signifying the County's gratitude for Mr. Lewis's service.

Mr. Lewis thanked his fellow Planning Commissioners for their service; he wished them the best and stated he is always willing to talk to any member of the Commission or Planning staff if he can be of assistance.

Mr. Grover then discussed the County's process for advertising vacancies and filling positions on the Planning Commission; two people applied to fill the vacancy created by Mr. Lewis's resignation.

Chair Shuman then reported that item two, Commission training, will follow item four.

1. Approval of Minutes for March 22, 2022.

Chair Shuman announced there have been minor corrections and edits suggested for the minutes and he declared them approved as amended

3. Consent items

3.1 CUP 2022-06: Request for approval of a conditional use permit for a water tank and well house located at approximately 2051 N Highway 158, Eden. *Presenter Tammy Aydelotte*

Applicant is requesting a conditional use permit for a water tank, to transport Nordic Mountain Water to a proposed 67-lot subdivision. This proposed water tank will provide Nordic Mountain Water to two phases of Osprey Ranch Subdivision that is currently under subdivision review. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. Staff recommends approval of this conditional use application subject to the applicant meeting the review agency requirements and the following conditions:

1. Any outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).
2. All recommendations contained in the submitted geo reports shall be followed.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Burton moved to approve CUP 2022-06, approval of a Conditional Use Permit for a water tank and well house located at approximately 2051 N. Highway 158, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Burton, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. Commissioner Francis voted nay. (Motion carried 6-1).

Legal Counsel Erickson referenced Commissioner Johnson's earlier declaration of a potential conflict of interest; he suggested that Commissioner Johnson recuse himself from voting on this matter and excuse himself from the meeting until voting has concluded.

Commissioner Burton restated his motion to approve CUP 2022-06, approval of a Conditional Use Permit for a water tank and well house located at approximately 2051 N. Highway 158, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Burton, Howell, Montgomery, Shuman, and Torman all voted aye. Commissioner Francis voted nay. Commissioner Johnson recused himself from voting on the motion. (Motion carried 5-1).

3.2 CUP 2022-07: Request for approval of a conditional use permit for a new water tank and pump house, attached to an existing pump house, located at approximately 7780 E Summit Pass Rd, Eden. *Presenter Tammy Aydelotte*

Applicant is requesting a conditional use permit for a pressurized water system to service the Hidden Lake Lodge area. This proposal consists of a dedicated booster pump station with capacity to supply PID and fire flow (1,500 gpm), existing site improvements, distribution pipe (10", 8", 2" pipe, hydrants, and a PRV station). The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. Staff recommends approval of this conditional use application subject to the applicant meeting all review agency requirements and the following conditions:

1. outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).

This recommendation is based on the following findings:

1. The proposed use is allowed in the DRR-1 zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Burton moved to approve CUP 2022-07, approval of a Conditional Use Permit for a water tank and pump house, attached to an existing pump house, located at approximately 7780 E. Summit Pass Road, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Burton, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. Commissioner Francis voted nay. (Motion carried 6-1).

Commissioner Francis stated she is concerned that this approval will permit excavation of the mountain for a subdivision that has not yet been considered by or approved by the Commission. Chair Shuman stated he understands Commissioner Francis's concern; however, due to the County's land use ordinance, the Commission is legally obligated to grant approval of the CUP.

4. Administrative items.

4.1 CUP 2022-03: Request for a conditional use permit for a conference center located in the Evergreen Subdivision at approximately 2257 N River View Road, Huntsville, UT, 84317. *Presenter Tammy Aydelotte*

Planner Aydelotte explained the applicant is requesting approval of a conditional use permit for a conference/education center located in the F-40 zone at 2257 N. River View Rd, Huntsville. The F-40 Zone allows a "conference/education center" as a conditional use. The applicant is proposing to phase their plans for the proposed use. The education center is proposed to occupy a portion of four parcels and include a vegetable garden, trails, an orchard, and some dedicated agricultural area, as well as a pavilion, a barn, and a guesthouse. Under the definition of a conference/education center, "Such a facility may serve meals and offer day use and/or overnight lodging facilities." This proposal is intended to educate participants on sustainable living systems, environmental stewardship, and related activities. The guest house would be used to accommodate overnight guests as part of the educational activities. With these occurring in small groups (up to 12, staying between 2-7 days at a time, and occurring a few times per month (2-3 stays per month), and during the warmer months (April-October), the expected impact is minimal. The

applicant is proposing on-site septic system and a well, to address water and sewer needs. Staff recommends approval of this conditional use permit application subject to applicant meeting the following conditions of approval in addition to any and all conditions of the various reviewing agencies and any additional conditions of the Ogden Valley Planning Commission. She summarized staff's analysis of the application to ensure compliance with the General Plan and zoning regulations; staff recommends approval of this conditional use permit application subject to applicant meeting the following conditions of approval in addition to any and all conditions of the various reviewing agencies and any additional conditions of the Ogden Valley Planning Commission.

Planning conditions of approval:

1. The owner shall obtain a valid Weber County Business License.
2. The owner shall obtain a conditional use permit once all recommendations of approval have been met.
3. If there is a change in use to any of the four parcels tied to this application, the owner must apply for a conditional use amendment through Weber County Planning.

This recommendation is based on the following findings:

1. The proposed use is conditionally allowed in the F-40 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Howell asked if the proposed use is permitted in the F-40 zone. Legal Counsel Erickson cited the list of conditional uses in the F-40 zone, noting that conference or education center is an allowed conditional use. Planning Director Grover added that this is an administrative decision, and the application can be approved by the Commission if it is found to comply with the rules governing conditional uses.

Commissioner Francis asked if short-term rentals are allowed in the F-40 zone. Ms. Aydelotte stated that a conference/education center is defined as a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities. Commissioner Francis stated she understands that definition but is curious as to whether short term rentals are allowed in the F-40 zone. Ms. Aydelotte deferred to Mr. Erickson. Mr. Erickson stated that short term rentals are not called out as an independent allowed use in the F-40 zone.

Chair Shuman invited input from the applicant.

Emily Nicolosi, Owner, stated that she believes the impact of her project will be minimal; it will host less than 12 people a few times each year. She feels her plan is in line with the vision for the Ogden Valley and she plans to restore the land with native vegetation and agriculture; visitors will be able to learn about environmental sustainability.

Ms. Aydelotte stated that given that the applicant would like to include all five parcels she owns in the application, she recommended amending condition of approval number three; the condition should state:

3. If there is a change in use to any of the five parcels tied to this application, the owner must apply for a conditional use amendment through Weber County Planning.

Commissioner Howell moved to approve CUP 2022-03: Request for a conditional use permit for a conference center located in the Evergreen Subdivision at approximately 2257 N River View Road, Huntsville, UT, 84317, based on the findings and subject to the conditions listed in the staff report.

Commissioner Francis offered a friendly amendment to amend condition of approval number three to change the reference of parcels from four to five. Commissioner Howell accepted the friendly amendment. Commissioner Torman seconded the motion. Commissioners Burton, Francis, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. (Motion carried 7-0).

4.2 UVB04042022: Request for preliminary approval of Bright Acres Subdivision, a four-lot subdivision located in the AV-3 zone, at approximately 5638 N 3100 E, Liberty, UT. Presenter Tammy Aydelotte.

Planner Aydelotte explained an alternative access request was previously approved on September 6, 2021. This alternative access approval allows the owner to have a private access easement to two of the four lots. The owner will be required to record a covenant with the subdivision plat, where the owner agrees to dedicate to the county and improve the access easement at the time the county so requests. As part of this approval, connectivity is required to be shown at subdivision, either a public road stub or a public pathway easement, per LUC § 106-2. The applicant is requesting preliminary approval of Bright Acres Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Ms. Aydelotte then provided a brief synopsis of the review criteria and conformance with LUC relative to this application, after which she concluded staff recommends preliminary approval of Bright Acres Subdivision, consisting of four lots located at approximately 5638 N 3100 E, Liberty. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. A 12-foot-wide public trail easement shall be shown on the final plat along the southern boundary of lots 3 and 4, per the approval of the application for AAE2021-10
2. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC, and will be verified prior to issuing certificate of occupancy for the first residence within this subdivision.
3. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
4. An onsite wastewater disposal covenant shall be recorded with the final plat
5. A private well covenant shall be recorded with the final plat.
6. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat.
7. A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Chair Shuman asked how the term 'lot-averaged subdivision' is defined. Ms. Aydelotte stated that a lot-average subdivision allows for a variety of lot sizes in a subdivision; for a lot-averaged subdivision in the AV-3 zone, the minimum lot area is 40,000 square feet with a 100-foot width. There will be a note on the final plat indicating that this subdivision is a lot-averaged subdivision and that minimum lot requirements are met.

Commissioner Howell then asked if the road that leads to lots two and three is a private road. Ms. Aydelotte stated it will be a private access and there will be a document recorded with the subdivision that will allow the County to require construction of a public roadway if needed at a future date to allow for connectivity. Commissioner Howell asked if the Fire Department has approved the access plan, to which Ms. Aydelotte answered yes.

Brief discussion centered on whether the lots in this proposed subdivision comply with the zoning standards for the AV-3 zone; Chair Shuman noted that the road is included in the project, but it essentially reduces lot sizes and he asked if the lots are still compliant with the land use ordinance. Ms. Aydelotte stated that connectivity incentivized subdivisions allow for smaller lots, but this is a lot-averaged subdivision. Chair Shuman asked if an applicant could seek approval of a connectivity incentivized subdivision and lot-averaged subdivision for one project. Planner Burton stated that they can be considered hand-in-hand, but in this case the proposed project is not seeking extra density and they are not proposing public roads.

Commissioner Burton stated that the trail easement on the plat is 12 feet wide and he asked if that would accommodate a full trail or half of a trail width. Ms. Aydelotte stated it will accommodate half a trail width. Commissioner Burton inquired as to plans for extending the trail in that area and what impact that will have on lots in this subdivision. Ms. Aydelotte stated that as land develops further to the west, the County would like to extend the trail, and this will burden lots three and four in the subject project. Mr. Burton added that the County could have forced the inclusion of a public road in the project, but the Planning Director granted alternative access in this project with a condition that there be an easement for a trail extension in the project. This will provide some public connectivity. There was brief discussion about the timing of the installation of trail improvements and the party that will be responsible for those improvements, with Ms. Aydelotte noting that the County can consider a deferral agreement to allow the improvements to be installed at a point in the future when they are warranted. She also reviewed an aerial image of the property and surrounding properties to identify conceptual plans for trail extensions in the area.

Commissioner Howell asked if each lot will be served by its own water well. Ms. Aydelotte stated there will be two wells: one will service lot one and the other will service lots two, three, and four.

Chair Shuman invited input from the applicant.

Scott Hale stated he plans to build on lot one in the project; he thanked Ms. Aydelotte for her summary of the application and indicated he had nothing to add.

Commissioner Burton moved to approve UVB04042022, preliminary approval of Bright Acres Subdivision, a four-lot subdivision located in the AV-3 zone, at approximately 5638 N 3100 E, Liberty, UT, based on the findings and subject to the conditions listed in the staff report, and including an additional condition that staff seek a recommendation from the Engineering Department regarding the overflow of secondary water drainage. Commissioner Montgomery seconded the motion. Commissioners Burton, Francis, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. (Motion carried 7-0).

4.3 UVH – 042622 Consideration and action on a request for preliminary approval of Hidden Brook Estates Subdivision, consisting of 9 lots. *Presenter Felix Lleverino.*

Planner Lleverino explained the applicant is requesting preliminary approval for a nine-lot subdivision that will gain access from Big Sky Drive, a private road within Big Sky Estates. The private right-of-way is proposed to be 50 feet in width that will provide frontage for eight of the nine lots. Lot six is proposed to front on Big Sky Drive. It is important to note that this portion of Big Sky drive is a terminal street and that 14 lots currently gain access from this terminal street. The recommendation in this report is to only grant preliminary approval for eight lots, including lots 1 through 5 and lots 7 through 9. Lot 6 cannot be approved as proposed because LUC 106-2-2.4 states that terminal streets may only serve a maximum of 14 lots. The developer will be required to construct the road to a County standard for a private road. The road improvements will extend from the intersection of 2050 North Street and Big Sky Drive to a turnaround area that also stubs to the adjacent property to the east. 2050 North Street will serve as the primary access for residents within the Hidden Creek Development. In an emergency, the residents will have access to an alternate exit through a break-away gate. The fire access road connects with Osprey Ranch and may be used for Hidden Brook residents and Osprey Ranch residents. Where the Hidden Brook Road terminates, Weber County Fire and Engineering will require a turn-around. The Fire District and County Engineer require that the entire length of 2050 North is built to a county standard. As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations. Mr. Lleverino summarized the staff analysis of the application to ensure compliance with the General Plan and zoning regulations, concluding staff recommends preliminary approval of Hidden Creek Estates Subdivision, only for lots 1 through 5 and lots 7 through 9. This recommendation is based on the following conditions:

1. The developer shall obtain and submit a capacity assessment letter from Nordic Mountain Water before receiving a recommendation for final approval from the Planning Commission.
2. A development design verification is required because of the geologic hazards present within the site.
3. The developer shall show compliance with the secondary water requirements in LUC 106-4-2.1(b)(2)c.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.
3. The number of lots fronting on Big Sky Drive exceeds 14. Therefore, Lot 6 cannot be included.

Commissioner Howell stated that the applicant is seeking approval of eight lots, and he asked if there is sufficient water for that many lots. Mr. Lleverino stated that lot 6R will be omitted from the development plat due to access issues; the applicant has indicated they are able to serve the eight lots in the project area and if the applicant is able to find a way to develop lot 6R and provide access to the lot, they can pursue a single lot subdivision.

Commissioner Francis asked for information regarding the purpose of the sensitive land overlay. Mr. Lleverino stated it is intended to protect the stream corridor. Commissioner Francis asked if there is mention of any wetlands or bogs on the property, to which Mr. Lleverino answered no. Commissioner Francis asked that staff consider whether those water issues may be present. Mr. Lleverino stated staff can look into that, but there is a geologic report that provides soil conditions for the property and those conditions are not mentioned.

There was then brief high-level discussion among the Commission and staff regarding the history of the ordinance that regulates the number of lots that can be served by one road; they discussed existing projects in the community that do not conform to current regulations, with Principal Planner Perkes emphasizing that currently only 14 lots can be served by one dead-end road and that is why staff has recommended the removal of lot 6R from the project. Commissioner Burton asked if lot 6R can be developed at a point in the future if 2050 North connects to Osprey Drive. Mr. Perkes stated that is not correct because lot 6R does not connect to Osprey, it could only be accessed by Big Sky Drive.

Chair Shuman noted that this application is for preliminary approval and some of the issues that have been raised tonight can be worked on by the staff and applicant before application for final approval is made.

Commissioner Howell asked if the road on the hillside has been improved. Mr. Lleverino deferred to the applicant. Commissioner Francis stated she would like to know if that existing road is private. Mr. Lleverino presented an aerial image of the area and identified Big Sky Drive and Blue Bell road; Blue Bell is the only access to Big Sky Drive.

Chair Shuman invited input from the applicant.

Brandon Janis stated that he is not building Big Sky Drive; there is a long history and legal issues related to access in the area, but he has worked through those issues. He then noted that the Fire Marshall has required a large turnaround at the end of the road and that has already been provided. He stated that the Osprey Ranch roads are private roads and the owners of those roads have indicated they do not want public roads connecting to those private roads. The area can be gated to regulate access.

Commissioner Francis asked if Big Sky Drive is paved. Mr. Janis stated it is roto milled at this point in time. Commissioner Francis asked if the County has concerns about a certain number of lots being located on an unpaved road. Mr. Lleverino stated Planning Staff discussed that issue at length, but given that the road will be private, it is not held to the same standard as public roads. Additionally, the road is in good condition for an unpaved road. Engineering has considered the width of the right of way and the material it is constructed of; they felt comfortable providing support to the area. Commissioner Francis stated she is concerned about the number of private, unimproved roads in this area. Chair Shuman suggested that staff consider these issues between now and the time the final application is made. He facilitated brief high-level discussion among the Commission to communicate to staff the main concerns that the Commission has regarding private roads, service provision, soil conditions, and water issues in this area.

Commissioner Montgomery moved to approve UVH – 042622, request for preliminary approval of Hidden Brook Estates Subdivision, consisting of 8 lots, excluding lot 6 noted on the plat, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Burton, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. Commissioner Francis voted nay. (Motion carried 6-0).

Commissioner Francis indicated her opposing vote is because she feels it is necessary to perform a tighter review of the sensitive lands in the area to determine if there are wetlands present; additionally, she is not comfortable approving another subdivision on an unimproved private road.

4.4 CUP 2022-05 Consideration and/or action on a conditional use permit for short term rental use at 4945 E. Wolf Lodge Dr. Presenter Steve Perkes.

Principal Planner Perkes explained the applicant is requesting a conditional use permit for short term rentals in a residential dwelling located in the FR-3 zone at 3571 N Creekside Way, #72, in Eden. The FR-3 Zone allows a “nightly rental” as a conditional use. The proposed use will occur within an existing dwelling. As such, there is no design review required. Parking will be made available in the existing attached garage. Additional vehicles may park in designated guest parking along Wolf Lodge Drive. The application is being processed for an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits. She summarized staff’s analysis of the application to ensure compliance with the General Plan and zoning guidelines, concluding that staff recommends approval of this application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

1. A business license shall be obtained prior to issuance of this conditional use permit.
2. Parking shall occur only in the driveway and the garage associated with this lot.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of reasonably anticipated detrimental effects can be accomplished.

Chair Shuman invited public input.

John Harold stated that he does not have any information to add to Mr. Perkes' presentation but is willing to answer questions the Commission may have.

Chair Shuman asked Mr. Harold to summarize his proposed operation. Mr. Harold stated that the unit that shares a building with his unit has been operating as a short-term rental for nearly a year with no issues; they have the same parking arrangements that he is seeking. Chair Shuman asked Mr. Harold if he has lived in the subject unit. Mr. Harold stated that he lives in Layton but has spent time in the unit. He added he is aware of at least two other short-term rentals in the development and has heard of no issues with those uses or parking problems.

Commissioner Francis stated that she believes the Commission is legally obligated to approve this application, but she does feel it is irresponsible to continue to approve short term rentals without having adopted enforcement regulations for the use. Additionally, if such regulations were adopted, County staff does not have the ability to enforce them.

Mr. Perkes stated there are at least four other permits for short term rentals in this project. Additionally, there was a group approval for 10 other permits in the subdivision.

Commissioner Torman stated that it is important to recognize those that are seeking a legal permit for a short-term rental use; the short-term rentals that are most problematic or creating concerns for neighboring property owners are those who are operating without a permit. Mr. Perkes agreed; the County has created code that requires a conditional use permit for short term rentals and staff appreciates those who have followed that process and are operating legally.

Commissioner Howell asked if enforcement action has been taken against those operating without a permit. Planning Director Grover answered yes; the County's Code Enforcement is addressing those that are brought to their attention. However, State Law prohibits the County from looking for short term rental listings to determine if a property is licensed.

Commissioner Burton moved to approve CUP 2022-05, conditional use permit for short term rental use at 4945 E. Wolf Lodge Dr., based on the findings and subject to the conditions listed in the staff report. Commissioner Montgomery seconded the motion. Commissioners Burton, Francis, Howell, Johnson, Montgomery, Shuman, and Torman all voted aye. (Motion carried 7-0).

5. Public comment for items not on the agenda.

There were no public comments.

6. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

7. Planning Director Report.

Mr. Grover reported on a few of the recent actions of the County Commission.

3. Training

Legal Counsel Erickson proceeded to provide the Commission with annually required land use training. The topics he covered included the Open and Public Meetings Act (OPMA) for the State of Utah, ethics and handling conflicts of interest, and conditional use permits. Throughout Mr. Erickson's presentation, there was high level discussion among the Council and Planning staff regarding various processes employed by the County to consider different land use applications; the Commission's authority relative to different types of land use applications; and requirements to disclose ex-parte communications or conflicts of interest. Mr. Erickson concluded that he would provide additional training in the future to fulfill State training requirements.

8. Remarks from Legal Counsel.

Mr. Erickson had no additional remarks.

**Meeting Adjourned: The meeting adjourned at 8:03 p.m.
Respectfully Submitted,**

Weber County Planning Commission

Minutes of the Work Session of the Ogden Valley Planning Commission for June 7, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/81809370043>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair; Shanna Francis, Vice Chair, Jeff Burton, , Justin Torman.
Absent/Excused: Commissioners John (Jack) Howell, and Dayson Johnson, Jared Montgomery
Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:**

Chair Shuman conducted roll call and indicated Commissioners Howell, Johnson, and Montgomery were excused.

1. Approval of Minutes for April 5, 2022.

Chair Shuman announced there have been no corrections or suggested edits to the meeting minutes and he declared them approved as presented.

2. Work Session 1: Discussion of Osprey Ranch Subdivision, a proposed subdivision consisting of approximately 61 lots, in the FV-3 zone. This proposal includes a proposed new sewer system, water from Nordic Mountain Water, and a public right of way that will connect Hwy 158 to Nordic Valley Drive

Planner Aydelotte offered Eric Householder the opportunity to provide the Commission with information about the Osprey Ranch Subdivision project.

Mr. Householder used the aid of a brief PowerPoint presentation to summarize proposed phasing of the project, proposed residential uses in the project, utility services to the area, and access agreements from the Utah Department of Transportation (UDOT). He presented the proposed site plan and identified points of access, and phasing; phase one has 31 lots and phase two has 30 lots. This proposal is much less dense than projects that have been approved for the subject property in the past.

Mr. Householder then participated in high level discussion with the Commission regarding issues such as connectivity to existing roads in the area and efforts to work with existing residences, homeowner's associations, and other developers in the area to pursue cohesive development and planning for the area.

Shane Dunlevy stated he is president of the Big Sky Number One Homeowner's Association (HOA) and a partner in the Osprey Ranch project; at their annual meeting they took a vote regarding thoroughfare through Hidden Brook from Osprey Ranch. Hidden Brook is not capable of handling additional traffic and the HOA opposed that connection. He has discussed the same issue with the Big Sky Number Two HOA and they are of the same opinion. The only improvement they would approve is a fire crash gate on the roadway.

Continued discussion among the Commission and Mr. Householder centered on utility service capabilities; density of the project; zoning regulations; open space and trail improvements, including parking) in the project and whether they will be open to the public; natural vegetation to be preserved around the perimeter of the project; location of a water storage tank to serve the project area; and geologically sensitive areas in and around the project area.

Steve Emery, Eden resident, discussed access and road improvements in and surrounding the project area; he noted he feels there is a conflict of interest when developers begin to communicate what types of improvements they are feel are not feasible. He stated the connectivity that is desired in the area is feasible and there should be much more attention paid to the proposal.

Principal Planner Ewert stated the developer can not unilaterally decided to take over a private road or connections that exist on Big Sky Drive; the County is not interested in being party to a project that would 'force the hands' of private land owners on Big Sky Drive and, instead, the County is looking for opportunities to pursue public road connections in the future via reservation of a public right of way. Chair Shuman noted that Big Sky Drive is currently in a state of disrepair; however, residents are comfortable

with the current condition. If, at some point in the future, it makes sense to connect to and improve Big Sky Drive, preservation of a public right of way easement would allow for that. Mr. Householder stated that scenario is sensible, but he identified what he feels is the more natural connection for the project area. He stated providing an easement may be more difficult and it would be costly to build a road in that easement at some point in the future.

Fred Blickley stated he lives on Oakland Circle and he asked for information regarding the alternatives that are being considered for effluent disposal in the area. Mr. Householder stated that he is pursuing an operating permit with the Division of Water Quality, which includes a public notification and input process. He discussed requirements for securing the permit and indicated that he expects to hear back from the Division in order to begin design work and launch the public process.

Commissioner Francis stated that at the time this application comes before the Commission for formal consideration, she would like clear information about utility infrastructure and level of service for the project area.

Mr. Emery asked if short term rentals will be allowed in the project area; this land use has created many problems in the Valley and he wanted assurance that short term or nightly rentals will not be allowed. Mr. Householder state the minimum rental period for any unit will be 30 days and that will be restricted via the covenants, conditions, and restrictions (CCRs) for the project.

Mr. Householder concluded by thanking the Commission for their consideration of this project; he feels the current proposal is an improvement when compared to past proposals for the same property – especially when considering density.

Continued discussion among the Commission and staff centered directly on connectivity and preservation of any public right of way or easement for future transportation improvements in the project area.

Chair Shuman stated he looks forward to continuing discussion of the application in future meetings and he thanked the applicant for the information provided tonight.

3. Public comment for items not on the agenda.

Ron Gleeson requested that the length of time that a resident is allowed to speak during a public hearing be increased from two minutes to three or even five minutes. He stated that approximately six months ago this rule was changed and the time reduced to two minutes. He cited other government agencies that allow three minutes or greater.

Valerie Fowler stated she lives in the Elk Ridge development in the Ogden Valley and she expressed her concern about the lack of progress in developing an enforcement mechanism for illegal short term rentals in areas that are not zoned for that use. She stated that short term rentals are a regular topic of conversation. She and many of her neighbors chose to buy a home in an area they plan to reside in and in areas where short term rentals are prohibited. Everyone buying their home in the Valley should know the zoning of their property and that short term rentals are prohibited; nobody has the right to break those regulations for any reason, including profit. About a year ago, the Weber County Commission announced a pause on short term rentals, citing unspecified misinformation. She noted she was a U.S. foreign service officer for 30 years specializing in special communications; in that position, one of her challenges was countering disinformation. She knew the importance of pushing correct information. With this background, she asserts that continuing the pause on developing enforcement for illegal short term rentals could be problematic. The County Commissioners are ceding the information space to those that wish to create their own narrative. In her neighborhood, there is one owner who is repeatedly renting to large groups who are trespassing on neighboring properties and causing many problems; the sheriff knows the address of this property well and her neighborhood is fed up with the lack of accountability for illegal rentals. In addition, the owner is not required to meet any health or safety standards because the unit is not a legal rental. Also, large rental groups use a lot more culinary water than a single family home typically would. She reiterated that the pause on developing rules for this issue is concerning; the last update she heard about the issue was that the County Commission expected to have a contract out to bid early this year with implementation by early this summer. She stated she has two questions for the Planning Commission: what action has been taken with respect to short term rentals in the past year and what does the Commission understand is the timeline for which residents can expect to see enforcement in the Ogden Valley.

Mr. Ewert discussed the current process that residents can use to report illegal short term rentals, after which the County will launch an investigation. The State Legislature has adopted a rule prohibiting the County from using an online listing for a short term rental as evidence of the short term rental itself. The County needs other evidence in order to pursue legal action against an

illegal short term rental. He then noted that the County did publish a RFP for bids for a contactor that can aid in the investigation process; a number of bids were received, but the County Commission put a hold on executing a contract for a time. He hopes that issue will be addressed again in the next few quarters.

The Planning Commission and staff then engaged in discussion regarding past actions taken by the body relative to short term rentals. The Commission has supported enforcement against illegal short term rentals. Mr. Ewert stated that the challenge that the County has is not relative to legal short term rentals as there are typically not problems with licensed rentals. For illegal short term rentals, there is insufficient revenue to pursue a strict enforcement program. The County Commission has discussed opportunities for requiring owner-occupancy of short term rentals and requiring a minimum three-night stay in a unit. Enforcement, however, will be incumbent upon the neighbors of the properties where illegal rental is occurring. This is due to the fact that code enforcement staff is not working during the hours when illegal rentals are typically taking place.

Ms. Fowler thanked Mr. Ewert and the Planning Commission for their discussion on the matter of short term rentals, but noted that her neighborhood has already done everything that he suggested in order to ensure that enforcement action will be taken against the property owner that is using their property illegally. One neighbor even went so far as to rent the unit in order to provide the County with proof of the illegal operation. She stated that over the past year she has not received a response from Planning staff and Code Enforcement staff. Unless the Planning Commission and County Commission are willing to take a property owner to court, nothing will be done to stop the illegal use of the property. She stated she and her neighbors have tried everything they can think of and they are in desperate need of help.

Mr. Ewert asked Ms. Fowler to email him directly and he noted he will follow up with those individuals at the County who are currently involved in enforcement. Chair Shuman asked that the Commission hear a report on this matter from the Planning Director during the next meeting.

Steven Regan stated he live in Eden. He received a phone call last April about a town hall meeting with Weber County Commissioners; one topic of discussion during that meeting was the number of short term rentals in the Valley, but the Commissioner disregarded the number of rentals and indicated the problem lies with enforcement and lack of staffing to handle enforcement. He stated that this does not give Valley residents confidence that the County Commission is serious about addressing the problem; if they were serious, they should pursue resources that will make it possible to handle enforcement. He stated that the Governor has come down on the land use because it is making it hard for the State to address housing needs. The County needs to take the issue seriously.

Fred Blickley stated that he also shares concerns about short term rentals; he lended his support to Ms. Fowler's statements and noted he appreciates that the Planning Commission is paying attention to the input and that they will ask for a report on the matter soon. The County Commission needs to understand that their constituency is concerned about this. He thanked Mr. Ewert for his input, but noted that the residents of the valley are not as concerned about whether there is funding to pay for enforcement efforts. He noted that when someone calls the police or Fire Department for support, they are not asked to consider whether there is sufficient funding to pay for a response. Regulations should not be selectively enforced based upon an arbitrary view of whether there is funding to pay for that enforcement. Residents should not be asked to be the party that is investigating situations and gathering data to make it possible to take enforcement action; that is the County's job. The residents are fatigued by this issue and he asked that it be addressed.

Ray Bertogli echoed the comments made by residents who spoke about short term rentals; he spoke to a personal experience where a bus pulled into his driveway to drop off adults at a vacation rental property down the street from his home. Residents should not be asked to consider whether there is funding to pay for enforcement. The same is true for storm water pollution prevention programs (SWPP); such SWPP programs are not being enforced and contractors are getting away with breaking rules. This results in infringement on the rights of existing residents. The County Commission needs to take a serious look at how to fund an enforcement program against short term rentals and soon.

Kay Hogeland also echoed the comments made regarding short term rentals. She asked that the Commission's legal counsel, Cortland Erickson, look into the State law regarding short term rentals as it is her understanding that the provision prohibiting examination of an online listing for enforcement purposes has been changed. She views the inaction of the County Commission as a failure; there was a strike last summer to stop further action based upon misinformation. The Planning staff has prioritized an enforcement program for nightly rentals and the Commission ranked the matter at the bottom of the list. This is bordering on nonfeasance and a waste of County money; the County Commission has spent a great deal of time investigating a matter that

other Counties have already acted on. It is wrong to think that any enforcement program should be self-funding. Commissioners have stood on property rights, but they are disregarding the property rights of those that have chosen to live in a neighborhood where short term rentals were prohibited. She asked that Planning Director Grover consider this is a very important matter for the Valley and communicate that to the County Commission.

Chair Shuman asked Mr. Erickson to responds to Mr. Gleason's request that those making public comments be given more than two minutes. Mr. Erickson stated there is no law governing the length of time given to those making public comments; the Chair has the authority to set a reasonable amount of time for public input according to the Commission's rules of order.

4. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

5. Planning Director Report.

In Mr. Grover's absence, Mr. Ewert provided remarks; he thanked those residents who spoke about short term rentals and advised that their input may be better focused to the County Commission than this Planning Commission.

6. Remarks from Legal Counsel.

Mr. Erickson stated he will research the State Statute regarding short term rentals and indicated he will work with Planning staff to provide updated information to the Planning Commission.

7. Work Session 2: Discussion regarding transferable development rights overlay zone.

Principal Planner Ewert noted the County Commission has discussed the concept of transferable development rights (TDR) due to the recent Nordic Valley application; he presented a map illustrating open space areas in the valley from which TDRs can be sent from and to. The intention is not to increase density in the Valley, but to move it from some locations to others in an effort to preserve open spaces and large agricultural areas. In theory, many people support the concept of TDR, but those that may be located closer to more dense areas have expressed concern. In total, the undeveloped rights spread across the Valley floor is approximately 10,000; there are approximately 5,000 developed rights, for a total buildout of 15,000 dwelling units. He then facilitated discussion among the Commission regarding the creation of small area plans in the Valley, including the Nordic Valley small area plan, in which the remaining development rights can be located. Throughout the discussion there was a focus on the ability to provide services to the areas in which density may be increased; areas designated for preserved open space; and the properties that have been recommended for inclusion in the TDR overlay zone. Some areas will be receiving areas only, some will be sending areas only, and others will be a hybrid of the two.

Commissioner Burton stated that he feels that the direction regarding sending or receiving areas only is somewhat arbitrary; he would prefer that all areas be open to sending and receiving development rights and that such actions be market driven. These comments led to deliberation of the type of policy recommendation the Planning Commission may send to the County Commission; Mr. Ewert stated that the underlying zone will control the ultimate development potential of a property, but there will be options for the County and landowners to consider relative to TDR actions. He is suggesting creation of an overlay zone that does not require legislative actions for each individual zoning application.

Commissioner Francis stated she would like for the TDR zoning ordinance to consider sensitive lands and usage of impact fees to acquire and preserve open space. Mr. Ewert stated he feels there is a strong argument for using impact fees for that purpose and he will confer with Mr. Erickson regarding the legality of doing so.

Mr. Ewert then thanked the Commission for their consideration of this issue; he indicated he will use the feedback from the Commission to formulate a document for further discussion and consideration in a work session setting.

Chair Shuman invited public input on the matter of TDRs.

Ron Gleason stated Geo-Gizmo allows a user to identify TDR's that have already been designated. He asked if these designations will still be valid if the County Commission adopts a TDR overlay zone. He referenced a piece of property at the corner of Old Snow Basin Road and Highway 39 that was rezoned from CV to FR-3 upon which homes were built, but 54 development rights were not used. The developer used every square inch of land to build the development and the County Commission has told them they can sell their remaining 54 development rights. He wondered if that should be the case and if that is a good precedent to set.

Mr. Ewert stated he does think it is a good precedent, though others will disagreed and suggest that the market is being flooded. He does not think that is the case. Mr. Gleason stated that the transaction to sell the development rights has already occurred and the precedent has been set. Mr. Ewert agreed and stated he feels the transaction is appropriate. Unless there are appropriate restrictions in place that would prevent further subdivision of land within a project area, he feels that extra density should be available for sale. He added that the current Geo-Gizmo information will not change; future TDR actions will be added to Geo-Gizmo.

Vicky (no last name given) stated she knows there has been a great deal of work put into the TDR plan, but she wondered if there is a transportation study supporting the plan. Mr. Ewert stated it is available on the County's website; he invited residents to email him and he will provide the plan and/or studies in response.

**Meeting Adjourned: The meeting adjourned at 8:34 p.m.
Respectfully Submitted,**

Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission
Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a positive recommendation from the Planning Commission for final approval of Hidden Brook Estates Subdivision, consisting of 8 lots.
Type of Decision: Administrative
Agenda Date: Tuesday, August 02, 2022
Applicant: Brandon Janis
File Number: UVH042622

Property Information

Approximate Address: 2050 N Big Sky Drive, Liberty
Project Area: 27.8 acres
Zoning: Forest Valley (FV-3)
Existing Land Use: Forest
Proposed Land Use: Residential Subdivision
Parcel ID: 22-040-0024, 22-040-0023
Township, Range, Section: T7N, R1E, Section 33

Adjacent Land Use

North: Residential	South: Forest
East: Forest	West: Forest

Staff Information

Report Presenter: Felix Lleverino
 flleverino@co.weber.ut.us
 801-399-8767
Report Reviewer: RK

Applicable Ordinances

- Title 101 (General Provisions) 1-7 (Definitions)
- Title 104 (Zones) Chapter 14 (Forest Valley 3 Zone)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 106 (Subdivisions)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Development History

On May 24th, the Planning Commission granted preliminary approval of Hidden Brook Estates with the following conditions:

1. The developer shall obtain and submit a capacity assessment letter from Nordic Mountain Water before receiving a recommendation for final approval from the Planning Commission.
 - Nordic Mountain Water has provided a letter stating that it has sufficient capacity to serve all 8 lots of this subdivision and that the developer has fully paid for water connections to the NMWI system.
2. A development design verification is required because of the geologic hazards present within the site.
 - Exhibit C contains a letter from Christensen Geotechnical verifying that the Hidden Brook site plan follows the recommendations presented in the project geotechnical report.
3. The developer shall show compliance with the secondary water exemption requirements in LUC 106-4-2.1(b)(2)c.
 - The developer is required to enter into a restricted-landscape covenant that shall be recorded with the subdivision plat. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
 - A note shall be placed on the final recorded plat as required in Section 106-1-8.20.

4. The County Engineer inspect the condition of Big Sky Drive road and provide review comments on potential safety issues.
 - “Big Sky Drive is a private road and is owned and maintained by a private association. The developer has entered an agreement with the association to assist in the maintenance.” The County Engineering Department placed this comment to clarify that any repairs, maintenance, liability, and responsibility falls on the Big Sky HOA.

Background

The applicant is requesting final approval for an eight-lot subdivision that will gain access from Big Sky Drive, a private road within Big Sky Estates. The private right-of-way is proposed to be 50 feet in width that will provide frontage for eight of the nine lots.

The developer has extended 2050 N street to create frontage for all eight lots within the Hidden Brook Development. The subdivision improvement begin at the intersection of 2050 North and Big Sky Drive. be required to construct the Hidden Brook road to a County standard for a private road. The road improvements will extend from the intersection of 2050 North Street and Big Sky Drive to a turnaround area that also stubs to the adjacent property to the east. 2050 North Street will serve as the primary access for residents within the Hidden Creek Development. In an emergency, the residents will have access to an alternate exit through a break-away gate. The fire access road connects with Osprey Ranch and may be used for Hidden Brook residents and Osprey Ranch residents. Where the Hidden Brook Road terminates, Weber County Fire and Engineering will require a turn-around. The Fire District and County Engineer require that the entire length of 2050 North is built to a county standard.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

Analysis

General Plan: This proposal conforms with the Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space (see page 21 of the OVGP).

Zoning: The property is located in the FV-3 Zone. The purpose of this zone is stated in the LUC §104-14-1.

“The purpose of the Forest Valley Zone, FV-3 is to provide an area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Site Development Standards: The site development standards for the FV-3 zone are as follows:

Minimum lot width: 150 feet

Minimum lot area: 3 acres

Each lot within Hidden Brook Estates conforms to these standards.

Private Street Option: In the Ogden Valley planning area, “the Land Use Authority may find a benefit from a street being temporarily permanently private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private” (106-2-2.1 (b) (1)). This road continuation is an extension of an existing private street called 2050 North. Staff recommends a waiver from the requirement of county ownership stated in 106-2-2.1 (b) (4) due to the existing conditions of Big Sky drive and the lack of county interest in taking ownership of Big Sky Drive.

Natural Hazards: This proposal includes two separate Geologic Hazard Evaluations that have been prepared by Western Geologic, one that evaluates lots 1-8 that is dated October 4, 2018, and the other that evaluates lot nine dated October 8, 2018. Page 12 of the Geologic Hazard Assessment shows a table that was created as a conservative assessment for the entire site and risks that may vary in some areas. Earthquake ground shaking, Landslides and slope failures have a hazard rating of “High” while problem soils have a hazard rating of “Moderate”. For this reason, the geologist has requested that a project geotechnical engineer perform an evaluation and set the parameters as needed. The Geologic Hazard Assessment for lot nine lists the same hazards and severity as what has been found within lots one through nine.

The presence of geologic hazards in this subdivision requires the developer to comply with the following section of the County’s Natural Hazard Area Ordinance:

LUC 108-22-3 Studies and Reports Required

(d) Development design verification. Whenever possible, avoidance of development in an area with an identified natural hazard is strongly encouraged. However, under the requirements of this chapter, development in an area with an identified natural hazard shall be permitted when it is designed to mitigate and is reasonably safe from, the identified hazard. The final design of the development shall not be accepted by the county unless:

1. The development's state-licensed engineer, or, if applicable, engineers, provide(s) the county with a signed and sealed verification letter stating that, pursuant to the considerations, findings, recommendations, and conclusions of the development's engineering geologist's study and report, the development has been designed to mitigate, and is reasonably safe from, the identified hazard.
2. The development's engineering geologist submits a signed and sealed verification letter stating that the final design of the development adequately provides for the considerations, findings, recommendations, and conclusions of the study and report, and is reasonably safe from the identified hazard.
3. Written verification is provided from the issuer(s) of professional errors and omissions liability insurance, in the amount of \$1,000,000.00, which covers the engineering geologist and state-licensed engineer(s), and which is in effect on the date of preparation of all required reports and certifications.

A plat note and a notice are required to be added to the final plat and recorded with the subdivision, indicating that geologic hazards are present within this subdivision. The plat note and the notice shall reference the study performed by Western Geologic.

Building Site: The applicant has provided a slope analysis showing the average slope within each lot. The average slope within lots one through eight ranges from 15.78 to 23.29.

Flood Zone: This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

Sensitive Lands: Exhibit C indicates the presence of a natural year-round stream that requires a 75-foot setback from the high watermark. Page 17 of the Geologic Hazard Assessment titled WAJ Enterprises Property Dated October 4th 2018 states "No homes or septic systems be located within 30 feet of the landslide area without additional subsurface exploration to characterize the lateral extent and thickness of the deposit. The subdivision plat depicts the landslide area labeled Qms (Tn), and the subdivision plat states that a subsurface exploration is required if development is planned for the specified areas.

Culinary Water: Nordic Mountain Water has provided a will-serve letter for all eight lots. The fees have been paid and the developer is in good standing with Nordic Mountain Water (see Exhibit B).

Secondary Water: Nordic Mountain Water does not provide secondary water. Unless the developer shows an allowable method of secondary water for this subdivision, the following section of the subdivision code will apply:

LUC 106-4-2.1(b)(2)c.

c. Secondary water exemption. A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses, wildfire defensible space, and similar uses is allowed under this exemption as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:

1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
2. A note shall be placed on the final recorded plat as required in Section 106-1-8.20.

Sanitary System: Weber-Morgan Health Department has provided a feasibility letter for all eight lots.

Review Agencies: The Weber County Fire District has posted comments to Frontier regarding fire hydrant placement and cul de sac design. The County Engineering Department require several plat revisions and several revisions to the construction drawings. The County Surveying Office has completed a final subdivision plat review. The Weber-Morgan Health Department has given conditional approval based on the final plat displaying septic system information.

Staff Recommendation

Staff recommends that the Planning Commission give a positive recommendation for final approval of Hidden Brook Estates Subdivision, consisting of 8 lots.

1. The final plat is approved by all applicable county review agencies before scheduling for final approval from the County Commission.
2. The civil drawings are approved by the applicable county review agencies.

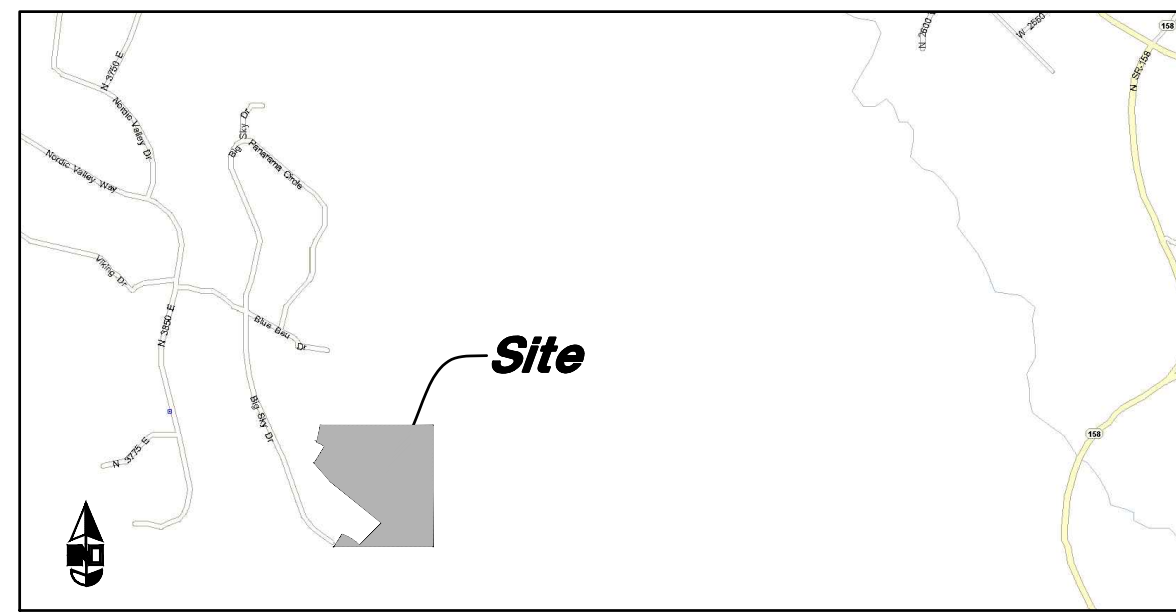
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Exhibits

- A. Hidden Brook Estates Subdivision final plat
- B. Nordic Mountain Water, Inc. capacity letter
- C. Development Design Verification





VICINITY MAP
Not to Scale

Exhibit A
Hidden Brook Estates
A part of the Southwest Quarter of Section 33, T7N, R1E, SLB&M, U.S. Survey
Weber County, Utah
August 2020

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold License No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described herein in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Hidden Brook Estates in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands, lots, and streets included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat. I furthermore certify that all lots within this Subdivision hereby meet all current lot width and area requirements of the Weber County Zoning Ordinance.

Signed this _____ day of _____, 2020.

6242920
License No.



NARRATIVE

This Subdivision Plat was requested by Mr. Brandon Janis for the purpose of creating nine (9) residential Lots.
Property Corners are Monumented as depicted on this survey.

FLOOD PLAIN

This property lies entirely within flood zone X (unshaded) as shown on the FEMA Flood Insurance Rate Map for Weber County, Utah, Community Panel Number 49057C0236 F dated 2 June, 2015. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance flood plain" (no shading)

NOTES

1. 10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown.
2. Stream Protection Easement is 50.0' each side of the High Water Mark of the Stream, as determined and witnessed on the ground.
3. Lots designated with the letter "N" that have structures or septic systems planned within the QMS area will "require additional subsurface exploration to characterize the lateral extent and thickness of the deposit (page 17 of the Geologic Hazard Evaluation, dated October 4, 2018)
4. The following geologic and Geotechnical reports are available for review in the Weber County Planning Office:
Geologic Hazard Evaluation by Western Geologic dated October 4, 2018.
Geologic Hazard Evaluation by Western Geologic dated October 8, 2018.
Geologic Investigation by Christensen Geotechnical dated October 12, 2018 CG Project No. 162-001.
Geologic Investigation by Christensen Geotechnical dated October 12, 2018 CG Project No. 162-002.
5. Engineering Analysis and Recommendations found in the Geotechnical Investigations should be followed for Earthwork, Foundations, Estimated Settlement, Lateral Earth Pressures, Concrete Slab on Construction, Moisture Protection and Surface Drainage, Subsurface Drainage, Slope Stability, Pavement Design, and Construction Consideration.
6. Each Lot is required to Detain its own Storm Water the storage requirement calculates to 1,335 cf for the 100-year storm with a release rate of 0.1 cfs/acre based on a 10,000 sq.ft of disturbed area but may be adjusted during the building permit phase based on the area disturbed.
- 7.

OWNERS DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots as shown on the plat and name said tract Hidden Brook Estates and do grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility easement and/or Detention Pond Easement, the same to be used for the maintenance and operation of public utility service line and storm drainage facilities, whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements, and further dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.

Signed this _____ Day of _____, 2020.

- X -

Brandon Janis - Owner

ACKNOWLEDGMENT

State of Utah
County of _____ } ss

The foregoing instrument was acknowledged before me this _____ day of _____ 2020 by _____ X _____.

Residing At: _____ A Notary Public commissioned in Utah
Commission Number: _____
Commission Expires: _____ Print Name

DESCRIPTION

A part of the Southwest Quarter of Section 33, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah:
Beginning at the Southeastly Corner of Lot 60, Big Sky Estates No. 2 (Entry No. 500942, Book 15 of Plats, Page 85) Weber County, Utah, said point being 905.93 feet South 89°38'24" East along the Section Line and 0.76 feet South 33°30'26" West from the Southwest Corner of said Section 33; and running thence along the Easterly, Southerly and Northerly Lines of said Big Sky Estates No. 2 the following nine (9) courses: (1) North 33°30'26" East 149.22 feet; (2) South 65°30'00" East 34.00 feet to a point of curvature; (3) Southeastly along the arc of a 528.00 foot Radius curve to the right a distance of 188.91 feet (Central Angle equals 20°29'58" (20°30' Record) and Long Chord bears South 55°15'00" East 187.90 feet) to a point of non-tangency; (4) North 45°00'00" East 358.00 feet; (5) North 51°00'00" West 733.00 feet; (6) North 41°00'00" West 264.00 feet; (7) North 32°11'38" East 215.43 feet to a point of a non-tangent curve; (8) Northwestly along the arc of a 185.01 foot Radius curve to the left a distance of 101.39 feet (Central Angle equals 31°23'57" and Long Chord bears 61°25'08" West 100.13 feet) to a point of non-tangency; and (9) North 12°52'49" East 183.84 feet to the Southwestly Corner of the Skyline Mountain Properties Partners LP Property; thence along said Southerly, Westerly and Northerly Lines the following three (3) courses: (1) South 89°48'28" East 1234.96 feet; (2) South 0°03'57" West 1327.18 feet; and (3) South 89°44'05" West 1079.27 feet to the Southeastly Corner of said Lot 60 and the Point of Beginning.
Contains 30.686 Acres, more or less

WEBER/MORGAN HEALTH DEPARTMENT

Conforming to state code and county ordinance, Weber-Morgan Health Department I hereby certify that the soil, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on-site wastewater disposal systems
Signed this _____ day of _____, 2020.
Director, Weber-Morgan Health Department

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office has been satisfied. The approval for this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this _____ day of _____, 2020.
Weber County Surveyor

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat, and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.
Signed this _____ day of _____, 2020.
Weber County Attorney

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.
Signed this _____ day of _____, 2020
Weber County Engineer

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this _____ day of _____, 2020.
Chairman, Weber County Commission
Attest: _____
Title: _____

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission.
Signed this _____ day of _____, 2020.
Chairman, Weber County Planning Commission

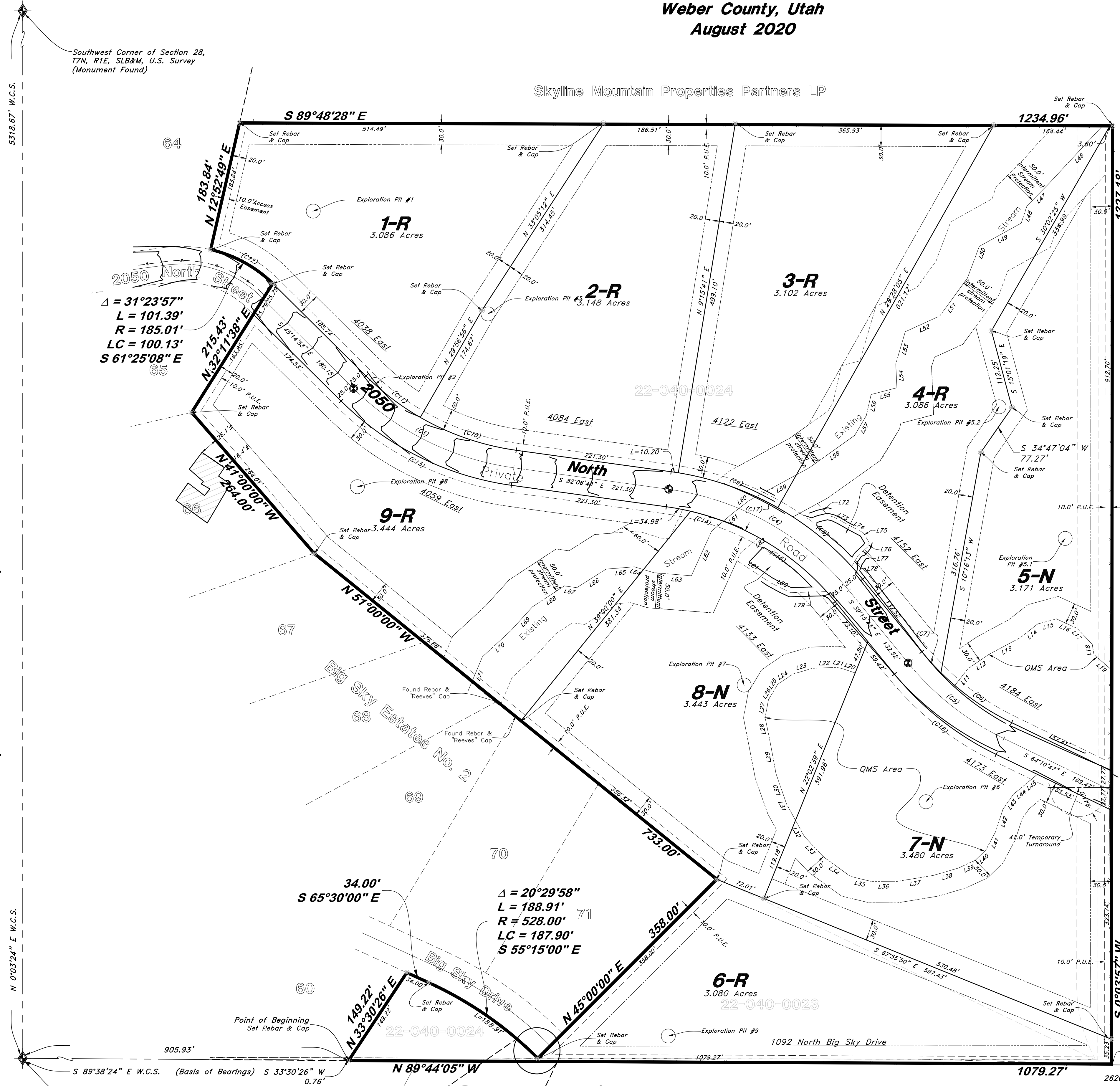
Sheet 1 of 2
WEBER COUNTY RECORDER
ENTRY NO. _____ FEE PAID _____
RECORDED _____ FILED FOR RECORD AND _____ AT _____
IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____
WEBER COUNTY RECORDER
BY: _____ DEPUTY



ENGINEER:
Great Basin Engineering Inc
c/o Andy Hubbard
5746 South 1475 East Suite 200
Ogden, Utah 84405
(801) 394-4515
DEVELOPER:
Nordic Valley Partners, LLC
c/o Brandon Janis
562 South 1100 West
Farmington, Utah 84025
(281) 250-4047
brandonjanis@gmail.com

Hidden Brook Estates

A part of the Southwest Quarter of Section 33, T7N, R1E, SLB&M, U.S. Survey
Weber County, Utah
August 2020



Legend

- ⊕ Monument to be set
- ⊙ Found Centerline Monument
- (Rad.) Radial Line
- (N/R) Non-Radial Line
- PUE Public Utility Easement
- PU&DE Public Utility & Drainage Easement
- Fence
- Buildable Area
- Set Hub & Tack
- ▲ A will be set Nail in Curb
- ⊙ Extension of Property
- ⊕ Set 5/8" x 24" Long Rebar & Cap w/ Lathe

NOTES

1. 10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown.
2. Stream Protection Easement is 50.0' each side of the High Water Mark of the Stream, as determined and witnessed on the ground.
3. Lots designated with the letter "N" that have structures or septic systems planned within the QMS area will require additional subsurface exploration to characterize the lateral extent and thickness of the deposit (page 17 of the Geologic Hazard Evaluation, dated October 4, 2018)
4. The following geologic and Geotechnical reports are available for review in the Weber County Planning Office:
Geologic Hazard Evaluation by Western Geologic dated October 4, 2018.
Geologic Hazard Evaluation by Western Geologic dated October 8, 2018.
Geologic Investigation by Christensen Geotechnical dated October 12, 2018 CG Project No. 162-001.
Geologic Investigation by Christensen Geotechnical dated October 12, 2018 CG Project No. 162-002.
5. Engineering Analysis and Recommendations found in the Geotechnical Investigations should be followed for Earthwork, Foundations, Estimated Settlement, Lateral Earth Pressures, Concrete Slab on Construction, Moisture Protection and Surface Drainage, Subsurface Drainage, Slope Stability, Pavement Design, and Construction Consideration.
6. Each Lot is required to Detain its own Storm Water the storage requirement calculates to 1335 cf for the 100-year storm with a release rate of 0.1 cfs/acre based on a 10,000 sq.ft. of disturbed area but may be adjusted during the building permit phase based on the area disturbed.

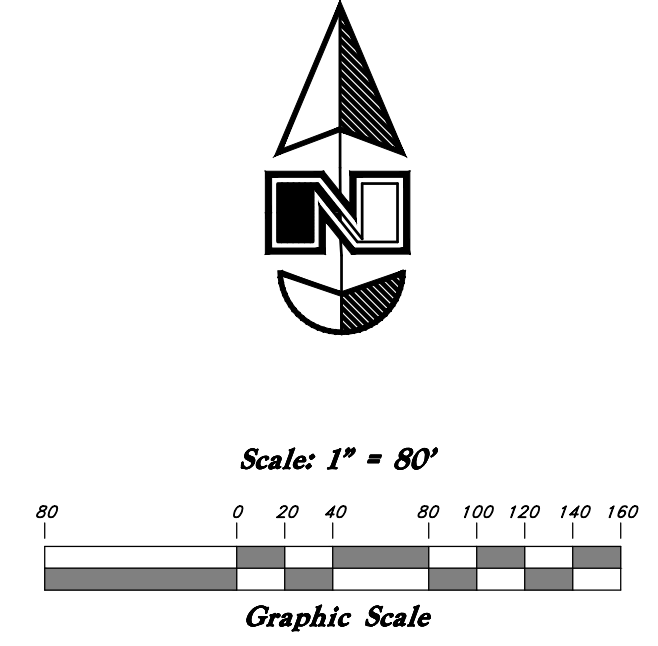
QMS Line Table		
Line #	Length	Direction
L20	19.886	N71° 29' 17.11"W
L21	7.850	N78° 31' 02.81"W
L22	33.725	S87° 59' 17.81"W
L23	29.003	S73° 40' 22.41"W
L24	25.951	S56° 06' 45.79"W
L25	12.751	S30° 53' 49.44"W
L26	12.751	S30° 53' 53.71"W
L27	25.557	S10° 36' 02.16"W
L28	30.637	S11° 42' 46.95"E
L29	50.232	S10° 33' 38.09"E
L30	44.839	S19° 08' 59.21"E
L31	1.247	S24° 35' 44.32"E
L32	51.647	S28° 41' 21.37"E
L33	39.342	S43° 06' 23.68"E
L34	47.556	S54° 06' 07.79"E
L35	30.951	S76° 25' 41.06"E
L36	33.817	S89° 47' 08.21"E
L37	54.067	N80° 35' 18.59"E
L38	36.711	N73° 38' 19.94"E
L39	26.548	N65° 08' 43.47"E
L40	20.683	N45° 55' 36.74"E
L41	29.535	N28° 01' 52.28"E
L42	33.550	N18° 10' 34.62"E
L43	25.734	N35° 02' 39.97"E
L44	10.983	N50° 54' 23.84"E
L45	32.893	N50° 01' 47.94"E
L11	30.031	N38° 02' 06.16"E
L12	35.719	N55° 36' 02.57"E
L13	50.814	N61° 52' 58.80"E
L14	31.066	N51° 46' 29.06"E
L15	27.578	N74° 58' 48.00"E
L16	32.263	S65° 26' 37.13"E
L17	31.072	S43° 13' 12.56"E
L18	14.456	S9° 22' 36.89"E
L19	30.653	S48° 57' 59.46"E

Easement Line Table		
Line #	Length	Direction
L82	5.360	S52° 18' 13.12"W
L79	51.019	N88° 19' 11.98"E
L80	31.809	S63° 37' 50.65"E
L81	56.487	S56° 34' 24.07"E
L72	22.194	S40° 52' 04.81"E
L73	18.818	S61° 43' 15.43"E
L74	27.954	S62° 16' 59.41"E
L75	16.617	S31° 40' 41.59"E
L76	7.133	S22° 01' 41.67"W
L77	17.000	S48° 22' 26.40"W
L78	18.680	S31° 01' 32.70"W

Stream Line Table		
Line #	Length	Direction
L46	112.037	S42° 54' 28.26"W
L47	43.814	S44° 32' 38.45"W
L48	25.684	S18° 33' 35.33"W
L49	67.805	S60° 58' 14.43"W
L50	48.102	S20° 32' 36.96"W
L51	66.116	S36° 10' 25.93"W
L52	53.701	S65° 25' 57.92"W
L53	47.555	S16° 22' 21.15"W
L54	33.650	S2° 43' 49.59"E
L55	37.718	S75° 23' 23.04"W
L56	30.583	S12° 46' 14.48"W
L57	32.468	S30° 27' 31.24"W
L58	79.245	S54° 31' 03.01"W
L59	97.080	S61° 24' 28.13"W
L60	27.290	S52° 18' 13.12"W
L61	40.516	S49° 45' 58.92"W
L62	69.506	S24° 26' 16.13"W
L63	52.805	N85° 25' 10.05"W
L64	29.377	N73° 18' 49.80"W
L65	39.949	S85° 21' 29.10"W
L66	49.234	S57° 44' 49.34"W
L67	17.660	N81° 43' 14.81"W
L68	53.999	S56° 44' 06.63"W
L69	45.648	S42° 14' 28.87"W
L70	54.517	S47° 23' 04.94"W
L71	51.954	S22° 51' 54.14"W

PROPERTY LINE CURVE DATA					
Curve	Delta	Radius	Length	Chord	Chord Bearing
(C6)	18°47'17"	375.00'	122.97'	122.42'	S 54°47'08" E
(C7)	6°07'47"	375.00'	40.12'	40.10'	S 42°19'37" E
(C8)	21°16'11"	425.00'	157.77'	156.87'	S 49°53'49" E
(C9)	20°12'24"	425.00'	149.89'	149.11'	S 70°38'07" E
(C10)	22°03'43"	375.00'	144.40'	143.51'	S 71°04'56" E
(C11)	14°48'11"	375.00'	96.89'	96.62'	S 52°38'59" E
(C12)	31°23'57"	185.01'	101.39'	100.13'	N 61°25'08" W
(C13)	36°51'55"	425.00'	273.45'	268.76'	S 63°40'50" E
(C14)	7°23'00"	375.00'	48.32'	48.29'	S 75°04'39" E
(C15)	37°30'25"	375.00'	245.48'	241.12'	S 58°00'56" E
(C16)	24°55'03"	425.00'	184.83'	183.38'	S 51°43'15" E
(C17)	4°37'21"	425.00'	34.29'	34.28'	N 62°50'35" W

CURVE DATA					
Curve	Delta	Radius	Length	Chord	Chord Bearing
(C3)	36°51'55"	400.00'	257.37'	252.95'	S 63°40'50" E
(C4)	42°51'04"	400.00'	299.16'	292.23'	S 60°41'16" E
(C5)	24°55'03"	400.00'	173.96'	172.59'	S 51°43'15" E



GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C. (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

ENGINEER:
Great Basin Engineering Inc
c/o Andy Hubbard
5746 South 1475 East Suite 200
Ogden, Utah 84405
(801) 394-4515

DEVELOPER:
Nordic Valley Partners, LLC
c/o Brandon Janis
562 South 1100 West
Farmington, Utah 84025
(281) 250-4047
brandonjanis@gmail.com



Sheet 2 of 2

WEBER COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____

RECORDED _____ FILED FOR RECORD AND _____ AT _____

IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____, RECORDED FOR _____

WEBER COUNTY RECORDER

BY: _____ DEPUTY

Exhibit B

Ref: Nordic Mountain Water, Inc. (NMWI), 4794 East 2600 North, Eden, Utah
Hidden Brook Subdivision, Nordic Valley Partners, LLC, 8 Lots – Single Family Home Sites

To whom it may concern

March 29, 2022

NMWI has agreed to provide culinary water services to the Hidden Brook Subdivision/Nordic Valley Partners, for 8-Single Family Home Sites located in Nordic Valley off of Big Sky Drive at approximately 2050 N.

NMWI currently has a fully state-approved water system in Nordic Valley and existing water line that extends along Big Sky Drive and has sufficient water sources, as registered with the State of Utah-Division of Drinking Water, to provide culinary water services to all 8 lots of this subdivision. NMWI does not provide secondary water.

Nordic Valley Partners % Brandon Janis has fully paid for water connections to the existing NMWI water system and is currently in good standing with NMWI.

Bill D Green

Pres. NMWI Board of Directors

July 15, 2022

Brandon Janis
281 250-4047
brandonjanis@gmail.com

**Subject: Plan Review
Hidden Brook Estates
Weber County, Utah
CG Project No.: 162-001**

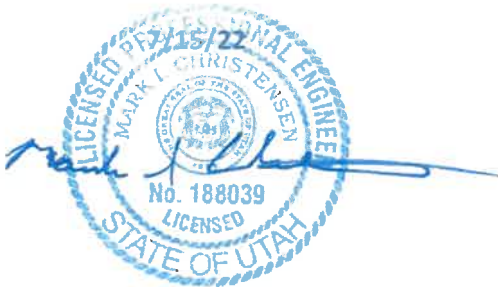
Mr. Janis,

At your request, the undersigned engineer reviewed the site plan by Great Basin Engineering, Inc. dated May 16, 2022 for the Hidden Brooks Estates. Christensen Geotechnical has completed a geotechnical investigation for the subdivision with results presented in a geotechnical report dated October 12, 2018. The purpose of our review was to assess whether the recommendations presented in the geotechnical report were followed.

Based on our review, it is our opinion that the site plan follows the recommendations presented in the project geotechnical report and is suitable for the development of the subdivision. The geotechnical report should be completely read and understood prior to construction. This letter was prepared in accordance with the generally accepted standard of practice at the time this letter was written. No other warranty, expressed or implied, is made.

We appreciate the opportunity of providing our services on this project. If we can answer questions or be of further service, please call.

Sincerely,
Christensen Geotechnical



Mark I. Christensen, P.E.
Principal



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Bright Acres Subdivision, consisting of four lots.
Type of Decision: Administrative
Agenda Date: Tuesday, August 02, 2022
Applicant: Scott Hale, Owner
File Number: UVB040422

Property Information

Approximate Address: 5638 N 3100 E, Liberty, UT, 84310
Project Area: 14.06 acres
Zoning: Agricultural Valley (AV-3)
Existing Land Use: Agriculture
Proposed Land Use: Residential
Parcel ID: 22-280-0001, 22-004-0173, 22-004-0174
Township, Range, Section: T7N, R1E, Section 07 NE

Adjacent Land Use

North: Park Rd./5750 North St.	South: Residential/Vacant
East: Residential/3100 East St.	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (AV-3 Zone)

Background and Summary

9/6/2021 – Alternative Access request was approved.

5/24/2022 – Preliminary approval granted by Ogden Valley Planning Commission.

The applicant is requesting a recommendation of final approval of Bright Acres Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Preliminary Conditions of Approval

Show existing irrigation line, with an easement on the final plat, or show evidence that the irrigation line is no longer in use. – See Exhibit B (an easement on the final plat shown along the west, south, and south east lot boundaries of lot 2).

All conditions of approval previously presented will be required with the final plat, prior to recording the subdivision.

Staff Recommendation

Staff recommends final approval of Bright Acres Subdivision, consisting of four lots located at approximately 5638 N 3100 E, Liberty. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All improvements shall either be installed or escrowed for prior to appearing on a County Commission agenda for final approval.
2. A 12-foot wide public trail easement shall be shown on the final plat along the southern boundary of lots 3 and 4, per the approval of the application for AAE2021-10
3. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC, and will be verified prior to issuing certificate of occupancy for the first residence within this subdivision.
4. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
5. An onsite wastewater disposal covenant shall be recorded with the final plat
6. A private well covenant shall be recorded with the final plat.
7. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision Plat

Area Map



SUBDIVISION AVERAGES TABLE

LOT No.	AREA (SQ. FT.)	AREA (ACRES)	LOT WIDTH	DESCRIPTION OF WIDTH MEASUREMENT
1	280,105	6.43	394.2	MEASURED FROM THE NORTHWEST CORNER OF THE LOT PERPENDUCULARLY TO THE EAST SIDE OF THE LOT.
2	108,067	2.48	260.3	MEASURED FROM THE ANGLE POINT AT THE EAST END OF THE SOUTH LINE OF THE LOT (MEASURING 276.22 FEET) PERPENDICULARLY TO THE NORTH SIDE OF THE LOT.
3	108,426	2.49	296.0	MEASURED ALONG SOUTH LINE OF THE LOT
4	100,453	2.31	295.3	MEASURED ACROSS THE MIDDLE OF THE LOT, EAST TO WEST
SUBDIVISION AVERAGE	149,263	3.43	311.5	

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



April 1, 2022

Mozanaim LLC
983 E Bella Vista Dr
Fruit Hieghts, UT 84037

RE: **Private Well Approval at:**
5638 N 3100 E Lot 2
Liberty, UT 84310
Parcel #22-004-0142

The application for approval of the above referenced well has been submitted for review to determine conformance to the Weber-Morgan District Health Department Regulations for Installation and Approval of Nonpublic Water System Serving 1-14 Connections.

The following have been submitted:

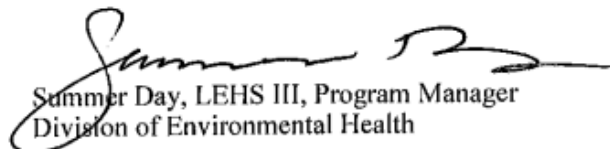
1. The Water Right Number: E6120 (35-13832)
2. Well driller license #920
3. The well is 205 feet deep with a "Bentonite Chip 3/8"" seal to a depth of 30 feet.
4. The well yields 40 GPM with a 0-foot drawdown in 6.5 hrs.
5. The water samples for the partial inorganic analysis were submitted to Chemtech-Ford Laboratories on September 29, 2021. The water analysis was satisfactory.
6. A bacteriological water sample was collected by staff of this department on September 29, 2021. September 29, 2021 The water analysis was satisfactory.
7. This is a shared well. It has been approved to provide culinary water to lot 2, 3, & 4 of the Bright Acres Subdivision.

The required 100-foot protection zone around the well must be kept free from any septic tank absorption systems, garbage dumps, hazardous and toxic material storage or disposal sites, feedlots and other concentrated sources of pollution. We would recommend that a bacteriological sample be collected and submitted for analysis on an annual basis.

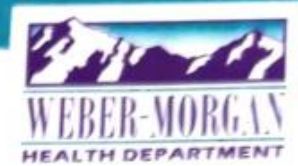
Based on compliance with the above requirements, the Health Department considers this an approved well for culinary purposes.

Please contact our office at (801) 399-7160 if you have further questions.

Sincerely,



Summer Day, LEHS III, Program Manager
Division of Environmental Health



October 7, 2021

Mozanaim LLC
983 E Bella Vista Dr
Fruit Hieghts, UT 84037

RE: **Private Well Approval at:**
5750 N 2955 E Lot 1
Liberty, UT 84310
Parcel #22-280-0001

The application for approval of the above referenced well has been submitted for review to determine conformance to the Weber-Morgan District Health Department Regulations for Installation and Approval of Nonpublic Water System Serving 1-14 Connections.

The following have been submitted:

1. The Water Right Number: E6121 (35-13833)
2. Well driller license #920
3. The well is 205 feet deep with a "Bentonite Chip 3/8"" seal to a depth of 30 feet.
4. The well yields 40 GPM with a 0-foot drawdown in 6.5 hrs.
5. The water samples for the partial inorganic analysis were submitted to Chemtech-Ford Laboratories on September 29, 2021. The water analysis was satisfactory.
6. A bacteriological water sample was collected by staff of this department on September 29, 2021. September 29, 2021 The water analysis was satisfactory.
7. This is not a shared well.

The required 100-foot protection zone around the well must be kept free from any septic tank absorption systems, garbage dumps, hazardous and toxic material storage or disposal sites, feedlots and other concentrated sources of pollution. We would recommend that a bacteriological sample be collected and submitted for analysis on an annual basis.

Based on compliance with the above requirements, the Health Department considers this an approved well for culinary purposes.

Please contact our office at (801) 399-7160 if you have further questions.

Sincerely,

Summer Day, LEHS III, Program Manager
Division of Environmental Health

Memo

Bright Acres Subdivision culinary and secondary water

Date: April 1, 2022

Regarding: Summary of culinary and secondary water obtained for use on Lots 1, 2, 3 and 4 of the Bright Acres Subdivision

Applicant: Scott and Rachel Hale, 796 Sunrise Circle Centerville, Utah 84014, 801-792-4065, Scottchale@gmail.com

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84410

The Bright Acres Subdivision is a proposed 4 Lot subdivision on three adjoining parcels of land in Liberty, Utah totaling 14 acres.

The culinary and secondary water for the four lots in the subdivision will be provided via two private wells. The Well located on proposed Lot 1 will provide culinary and secondary water for Lot 1. The Shared Well located on Lot 2 will provide culinary and secondary water for Lots 2, 3, and 4. The wells have been approved by the state of Utah, have been drilled, and are both good producing wells. Both wells have been tested and approved by Weber-Morgan Health Department (refer to [Morgan Health Department Well Approval](#) for approval for the Well on Lot 1 and [Morgan Health Department Private Shared Well Approval for Lots 2, 3 and 4.pdf](#) for approval for the Shared Well on Lot 2 under the Well Approval Section in Frontier). Water allocations from Weber Basis Water Conservancy District sufficient to water 30 percent of each lot in the subdivision have been secured in accordance with **Sec 106-4-2.1 - Water Supply.**



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for preliminary approval of Osprey Ranch Subdivision Phase 1, consisting of 31 lots and two open-space parcels. This proposal also includes dedication of a new County roadway.
Type of Decision:	Administrative
Agenda Date:	Tuesday, August 02, 2022
Applicant:	Osprey Ranch, LLC
File Number:	UVO111221

Property Information

Approximate Address:	1385 N Hwy 158, Eden, UT, 84310
Project Area:	283.78 acres
Zoning:	FV-3
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	See application for all parcel numbers
Township, Range, Section:	T6N, R1E, Sections 3 & 4 N and T7N R1E, Section 33 SE

Adjacent Land Use

North:	Vacant/Residential	South:	Vacant/USFS
East:	Hwy 158	West:	Vacant

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	SB

Applicable Ordinances

- Title 104, Zones, Chapter 14 Forest Valley Zone (FV-3)
- Title 106, Subdivisions, Chapters 1-8 as applicable
- Title 108, Chapter 17 Ogden Valley Pathways

Background and Summary

11/12/2021 – Subdivision application accepted.

5/24/2022 – CUP 2022-06, approval of a water tank for the proposed subdivision, was granted by the Ogden Valley Planning Commission.

This subdivision plat request consists of 31 lots, ranging in sizes from 3.12 acres to 18.57 acres. Lot widths vary from 100 feet to 1972.35 feet. This proposal consists of 283.78 acres, with two open space parcels totaling 30.20 acres, 1.27 acres of trail area, in Phase 1. Public roads, and paved trails within the dedicated right-of-way, are proposed throughout the development.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

Zoning: The subject property is located in the Forest Valley (FV-3) zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Lot area, frontage/width and yard regulations: The site development standards for the FV-3 zone require a minimum lot area of 3 acres of net developable area. The FV-3 zone requires a minimum lot width of 150 feet. Lots located on the outside of the curved streets, or on the ends of cul-de-sacs may be reduced by up to one-third provided the lot has the required width at a distance of 70 feet back from the front lot line. Lot 17 has the smallest width, but meets this requirement.

Culinary water, secondary water, and sanitary sewage disposal: Nordic Mountain Water Inc. has issued approval to service Osprey Ranch Subdivision, with allowances for a small amount of their water to be used for irrigation purposes (see Exhibit C – Nordic Mountain Water will-serve letter). Residents shall be restricted to watering no more than 5000 square feet of residential landscape until such time as secondary water becomes available. Wolf Creek Water and Sewer has issued a will-serve letter, for sewer services only, specific to this development. The developer will be installing infrastructure to expand sewer services of Wolf Creek Water and Sewer District. Secondary water will be provided by Nordic Mountain Water. A will-serve provided by Nordic Mountain Water restricts irrigation use to up to 5000 square feet of residential landscaping per lot.

Relation to Adjoining Street Systems/Ogden Valley Pathways: The proposed subdivision will create a new public road that will connect Highway 158 to Nordic Valley Drive. A 10 foot wide paved pathway will run adjacent to the new roadway, allowing for pedestrian access from Nordic Valley Drive to pathways that run adjacent to Pineview Reservoir. Proposed pathways shall be constructed or designated for public use on currently existing, or in proposed public rights-of-way. There is an existing cross-access easement to the east through lot 27. Although this will be in phase 2, an emergency egress is proposed to connect to 2050 North Street, through parcel 22-040-0035 (to the proposed Hidden Brook Subdivision – 9 lots).

A road stub is proposed to connect property to the south to the public roads created by this subdivision. An existing access easement is shown between lots 26 and 27. The County Commission has given direction to allow the proposed culs-de-sac within the development to be public.

Natural hazards/wetlands: This proposed subdivision lies within a geologic hazard study area. Per LUC § 104-22 a hazard study is required. All recommendations outlined in the submitted report (Western Geologic dated 1/3/2022), shall be followed throughout development of this subdivision, and subsequent construction of each lot.

The following are identified hazards/area of concern outlined in the above referenced reports, that are rated wither a medium or high likelihood to occur:

Earthquake ground shaking – High

Landslides and slope failures – High

Problem soil and rock – High

Shallow groundwater - Medium

Mitigation recommendations are outlined in the geologic hazard report submitted to the County. The developer will be required to supply a letter from the geologist and geotechnical engineer, after the roads are built, that verifies that the roads were built to the recommendations in the reports.

Standards: Per LUC § 108-14-3(a) Applicability: *“All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed as part of an application request for a land use permit and building permit. Hillside review is required as part of preliminary subdivision review...”* These lots shall be labeled ‘R’ lots on the final plat.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Weber Fire District, and Weber County Engineering. The Surveyor’s Office have not yet reviewed this project. The County Surveyor’s Office will review the plat when a final version has been submitted. At minimum, all review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2022 property taxes are not considered due at this time, but will become due in full on November 30, 2022.

Staff Recommendation

Staff recommends preliminary approval of Osprey Ranch Subdivision Phase 1, consisting of 31 lots and two open space parcels. This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. A proposed final plat for Phase 1 shall be submitted prior to going before Planning Commission for recommendation of final approval.
2. There are lots within Phase 1 that show an average slope that exceeds 25%. As such, every lot with average slopes that exceed 25% shall either have a buildable area shown on the final plat, or a geotech study shall be submitted for each of these lots.
3. A Natural Hazard Notice shall be recorded with the plat, and a note on the final plat shall be required which states that the parcel is located within a natural hazard study area.
4. A

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application & Narrative
- B. Proposed Plat
- C. Feasibility/Capacity Assessment Letters

Location Map

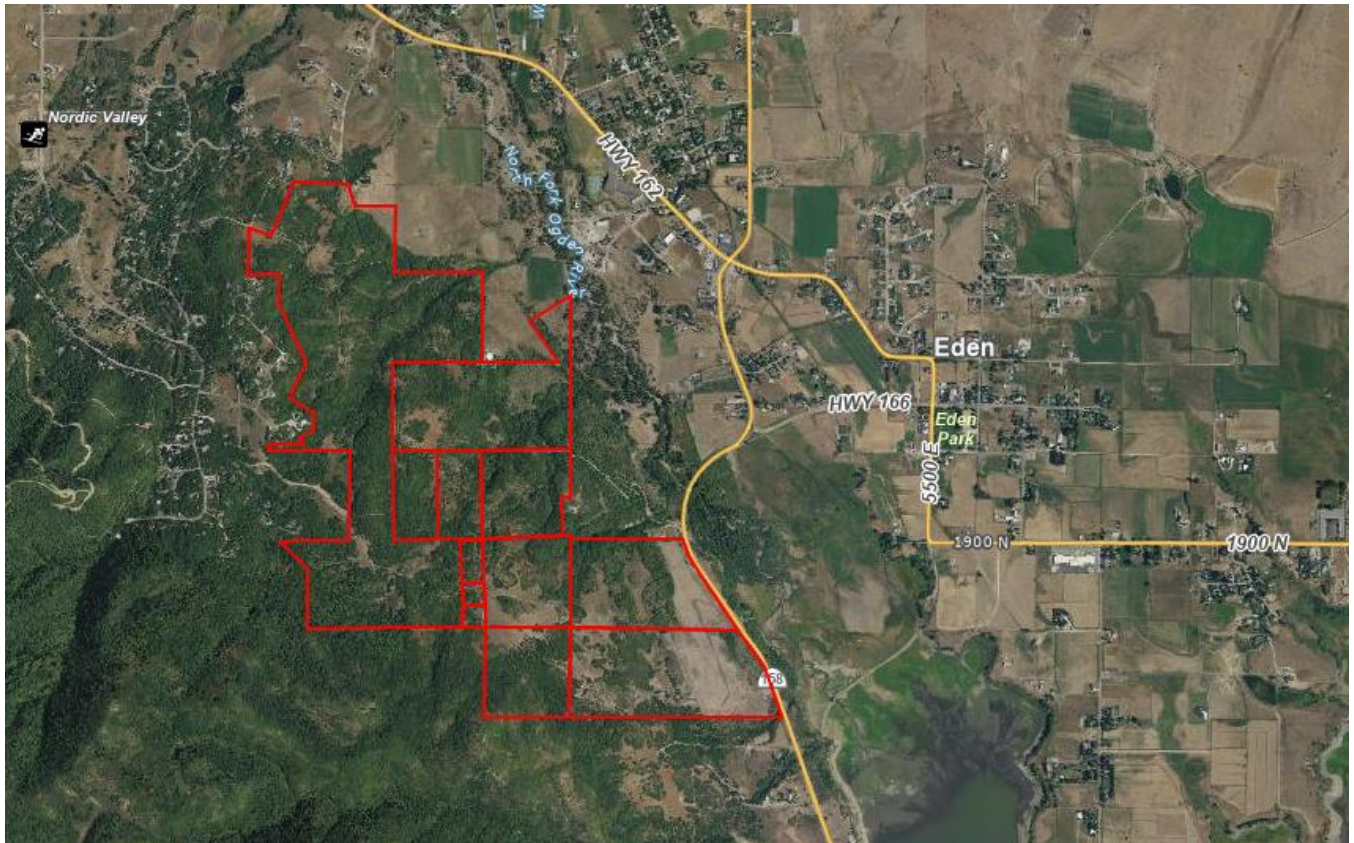


Exhibit A – Application & Narrative

Osprey Ranch Phase 1

[+ Add Follower](#)
[✎ Change Status](#)
[✎ Edit Project](#)

Address: 1385 N Highway 158, Eden, UT, 84310
Maps: [Google Maps](#)
Project Type: Subdivisions
Sub Type: Subdivisions
Created By: Taylor Lewis
Created On: 11/11/2021
Project Status: Accepted
Status Date: 11/12/2021
File Number: UVO11122021
Project Manager: Tammy Aydelotte

[Application](#)
[Documents 19](#)
[Comments 5](#)
[Reviews 3](#)
[Followers 24](#)
[Status](#)
[Notifications](#)
[Payments 1](#)

Documents

[+ Add Document](#)
[Print](#)

List of project documents. Review documents can be found under the Review tab.

Document Name	Date Uploaded	Options
Annexation Plat		
Application		
Original 11.2021 Osprey Narrative copy.pdf	11/11/2021	Download Remove Edit
Attestation		
Cost Estimate		
Culinary Water Will-Serve		
Original Nordic Water Letter.pdf	11/11/2021	Download Remove Edit
Engineered Plans		
Revision Osprey Phase 1 - Preliminary_reduced.pdf	1/14/2022	Download Remove Edit
Revision Osprey PP Sheet_added roads_KAN-SWWP STORM WATER PROTECTION PLAN.pdf	12/21/2021	Download Remove Edit
Revision Osprey NOI.pdf	12/21/2021	Download Remove Edit
Revision Osprey SWPPP.pdf	12/21/2021	Download Remove Edit
Original Osprey PP Sheet_added roads_KAN-EX1 - OVERVIEW - FIRE MARSHAL.pdf	11/11/2021	Download Remove Edit
Final Recorded Plat		
Geologic Hazards Evaluation		
Revision Geo Haz Eval - Proposed Osprey Ranch Development - 2050 Highway 150 - Eden, UT.pdf	1/7/2022	Download Remove Edit
Original Pavement Design - Osprey Ranch.pdf	11/11/2021	Download Remove Edit
Geotechnical Evaluation		
Revision Geotech Report Osprey Ranch.pdf	1/4/2022	Download Remove Edit
Notice of Decision		
Open Space Preservation Plan		
Other		
Revision Osprey Ranch Preliminary Engineering Report.pdf	11/12/2021	Download Remove Edit
Original osprey_entry_concept.jpg.pdf	11/11/2021	Download Remove Edit
Preapplication Meeting Notes		
Proposed Final Plat		
Proposed Preliminary Plan		
Revision Osprey Ranch Preliminary Plans copy.pdf	11/12/2021	Download Remove Edit
Public Street Connectivity Plan		
Receipt		
Response to Review Agencies		
Secondary Water Will-Serve		
Septic Feasibility		
Sewer Will-Serve		
Revision Osprey Ranch Webner County Body Politic Ltr.pdf	12/27/2021	Download Remove Edit

Revision DEQ Wastewater Design Report.pdf	12/16/2021	Download Remove Edit
Staff Report		
Title Report		
Original TitleCommitment - Partner.pdf	11/11/2021	Download Remove Edit
Traffic Study/Plan		
Revision Osprey TIA Report.pdf	12/21/2021	Download Remove Edit
Revision UDOT Access Permit.pdf	12/21/2021	Download Remove Edit
Revision UDOT Approved Osprey Ranch.pdf	12/21/2021	Download Remove Edit

Osprey Ranch
Subdivision Application
June 2022

Project Narrative

Osprey Ranch is a single family homesite project located in Eden, UT. The property is in the Forest Valley Zone (FV-3), consists of 566.97 acres with 61 lots. The homesites range in size from 3.19 to 18.74 acres. The project contains 43.02 acres of common area open space with a trail system. The property will be developed in two phases with the first phase consisting of 31 lots on 283.72 acres.

Density on the property was determined by using the net developable acreage of 458.64 which translates into 152 entitlements in the FV-3 zone. Osprey Ranch will use 61 units for the project and the remaining balance of the entitlements will be allocated for future Transfer of Density Rights (TDR).

Project Density Calculation

Total Property - 566.97 acres
Roadway - 30.06 acres
Slopes Over 40% - 62.12
Sensitive Lands Stream Corridor - 16.15 acres
Net Developable Acreage - 458.64 acres
Forest Valley Zone (FV-3) requires three acre minimum
Entitlements - $458.64 / 3 = 152.88$ or 152 units

A community trail system will be an amenity to the project. For public benefit, an asphalt pathway will be constructed through the project connecting Hwy 158 to the Nordic Valley neighborhood. Soft trails will provide access to the Forest Service property located south of Osprey and will be privately owned with public access allowed. The site plan includes nearly four miles of both hard and soft trails.

Gardner Engineering prepared the civil design. The geotechnical study was done by Christensen Geotechnical, while Western Geologic evaluated potential geologic hazards.

The project contains over four miles of public roadways and will have no grades above 12%. The Fire Marshal from the Weber Fire District has reviewed the road design layout.

Osprey Ranch will be governed by a Homeowners Association (HOA), Covenants, Conditions and Restrictions (CC&Rs) and Building Design Guidelines. Nightly rentals are not permitted.

Nordic Mountain Water will provide water to the project. A new Membrane Bioreactor (MBR) facility will treat the wastewater. Weber County will act as the body politic over the sewer district. A Preliminary Engineering Report prepared by Aqua Engineering for the MBR has received conceptual approval from the Utah Department of Environmental Quality (DEQ).

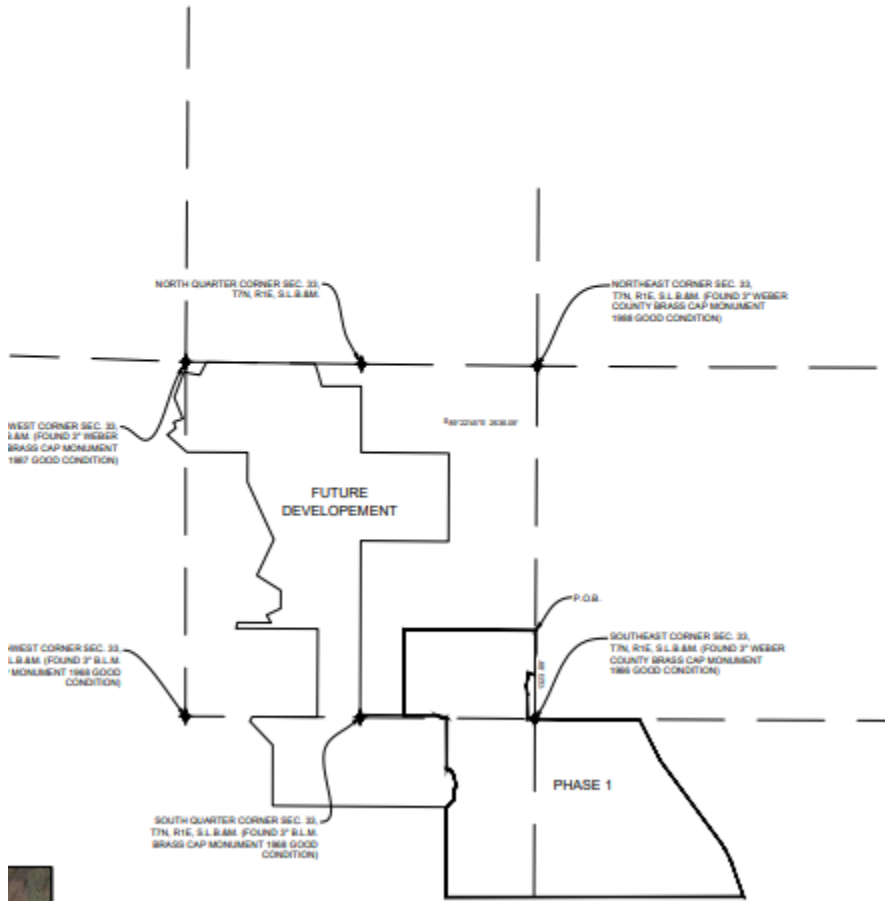
Osprey Ranch will have a subdivision entry monument. Any lighting will be dark sky compliant and the Ogden Valley Sign Land Use code requirements will be followed. A temporary project management trailer will be on site for the duration of the construction.

Exhibit B - Proposed Plat

OSPREY RANCH SUBDIVISION PHASE 1

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 7 NORTH RANGE 1 EAST AND THE NORTH HALF OF SECTIONS 3, AND 4 OF TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH, MAY 2022

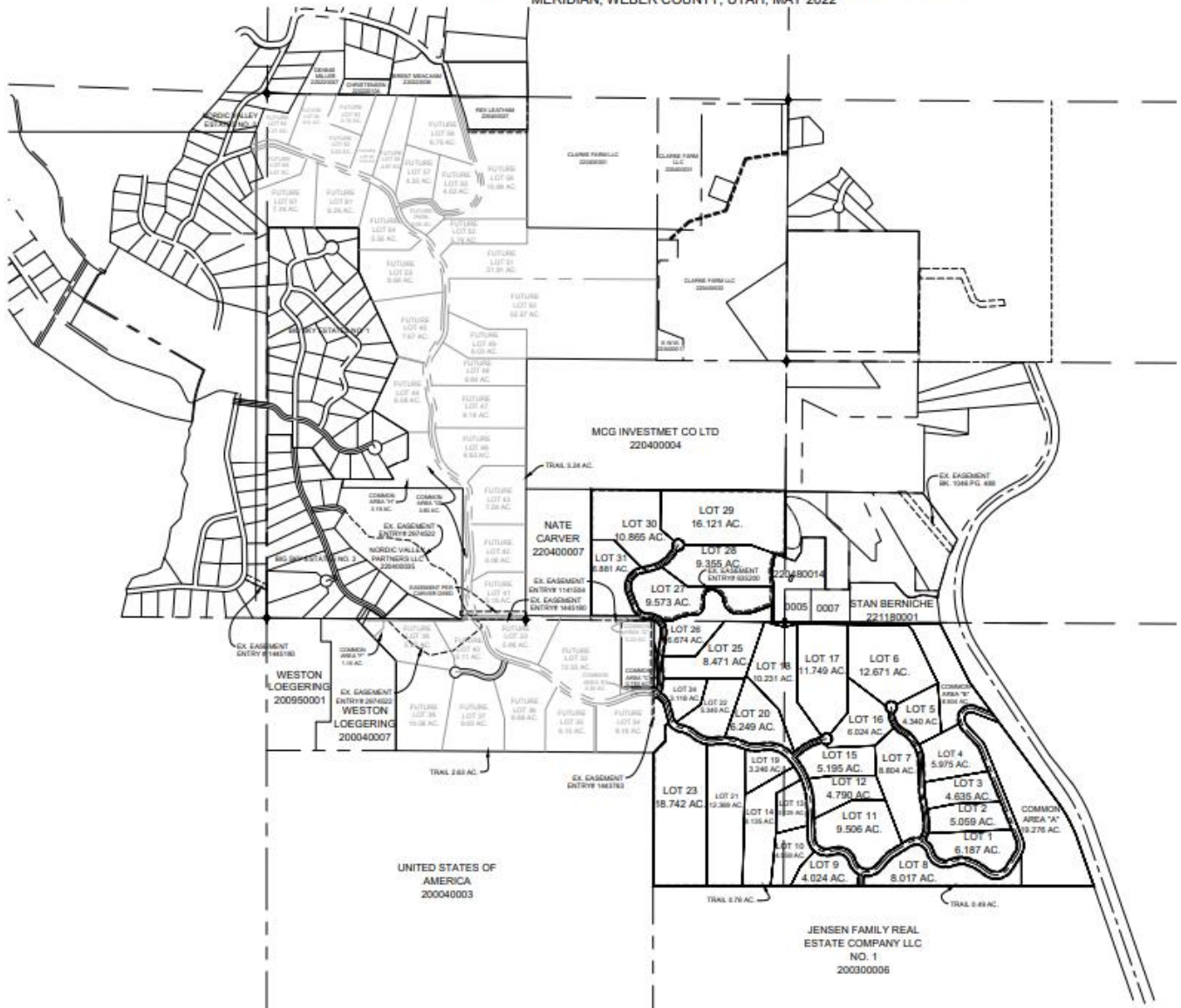
CALCULATIONS



CURVE #	LEN
C1	66.
C2	134
C3	18.
C4	85.
C5	101.
C6	283

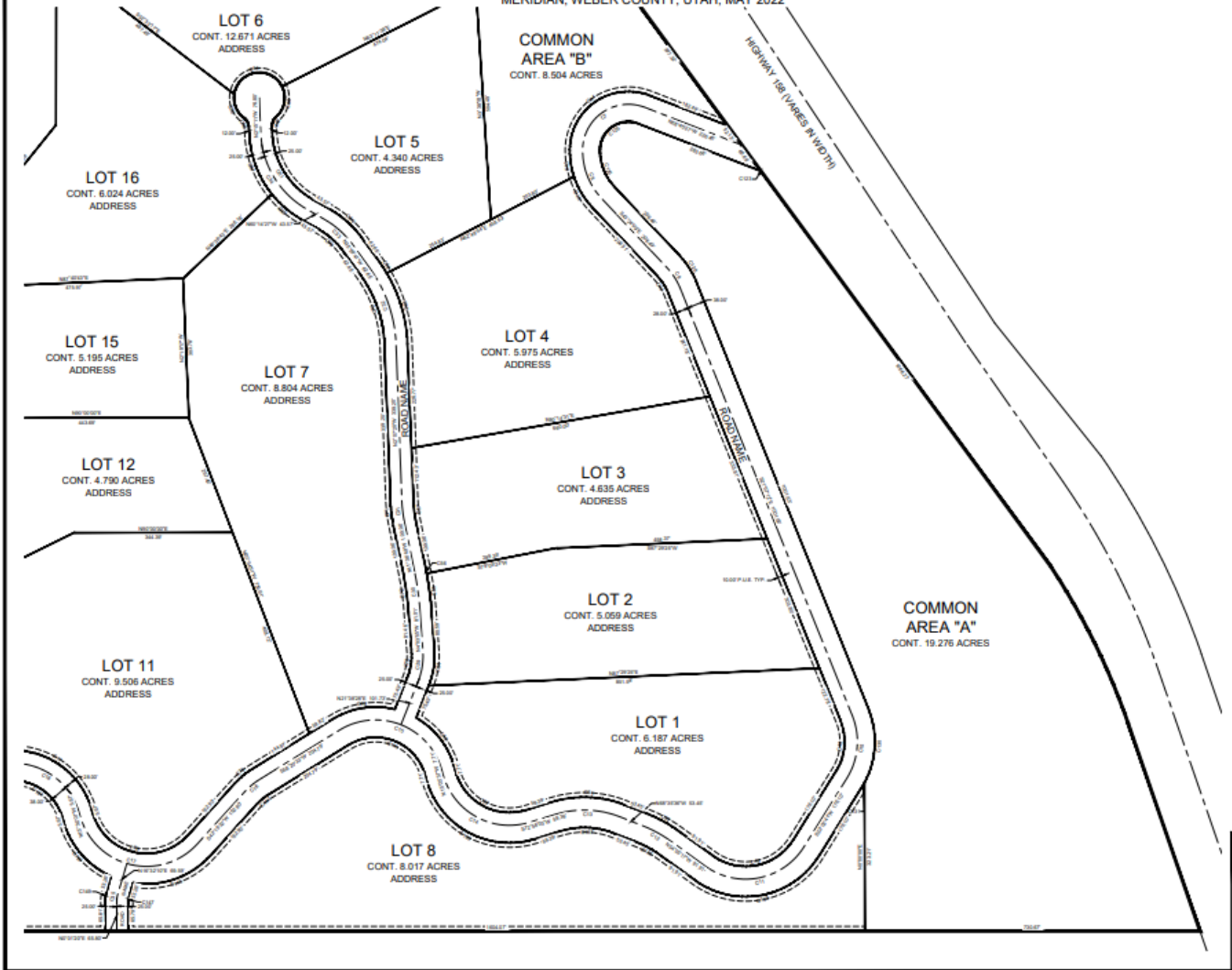
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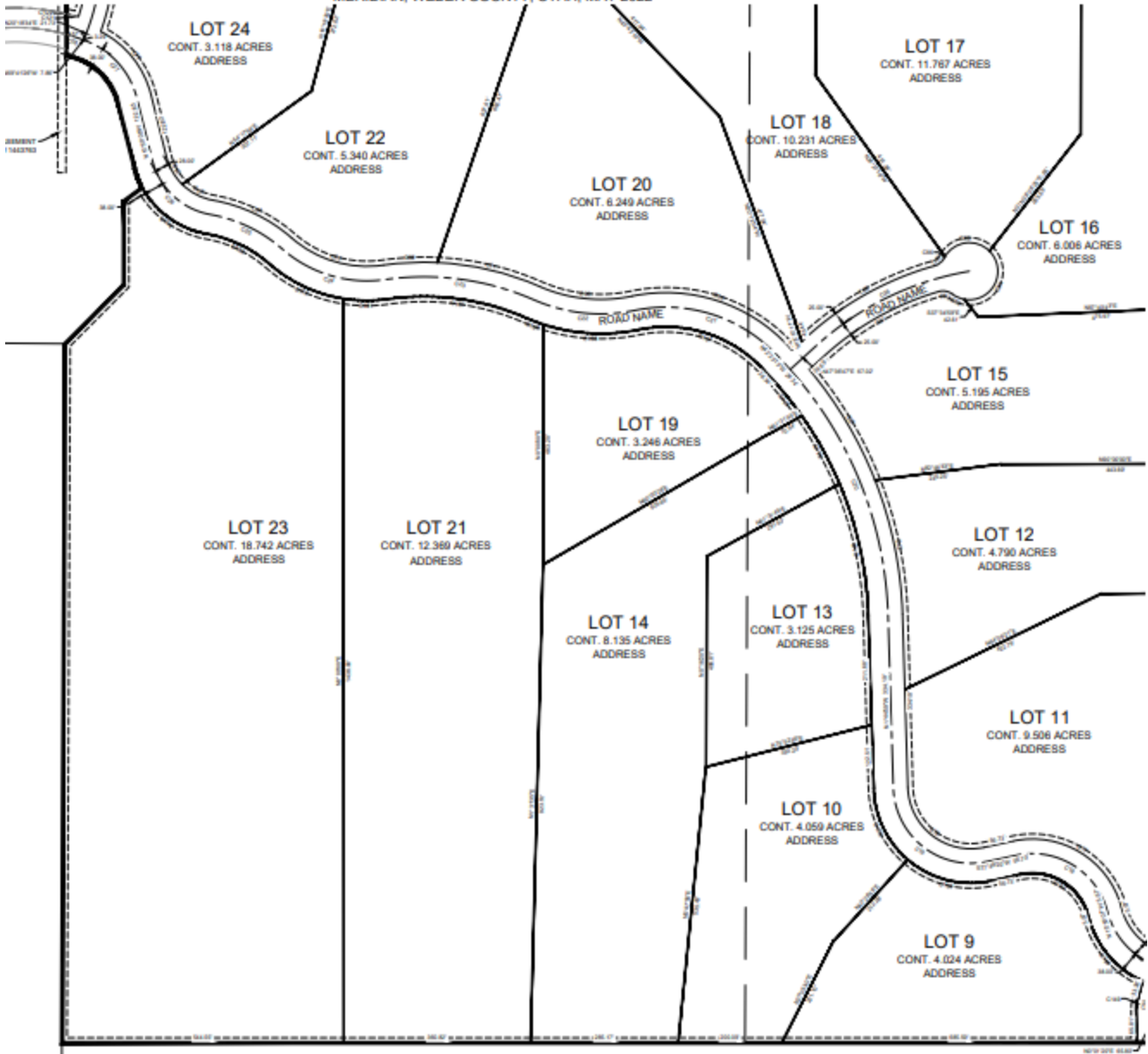
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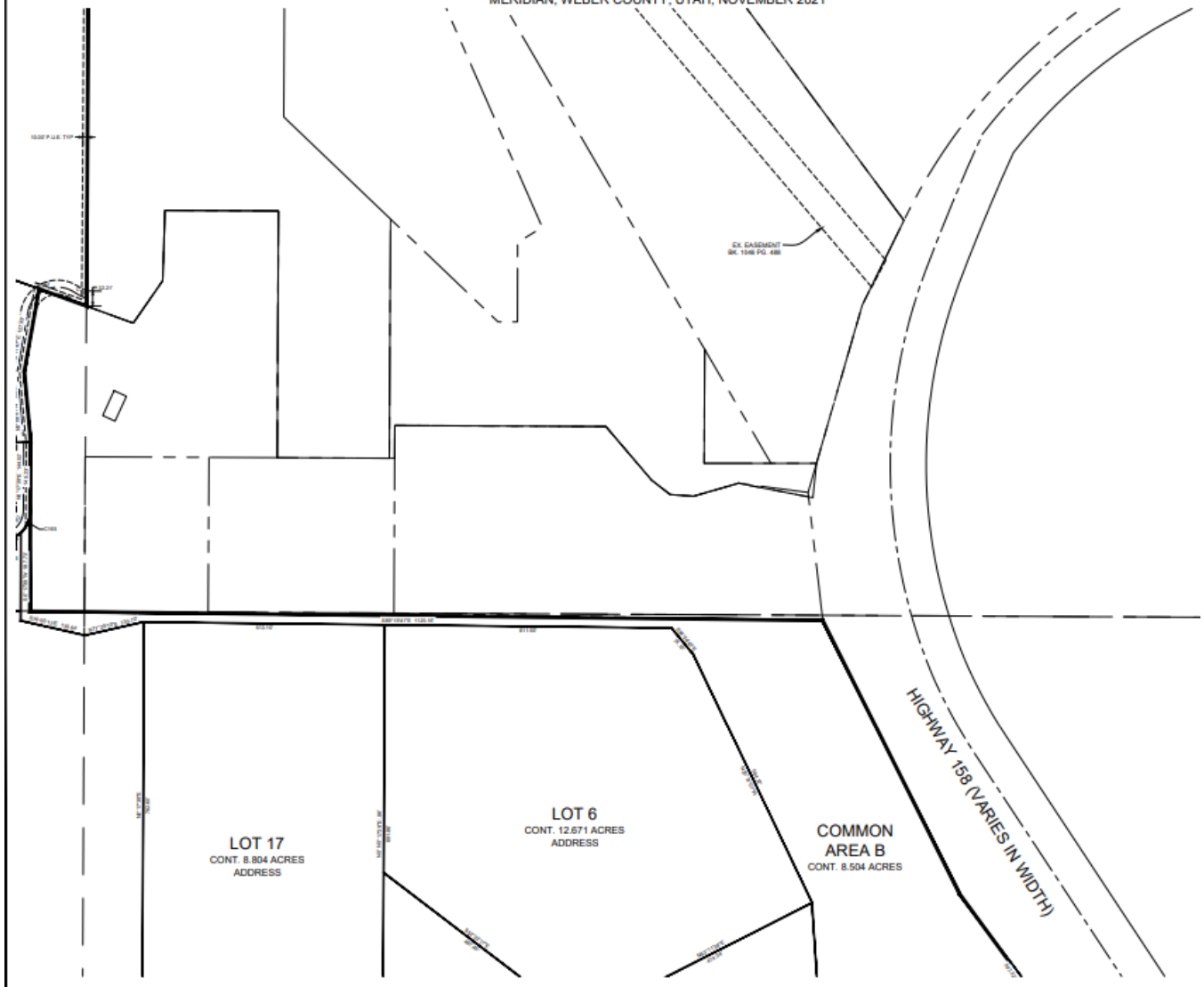
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LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33 TOWNSHIP 7 NORTH RANGE 1 EAST AND THE NORTH HALF OF SECTIONS 3, AND 4 OF TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH, NOVEMBER 2021



Nordic Mountain Water Inc.

Mr. Shane Dunleavy
Osprey Ranch LLC
65 10-acre Single Family Home Sites
Liberty, Utah

Ref: Reservation of Service Agreement

May 10, 2021

Nordic Mountain Water Inc. (NMWI) agrees to provide culinary water service to the Osprey Ranch Subdivision, a subdivision containing 65 Single Family Home Sites hereafter referred to as lots, under the following Terms and Conditions:

1. A 10% non-refundable deposit is required on the total number of metered connections rounded to the next whole lot multiplied by the Infrastructure Fee currently in effect.
 - a. Reservation of Service remains valid for one year from date this service agreement is signed by legal representatives of both parties and the full deposit has been made as outlined in this document.
 - b. Outstanding balance is due within one year from date this document is signed or when project is completed – whichever date is earliest.
 - i. Each lot will be assessed our normal monthly fee at time subdivision is completed.
 - ii. Each lot will be assessed a one-time membership fee as required at time subdivision is completed.
2. Options after one year if subdivision is not completed:
 - a. Pay Outstanding balance – each lot will be assessed our normal monthly fee and one-time membership fee.
 - b. Service Agreement is nullified, deposit is forfeited.
 - c. Renew this Reservation of Service Agreement for an additional year at the discretion of NMWI as outlined in paragraph 1 above and at fee rates in effect at time of renewal.
3. Details
 - a. Our current fee rates are:
 - i. Infrastructure fee: \$7,500/lot.
 - ii. One-time membership fee: \$300/lot.
 - iii. Monthly fee for water: \$75/lot for 20,000 gal. Cost increases per 1000 gals above the monthly allotment of 20,000 gal.
 - b. 65 lots at one (1) residential ¾" Connection per lot.
 - c. Total Infrastructure fee is 65 lots X \$7,500/lot = \$487,500.
 - d. Non-refundable deposit due at signing of this document is \$52,500 based on 65 lots X 10% rounded to whole lot multiplied by infrastructure fee/lot.
 - e. Deposit(s) are credited towards the original balance identified in 3c.
 - f. Final payment of original balance (3c) less deposit(s) is due not later than one year from date this agreement is signed or upon completion of subdivision – whichever date is earliest.
 - g. Monthly water fee charge per lot at completion:
 - i. Each lot will be assessed a monthly fee and water allocation in effect at date of completion (3a.iii).
 - ii. Each lot will be assessed a one-time membership fee, at the current rate in effect at date of completion as required by NMWI for water service (3a.ii)

4. General Restrictions:

- a. No Home Owner's Association (HOA) organized by Osprey Ranch Subdivision or its residents can include any culinary water provided by NMWI.
- b. No extensions to the water system developed for the Osprey Ranch Subdivision that includes water provided by NMWI will be allowed beyond the initial 65 lots.
- c. Osprey Ranch Subdivision cannot resale, manage, restrict, or charge any additional fees for water provided by NMWI under any circumstance.
- d. All water provided by NMWI shall be used for culinary purposes only. Minimal residential landscape watering will be allowed up to 5000 sq. feet until such time as secondary water may become available.

5. Costs to the Developer

- a. Developer pays all costs including required modifications to existing NMWI infrastructure necessary to provide NMWI water to the Osprey Ranch Subdivision as identified by NMWI or its approved agent.
- b. Necessary modifications to existing NMWI infrastructure as well as all water line extension design and associated construction is subject to the following:
 - i. Must meet all State, County, and County Fire District Specifications and Requirements
 - ii. Must meet Water System Specifications as provided by NMWI and agreed upon, by signed agreement, at a pre-construction meeting.
 - iii. All Waterline construction must be inspected and approved by NMWI or its identified Agent during all water system construction and/or modifications at the expense of the developer. Frequency of inspection will be determined during the pre-construction meeting and/or as specified in NMWI Standards and Specifications document.
 - iv. NMWI will take possession of new and modified portion of the water system at time of completion and Developer will warranty the full installation and modifications for a period of at least 1 year from completion date at discretion of NMWI.

6. NMWI uses a gravity-flow distributions system. Since an engineering study has not been completed for the proposed subdivision, NMWI will not guarantee adequate water pressure.

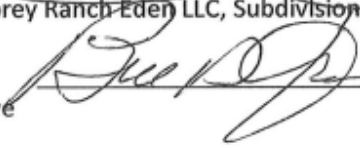
7. This agreement is subject to change contingent upon legal review by an NMWI legal representative.

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement. If you have any questions, please feel free to contact Bill Green at (801)791-3976 anytime or through our NMWI office. This unsigned document remains valid for 7 days from original document date.

Sincerely,

Bill D. Green
President
Board of Directors
Nordic Mountain Water, Inc.

Agreement of Terms:  Date: 5/10/21
Shane Dunleavy, Osprey Ranch Eden LLC, Subdivision Developer

Signature Date:  Date: 5/10/2021
NMWI Representative



June 24, 2022

Weber County

RE: Wolf Creek Water and Sewer Improvement District Sewer services to Osprey Ranch 61 units, Cobabe Ranch 104 units and Eden Crossing 35 units - 200 Units Total

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has reviewed the capacity of its sewage treatment facilities, and determined it will provide sewer services to the above referenced developments. This Can and Will Serve commitment applies to the above developments only and is non-transferable. This can and will serve letter applies only to sewer services and no other services of District. It is offered subject to the terms of the Eden Sewer Service Area Agreement dated June 24, 2022 between the District and Osprey Ranch LLC, Cobabe Ranch LLC, Eden Crossing LLC, Wolf Creek Resort Holdings, LLC & Watts Enterprises, Inc.

- Sewer services are delivered through connection to the main sewer lines of the District, leading to the Willow Brook Lane MBR Wastewater Treatment Plant and disposal system. Point of connection to be approved by the District.
- Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances.
- Sewer services will be provided in accordance with applicable federal, state, and local statutes, laws, rules, regulations, ordinances, and standards.

Sewer services are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time.
2. Subsequent decisions and regulation by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
3. Payment of hook up costs and standard billings for service. Failure to pay these costs and billings will result in lien on the properties.

As recipient of said service, you agree to the above terms and to the terms set forth in the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies may change from time to time.

If you have any questions regarding the contents of this letter, please contact the office at (801) 745-3435.

Wolf Creek Water and Sewer Improvement District

E. Miranda Menzies

E. Miranda Menzies, Chair of Board of Trustees

Date: 6/24/22



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of the 2nd amendment to the Powder Mountain Development Agreement.

Application Type: Legislative

Agenda Date: Tuesday, August 2, 2022

Applicant: Rick Everson

File Number: ZDA 2022-01

Property Information

Approximate Address: 6965 E Powder Mountain Road, Eden

Zoning: DRR-1 Zone

Existing Land Use: Master Planned Ski Resort

Proposed Land Use: Master Planned Ski Resort

Adjacent Land Use

North:	Resort	South:	Resort
East:	Resort	West:	Resort

Adjacent Land Use

Report Presenter: Steve Burton
sburton@webercountyutah.gov
 801-399-8766

Report Reviewer: RG, CE

Development History

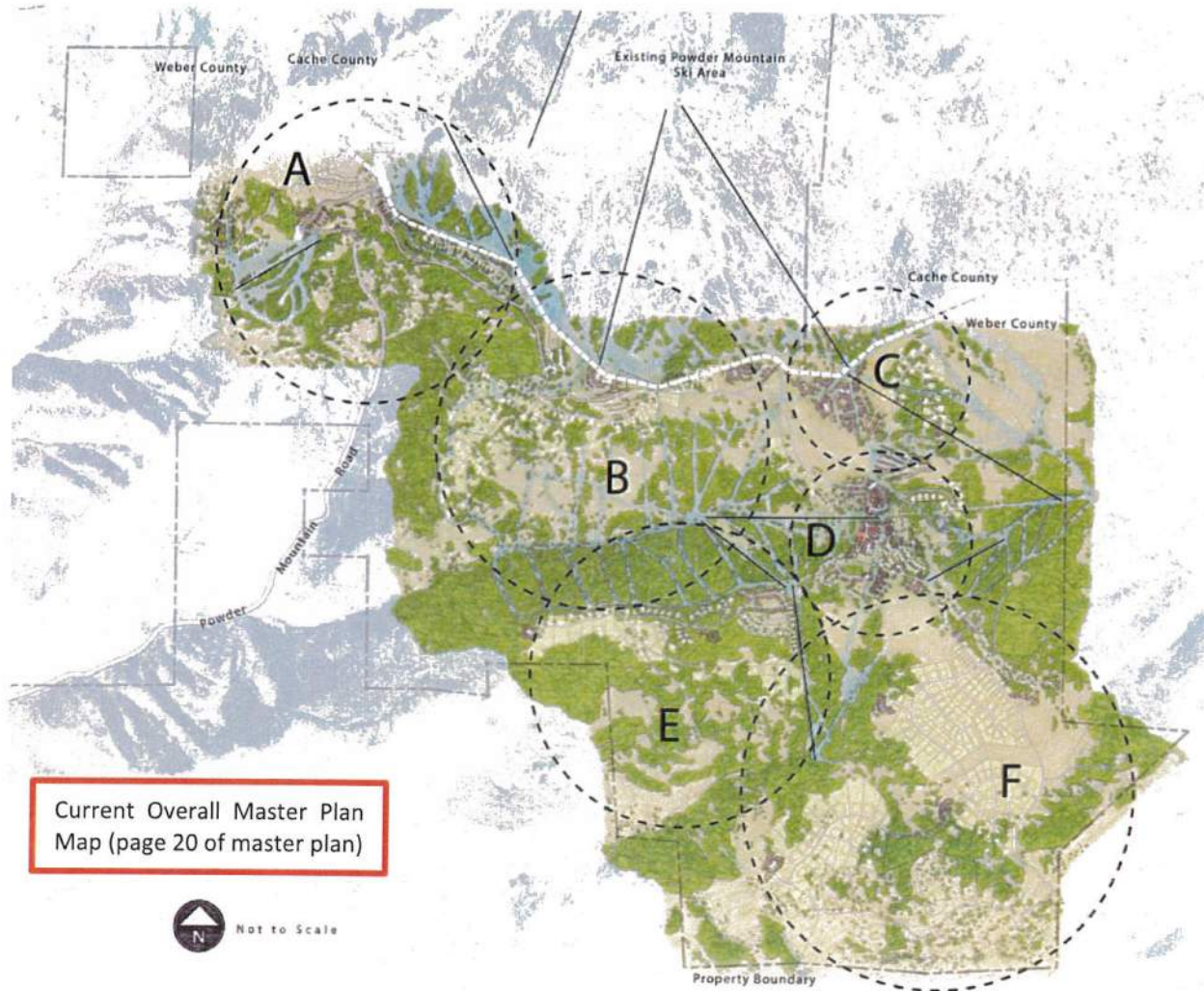
The Powder Mountain Resort was rezoned to the DRR-1 zoning on January 13, 2015, the Zoning Development Agreement was recorded on January 14, 2015.

The first amendment to the Development agreement was amended on June 26, 2019 and was recorded on July 12, 2019.

On May 5, 2022, the developer submitted a request for approval of the 2nd Amended Development Agreement. The following is a summary of the proposal and how it relates to the previous approvals and the land use code.

Summary

This proposed amendment has two parts. No density is proposed to change and no unit count methods are proposed to change. **Part I** amends the language of the development agreement contract to allow administrative changes to the Area Plans to be approved by the land use authority (A,B,C,D,E, and F).



Part II amends the exhibits within the master plan document. The changes to the exhibits in the master plan begin on page 19 with a proposal to replace the ‘overall land use plan’. It should be noted that the proposed changes to the overall land use plan are not major modifications, and only affect areas C and D. The changes include removing specific street locations, and replacing a small area of residential to mixed use in area D.

Page 20 includes the overall master plan map, which is proposed to be removed from the document. The developer feels that all of the other remaining maps illustrate to the county (and other readers of the master plan) what buildout will look like generally. Page 21 includes the existing phase 1 approvals, and the developer is proposing to remove the future lifts and the illustrative background from this exhibit but to keep it in the master plan document. The phase 1 approvals will need to be verified by staff, as this exhibit should have changed from 2015.

Page 22 currently contains the ‘mid-mountain (area A) slope map & aerial photo’ map. The developer is proposing to eliminate this map because it is identical to the map on page 23. Page 23 currently contains the ‘mid-mountain master plan’ map and is proposed to remain, but to be renamed ‘concept development plan – Area A: Mid-mountain’. None of the land uses are proposed to change in this area from the previous approvals.

Page 24 currently contains the ‘mid-mountain illustrative plan’ map which is proposed to be removed from the document. Page 25 currently includes the ‘ridge slope map & aerial photo’ map which is proposed to be taken out. This map is identical to the map on page 26, with the exception of shaded slopes and aerial imagery. Page 26 currently includes the ‘ridge master plan’ which shows the general locations of the mixed use and residential uses. Page 26 is proposed to be replaced by the ‘concept development plan- Area B: The Ridge’ map. The uses and general locations remain the same as before.

The same changes are proposed for all remaining areas (C, D, E, and F) in the master plan document.

Page 44 currently includes the 'recreation plan' map and is proposed to be replaced with the 'overall land use plan' map. The proposed rec map does show the rec elements on a legend. Page 45 currently contains the 'open space with trails plan' map and is proposed to be replaced with an identical map that shows the changed land use (slight) in area D.

Analysis

There are two primary benefits with the proposed changes to the master plan and development agreement text. The first is that the proposed changes will eliminate redundancies in the existing master plan document. There are several maps that are similar or identical, creating several unnecessary pages in the document.

The second benefit is the flexibility it offers the developer in platting streets and subdivisions. By not indicating exactly what each area will look like at build out, the developer would receive flexibility as development occurs. This flexibility is necessary to the developer because their development market may change over time and may call for slight changes to each development area.

The developer's proposed changes to the text of the development agreement would solidify this flexibility and allow the land use authority the ability to approve slight and uncontested changes to each development area. Before this proposal is presented before the County Commission, language will need to be added to the text, that clarifies the land use authority has the authority to deny any proposed changes that are not determined to be slight and uncontested. The added language will also say that if a proposed change is not approved, the developer may apply for a legislative amendment to the master plan.

Summary of Planning Commission Considerations

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZDA 2022-01.

This recommendation is based on the following findings:

1. The amendment is not detrimental to the public health, safety, or welfare.
2. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
3. The agreement was considered by the Legislative Body, in conformance with Chapter 102-6 of the County Land Use Code.

Exhibits

Exhibit A - Existing Master Plan document with changes noted

Exhibit B – Proposed Amended Master Plan document

Exhibit C – Proposed Amended Development Agreement

ADDED "AMENDMENT #1"
UPDATED DATE

Exhibit A
Existing plan with changes noted

EDEN / UTAH
ENTREPRENEURS, ARTISTS & ACTIVISTS
LAT 41.56081 * LON -111.74432
2021 / 10.29

Weber County Rezone Application

Destination and Recreation Resort Zone: DRR1



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Existing plan with changes noted

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Benefit Analysis Memorandum.....	Exhibit 4.1
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UPDATED TO REFLECT CHANGES TO DOCUMENT CONTENT

The Project team

Exhibit A
Existing plan with changes noted



Applicant:
SUMMIT MOUNTAIN HOLDING GROUP, L.L.C.
Attn: Paul Strange
3632 N Wolf Creek Drive
Eden, Utah 84310
801.745.2054

Land Planning
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UPDATED ANNE WINSTON
AS SMHG CONTACT
REVISED CONTACT INFO
FOR CIVIL ENGINEER
ADDED LDG ADDRESS

NO CHANGE

POWDER MOUNTAIN HISTORY

Powder Mountain Resort had humble beginnings as the winter range for Frederick James Cobabe's sheep herd. Frederick, who was orphaned at age 15, moved around from family to family until he went to work for Charley Schnitzel. He tended camp for Charley's herders taking his pay in sheep until he built a herd of his own.

Frederick established a summer range in the Grand Targhee area. A prohibition on grazing was enacted when the land was incorporated into the national forest system. Between 1902 and 1948, Fred accumulated land for a summer range around Eden, Utah. Old timers say that this property was severely overgrazed by previous owners and hardly a blade of grass could be found. Fred's soil conservation practices greatly improved the vegetation and Powder Mountain now is known as one of the best watersheds in the Wasatch Mountains.

Fred's son, Alvin E. Cobabe bought the livestock company with its 8,000 acres in 1948. Just a few months later, Fred was killed in an automobile accident.

When the ranch needed a reservoir, Alvin bought heavy earth moving equipment. He delved into the earth moving business to help pay for the machinery. A career in ranching, livestock and construction, however, just did not satisfy Alvin. In 1956, at 42, he sold the companies to enroll in pre-med classes at Weber College. Although the businesses were sold, he retained the property. He graduated from the University of Utah Medical School at age 45 and returned to the upper Ogden Valley to establish a medical practice. At that time, Dr. Alvin Cobabe was the oldest person to graduate from the school.

While horseback riding with friends along Lightning Ridge in the 1950's, someone casually mentioned that the terrain would make a great ski resort. The idea rang true with Dr. Cobabe and he began to amass adjacent property adding to the thousands acquired from his father. When the resort opened on February 19, 1972, he owned 14,000 acres.

Only the Sundown lift was open during Powder Mountain's first season. The area was lit for night skiing and a ski school was established. Food was prepared on an outdoor barbecue. The Main Lodge, the Sundown Lodge and the Timberline lift were added to operations for the 72/73 season.

Dr. Alvin Cobabe, at age 88, sold Powder Mountain in 2006 to Western American Holdings. The resort remained under the same management team, led by Alva Cobabe, daughter of Alvin, during the 2006/07 season.

In 2010, Western American Holdings finalized the Powder Mountain development agreement establishing new zoning for the

Weber County portion of the property and vesting the project with 2,800 units of density.

In 2011, education entrepreneur and venture capitalist Greg Mauro had a residence in the Ogden Valley for several years. Greg had attended "Summit at Sea," a conference which is part of the flagship event series operated by Summit Series. Summit Series was founded in 2008 by entrepreneurs Elliott Binsow, Brett Lowe, Jeff Rosenthal and Jeremy Schwartz. Greg approached the Summit team with an idea: what if Summit partnered with Greg and purchased the mountain to create a home for the organization and community? What if Powder Mountain became a place with the potential to be a positive force not just in the Ogden Valley but throughout the world? Within months, Summit had moved to Eden to pursue that dream and began the process of acquiring the Powder Mountain Resort with the vision of revitalizing Powder Mountain and establishing the Summit Powder Mountain Village, as the permanent home of Summit.

In mid 2013, the group closed on the nearly 10,000 acre resort property and immediately began to implement their plan for the mountain. This included construction of a world class lodge at the top of the Hidden Lake lift, resort improvements including revamped food and beverage services as well as obtaining approvals for the first phase of the development. The first phase of the development includes 154 units approved as part of a Planned Residential Unit Development (PRUD) including residential lots ranging from 1/2 acre to 20 acres as well as the initial phase of the Summit Powder Mountain Village. The Summit Powder Mountain Village will be the keystone for the Summit Community as the center for gathering, community events, shops and the epicenter of innovation within the resort. Phase 1 plat approvals were completed in early 2014 with the first home on the mountain anticipated to be completed in summer 2015.

The additional development areas outside of the Summit Powder Mountain Village will be focused on recreation and vacation activities and will enhance the Summit Powder Mountain Village by bringing additional visitors to the community. These areas will add to the vibrant community center of the Summit Powder Mountain Village.

TIMELINE

- 1971-72 Season
Powder Mountain opened February 19 with Sundown Lift.
- 1981-82 Season
Ski School began.
- 1972-73 Season
Main Lodge opened.
- Sundown Lodge opened.
- Timberline Lift opened.

- 1975-76 Season
Hidden Lake Lift added.
- 1981-82 Season
Shuttle service for employees and for Powder Country started.
- 1984-85 Season
Powder Mountain was the first Utah resort to allow snowboarding.

- 1986-87 Season
Hidden Lake Lodge opened.
- 1989-90 Season
Columbine Inn opened with two condominiums and five hotel rooms.
- 1990-91 Season
Diamond Peaks Helicopter started providing service between James Peak and at the Hidden Lake parking lot.

- 1994-95 Season
Sunrise Lift opened.
- 1999-2000 Season
Paradise Lift, a quad, opened up an additional 1300 acres of lift accessed terrain.
- Car skiing moved to Lightning Ridge accessing an additional 700 acres.

- 2001-02 Season
Rails added at the Sundown Lift area.
- Terrain Park added off Hidden Lake run.
- 2006-07
High-speed quad replaced the double chair lift at Hidden Lake.
- The snowmobile tow at Lightning Ridge was replaced with snow cat with people mover.
- Powder Mountain was sold to Western American Holdings.

- 2007-08
A snow kiting area was designated and Powder Mountain became one of the first, if not the first, resort in the US to offer a snow kite only pass.
- The Snow cat Powder Safari began in January 2008.
- 2012
Summit relocates its operations to Eden, Utah from Malibu, California.
- Summit Mountain Holding Group, L.L.C. ("SMHG") begins the acquisition process to acquire the approximate 10,000 acre resort.
- Ski Lodge construction begins.
- SMHG assumes Mountain operations for the 2012/2013 ski season.

- 2013
The Sky Lodge at Hidden Lake is completed.
- Summit holds a Founders weekend on the Mountain to introduce the Summit community to the Phase 1 development.
- Summit Outside is held over 3 days at the future Village site.
- Summit Powder Mountain Village phase 1 PRUD of 154 units is approved.
- SMHG closes on Powder Mountain's 10,000 acres.
- 2014
Phase 1 plats approved for 154 units.

PURPOSE OF THE REZONE APPLICATION

To aid in the creation of Powder Mountain as the entrepreneurial center for its unique community and to maintain and advance Powder Mountain Resort as a destination four-season resort, the process of creating a Master Plan for the approximately 6,160 acres in the Powder Mountain area began in 2012. The Master Plan combined within this document that is a result of months of studies, programming, visioning and processing is as much about where development has not been placed as it is where development has been placed. The Master Plan provided herein establishes the foundation for Powder Mountain to create an authentic mountain destination with varied vibrant neighborhoods clustered throughout the 6,240 acres within Weber County with the Summit Powder Mountain Village as the center of this Summit community. Additional development areas surround the Summit Powder Mountain Village such as Mid-Mountain, The Ridge, Earl's Village, Geeser and the Meadow provide the community with varied neighborhoods and on mountain experiences with appropriately scaled developments and important open space preservation.

The Master Plan process began with substantial base mapping, site observations and design development studies to ensure the resort will be one of the most sensitively designed master planned projects in the West as well as one of the most unique and diverse. This process included comprehensive development of slope maps, existing vegetation mapping, geotechnical investigation, avalanche zones, wind and solar aspect studies, access feasibility, ski terrain and resort connectivity, wildlife corridors, existing trails, viewpoints (into and out of the property) and open space preservation, all of which are incorporated within this application.

The Applicant requests a zoning change for the approximately 6,160 acre Powder Mountain project area per the Ogden Valley Destination and Recreation Resort Ordinance (DRRO) passed and signed on August 18, 2009 (Ord. 2009-16). This ordinance was created to enable quality resort development in appropriate locations within Weber County. Rezoning the property to a Destination and Recreation Resort will allow Powder Mountain to realize the vision as one of the world's most unique mountain destinations combining an enhanced mountain experience with a truly cutting edge master planned community.

POWDER MOUNTAIN

NO CHANGE

Powder Mountain is located in Northeastern Utah just north and east of the City of Ogden. The resort property is located in both Cache and Weber Counties above the Ogden Valley and the communities of Eden, Huntsville and Liberty. The property is approximately 55 miles from Salt Lake City International Airport. It is accessed from the south by Highway 158 from the Ogden Valley.

Driving Distance from notable Locations to Powder Mountain:

Snowbasin Resort	22 Miles
Ogden	27 Miles
Layton	36 Miles
Salt Lake City	60 Miles
Park City	80 Miles
Provo	101 Miles
Boise	328 Miles
St. George	360 Miles
Cheyenne	441 Miles
Las Vegas	480 Miles
Denver	540 Miles
Reno	570 Miles

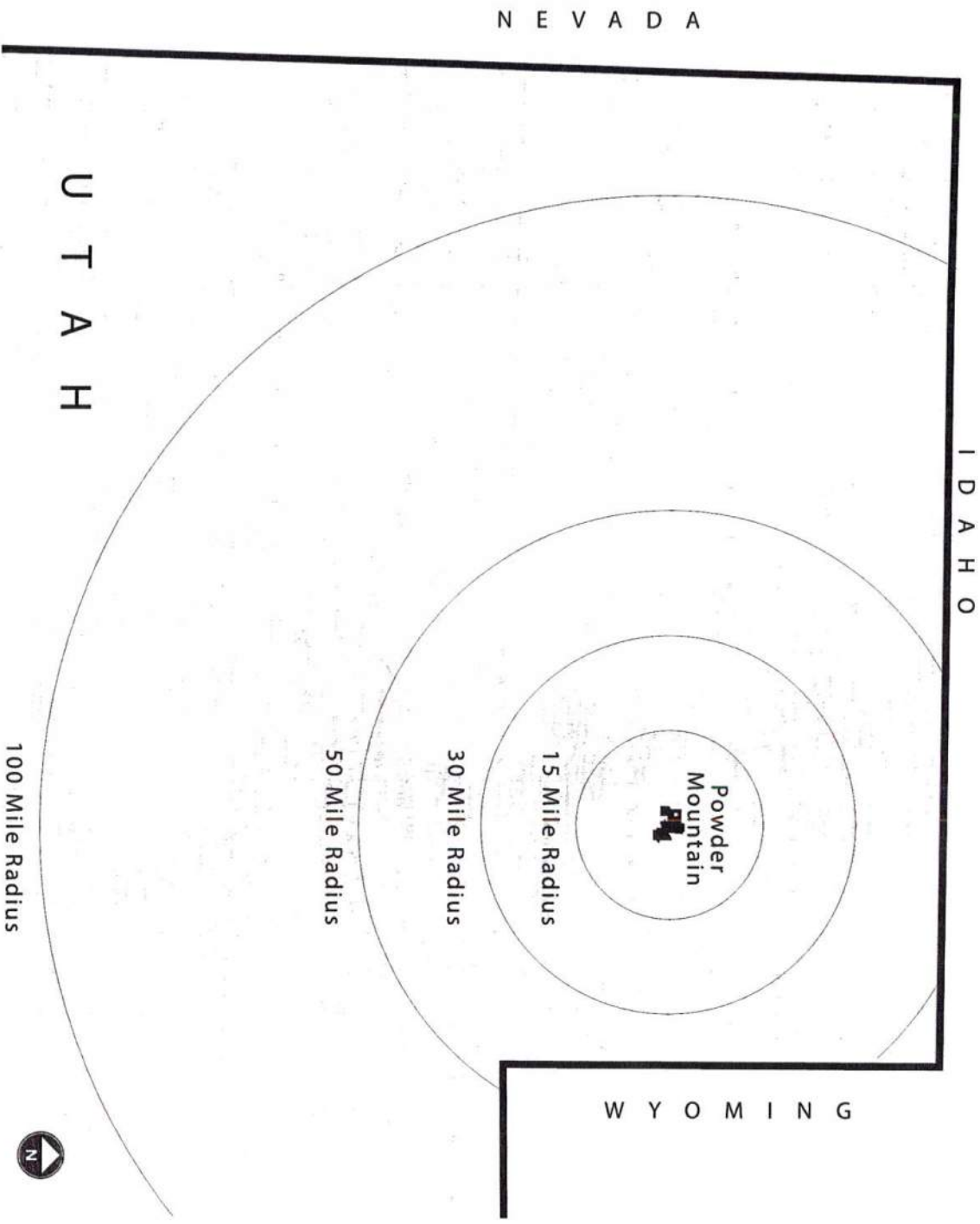


Exhibit A
Existing plan with changes noted

NO CHANGE

PROCESS

This Destination and Recreation Resort Rezone (DRR-1) application contains all documents as required and requested by Weber County in order to obtain zoning and entitlements for the Powder Mountain Property identified herein. This application has been prepared in accordance with the Weber County Destination and Recreation Resort Ordinance (DRR-1) and thru close coordination with the Weber County Planning Department.

This application and subsequent approval will allow Powder Mountain to continue with the development plans outlined in this document and to build upon their Phase I approvals and development progress with more flexibility in design and density placement. The information within this document has been compiled in accordance with the application requirements outlined in the Ogden Valley Destination and Recreation Resort Ordinance.

Upon acceptance of the rezoning application documents, the applicant is prepared to present the plan to the Ogden Valley Planning Commission (OVPC) as necessary to receive Commission and Public comments on the rezoning application. Working with Planning staff, the applicant will fulfill all necessary requests for approvals. Following the OVPC findings, a public hearing(s) will be held with the County Commission to obtain full rezoning approvals.

WHY PRESENT ZONING SHOULD BE CHANGED

Powder Mountain Resort has been a popular ski mountain destination in northern Utah and Weber County and is well known within Utah as a mountain with abundant terrain and great value for skier guests. This all despite missing key elements for a successful destination resort, such as high quality and diverse accommodations, retreats, top notch food and beverage, ski lifts, lodges, retail and other amenities. The current zoning on the property allows for adequate development of the mountain but is not fully appropriate to allow Powder Mountain to maximize its potential as a unique mountain destination. Rezoning the property to Destination and Recreation Resort will enable the land owner to create an extraordinary recreation and residential experience while preserving and promoting the goals and objectives identified within the Ogden Valley General Plan. The rezoning will enable new and yet traditional resort development planning strategies to be implemented lifting Powder Mountain to the front of the mountain community, ski resort and retreats industry while still preserving abundant open spaces and contributing to the surrounding community's long term well being.

POWDER MOUNTAIN

PUBLIC INTEREST

The Master Plan for Powder Mountain Resort will provide a diverse and unique mountain experience for both visitors and residents. The Master Plan provides for both residential communities and recreational properties within the project. The new commercial developments supporting the proposed residential, hotel(s), recreational uses and open spaces at Powder Mountain will provide additional tax revenue to Weber County. These new uses will give Powder Mountain a sustainable development base from which to grow and will benefit the community as a whole while continuing the recreational focus as identified by the County.

SUBSTANTIAL PUBLIC BENEFITS

The rezoning will allow the development to move forward with development plans that will provide the following Substantial Public Benefits:

The process requires the development of a full Master Plan for the Rezoning area. This will provide the public with the vision for the resort and will insure public input is provided as part of the rezoning approval process that would otherwise not be available under the current zoning approval process and development applications.

Substantial agency review of the project is required as part of the DRR1 rezoning application. This review is expansive and thorough and provides for a much broader scope of review than if the project was submitted in piecemeal fashion under current zoning. This includes reviews by:

- Weber County (Assessor, Economic Development, Engineering, Planning, School District, Sheriff, Treasurer)
- Utah Department of Transportation
- Utah Division of Wildlife Resources
- US Forest Service
- Weber Pathways
- Rocky Mountain Power
- Powder Mountain Sewer and Water

Substantial Open Space will be guaranteed with the location of the open space identified within the Master Plan and with a minimum of 30% of the adjusted gross acreage being provided as conservation open space.

The rezoning adds approximately 1,940 acres of land to the previous development application approval and proposes to strip all development rights from this additional property while preserving the area as open space. Much of this property includes the Regional trail to Wolf Canyon Trailhead.

All proposed recreational amenities will be publicly accessible integrating the new community with those existing and future communities within Weber County. This includes the

implementation of important public trail links to and thru the resort as identified on the Open Space and Trails Plan.

The rezoning allows the development to further cluster development areas preserving more open spaces than the flexibility of the rezoning and its allowed uses, building heights and overall design flexibility.

Establishes Design Guidelines and Sustainability practices within the rezoning application far superior to current zoning development requirements minimizing the overall impact of the community as a whole.

Establishes traffic mitigation practices with the rezoning application reducing the overall traffic impacts to the existing transportation system and existing community that far exceed current zoning requirements. These proposed mitigation practices include:

- Providing preferred parking in the day skier lots for vehicles with three or more occupants. To promote reduced vehicle emissions and a healthier environment, preferred parking could also be extended to hybrid vehicles and other low-emissions vehicles.
- Implement the use of alternative fuel shuttles for the employee/skier transit services.
- Provide transit passes to all employees not housed on-site and require the employees to use them to access the resort.

CHANGES TO THE GENERAL AREA SINCE THE ADOPTION OF THE GENERAL PLAN

The Powder Mountain Resort area is recognized as a recreation/resort area that has potential for further development that would support and enhance the existing recreational components within the resort providing a viable long term project. The Destination and Recreation Resort Ordinance was written to allow resort development in appropriate locations. Since the adoption of the General Plan, the Powder Mountain Resort and adjoining undeveloped acreage within Weber County was purchased by Summit Mountain Holding Group. This group aims to create a unique destination community with a vision for a diverse mountain village and associated mountain neighborhoods that would provide economic stability for the existing resort while also providing substantial expansion and diversity of this amenity. This change in ownership since the adoption of the General Plan marks a substantial shift in project vision with enhanced traffic mitigation and sustainability requirements as outlined within this document. The County General Plan supports and promotes appropriate resort facilities as a major element within the County. Powder Mountain is an ideal location for responsible, well balanced and sustainable resort development.

PROMOTE HEALTH, SAFETY AND WELFARE TO WEBER COUNTY

The Master Plan as proposed within this rezoning document for Powder Mountain promotes the health, safety and welfare of Weber County residents by creating a diverse year-round resort. This diversity will provide stability and long term benefits to Weber County and in particular the Ogden Valley while also preserving significant open space within the project.

The project will provide long term economic benefits as outlined in the Benefits Analysis ensuring the County and its residents are not negatively impacted fiscally.

The Master Plan includes important trail connections between neighborhoods and within the surrounding communities of Eden and Liberty through the regional trail links that have been extended into and thru the Resort property. These trail connections link the Resort to the Valley floor providing access to important recreational amenities while limiting impacts to existing communities and residential neighborhoods containing the important community access to the vast outdoors in Weber County.

Traffic mitigation plans will be implemented to ensure that all new development impacts to existing and future roadways are minimized providing safe and appropriate access to the mountain while mitigating those impacts to existing and future neighborhoods in the Valley.

The development areas within the project were designed with respect to the land attributes preserving sensitive lands and stream corridors and to avoid sky lining. The importance of economic, environmental, community and aesthetic benefits were taken into consideration to ensure a quality destination that provides benefits to the owners, Weber County and the community.

NO CHANGE

A. As outlined in Chapter 35 of the Weber County code (35-3), the project meets the approval criteria as follows:

A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Lands Overlay District, or the Weber County Zoning Ordinance.

The Sensitive Lands Areas as outlined in Chapter 43 of the Weber County Code are provided on pages 13-15 with the Powder Mountain project boundary indicated. The Wildlife Habitat exhibit shows that the Powder Mountain project area is generally outside the important wildlife habitat area with the only interface occurring within the Southwest portion of the property and involving the existing highway access to the Resort. No development is proposed within this important wildlife habitat area.

While there are stream corridors within the project area, the primary area of potential impact includes the Powder Mountain Road and Wolf Creek interface. The Road exists and all impacts have previously been mitigated as this roadway serves as the existing access to the Resort. No other stream corridors exist within close proximity to any proposed development area within the rezoned Master Plan.

Due to Powder Mountain's proximity above the valley floor, no scenic roadway impacts exist as defined within these exhibits.

B. A professional study has provided substantial evidence determining that the proposed Powder Mountain Resort is viable and contributes to the surrounding community's economic well being. A fiscal impact and cost benefit analysis is attached as Exhibit A. This study was conducted by Bonneville Research out of Salt Lake City, Utah. Highlights of the market, economic and fiscal impact are as follows:

MARKET FEASIBILITY

Utah's mountain resorts are provided with unique market advantages due to their close proximity to the Salt Lake International Airport, large and well maintained local highway and road infrastructure, a large local skier and recreational base in close proximity to resorts and typically abundant snowfall that is considered some of the best in the world.

The State of Utah is also progressive in its ski and outdoor recreational marketing promoting Utah as a recreational destination and prioritizing it as one of the major cornerstones of long term revenue generators for the state.

With the region established as a well developed destination for both summer and winter visitors, the Ogden Valley and Powder Mountain are poised to maintain a consistent rate of growth within

POWDER MOUNTAIN

these recreational and residential markets. With the proximity to the Salt Lake International Airport and the continued exposure to the area that is spearheaded by Park City and Deer Valley communities among others, the opportunity to capture first and second home buyers from regions throughout the west remains strong. The Summit community and their unique gathering of entrepreneurial guests will also bring together their love for the outdoors with the new and local communities creating a unique mountain destination.

The Powder Mountain Resort will continue to become more and more recognized by a greater audience as already seen with the implementation of the Phase 1 infrastructure and momentum will only continue to grow as the project develops on the mountain.

ECONOMIC IMPACT

Total economic impacts of the Powder Mountain project are anticipated to continually increase as the project builds out with the addition of hotels, corporate and educational retreats, expanded and new recreational amenities and the synergy of the Summit Powder Mountain Village grows. After full build out, ongoing economic impacts are projected to provide continued positive effects as follows:

Direct annual output is projected as \$60 million, and total annual output (including direct output plus secondary or "multiplier" impacts) is projected at \$112 million.

Direct jobs created by the development are projected at 1,623 at full build out.

Direct labor income is projected at \$24 million annually.

FISCAL IMPACT

The proposed Powder Mountain project is identified to provide a substantially positive fiscal impact for Weber County.

After project build out, Powder Mountain is projected to generate approximately \$55 million in annual taxable revenue. The Powder Mountain project is anticipated to be one of the highest valued resort projects in the west with these values creating the very positive budgetary impact. Most residential units will be second homeowner classification while the assessment of most residential units will be at full market value. This will result in high per capita spending and resulting sales tax revenues and a moderate cost of service profile which is consistent with similar projects throughout western resorts.

Other growth-sensitive Weber County funds are projected to experience positive fund balances throughout the construction period of the project and after build out providing a broad fiscal

benefit to the County. (See attached Bonneville Research Study)

C. A professional traffic study has explored and provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Project, from diminishing below an acceptable Level of Service.

The Transportation Element study prepared by PEC out of Salt Lake City is attached as Exhibit 2.

Overall the road network can and will provide appropriate access to and from Powder Mountain, with some improvements required for mitigation as the project is built out.

D. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.

Powder Mountain Resort is currently a well established ski resort. The proposed Master Plan is designed to enhance the visitor experience with expanded recreational services, new and diverse overnight accommodations, varied retail shops and services including restaurants, a mountain village main street, and varied destination attractions. Publicly accessible recreation facilities and activities are planned throughout the project area to establish Powder Mountain as a year-round destination. These activities include walking/hiking trails, biking trails including mountain biking and cyclocross trails, horseback riding, naturalists tours, camping, rental of non-occupied units and other outdoor special events.

E. The proposed Seasonal Workforce Housing Plan will provide a socially, economically and environmentally responsible development.

The seasonal workforce housing plan is provided on page 43. At full project build-out, it is estimated that Powder Mountain Resort will generate 1,623 full-time equivalent employees and 984 workforce housing units.

As calculated in the table on Page 43, Powder Mountain Resort will provide at least 98 seasonal workforce housing units.

F. Public safety services are and/or will be feasible and available to serve the Resort in a manner that is acceptable to the County Commission.

Throughout the development of the Phase 1 plans as well as the DRR1 Master Plan development, the development team has continually met with representatives from the Sheriff's office, Fire Department and Emergency Medical Service providers gathering input to the plans and incorporating that input into this application. The proposed Master Plan reflects the input received from these departments with regard to necessary Emergency Services. Per the discussions with these public safety providers, Powder Mountain will provide a facility to house both the Sheriff and Fire Department services on mountain. A preliminary parcel has been identified within Summit Powder Mountain Village and will be provided at the time the services are deemed necessary by the emergency service providers. This parcel will be integrated within the Resort in a manner that fits the development setting in which it is located but the scope of services provided will be modeled after the Huntsville Station as per the discussions with the emergency providers. Feasibility letters from both the Fire Department and Sheriff's Department are attached on Page 47.

Compliance with the General Plan

Exhibit A
Existing plan with changes noted

NO CHANGE

The proposed Master Plan for Powder Mountain presented in this application is in compliance with the Ogden Valley General Plan Goals and Objectives as outlined in the Ogden Valley General Plan as follows:

3.01 VISION: PROTECT THE NATURAL BEAUTY AND NATURAL RESOURCES OF THE VALLEY

Goal: Protect Air Quality and Water Resources

Powder Mountain maintains a strong commitment to Weber County's goal of preserving the natural beauty and natural resources of the Ogden Valley. The Master Plan was developed with the ethos that all development must be light on the land and all development impacts should be minimized or mitigated to the greatest extent possible providing a balance between the built and natural environments. Measures to protect the natural resources and beauty of the Ogden Valley during and after both the planning and construction stages include:

Clustering all development within areas that allow for minimized development impacts thus maximizing significant and important open spaces.

Much of the development is centered around "village" infrastructure allowing for walkable trips or reduced traffic impacts and limiting the size of the project "footprint" on the mountain.

A comprehensive transportation plan will be implemented providing resort shuttles from the Valley via Park and Ride lots, shuttles within the resort property and the provisions of essential on-mountain services reducing off-mountain trips all of which will help protect the Valley's air quality thru the reduced trip counts.

Water quality controls will be implemented on the following levels.

Water

As awareness of the importance of conservation of resources and implementation of sustainable practices grows, Powder Mountain has a goal to introduce a higher level of implementation than almost any project yet envisioned in Utah. Powder Mountain is using an integrated water management strategy in an effort to develop a truly sustainable project.

Groundwater

Powder Mountain understands the value of groundwater as an essential resource. To minimize impacts to groundwater resources, Powder Mountain is adopting water conservation and efficiency requirements for both indoor and outdoor water use that will make the project a leader in the State of Utah.

POWDER MOUNTAIN

Surface Water
Powder Mountain will also focus on the protection of surface water by limiting grading and preparing erosion control plans and Stormwater Pollution Prevention Plans (SWPPPs) that will incorporate the appropriate best management practices to protect drainages, wetlands and surface waters.

Water Conservation

Powder Mountain's Design Guidelines, attached as exhibit 3 within this application, have been written to ensure that water is conserved both indoors and outdoors. The Guidelines require the use of low flow appliances and fixtures that are expected to reduce per person indoor water use to less than half of the State of Utah's design code requirement. In addition, Powder Mountain is restricting the total landscape area of each unit that can be irrigated as well as requiring weather based irrigation controllers, native and low water use plant types and limiting grading areas to protect natural areas.

Goal: Protect Open Space and Sensitive Lands

The most substantial and important portion of the Master Plan is what is not being developed. The Master Plan was sensitive to not only identified steep slopes, wetlands, stream corridors and drainages but it also factored in visually sensitive lands, important wildlife corridors, recreational open spaces and open space buffers. Additionally and as part of this application requirement, Weber County's sensitive land maps were overlaid on the Master Plan to ensure that all proposed development does not occur on areas identified as important wildlife habitats or within stream corridors and scenic road buffers. See Pages 13-15.

Goal: Preserve Wildlife and Wildlife Habitat

As shown on the Sensitive Lands Exhibit on Page 13, the proposed development boundary does overlap upon important wildlife habitat areas as designated by Weber County. However, the detailed Master Plan does not propose any development within this important wildlife area and in fact creates a substantial buffer to this area. However, it is recognized that wildlife can be found throughout the property and providing well placed wildlife corridors will allow all proposed development to work in harmony with the natural environment. The master plan for Powder Mountain proposes clustered development parcels on only 18 percent of the gross acres located in Weber County. The remaining 82 percent is available for wildlife habitat and open space.

3.02 VISION: MAINTAIN THE VALLEY'S RURAL ATMOSPHERE AND RURAL LIFESTYLE

Goal: Promote a Sense of Pride in the Valley's History and Heritage

There are no identified cultural and/or historical resources within the Powder Mountain project area. The applicant is committed to preserving the existing ski area at Powder Mountain as a community resource. Powder Mountain is committed to maintaining the wide open and rustic nature of the resort while providing tasteful upgrades and updates to the facilities. We are dedicated to appropriately addressing the elements that make the resort special and enhancing those elements.

Goal: Require that Development be Compatible with the Valley's Rural Character and Natural Settings

In order to ensure that development is compatible with the Valley's rural character and natural setting, a set of Design Guidelines has been established that will govern the style and characteristics of buildings, landscaping, signage, etc. This style pulls from the Valley's architectural vernacular, utilizes timeless forms and materials and requires structures to be placed sensitively to become part of the landscape, not dominate the landscape.

Goal: Require that Development and Community Services Conform with the Valley's Natural Resource Capabilities

Throughout the development process the Applicant will plan and provide for adequate infrastructure to support all proposed development. This will include calculated phasing of units, concurrency measures for water and sewer as well as establish required funding mechanisms for required development improvements.

Goal: Provide Adequate Emergency and Medical Services

Substantial coordination with the County Emergency Services Departments has been implemented in the Master Plan. The Emergency Services Plan on page 47 of this application outlines the discussions with the Sheriff and Fire Marshall as well as letters of feasibility from each. Emergency and medical services will be phased appropriately and adequately as development occurs and as required by these Emergency Service Providers.

Goal: Promote Agricultural Land

Due to the proximity of the project property at elevations well above the valley floor as well as the steep slopes and recreational focus of the existing mountain property, the project does not currently contain an abundance of agricultural uses and therefore is not conducive to provide agricultural uses in the proposed plan for the project.

Goal: Recognize and Respect Private Property Rights

The proposed Master Plan is fully located on private property owned by the applicant and does not negatively impact any adjacent private land.

Goal: Facilitate the Smooth Flow of Traffic In and Out of the Valley

A comprehensive transportation study has been prepared by Project Engineering Consultants (PEC) and is included with this application as Exhibit 2. The report studies the transportation impacts anticipated to be associated with the proposed Master Plan, provides an analysis of phased development steps to identify what and when any necessary roadway improvements would be needed, and identifies any traffic mitigation measures to be utilized by the project to ensure the existing and future road systems continue to provide adequate operations throughout the valley as the development progresses it build out.

Goal: Enhance Quality Recreational Opportunities

The Recreation Plan and the Open Space and Trails Plan outline the recreation opportunities that are proposed for Powder Mountain. These plans highlight the additional recreational amenities that may be provided in addition to those that currently existing within the project and as part of the existing ski area. The trails plan highlights trail linkages to the Ogden Valley via Gertsen Canyon and the existing Gertsen Canyon trail and also provides for regional trail connections both east and west thru the project while also providing a substantial and diverse trail network internal to the resort.

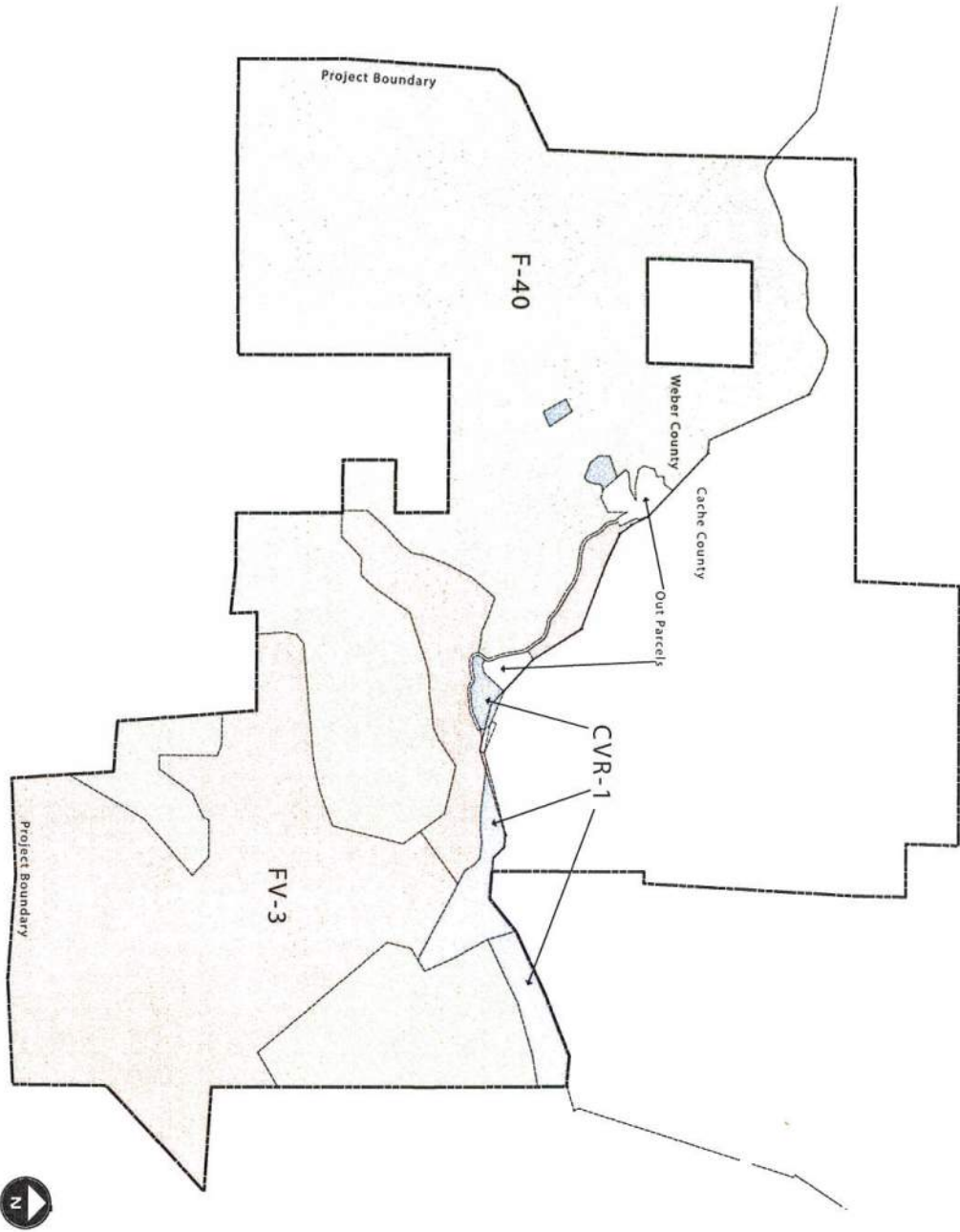
In addition to skiing, snowboarding, snowshoeing, etc., which are already enjoyed at Powder Mountain, the recreation facilities plan expands the recreation opportunities to include non-skiing activities, such as hiking, mountain biking, glamping, ice skating, fishing, as well as facilities for special events and equestrian experiences.

Existing zoning

Exhibit A
Existing plan with changes noted

NO CHANGE

The Powder Mountain property located in Weber County is currently zoned Commercial Valley Resort Recreation Zone (CVR-1), Forest Valley (FV-3) and Forest Zone (F-40).



CVR-1 - Commercial Valley Resort Recreation Zone

The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained.

FV-3 - Forest Valley Zone

The purpose of the Forest Valley Zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

Forest Zone - F-40

The intent of the Forest Zones is to protect and preserve the natural environment of those areas of the County that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.

Geologic Hazards

Exhibit A
Existing plan with changes noted

NO CHANGE

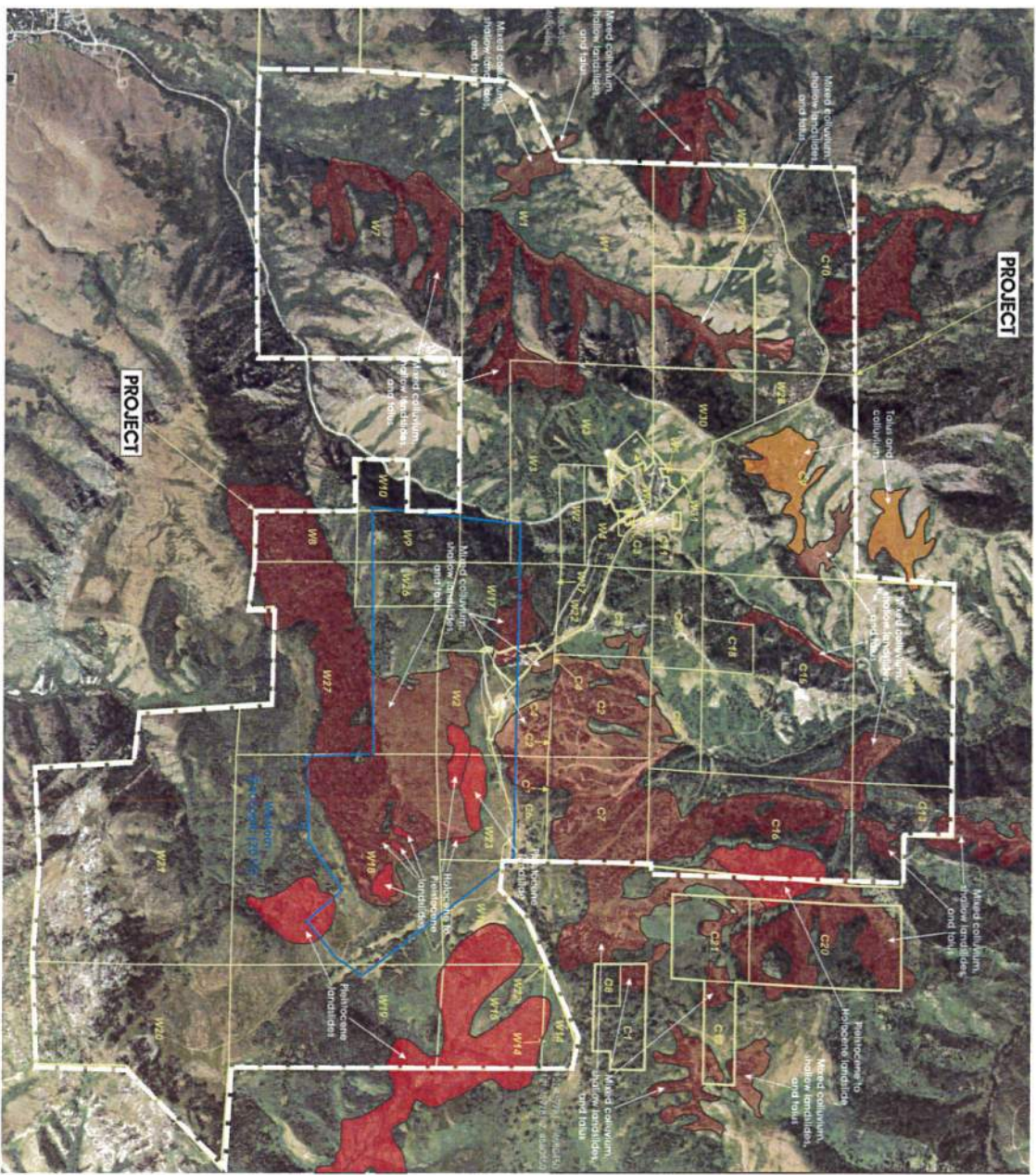
The Geologic Hazards map identifies surficial geologic conditions at the Project and identifies potential risk from geologic hazards. This investigation is intended to:

- (1) provide preliminary geologic information and assessment of geologic conditions;
- (2) identify potential geologic hazards that may be present and qualitatively assess their risks to the intended project; and
- (3) provide recommendations for additional site- and hazard-specific studies or mitigation measures as may be needed based on our findings.

Given the large Project size and scale of the mapping included with this investigation, small variations in surficial conditions and geologic hazards risk may occur and should be expected.

This report is intended to be a reconnaissance-level tool to assist with Project planning, and reduce and minimize impacts from high-risk geologic hazards.

The known geologic conditions are explained in greater detail in the preliminary Geologic Hazard Evaluation report that is included as Exhibit 1 of this submission.

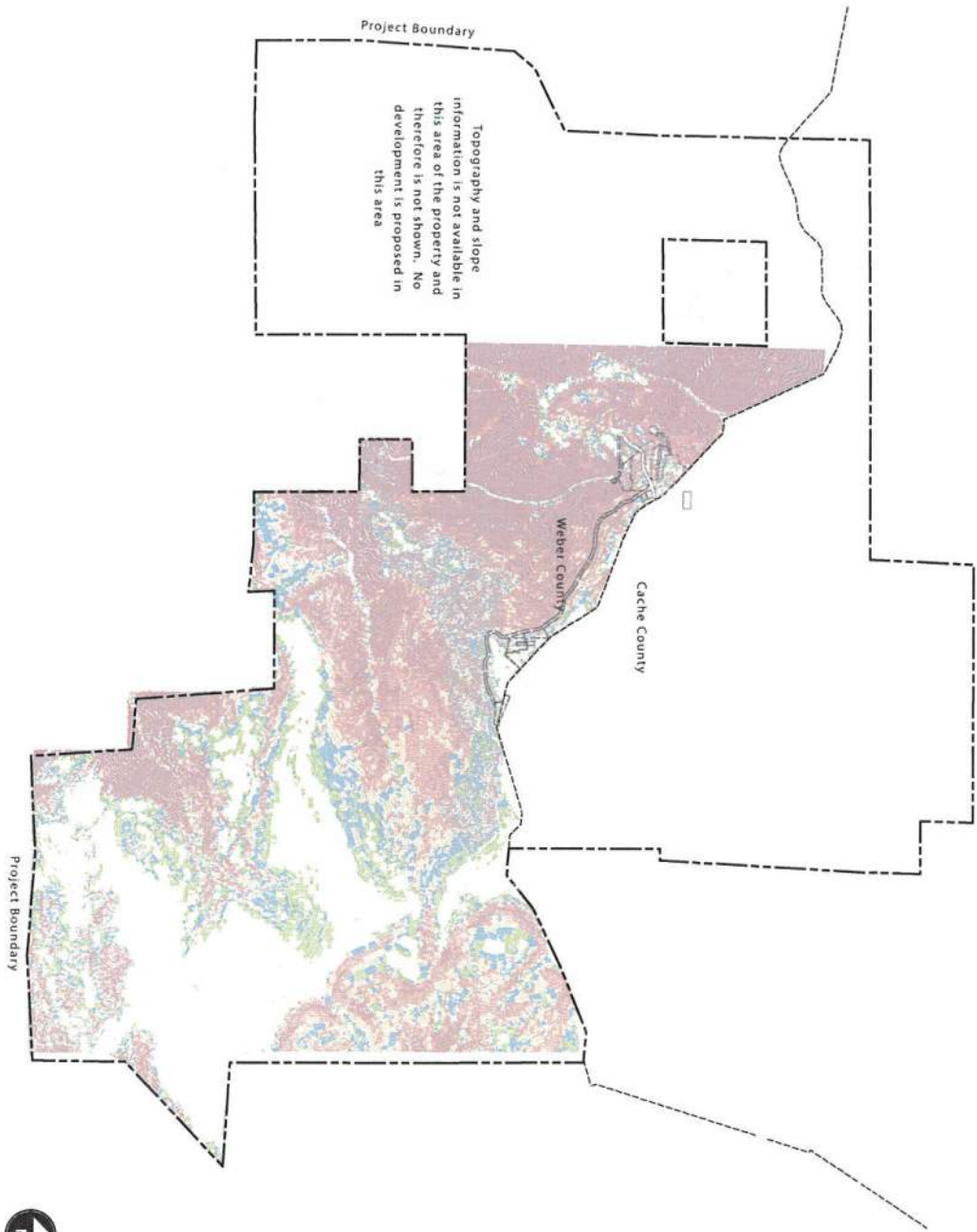


Existing Topography/slope

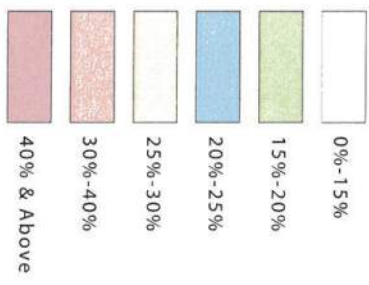
Exhibit A
Existing plan with changes noted

NO CHANGE

The Slope Analysis illustrates that much of the Powder Mountain property contains slopes most suitable to ski terrain. The projects topography does vary greatly from flat meadows and ridges to steep ski terrain and mountain slopes. The Master Plan was developed with sensitivity to placing development on steep slopes with the majority of the project density clustered around the more gentle meadows and saddles that exist throughout the development.



Slope Legend

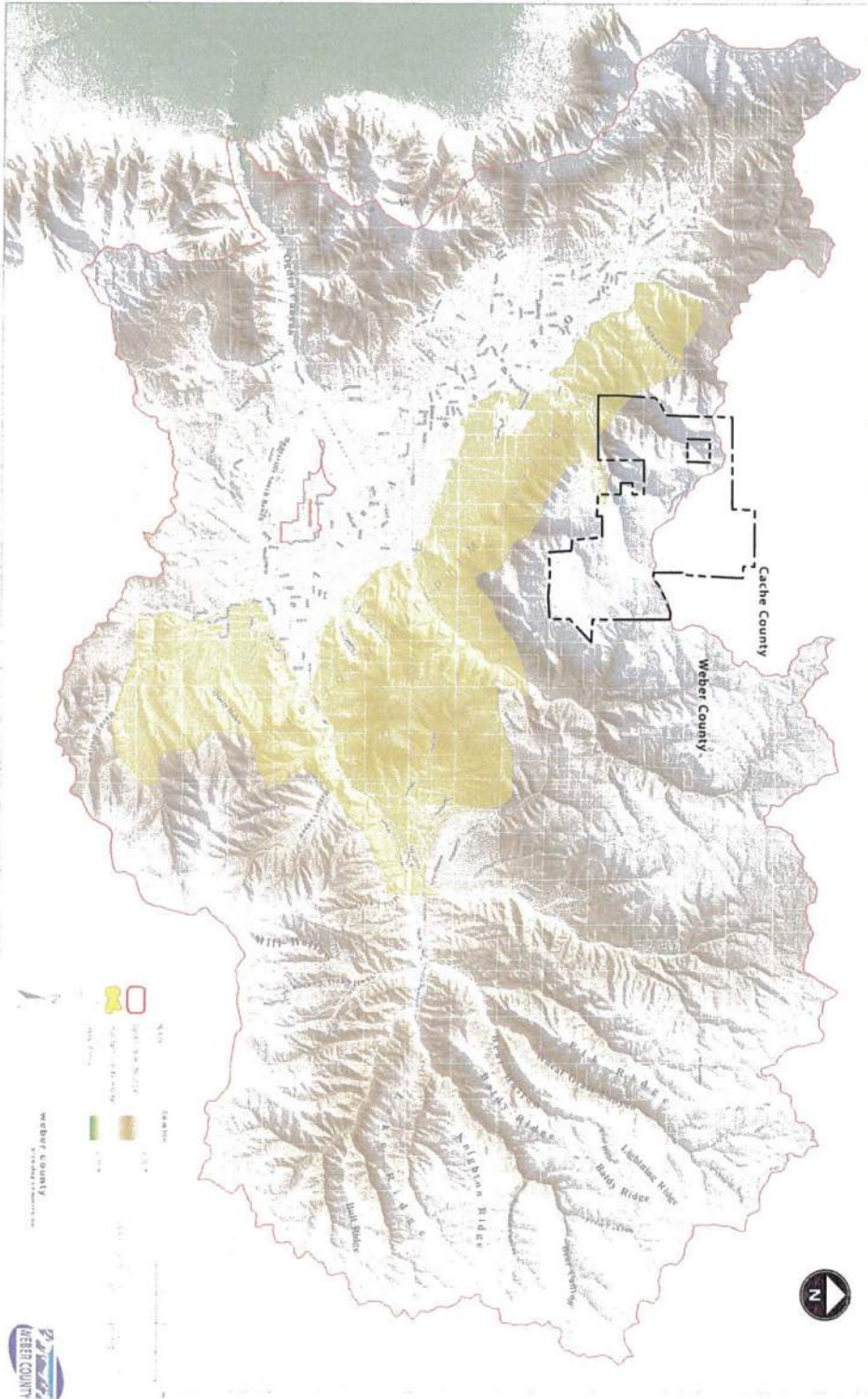


Sensitive Land Areas: Wildlife Habitat

Exhibit A
Existing plan with changes noted

NO CHANGE

Ogden Valley Sensitive Lands Important Wildlife Habitat



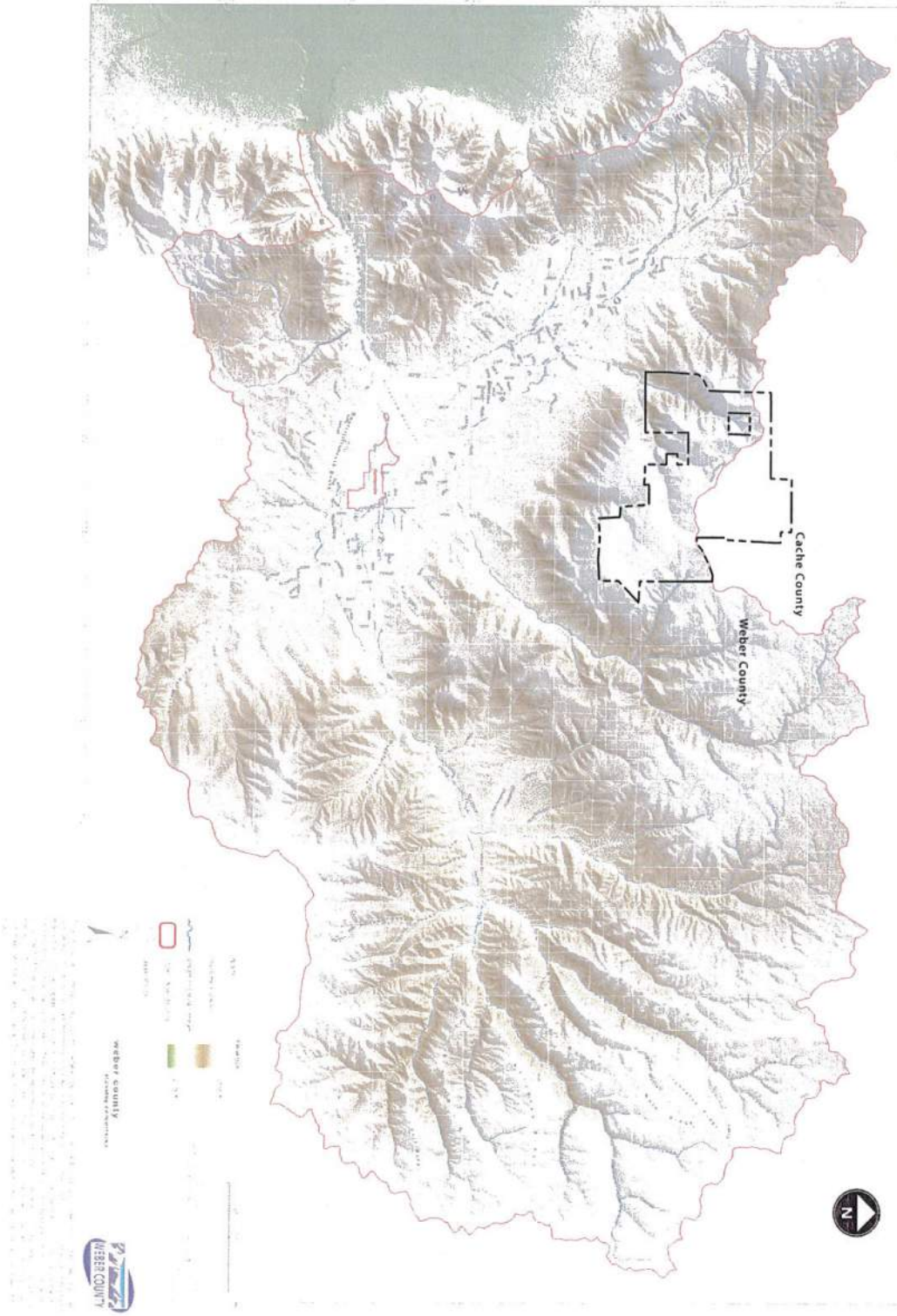
The Powder Mountain property does slightly overlap with the Important Wildlife Habitat Zone as indicated here but both areas are located at the periphery of the project area. No development plans are proposed within or near these areas. Although the proposed development areas are outside of the Important Wildlife Habitat Zones, it is recognized that smaller yet still significant wildlife habitats exist within the project boundary. Future development has been located to account for significant open spaces and buffers to facilitate wildlife habitat and wildlife corridors throughout the project and continued coordination with Weber County and the Utah Division of Wildlife Resources will be a priority to maintain these habitats throughout the project.

Sensitive Land Areas: Stream Corridors

Exhibit A
Existing plan with changes noted

NO CHANGE

Ogden Valley Sensitive Lands Stream Corridors



The Powder Mountain property is affected by the Ogden Valley Sensitive Lands Overlay District for streams corridors, wetlands and shorelines. The Master Plan has conformed to the development standards outlined in Chapter 43-2. The primary impacts are associated with the Wolf Creek and South Fork drainages in the Southwest portion of the property. These drainages have already been impacted and mitigation measures introduced as part of the existing roadway access to the Powder Mountain resort and any further impacts due to future roadway modifications will conform to the Weber County development standards.

In coordination with the Utah Division of Wildlife Resources (UDWR) all existing riparian corridors within proximity to proposed development areas within the project will be identified and protections put in place at the time of individual project approvals to insure these areas are preserved.

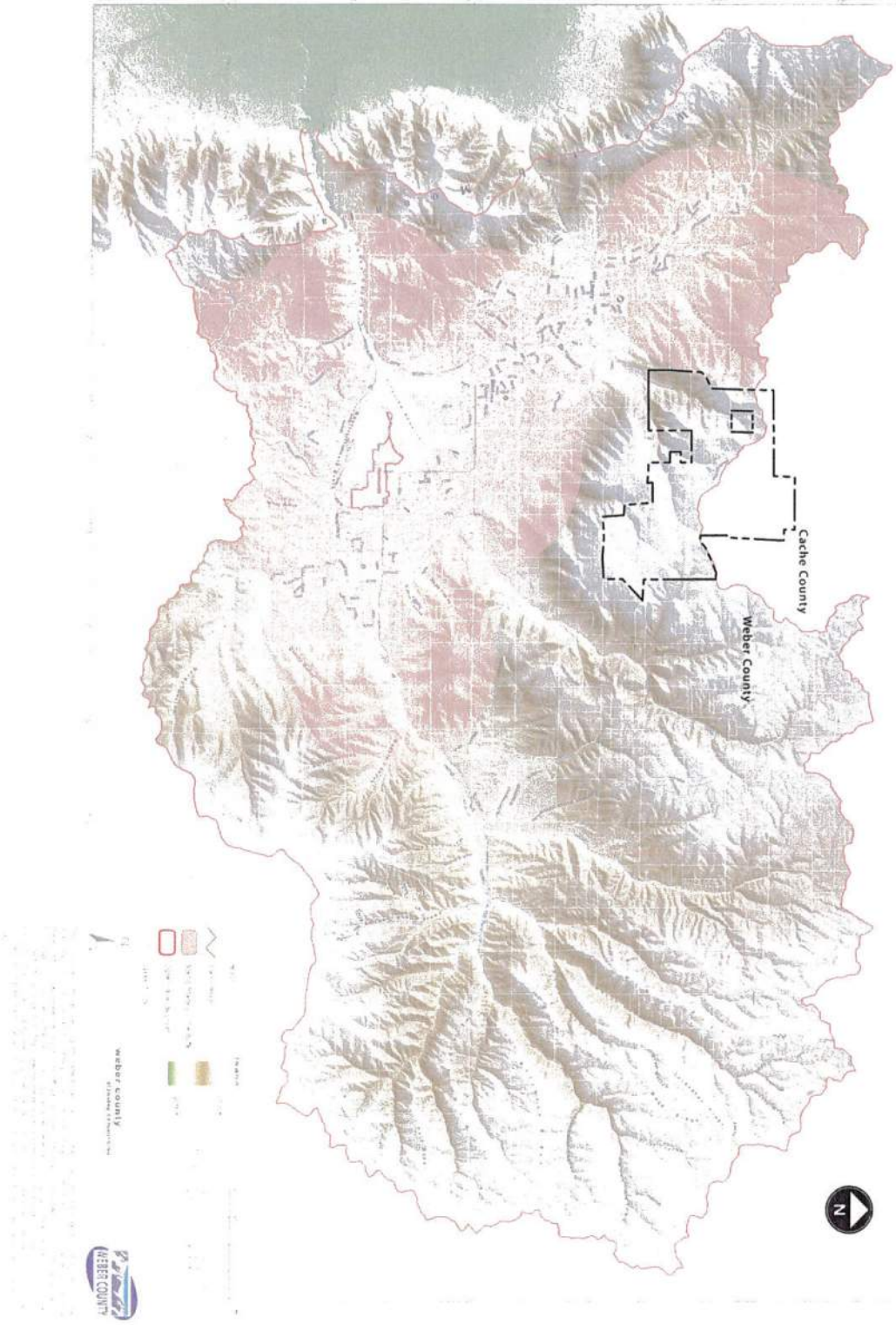
An approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required with the submittal for each phase of development if it is determined that jurisdictional wetlands may exist within any proposed development areas on the property.

Sensitive Land Areas: Scenic Roads 2.5 Mile Buffer

Exhibit A
Existing plan with changes noted

NO CHANGE

Ogden Valley Sensitive Lands Scenic Roads 2.5 Mile Buffer



Due to its physical location and relationship to the Ogden Valley and its Scenic Roadways, the Powder Mountain property is not affected by the Ogden Valley Sensitive Lands Overlay District for Scenic Corridors, Ridgelines and Historical/Cultural Resources.

NO CHANGE

PLANNING AND DESIGN PRINCIPLES

The Powder Mountain Resort totals approximately 10,000 acres with property that spans both Weber County and Cache County. Approximately 6,160 acres are located within Weber County with the vast majority of this area undeveloped. The existing Powder Mountain Ski Area terrain is primarily within Cache County with only a small area currently located within Weber County. Approximately 4,300 acres of the Weber County portion of the project is vested by an approved Development Agreement dated November 29, 2012, Entry # 2607988 that established density for the property totaling 2,800 units. This application for the DRRI rezone will add an additional 1,860 acres to the rezone property for a total of 6,160 acres to be processed for rezone. This additional acreage will be committed to project open space with the additional potential density stripped as part of this rezone application.

In 2012, Powder Mountain began to assemble a team of design and development professionals to initiate the Master Plan development that would appropriately integrate the vision for Powder Mountain. This planning process involved dozens of varied and skilled professionals and focused on every aspect of mountain design from roadway and ski design to snow storage and snow removal strategies. This planning process was thorough and extensive.

Due to the size of the property proposed for rezone to DRRI, the proposed development has been organized and broken into separate, smaller planning areas denoted on the Overall Master Plan and Overall Land Use Plan with a letter (Areas A through F). Each planning area is then detailed within this application to further illustrate anticipated master plans for each area identifying anticipated densities, uses, amenities and massing.

The concept plans within this submittal identify those areas most suitable for development and those mountain areas that will remain open space. This distinction has been identified as the most important element of the Master Plan. The areas NOT shown for development are as important or more important than those areas that are suitable for development. The development areas throughout the property are shown in two land uses that follow Weber County's DRRI Zone Land Uses (Section 104-29-8). The most intense use (Mixed Use) allows for all permitted and conditional Land Uses as identified by the DRRI Zone while the Residential use only allows those uses identified as permitted or conditional residential uses within the zone per the Land Use Code.

The proposed plan for the property within Weber County emphasizes the development of mountain "villages" that are appropriately located and provide suitable land uses, vehicular and pedestrian access, amenities and open spaces based on their locations and proposed functions within the resort.

The first of these mountain villages includes uses to enhance the existing mountain base at Mid Mountain and Sundown (Area A - Mid Mountain) by including hotels and condominiums for overnight accommodations at the existing base of the mountain. This area becomes the primary destination for year round visitors providing direct mountain access. This area also includes potential Hotel uses at the top of the Sundown lift as well as a mix of single family and multi-family homes located along the Silver above Summit Pass Road and adjacent to the existing single family and multi-family homes at Mid Mountain to give the Mid-Mountain area a true ski village mass and energy throughout the year.

The Ridge (Area B) builds upon the existing Hidden Lake Express top terminal which will become the core of this planning area. The Ridge development area will include Ski Lodges, Conference and Meeting spaces, hotels, townhomes and various residential properties ranging from small "nests" to 20+ acre ranches.

Earl's Village (Area C) continues the Powder Mountain tradition of starting your day at the top of the mountain and skiing down. Earl's Village provides a mix of hotel and multi-family development parcels with ski access in three directions and properties with views that are unmatched in the West. Earl's Village sits above the more boutique Summit Powder Mountain Village providing the classic ski mountain village anchor to the Resort.

The heart of the Powder Mountain project is the Summit Powder Mountain Village (Area D). The Summit Powder Mountain Village is the center of the Summit Community and is located on a saddle providing commanding views while simultaneously being tucked away from the rest of the mountain. This location preserves views and provides for a secluded and protected environment. This village provides for ski access into Mary's Bowl, Lefty's and Gertsen Canyon providing immediate access to the world class skiing at Powder Mountain. The Summit Powder Mountain Village contains a mix of hotels, boutique hotels and boutique shops, community amenities, public places and spaces, multifamily and single family home sites including townhomes, condominiums, attached and detached single family and "nests" of all types. This mix of uses surrounds the Summit Powder Mountain Village Main Street and forms the core of the Summit Powder Mountain Village. It also includes clustered residential development tucked amongst the existing trees and just beyond the village core. These areas include single family residential products that begin the density transition to the open spaces with larger lot types including ranch lots.

The Gertsen development area (Area E) transitions from the more dense Earl's and Summit Powder Mountain Villages to less intense yet still clustered multi family and single family units as the project moves toward the project boundary. A small, well organized node of multi family townhomes, "nests" and smaller lot single family units anchor the top terminals of the proposed Vets and Gertsen lifts with lots getting progressively larger as you move west and down the hill. Here larger estate and ranch lots are tucked into large expanses of aspens and along the edge of the Enchanted Forest.

The Meadow Master Plan (Area F) transitions density from the most dense area of the Summit Powder Mountain Village to the project's south edge. The north edge of the Meadow development area maintains the structured road and lotting systems found in the Summit Powder Mountain Village but begins to loosen this development pattern thru the meadow and out to the rock outcropping with larger estate and ranch lots. The south edge of the development area is a location identified for a small, exclusive boutique hotel and retreat providing a destination anchor to the resort with views overlooking the Ogden Valley and Mount Ogden.

Throughout the planning process, open spaces and trail corridors and connections took center stage as seen on the Open Space and Trail Plan. This ensured that access to the beautiful and abundant natural features within the project remains accessible and preserves as much of this natural environment as possible.

The proposed Powder Mountain project is compatible with surrounding land uses and, as outlined herein, is in compliance with the goals and objectives identified in the Ogden Valley General Plan. The impact to the surrounding area will be positive as outlined in the Benefit Analysis. The impact on traffic congestion through the Valley will be minimal as outlined in the traffic study completed as part of the transportation element which is included as Exhibit 2. The Master Plan for Powder Mountain will add a much needed boost to the Powder Mountain Ski Area while also providing a unique on-mountain development that will include a well placed and well balanced mix of mountain uses that will provide Powder Mountain and maybe just as importantly, Weber County, with a project that is sustainable and advances the community goals of a Destination Recreation Resort.

NO CHANGE

SUSTAINABILITY

The vision for development on Powder Mountain is to create a setting that exemplifies the core values of the Summit community and celebrates the inherent beauty of the natural landscape.

Core Values. We will create a built environment that:

- Is made for people and promotes quality of life.
- Pushes the limits of sustainable performance, as a result of our innovative mind-set and high level of knowledge.
- Merges urban living with the qualities of nature.
- Achieve net zero emissions over its lifespan.
- Is functional, smart and aesthetically appealing.
- Building on the best of the regional design tradition.
- Is robust, durable, flexible and timeless - built to last.
- Utilizes local resources and is adapted to local conditions.
- Is produced and maintained through partnerships founded on transparent collaboration across borders and disciplines.
- Employs concepts that are scalable and used globally.
- Profits people, business and the environment.

We are actively working to complement the ecosystem that currently exists on Powder Mountain through adherence to these core values and principles. It is our goal to uplift the economy and community through best practices that will lead the region in our approach to sustainability and community development.

We are filtering our decisions through the lens of environmental stewardship that encompasses waste, water, power, our building standards and the flow of transportation throughout our village among others.

ECONOMIC SUSTAINABILITY

As identified within the provided Benefit Analysis (Exhibit 4) the proposed Master Plan will provide the County with an economically sustainable development that will stand on its own two feet while providing substantial local and regional economic benefits.

COMMUNITY SUSTAINABILITY

Sustainable Development:
Powder Mountain aspires to a higher level of project wide sustainable development and is requiring green building practices as part of the Design Guidelines to insure the construction and maintenance of the

POWDER MOUNTAIN

project is sustainable. These requirements include energy efficiency, water conservation, limiting grading and limiting building footprint, using sustainable and locally sourced building materials, and limiting building heights to protect view. The requirements are detailed in Exhibit 3 - Design Guidelines, attached as part of this application.

Transportation:

Powder Mountain is proposing some of the most aggressive traffic mitigating elements ever seen in a development application. As identified in the traffic study, the project is providing mass transit alternatives to incentivize skiers to use existing and expanded UTA services, utilizing park and ride locations to shuttle additional guests to the mountain as well as providing internal shuttle and car share services limiting the total number of trips to, from and within the resort.

Other methods to reduce transportation impacts include encouraging alternative modes of transportation through site planning and building orientation that emphasize connections to sidewalks and trail networks. Homes should be placed and built incorporating easy connections for pedestrian and bike access to trails, sidewalks and streets.

The project is also providing those goods and services required by guests within the resort villages reducing the need for additional trips off the property. These will include such uses as a grocer, restaurants, theaters, shopping and recreational amenities among others.

Market Sustainability:

Variety is important to serve the wants and needs of a diverse community and ensure its sustainability. The product variety within the project will provide for market sustainability as well as foster an authentic community with a mix of residential products and commercial uses that will create real village life. Civic spaces and recreational opportunities will serve to further provide all residents and guests with both active and passive opportunities that range from skiing, mountain biking, hiking and organized outdoor events such as music festivals, Summit Outside, poetry readings, etc.

Open Space:

Encourage design that emphasizes the natural continuity of open space and parks. Provide maximum natural vistas that reinforce a sense of place and relationship to the natural environment. Integrate

views and access into the open space trail network from homes. Promote the development of site plans that create attractive, comfortable outdoor spaces.

Topography:

Integrate natural site features such as topography, views and vegetation into site design. Building placement should follow contours rather than being placed at right angles to the prevailing slope. On sloping sites, staggering placement of homes along opposite sides of the street, rather than string homes directly opposite one another, can provide better preservation of views. Use topography to create continuous green space connectivity between homes. Retain the maximum possible amount of natural vegetation.

Landscaping:

Hydrozoning, defined as "the grouping of plants that have similar water requirements," is a highly efficient design strategy for water irrigation systems and landscape planning. Strategies of hydrozoning, low-impact irrigation methods, and efficient watering schedules are to be included in all submitted landscape plans.

Fire protection:

A Community Fire Plan for the Wild land - Urban Interface (Exhibit 5) has been developed for the initial Phase 1 PRUD approvals for the 154 units at Powder Mountain. This plan shall be implemented for the remaining development at Powder Mountain and used as the standard for all fire safety planning and protection measures within the project. Additionally, all structures will provide landscaping that creates a defensible space for calculating the fire hazard severity. This places an emphasis on utilizing fire resistant vegetation or growth within the planned landscape adjacent to all buildings to minimize the potential for transmitting fire from the native growth to any structure.

AESTHETICS

The goal of Summit Powder Mountain is to design sustainably driven, site responsive structures using regionally sourced, familiar and heritage materials oriented in clever ways to create truly progressive mountain architecture.

- Humble
 - Site responsive
 - Sustainably driven
 - Familiar, regional and heritage materials in clever orientation. Classics with a twist.
 - Subtle elements of surprise, wonder awe
 - Develop a new archetype of progressive mountain architecture
 - Frame up inspiring views
 - Build value through defining a functionally driven style
 - Create a cohesive exterior vernacular while allowing interiors to highlight Owner's preferred finishes and furnishings
- Define Summit Powder Mountain architecture as aesthetically timeless while featuring the pinnacle of new building methods that enhance the experience of living in the mountains.

NO CHANGE

ENVIRONMENTAL STEWARDSHIP

Development areas are planned as compact neighborhoods to create real places. These are clustered to limit the footprint of the development thru location and tighter massing of buildings and uses preserving as much of the natural character of the land as possible. This careful integration of all proposed development is further exemplified in the following critical areas of resource management:

Water:

Powder Mountain is implementing requirements for indoor water as part of the Design Guidelines to reduce the project's average indoor water demand (and the associated wastewater generation) with a goal of 50 percent compared to State Water (and Wastewater) Design Requirements. This includes requirements for water efficient fixtures and appliances for new residential construction and limits on landscape irrigation to reduce the overall project water use by 20 to 25 when compared to other similar developments in Utah.

Powder Mountain is reducing irrigation water demands by limiting the amount of irrigated area allowed for each lot as part of the Design Guidelines. The Guidelines also require a water budget, weather based irrigation control, water efficient irrigation system, the use of native and low water plants and encourage opportunities for strategies that might include grey water and/or rainwater harvesting (in strict conformance with State law).

Wastewater:

Powder Mountain's goal to reduce indoor water use by 50 percent when compared to State requirements will also reduce wastewater generated by the project by 50 percent. The use of various advanced wastewater treatment techniques and reuse will also be considered for future phases of the project such as techniques for collecting and utilizing greywater (showers, bathroom sinks, washing machines) and rainwater are encouraged for use as supplemental landscape irrigation. Any storage and related equipment should be below grade or visually screened from neighbors and public paths. All gray and rainwater capture will comply with Utah State requirements.

Stormwater:

The state of the practice for drainage has progressed significantly over the past several years as an awareness of the need to implement best management practice (BMPs) has grown and NPDES regulations have been implemented. To help reduce runoff peaks and volumes from development areas, Powder Mountain will emphasize minimizing directly connected impervious areas to route runoff from impervious surfaces over landscaped or natural areas to slow down runoff and promote infiltration. Powder Mountain will also focus on reducing paved areas and directing stormwater runoff to buffer strips, and vegetated swales to slow down the rate of runoff, reduce runoff volumes, attenuate peak flows, and encourage filtering and infiltration of stormwater. Every effort will be made to maintain natural conditions and prevent the degradation of downstream water quality.

Energy:

Reducing energy use with more efficient buildings as well as incorporating solar, solar domestic hot water, geothermal and ground source heat pump to reduce traditional energy sources are all under consideration for Powder Mountain.

Solar Energy:

Site and building designs are to implement orientation strategies that optimize solar exposure and incorporate passive and active solar systems. Proper solar orientation can substantially reduce energy costs and should be applied wherever possible. Site and building design are to be energy efficient and incorporate natural cooling and passive solar heating. This may include:

- a. Thermal or Active Solar Panels (can incorporate radiant heating systems)
- b. Extended Eaves
- c. Window Shade Elements
- d. Awnings
- e. Strategic Tree Placement (for both shading and wind buffering)
- f. Strategic Building and Window Orientation

The Design Guidelines address increasing the efficiency of heating buildings using passive solar and day-lighting energy building design, solar hot water and space or water heating using solar-thermal panels. The Design Guidelines include opportunities for direct solar (photo-voltaic panels) as well as increasing the efficiency of heating buildings using passive solar and day-lighting energy building design, solar hot water, and space or water heating using solar-thermal panels.

Powder Mountain is also exploring a solar garden approach to delivering power to the community. A solar garden approach would require the placement of solar panels in locations that are environmentally appropriate and aesthetically pleasing and Powder Mountain would work with the Utah Division of Wildlife Resources to ensure that any proposed site would minimize potential impacts to wildlife and wildlife habitat.

Geothermal Energy:

Powder Mountain's Design Guidelines also encourage alternative energy strategies like geothermal exchange heat pumps. Heat pumps utilize the subsurface ground which maintains an almost constant temperature of 50-60 degrees Fahrenheit. Since the ground is warmer than the air above the surface in the winter and cooler in the summer, geothermal heat pumps use a ground heat exchanger and a pump unit to heat and cool buildings and heat water. They use less energy than conventional heating and cooling systems and are more efficient, saving energy, money and reducing air pollution. Powder Mountain is also exploring community wide geothermal solutions.

Wind:

Wind energy systems may be allowed and should be considered as portions of the Powder Mountain property offer the potential for ideal wind energy systems but these systems must be sensitive to the community and environmental impacts they can create and any system proposed must comply with local land use code requirements and will be subject to review and approval by the Architect & Review Committee as well as coordinated with the Utah Division of Wildlife Resources.

Overall Land Use Plan

Exhibit A
Existing plan with changes noted

The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

UPDATED LAND USE PLAN

DEVELOPMENT AREAS

- A - Mid-Mountain
- B - The Ridge
- C - Earl's Village
- D - Summit Village
- E - Gertsen
- F - The Meadow

DEVELOPMENT LEGEND

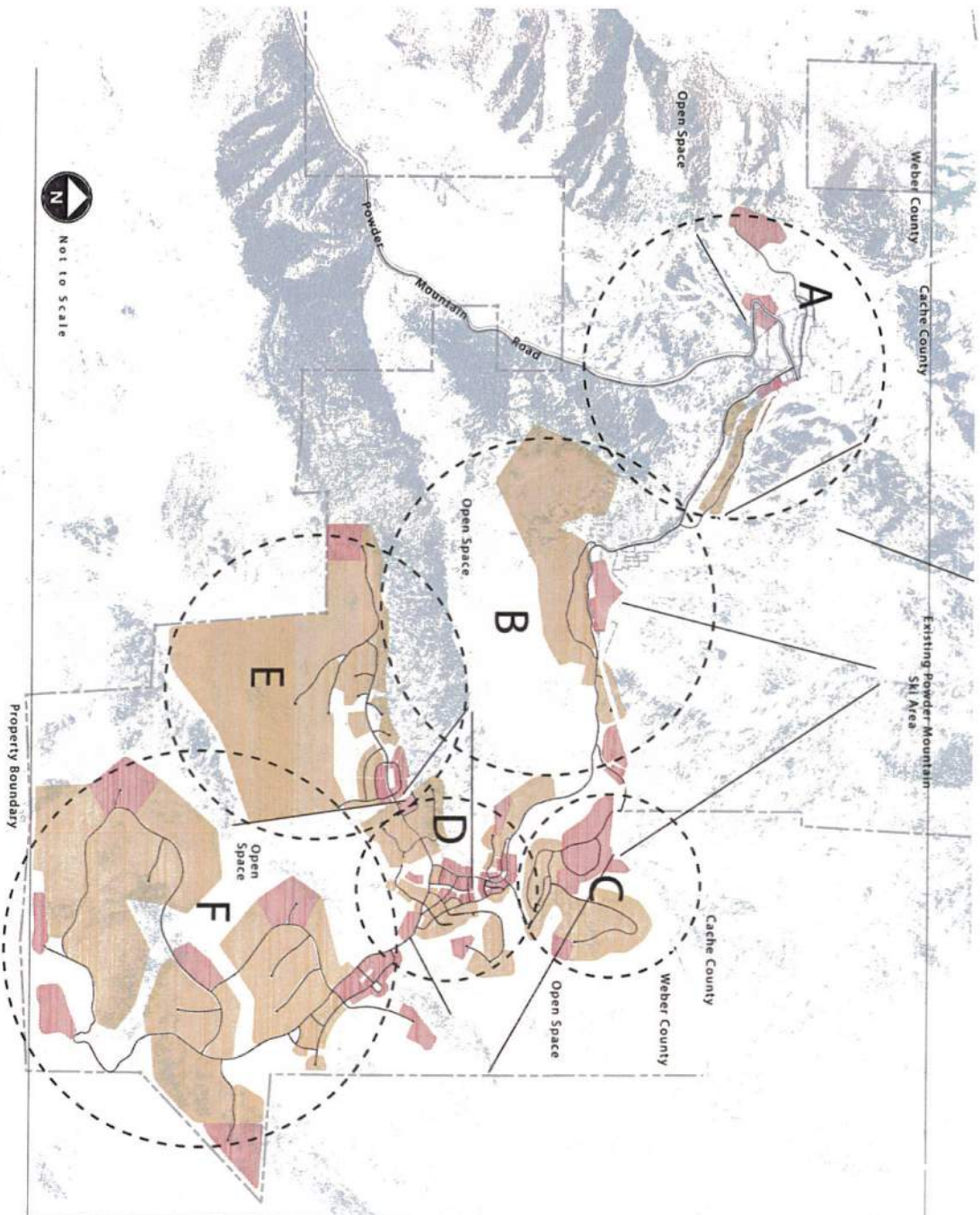
- MIXED USE
- RESIDENTIAL

DEVELOPMENT DATA

HOTELS	1,218 ROOMS
COMMERCIAL/SKIERS	159,000 SF
SERVICES/CONF. CENTER	
RETREATS	180 ROOMS
RESIDENTIAL	2,334 UNITS
TOTAL UNITS	2,800 UNITS

NOTES:

1. MIXED USE LAND USE INCLUDES ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED WITHIN THE DRRT ZONE (SEC. 104-29-8)
2. RESIDENTIAL USES SHALL INCLUDE ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED FOR RESIDENTIAL USES WITHIN THE DRRT ZONE (SEC. 104-29-8)
3. HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS



Overall Master Plan

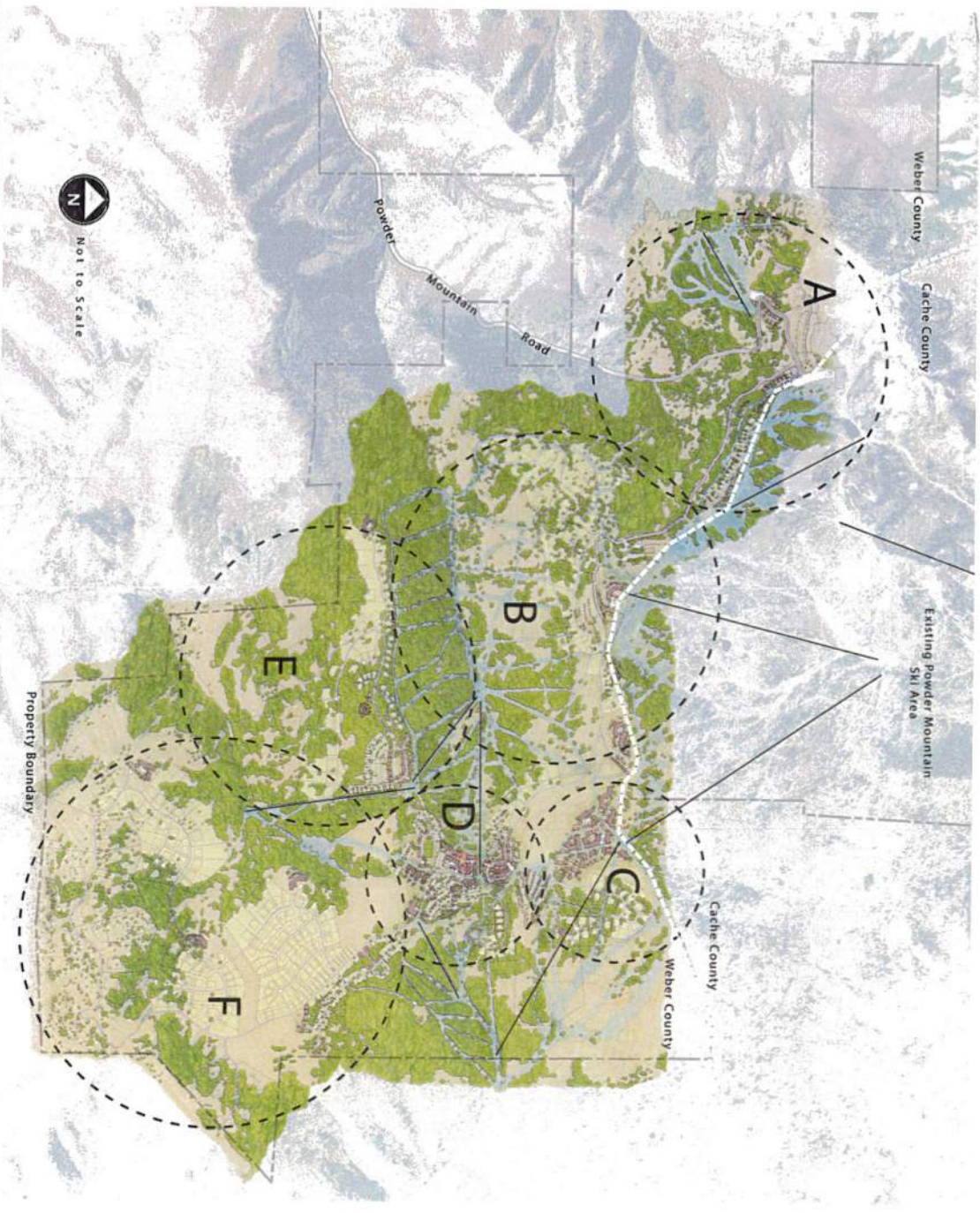
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Exhibit A
Existing plan with changes noted

The Overall Master Plan depicts conceptual development patterns and connectivity within the proposed Rezone boundary. These areas identify the general development massing, open spaces, recreational components and pedestrian and roadway circulation proposed.

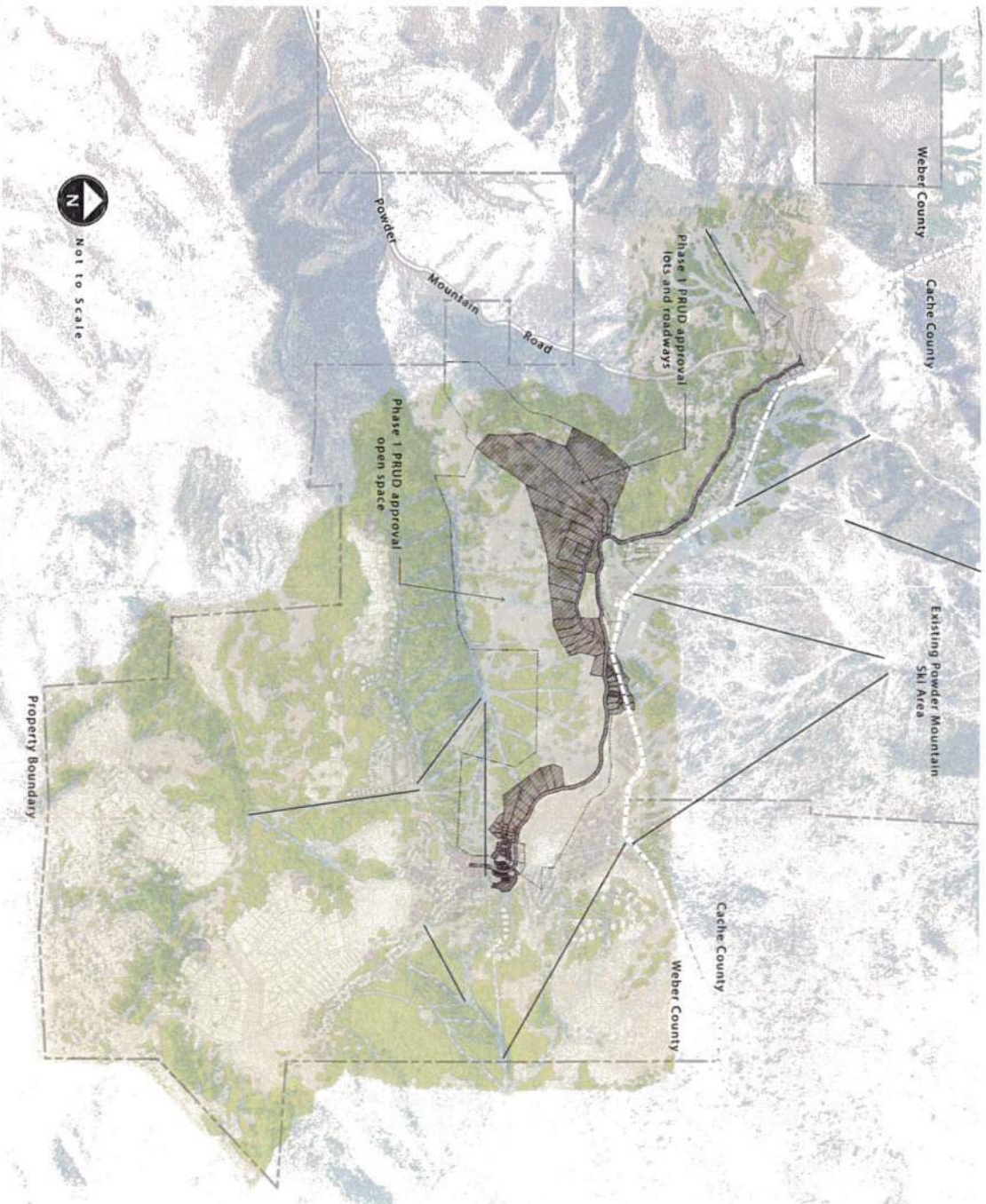
Each development area identified is represented in greater detail within this Rezone Application.

- DEVELOPMENT AREAS
- A - Mid-Mountain
 - B - The Ridge
 - C - Earl's Village
 - D - Summit Village
 - E - Gertsen
 - F - The Meadow



Existing Phase 1 PRUD Approval

Exhibit A
Existing plan with changes noted



This Master Plan exhibit identifies the approved PRUD project area that includes 154 units and is identified as Phase 1 of the Summit at Powder Mountain community. This approval includes 154 units that are comprised of a mix of large ranch lots, estate single family lots, single family nests, single family village lots and single family zero lot line lots within the Summit Powder Mountain Village. Phase 1 approvals stretch across the Ridge development area and into the Summit Powder Mountain Village and includes approvals and plans for all units and the roadways dedicated to serving these units and as shown here.

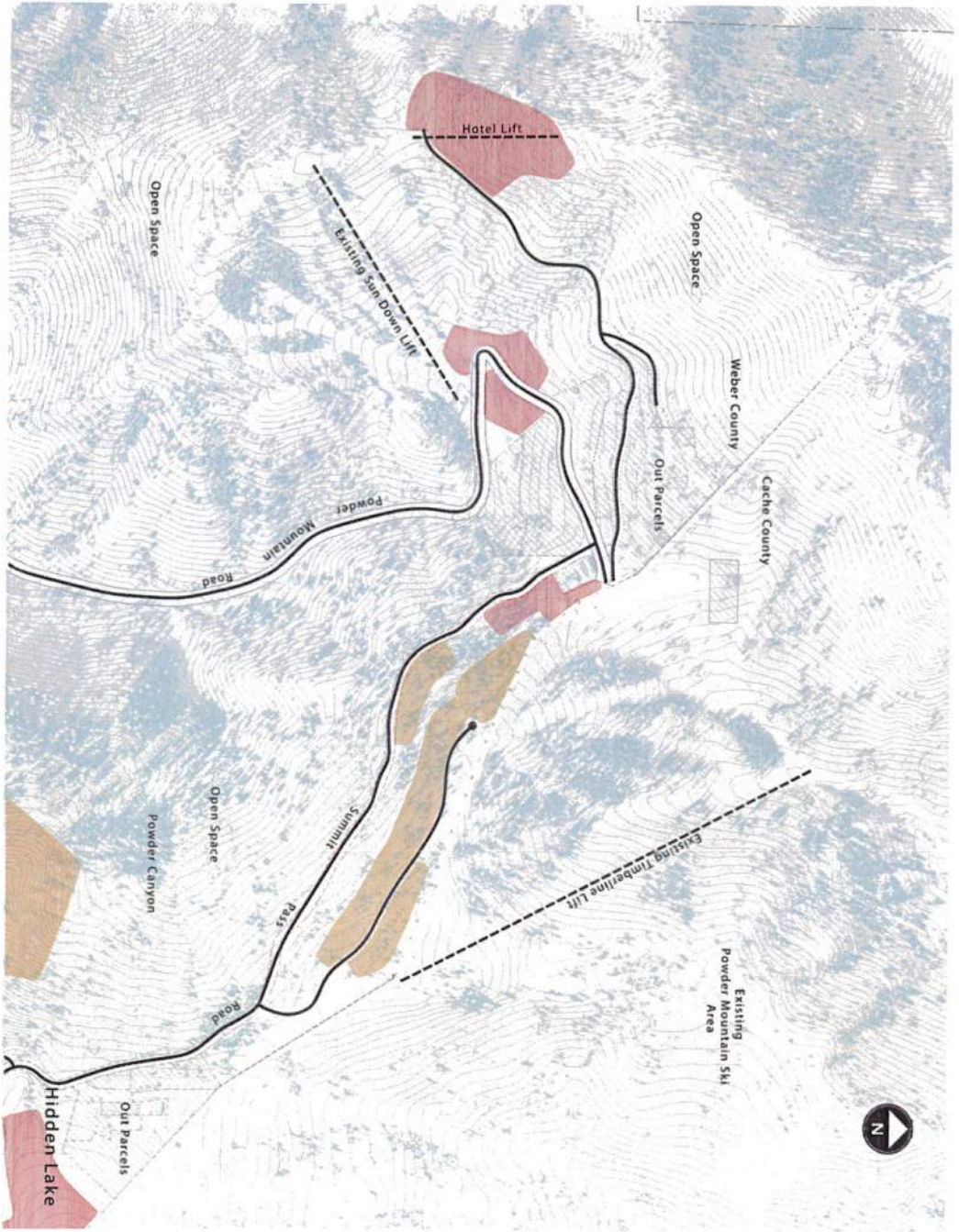
REMOVED ILLUSTRATIVE BACKGROUND
REMOVED FUTURE LIFTS

Mid-Mountain Slope Map & ...

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.



Mid-Mountain

Exhibit A
Existing plan with changes noted

Mid-Mountain is the entry portal to Summit Powder Mountain. This area will provide a subtle entry into the Resort with a mix of Hotel, townhome and single family development opportunities that will support the beginner ski area at Sundown as well as the existing ski access to the mountain at the Mid Mountain Lodge.

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BACKGROUND

CROPPED PLAN FOR PLAN
AREA ONLY

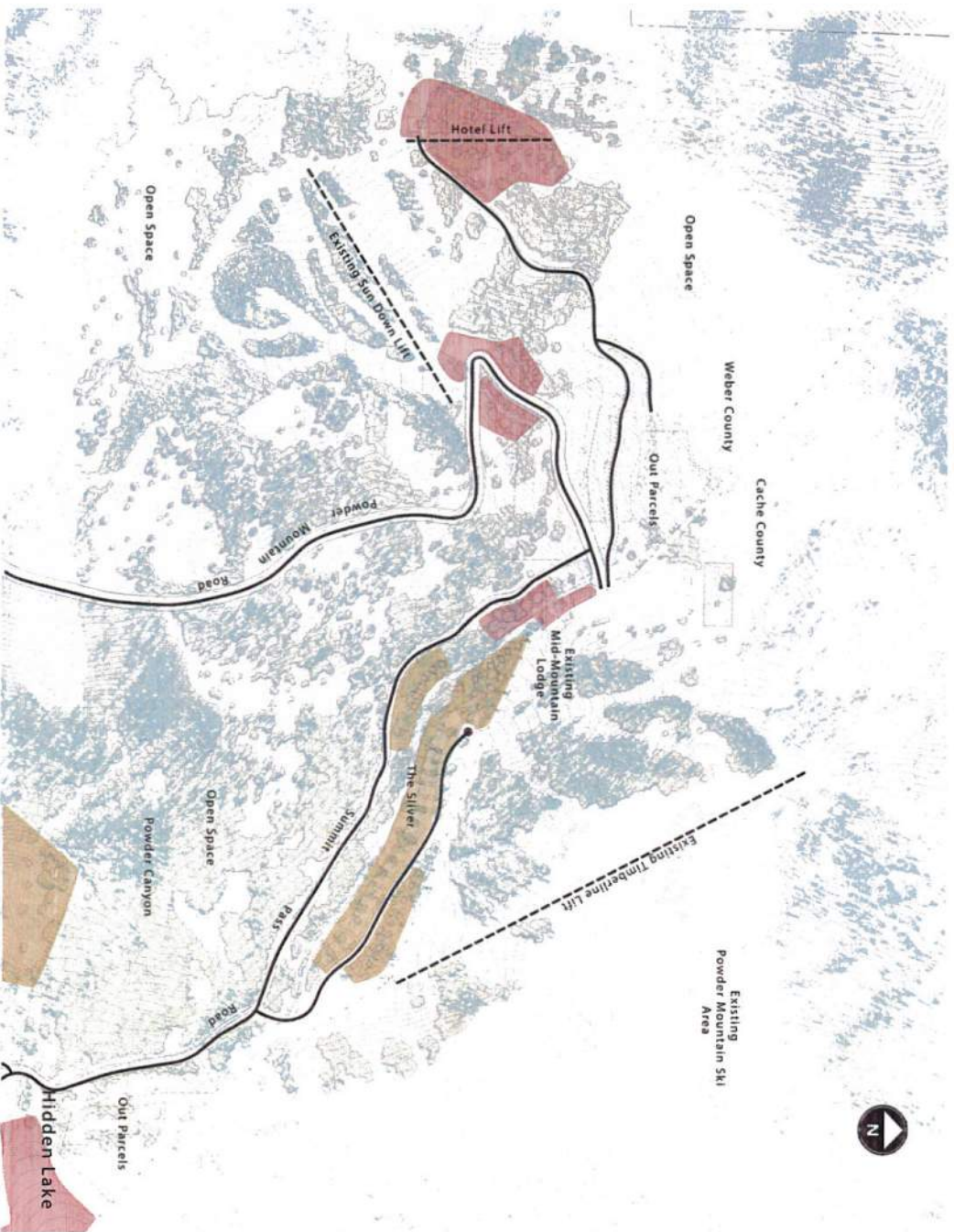
DEVELOPMENT LEGEND

	MIXED USE HOTEL COMMERCIAL SKI LODGES & SERVICES
	RESIDENTIAL

DEVELOPMENT DATA

HOTELS	108 ROOMS
COMMERCIAL/SKIER SERVICES/CONF. CENTER	10,000 SF
RESIDENTIAL	155 UNITS

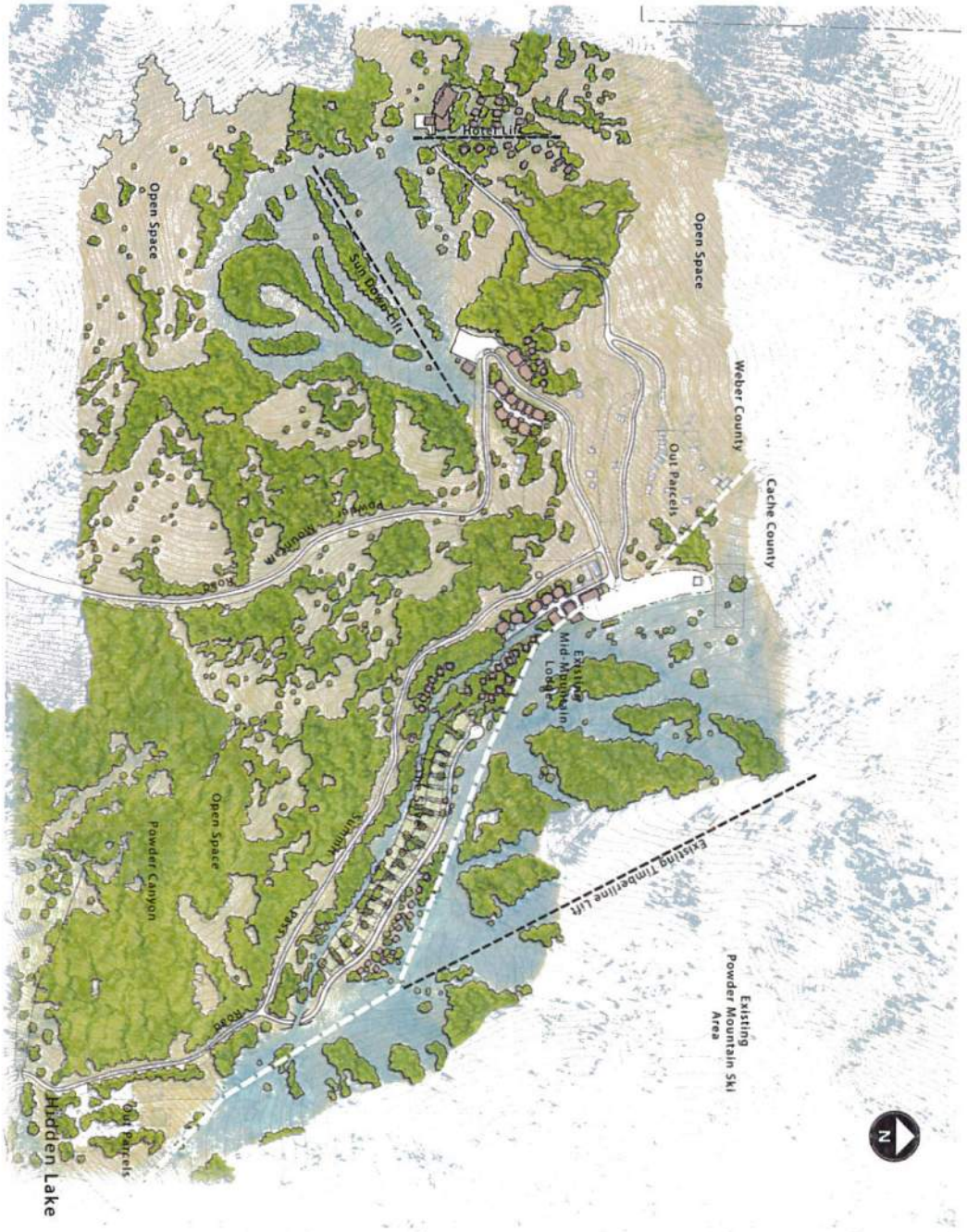
KEY MAP



Mid-Mountain Illustrative Plan

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT



The illustrative plan identifies the areas near the Sundown lift and the existing Mid Mountain Lodge for multi-family ski village units. The saddle near the top of the Sundown Lift is proposed as a dramatic Boutique Hotel location located just above the lift. This hotel site would require access via a private roadway (Aspen Drive) currently serving existing lots above Powder Mountain Road. It is recognized that any development utilizing private roadways for access would require approval from all entities controlling those private roadways. This potential hotel location and ultimate building design will also be studied further to mitigate any possible dark sky intrusion to the project and to those residents of Ogden Valley with the preservation of a dark night sky a priority as identified in the Design Guidelines.

A mix of single family home sites and single family units are proposed along the south slopes of the County line in an area called The Silver providing dramatic long views with ski-in/ski-out access while maintaining the existing ski terrain and mountain access.

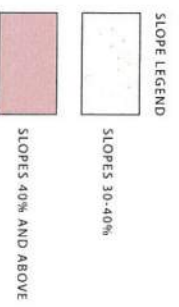
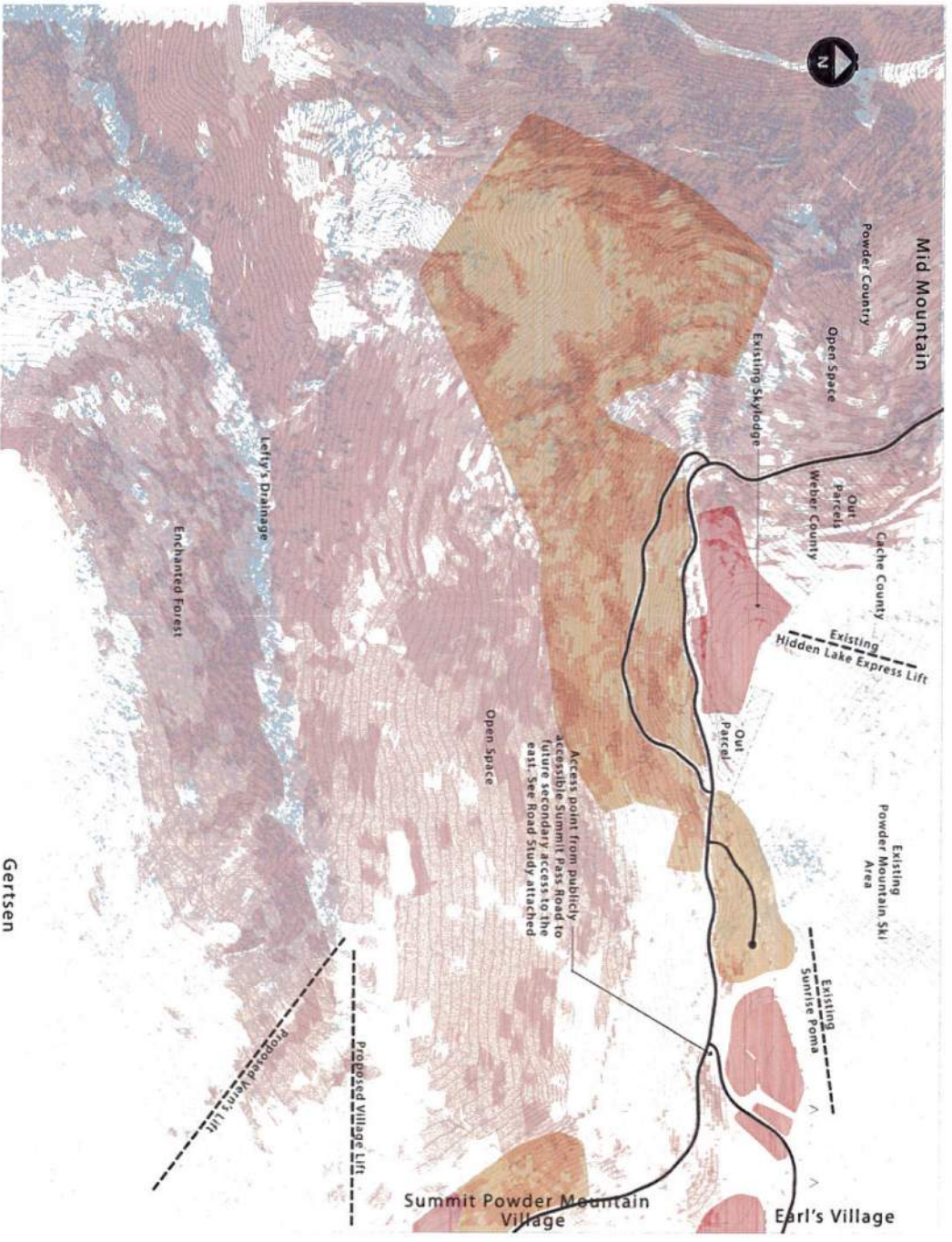


The Ridge Slope Map & Aerial View

Exhibit A
Existing Plan with changes noted

REMOVED EXHIBIT

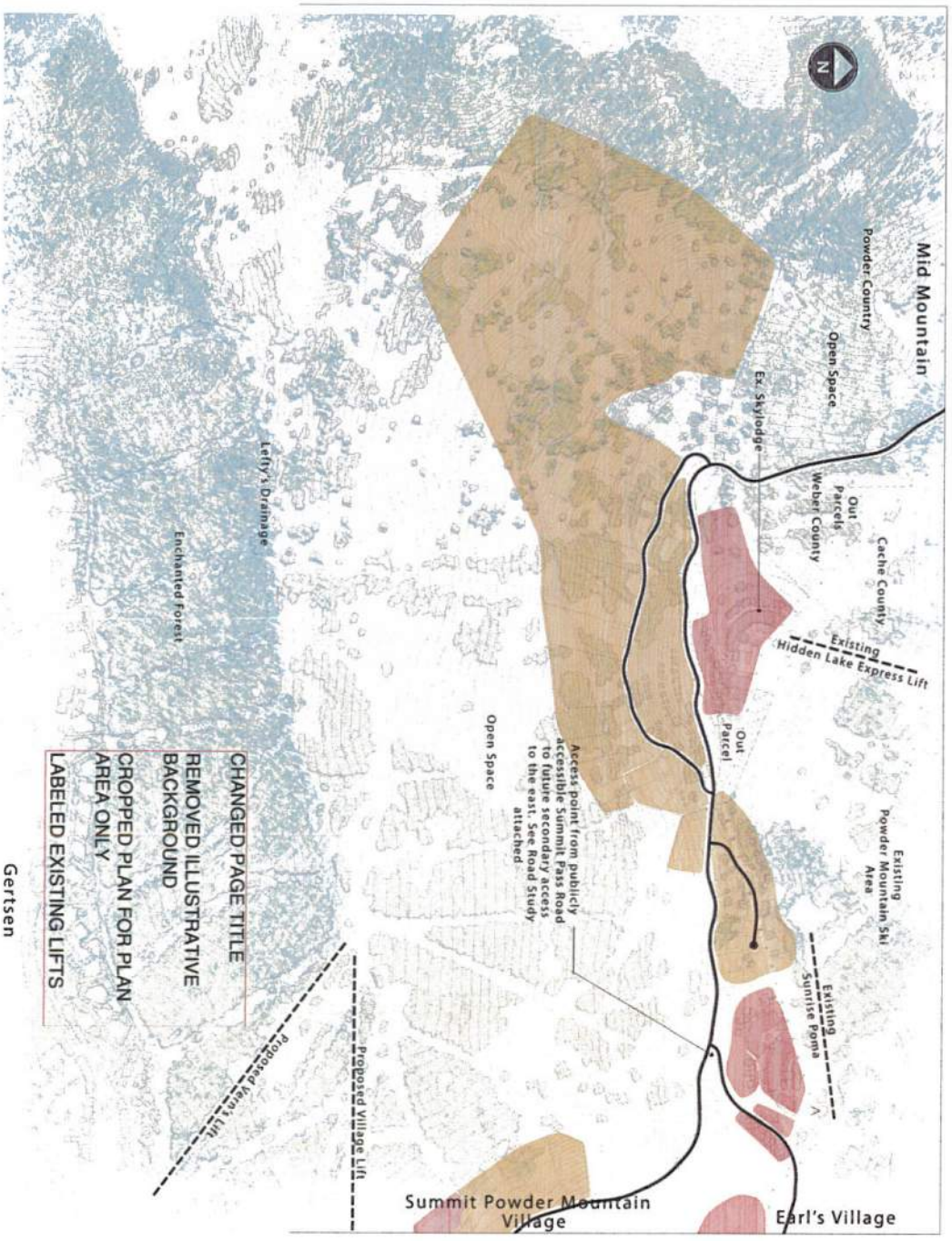
The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.



The Ridge

Exhibit A
Existing plan with changes noted

The Ridge development area includes hotel and associated skier lodges/skier services as well as multi family units all centered around the "top of the mountain" and existing and proposed top lift terminals providing the classic Powder Mountain ski experience. Remaining development areas provide a mix of small "nests" tucked among existing vegetation and a mix of single family lot sizes providing dramatic views to Mount Ogden, the Wasatch Range and the Great Salt Lake.



CHANGED PAGE TITLE
REMOVED ILLUSTRATIVE BACKGROUND
CROPPED PLAN FOR PLAN AREA ONLY
LABELED EXISTING LIFTS

Gertsen

DEVELOPMENT LEGEND

[Red Box]	MIXED USE HOTELS/RETREAT
[Orange Box]	COMMERCIAL SKI LODGES & CONF. CENTER
[Yellow Box]	RESIDENTIAL

DEVELOPMENT DATA

HOTELS	180 ROOMS
COMMERCIAL/SKI	19,000 SF
SERVICES/CONF. CENTER	159 UNITS
RESIDENTIAL	



The Ridge Illustrative Plan

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

Placement of development within the Ridge area has been sensitive to the existing ski experience at Powder Mountain with future hotels and multi-family units designed to be within ski access to the existing mountain while maintaining the existing ski accesses. Single family units have been located on the mountain within existing tree massing to provide visual and physical protection as well as to maintain those important open meadow and hillsides for the remainder of the Resort.

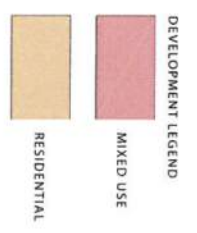
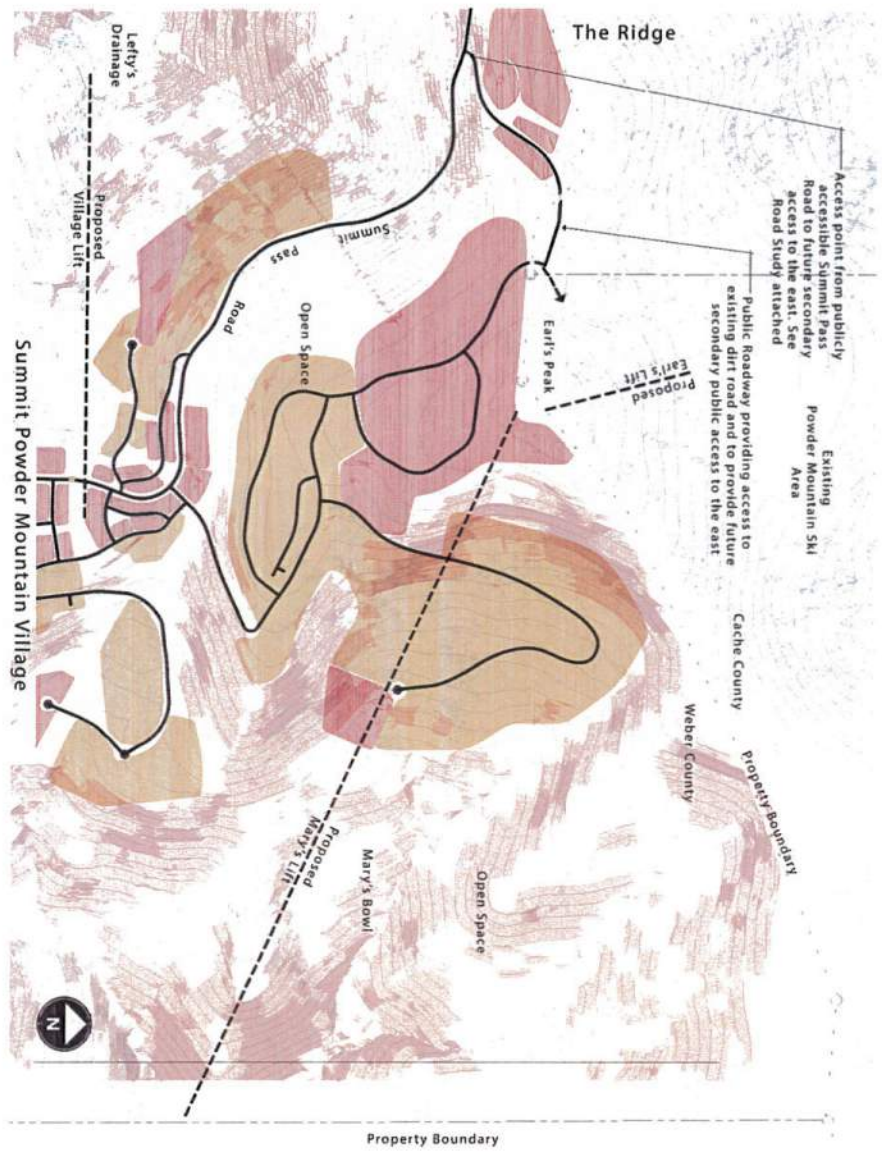


Earl's Village Slope Map & Rezoning

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

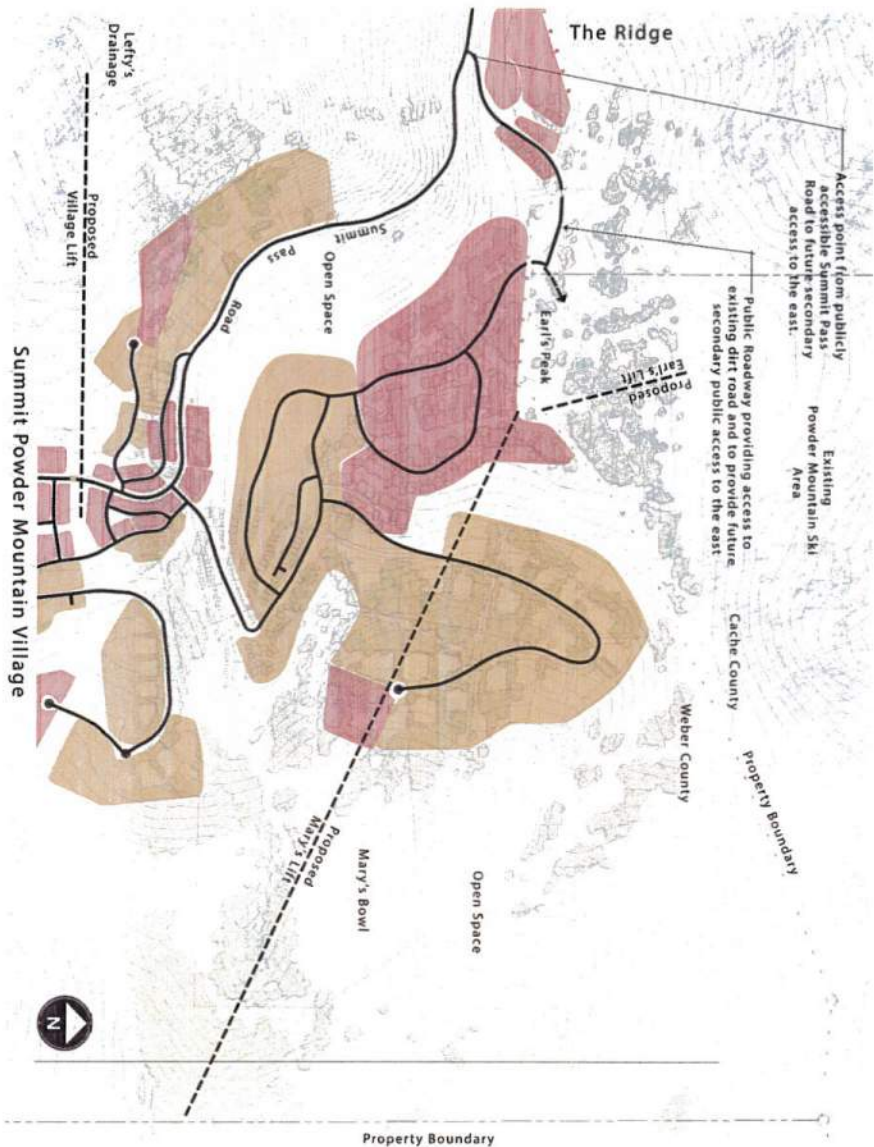
The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.



Earl's Village

Exhibit A
Existing plan with changes noted

Earl's Village continues the Summit Powder Mountain tradition of starting your day at the peak skiing down from the top of the mountain. The Village provides a mix of hotel and multi-family development parcels with ski access in three directions and with views that are unmatched in the West. Earl's Village sits above the more boutique Summit Village providing the classic ski mountain village anchor to the Resort.



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ADDED BOUNDARY TO DELINEATE PLAN AREA

LABELLED "EXISTING" LIFTS

DEVELOPMENT LEGEND

MIXED USE

RESIDENTIAL

DEVELOPMENT DATA

HOTELS	240 ROOMS
COMMERCIAL/SKIER SERVICES/CONF. CENTER	40,000 SF
RESIDENTIAL	814 UNITS

KEY MAP



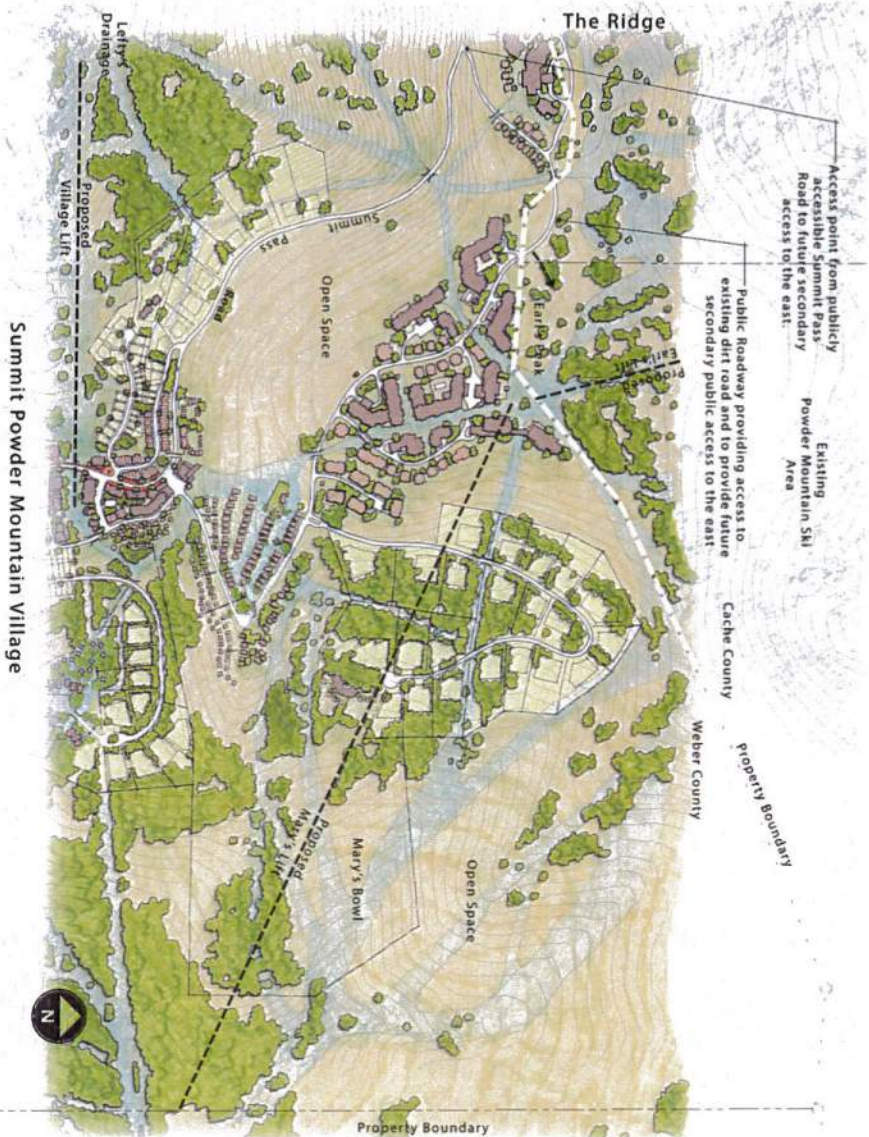
Earl's Village Illustrative Plan

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

Earl's Village is the high mountain ski destination within the resort with hotels, townhomes and condominiums located around the south side of Earl's Peak. The Village provides for excellent access to the existing Powder Mountain Ski terrain while providing development parcels with commanding views from the top of the Mountain. Ski access out of the Village leads to Lefly's, Mary's Bowl and to the Summit Village. Earl's also contains a limited number of ski-in/ski-out estate single family lots at the top of Mary's bowl.

Earl's Village also provides a secondary access stub for the project providing public access to the adjacent properties north and east of the Powder Mountain project area. This access is provided via Summit Pass Road with a roadway stubbed to the adjacent parcel and existing dirt road where the most feasible future roadway connection to the east exists. A separate roadway study has been provided to Weber County engineering to illustrate this connection feasibility.

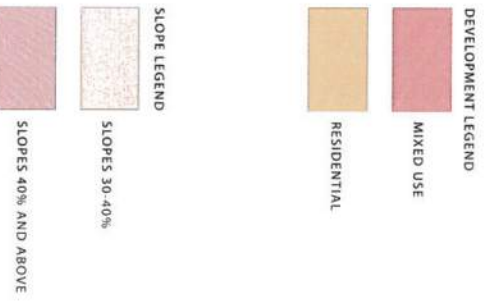
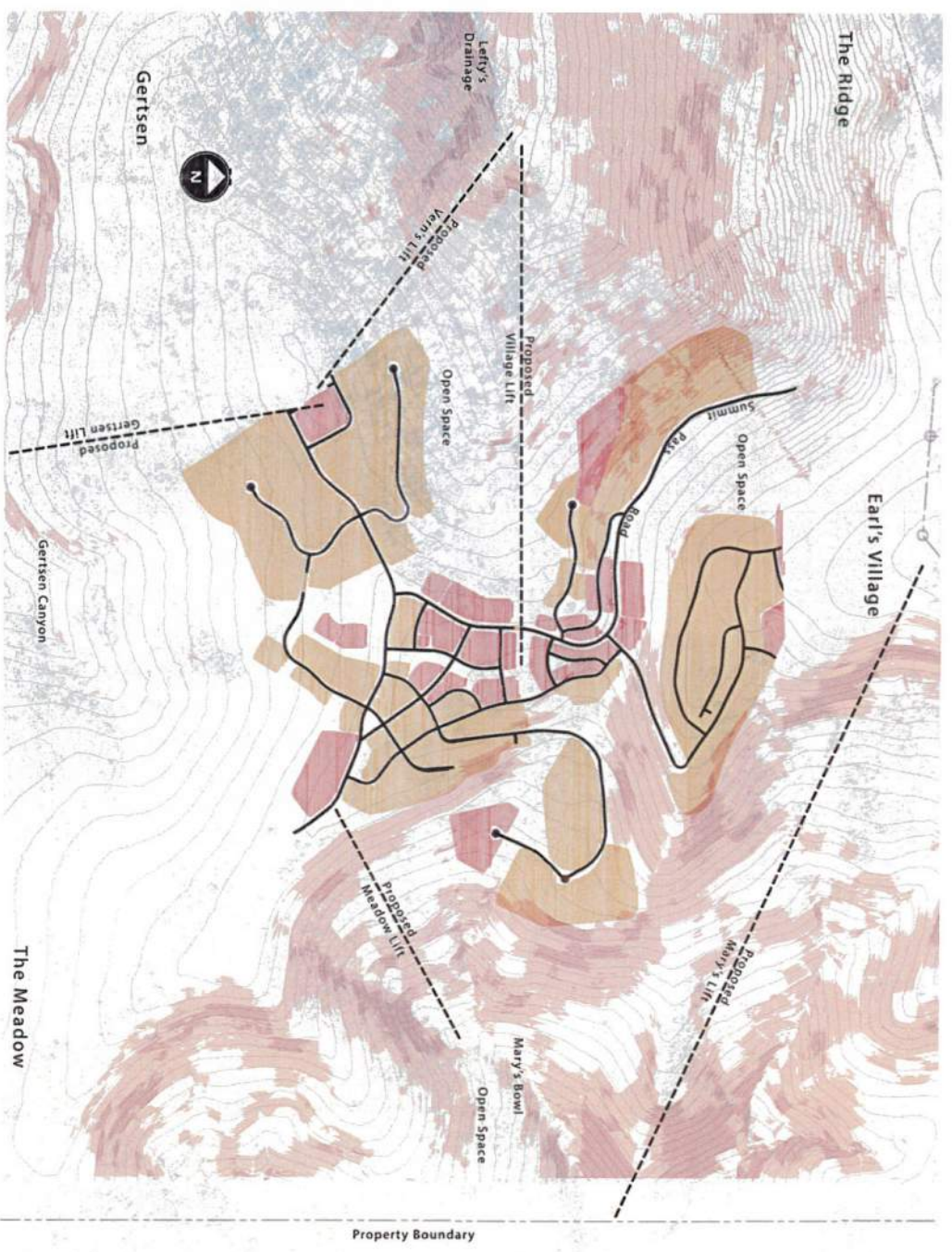


Summit Powder Mountain Village Slope Map & Aerial View

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

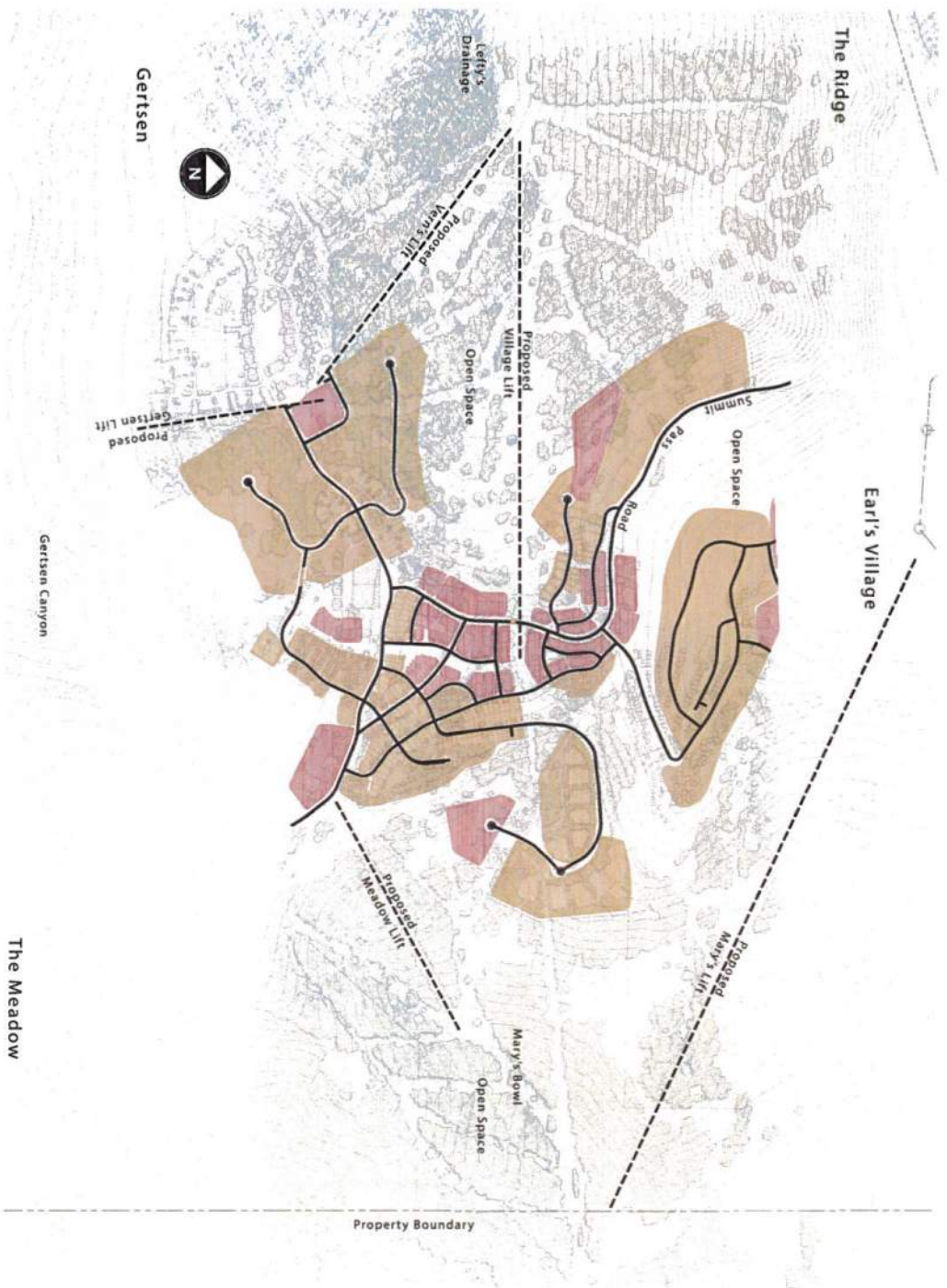
The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.





Summit Powder Mountain Village

Exhibit A
Existing plan with changes noted

Summit Powder Mountain Village is the activity center for the Resort with Main Street retail shops, destination amenities such as lodges, public plazas, recreational facilities and trail heads to access the outdoors. The Summit Powder Mountain Village is modeled after small mountain villages in North American and Europe with walkable, interconnected streets and is made up of boutique hotels, condominiums, townhomes, small single family lots and "nests" making it the most diverse development area at the Resort.



CHANGED PAGE TITLE	REMOVED ILLUSTRATIVE BACKGROUND	CROPPED PLAN FOR PLAN AREA ONLY	LABELLED "EXISTING" LIFTS
DEVELOPMENT LEGEND	DEVELOPMENT DATA		
 MIXED USE	HOTELS		
 RESIDENTIAL	COMMERCIAL/SME	500 ROOMS	
	SERVICES/CONF. CENTER	100,000 SF	
	RETREATS	90 ROOMS	
	RESIDENTIAL	604 UNITS	

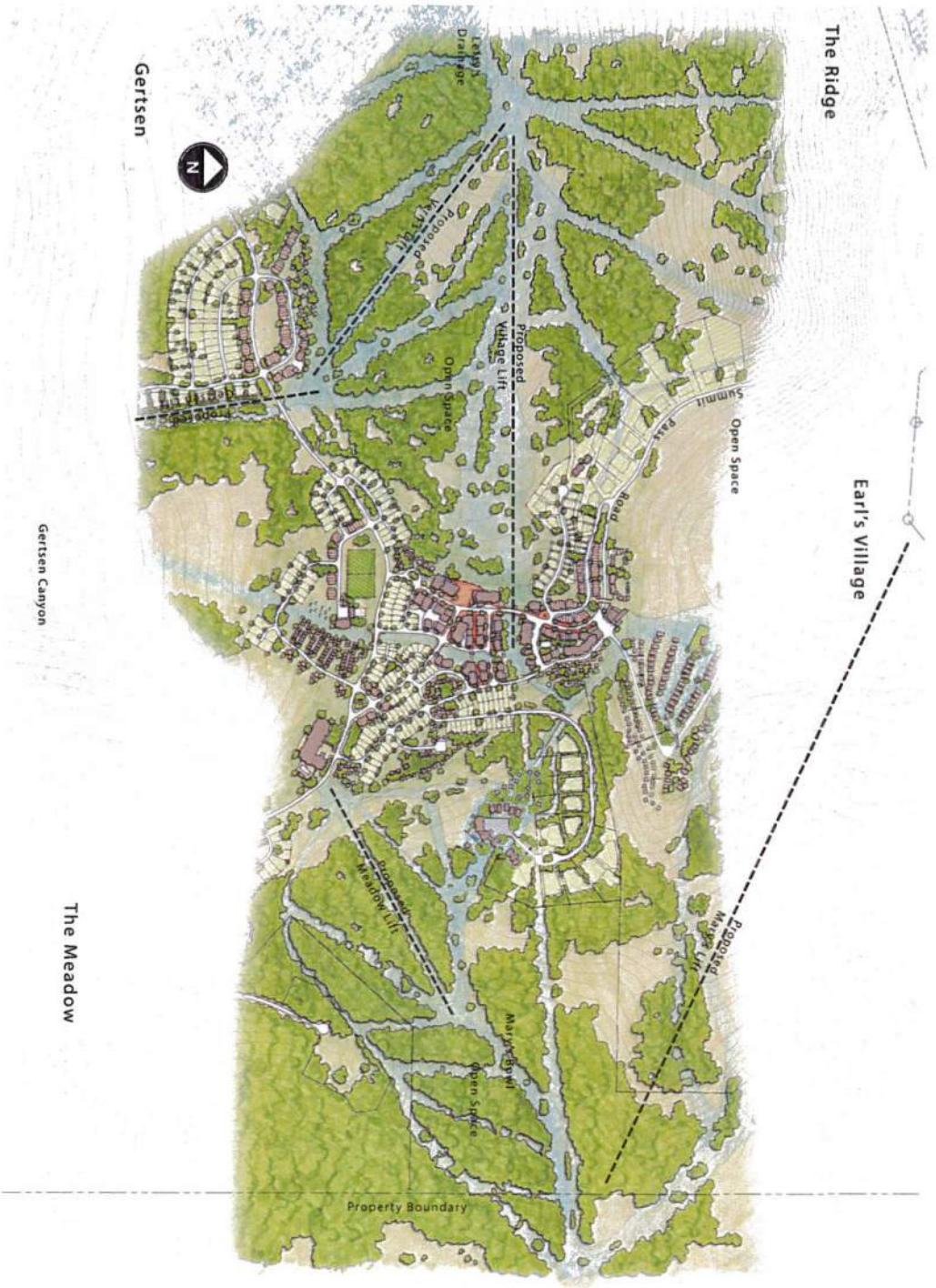


Summit Powder Mountain Village Illustrative Plan

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

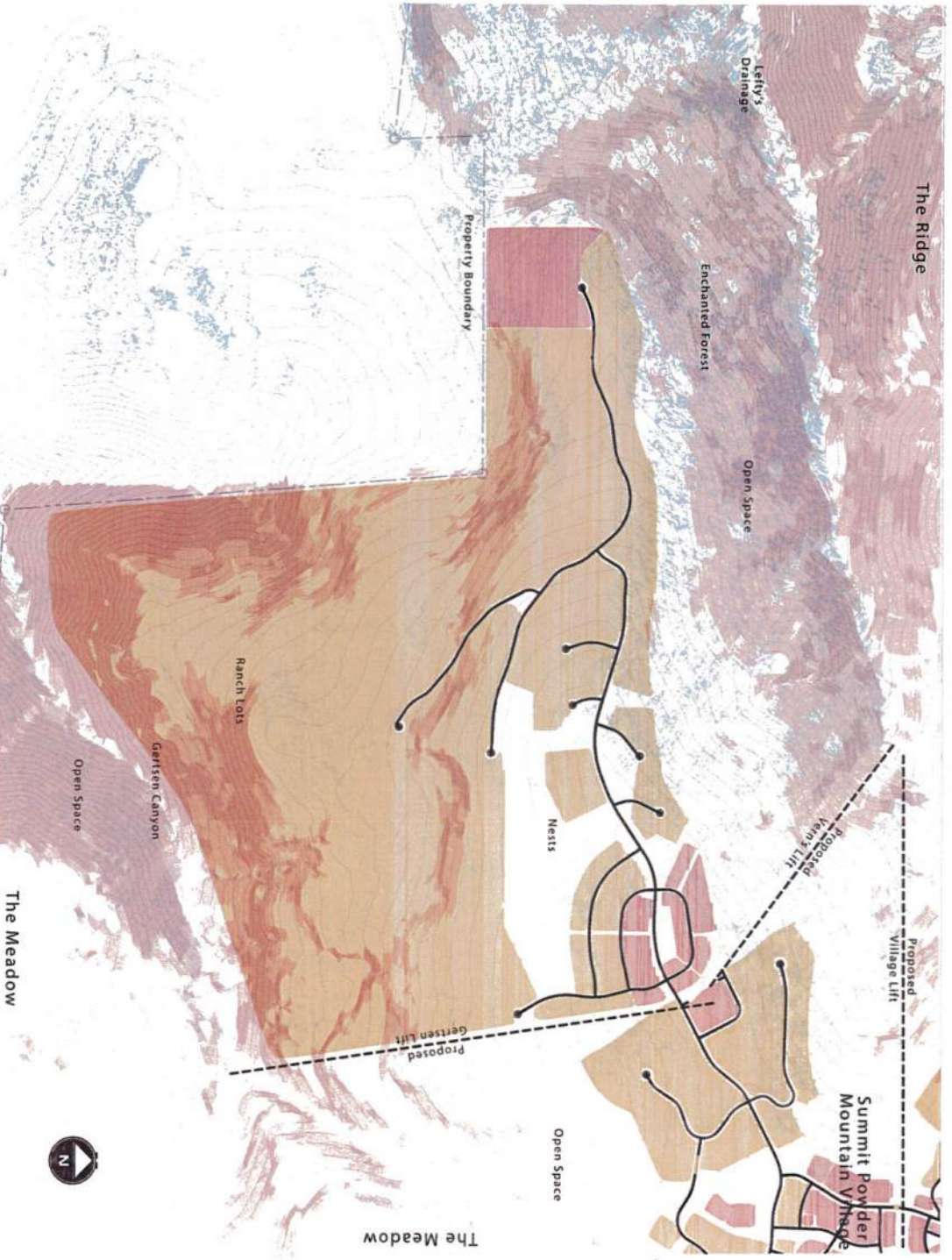
The heart of the Summit Powder Mountain Village is Main Street. Main Street will be comprised of boutique hotels and shops, residential lofts over retail, various lodges and amenities all focused around vibrant pedestrian streets littered with public spaces and access to the abundant outdoors. The Summit Powder Mountain Village was located to provide access to three drainages from its core; East to Mary's Bowl, South to Gertsen Canyon and West to Lefty's while also positioning this diverse development area to be in the least visually sensitive area on the mountain.



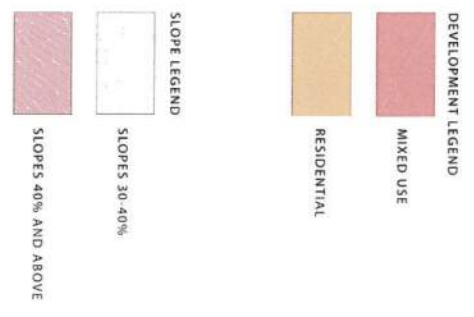
Gertsen Slope Map & Aerial Photo

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

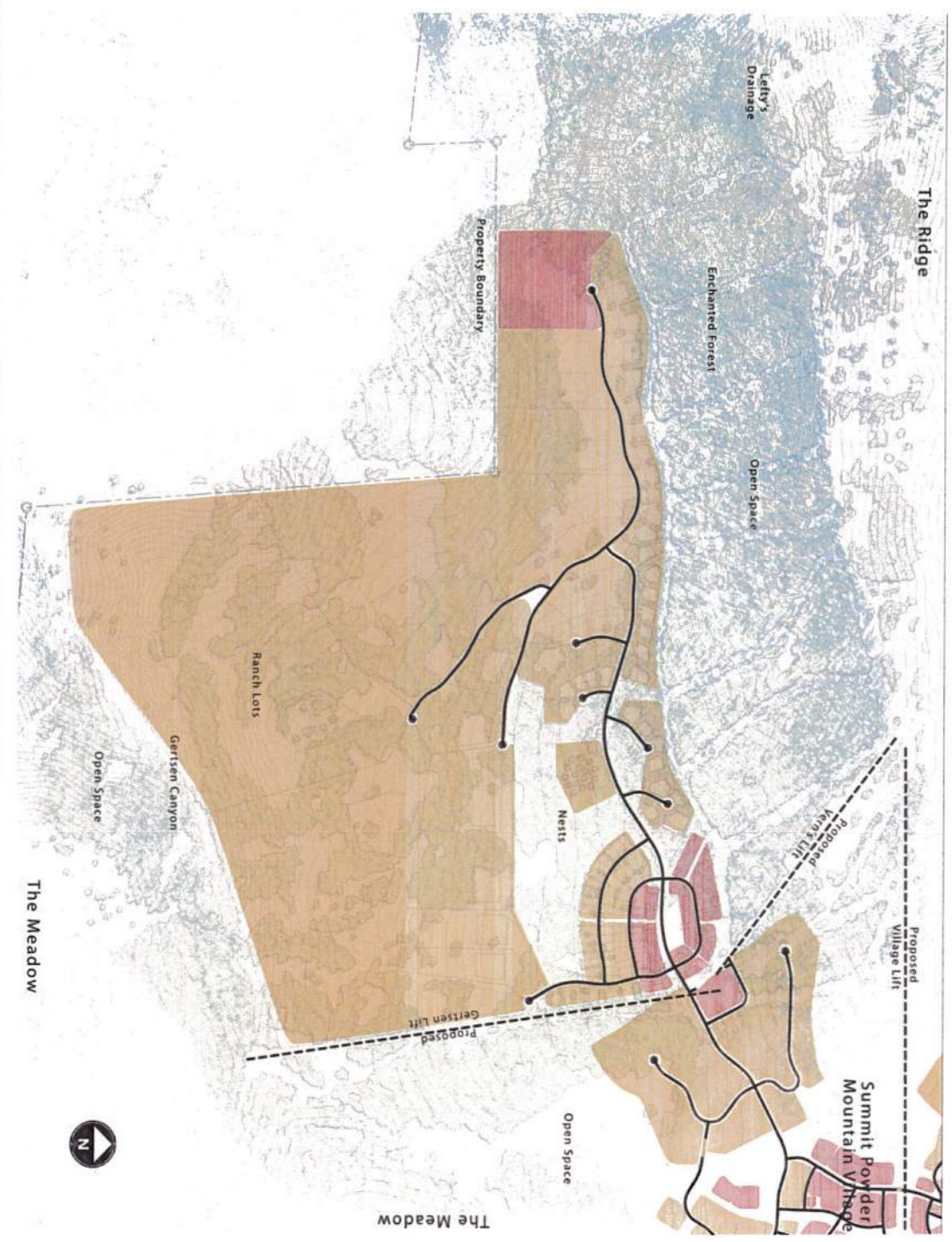


The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.



Gertsen Mountain Village

Exhibit A
Existing plan with changes noted



The Gertsen development area transitions from the more dense Earl's and Summit Powder Mountain Villages to less intense multi family and single family units as the project moves to the project boundary. A small, organized node of multi family townhomes, "nests" and smaller lot single family units anchor the top terminals of the proposed Vern's and Lefty's lifts with lots getting progressively larger as you move west and down the hill. Here larger estate and ranch lots are tucked into large expanses of aspens and along the edge of the Enchanted Forest.

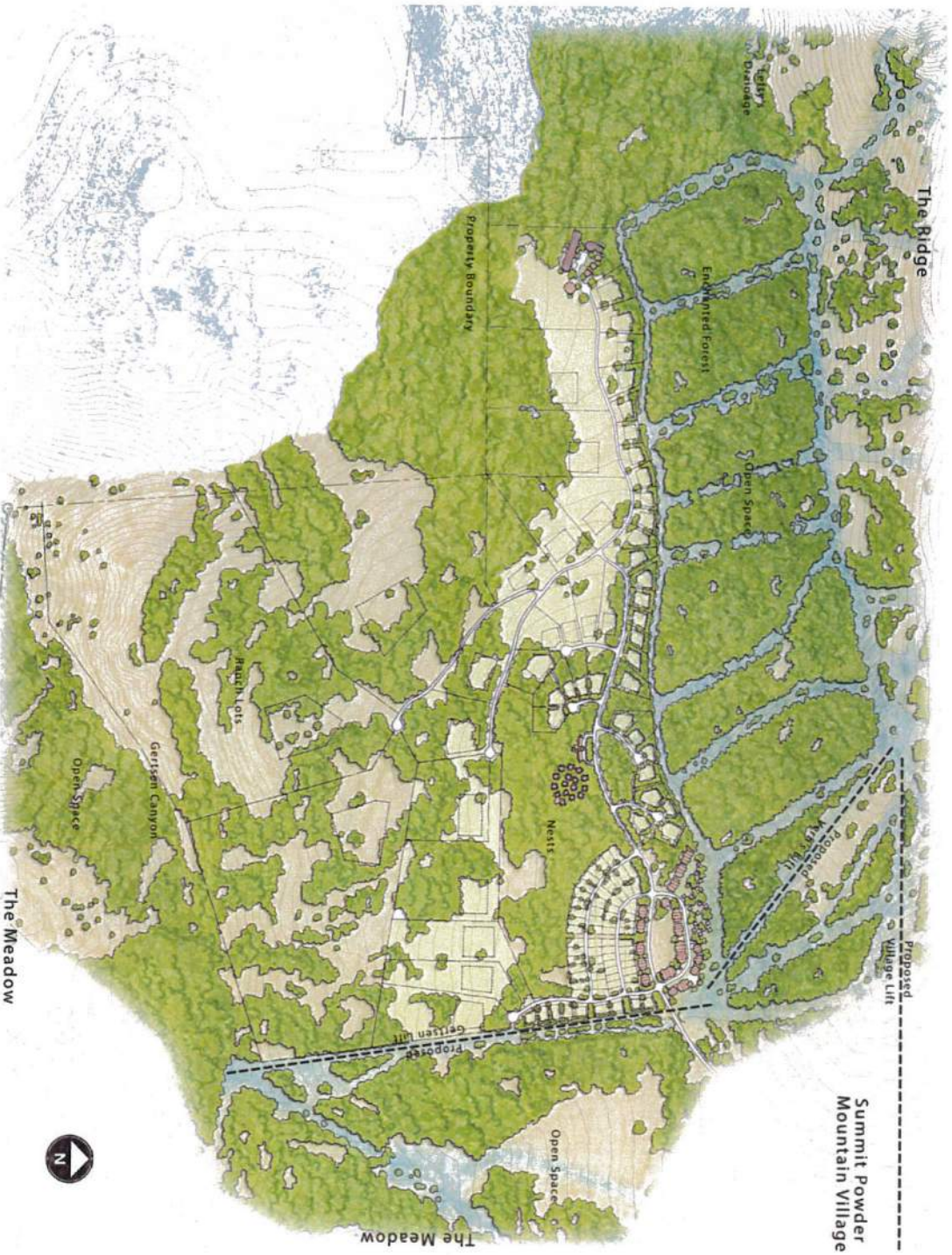
- CHANGED PAGE TITLE
- REMOVED ILLUSTRATIVE BACKGROUND
- CROPPED PLAN FOR PLAN AREA ONLY
- LABELLED "EXISTING" LIFTS

DEVELOPMENT DATA	
HOTELS	60 ROOMS
RESIDENTIAL	243 UNITS



Gertsen Illustrative Plan

REMOVED EXHIBIT



Summit Powder Mountain Village

The Gertsen development area straddles the south edge of Lefty's drainage and sits just above the Gertsen Canyon and is heavily wooded with aspen providing a unique setting with southern exposure and views to Mount Ogden. The top terminals of the proposed Vernis and Gertsen lifts provide the recreational and density node for the development area. This ski node provides access to Lefty's, Gertsen Canyon and to the Summit Powder Mountain Village via the Village Lift.

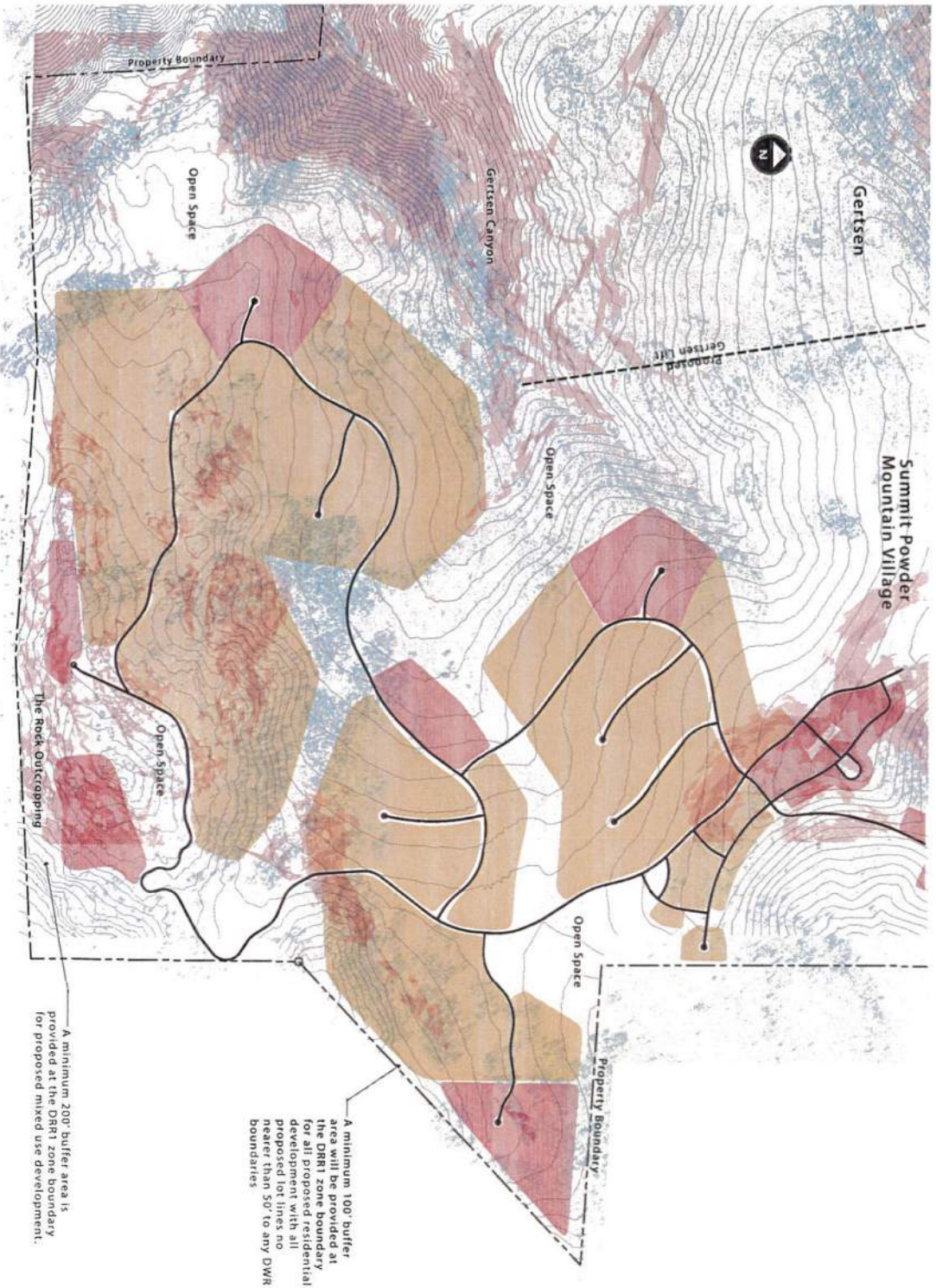


The Meadow Slope Map & Aerial View

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

The map exhibit identifies the proposed development areas in relation to existing slopes and existing vegetation. Development areas have generally been placed on those slopes below 30%.



DEVELOPMENT LEGEND

	MIXED USE
	RESIDENTIAL

SLOPE LEGEND

	SLOPES 30-40%
	SLOPES 40% AND ABOVE

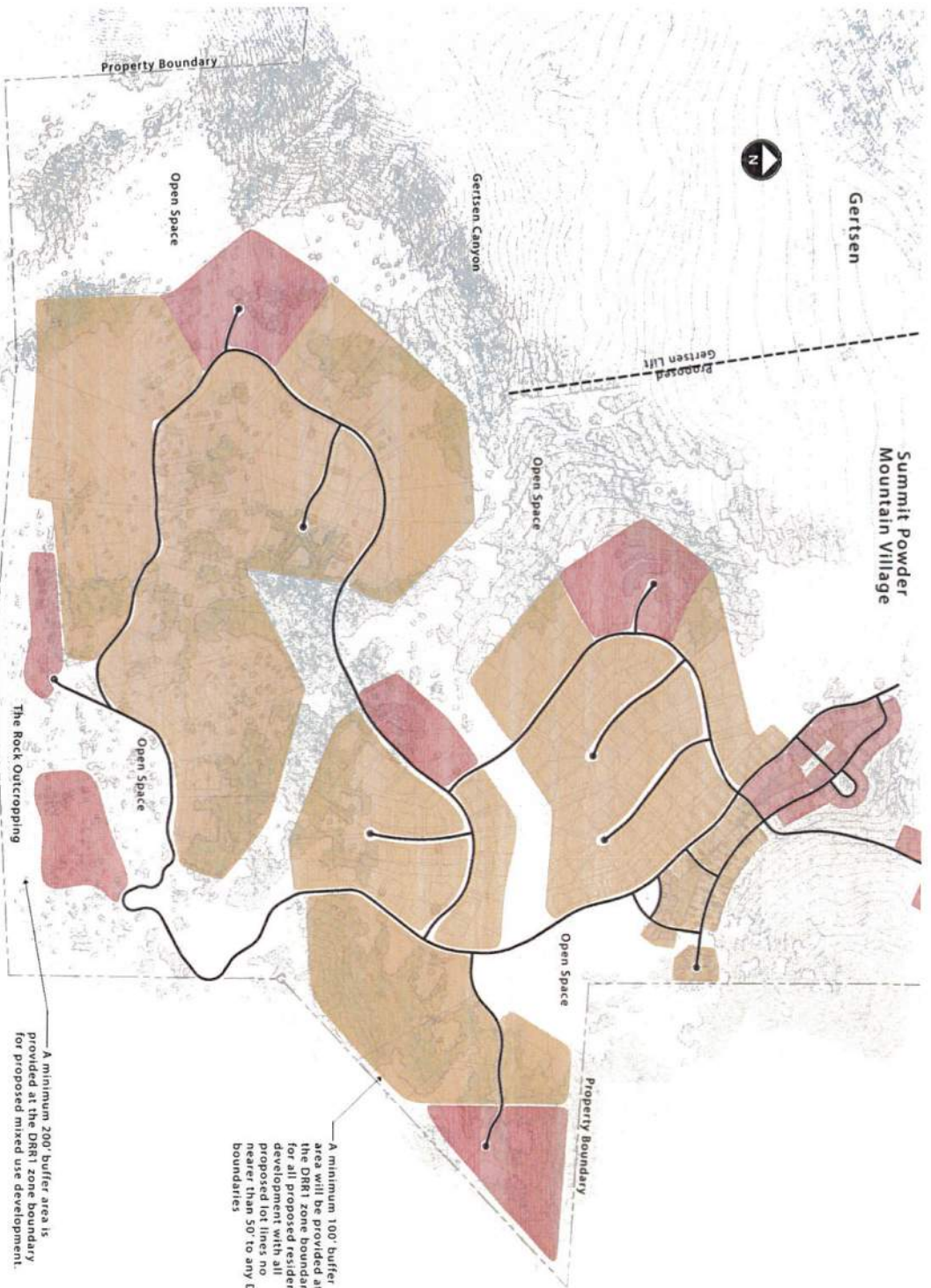


The Meadow

Exhibit A
Existing plan with changes noted

The Meadow Master Plan transitions density from the most dense area of Summit Powder Mountain Village to the project's south edge. The north edge of the Meadow development area maintains the structured road and lotting systems found in the Summit Powder Mountain Village but begins to loosen this development pattern thru the meadow and out to the rock outcropping with larger estate and ranch lots. The south edge of the development area is a location identified for a small, exclusive boutique hotel and retreat providing a destination anchor to the resort with views overlooking the Ogden Valley and Mount Ogden.

CHANGED PAGE TITLE
REMOVED ILLUSTRATIVE BACKGROUND.
ADDED NOTE FOR MIXED USE ON CUL-DE-SAC.



DEVELOPMENT LEGEND

	MIXED USE
	RESIDENTIAL

DEVELOPMENT DATA

HOTELS	130 ROOMS
RETREATS	90 ROOMS
RESIDENTIAL	359 UNITS

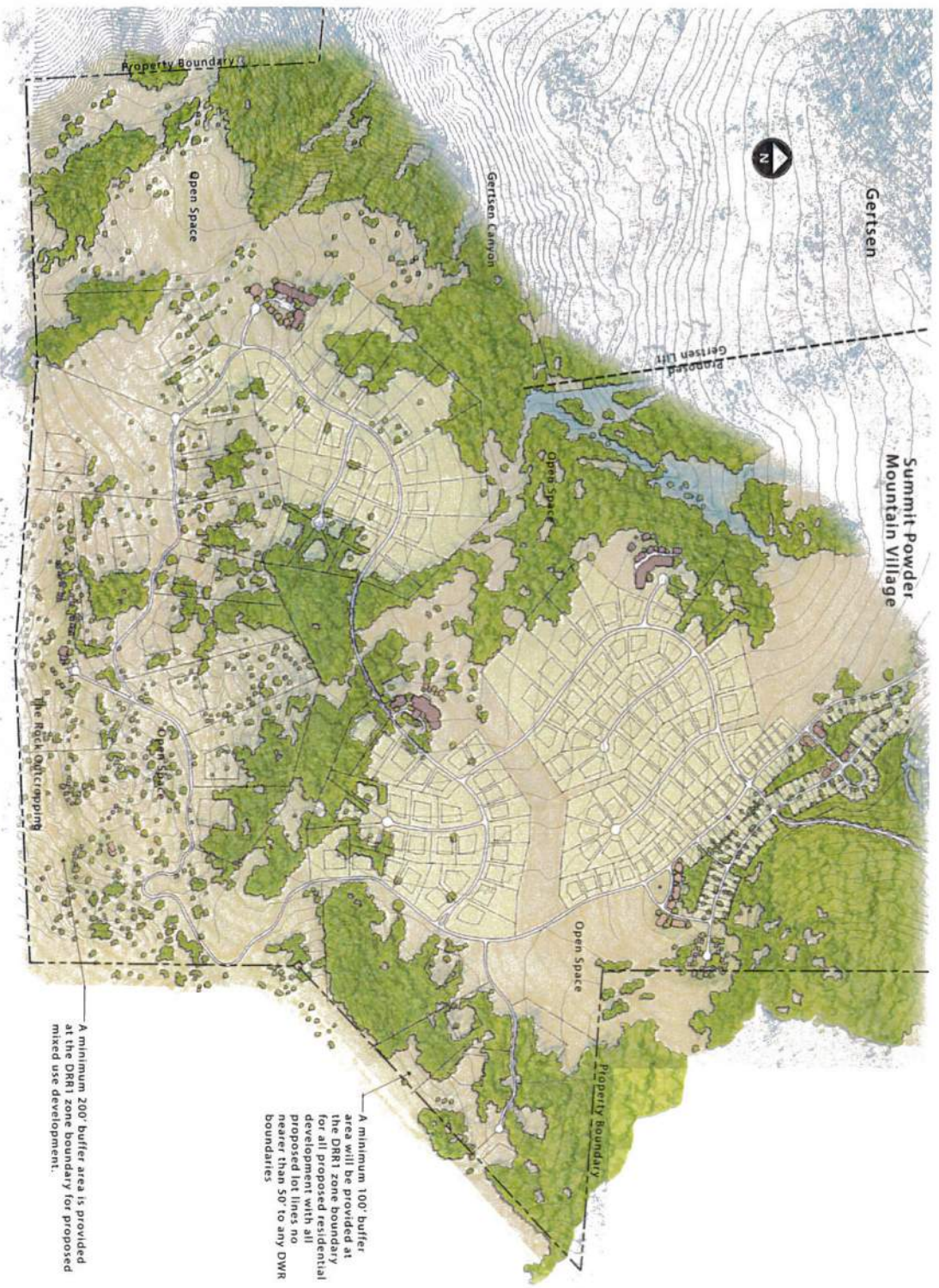


The Meadow Illustrative Plan

Exhibit A
Existing plan with changes noted

REMOVED EXHIBIT

The Meadow comprises a mix of townhomes and small to large single family homes that stretch from the south edge of Summit Powder Mountain Village to the dramatic Rock Outcropping at the south project boundary. Gertsen Canyon provides open space and trail access for all units within the development linking the Ogden Valley to the Resort.



A minimum 100' buffer area will be provided at the DRR1 zone boundary for all proposed residential development with all proposed lot lines no nearer than 50' to any DWR boundaries

A minimum 200' buffer area is provided at the DRR1 zone boundary for proposed mixed use development.

KEY MAP



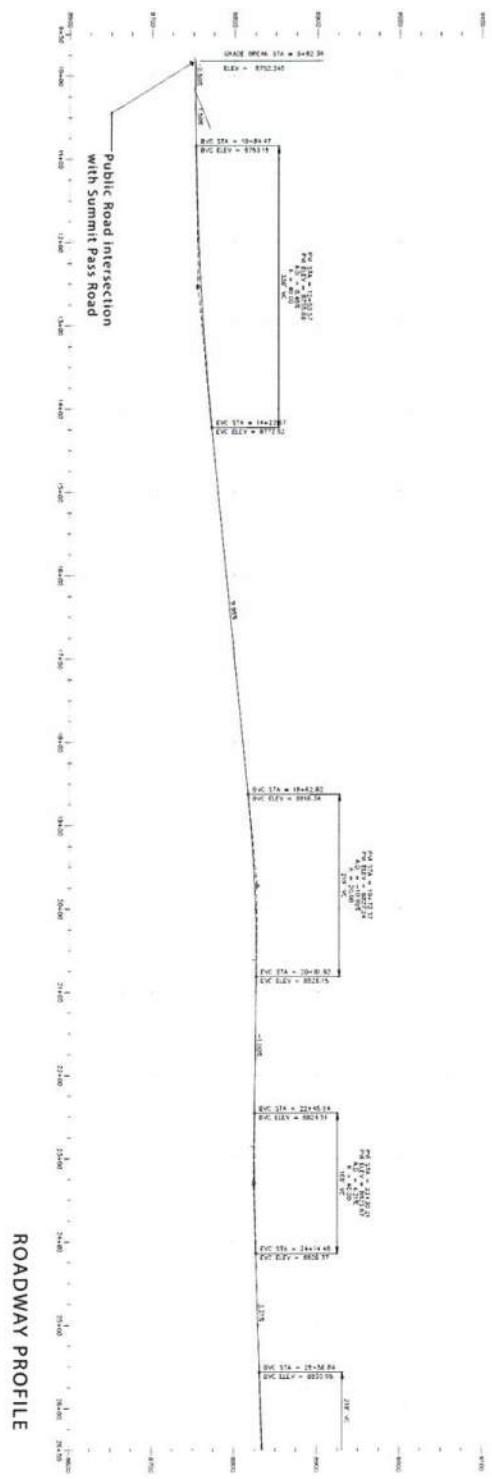
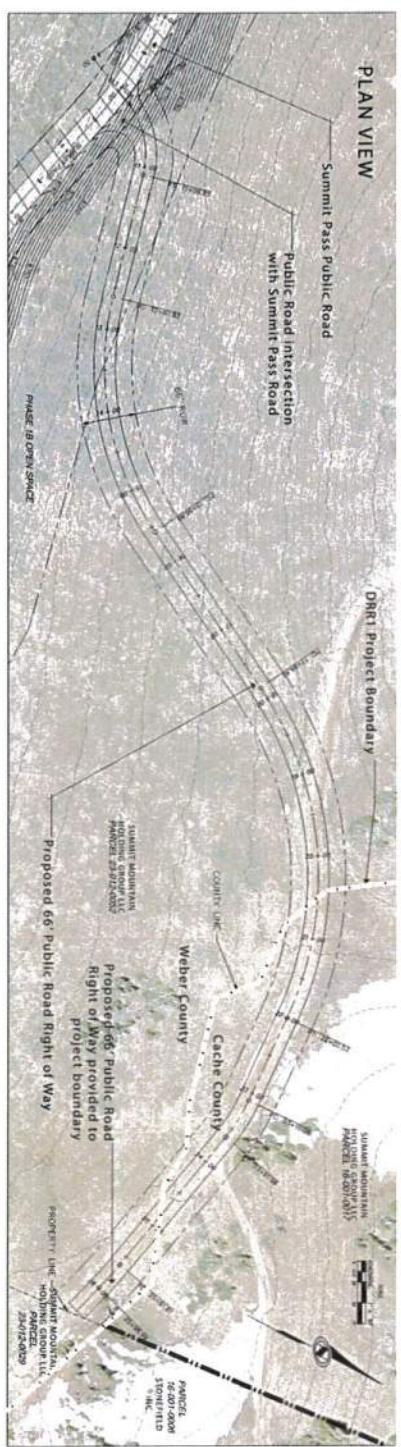
Public Roadway

Exhibit A
Existing plan with changes noted

NO CHANGES

Powder Mountain is committing to a public road right of way that will enable a secondary roadway link thru the resort to the east via Cache County. This public access road right of way would utilize Powder Mountain Road, Summit Pass and this proposed roadway to provide a feasible point of connection for a future roadway access to the east. Prior to any right-of-way dedication, Developer and the County shall agree on the maintenance of the right-of-way.

This stub is being provided at a point adjacent to the Stonefield, Inc. parcel within Cache County and is stubbed at a location with topography that is feasible for a roadway extension. Any roadway alignment provided further east of this point is off of the subject property and would therefore require those property owners to provide access. This access extension, design, location etc. is to be determined at a later date and is not part of this rezone application.

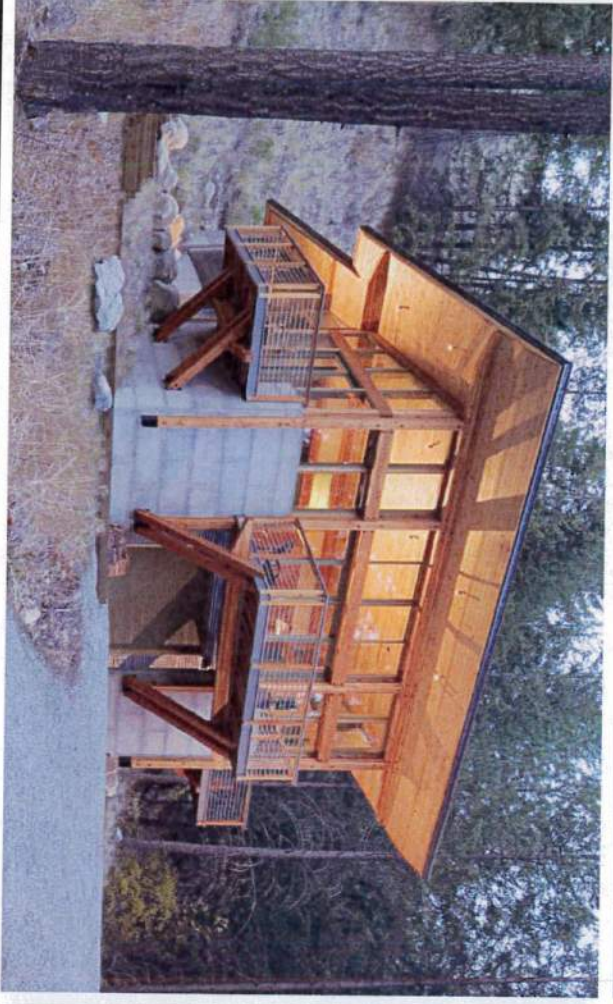
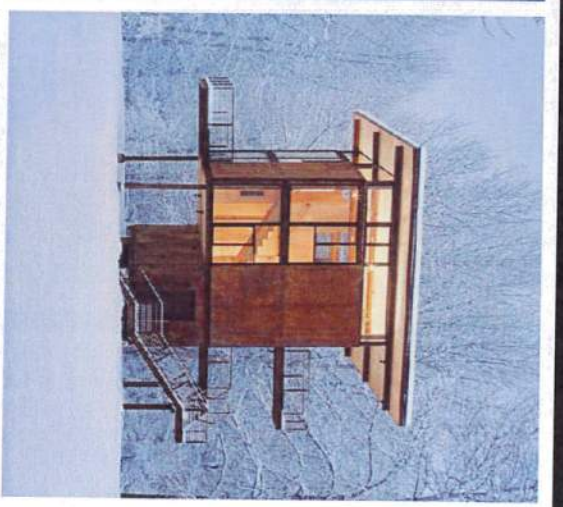


Architectural Precedents: Views

Exhibit A
Existing plan with changes noted

NO CHANGES

The Summit community shares a philosophy of innovation, creativity, cultural enrichment and environmental conservation. At Powder Mountain, those core principles come to life in a mountain development of single-family home sites, clusters of nests and a lively village center on 6,160 acres of untouched land in the Wasatch mountain range. Homes will be tucked in clusters of pine and aspen trees to maintain natural views for all community members and The Village will be dense with living accommodations to allow for more open space in wildlife-sensitive areas. Each building design will meet recognized environmental standards and energy conservation guidelines will be provided to incorporate cutting-edge sustainability systems and materials. Buildings will incorporate broad roof lines and indoor-outdoor spaces and will emphasize natural materials, like stone and wood, that suit the local landscape. This modern mountain design aesthetic is essential and should be interpreted with innovation and creativity to add value to the community.



Architectural Precedents: Mountain Houses

Exhibit A
Existing plan with changes noted

NO CHANGES

Building design at Powder Mountain will preserve the pristine views and natural beauty while creating an identifiable and cohesive modern mountain design aesthetic. "Modern mountain" is intentionally open-ended in its definition. While designers and architects will adhere to specific site, landscape, massing and sustainability requirements, the architectural guidelines are considered an ethos and to be applied with innovation and creativity.

Architecture is subservient to the natural landscape. Fenestration open to mountain views should be enhanced by building and site design. The land and its magnificent panoramas shall remain the dominant design feature, and improvements are not to detract from the site's natural surroundings. Buildings should maintain a low profile and are to be sited to minimize grading by following the natural undulation of the topography. Building masses and articulation are to create shadow, texture, and patterns that help buildings recede into the landscape rather than dominate it.



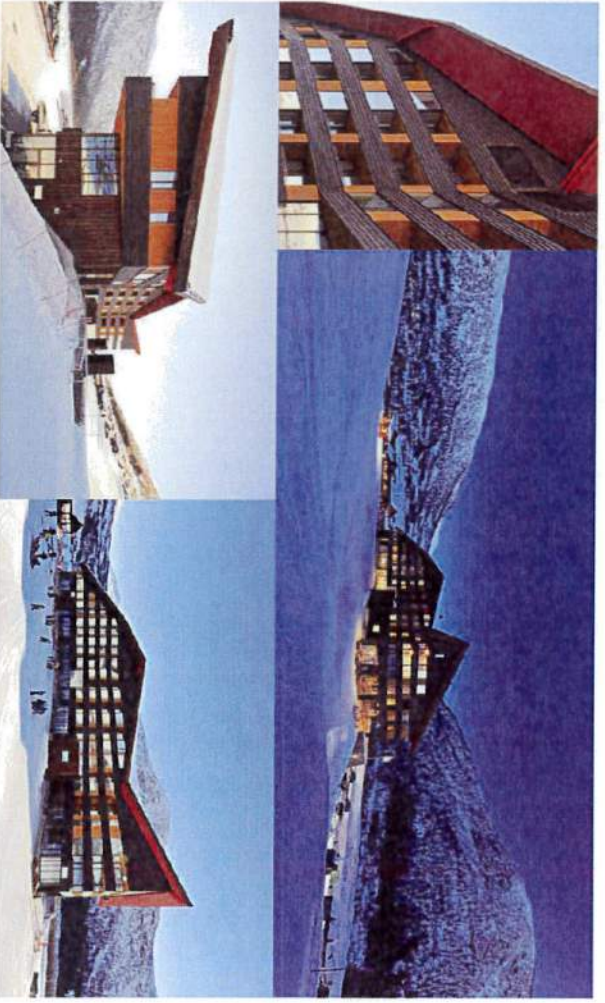
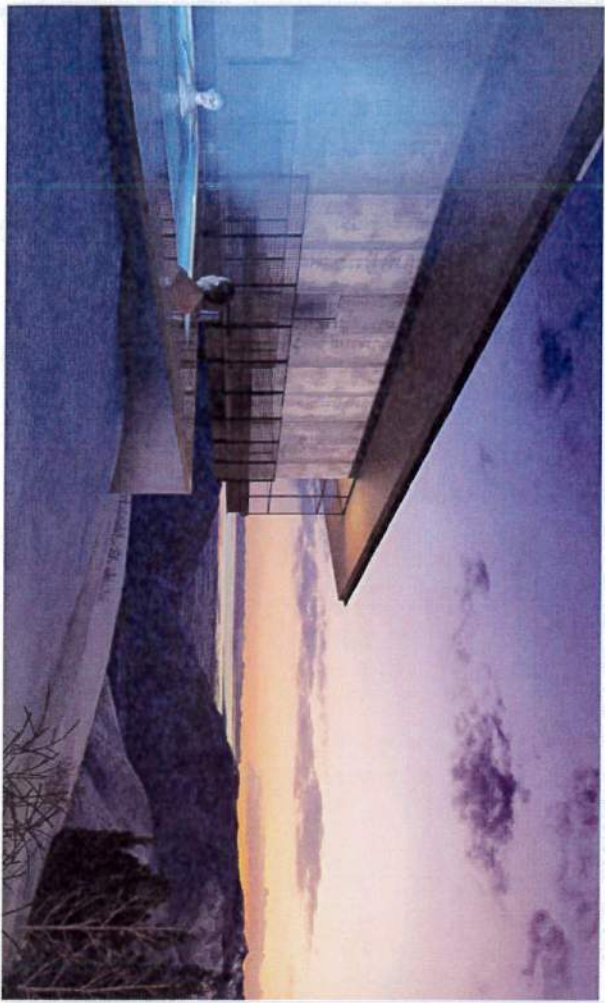
Architectural Precedents: Hotels & Commercial

Exhibit A
Existing plan with changes noted

NO CHANGES

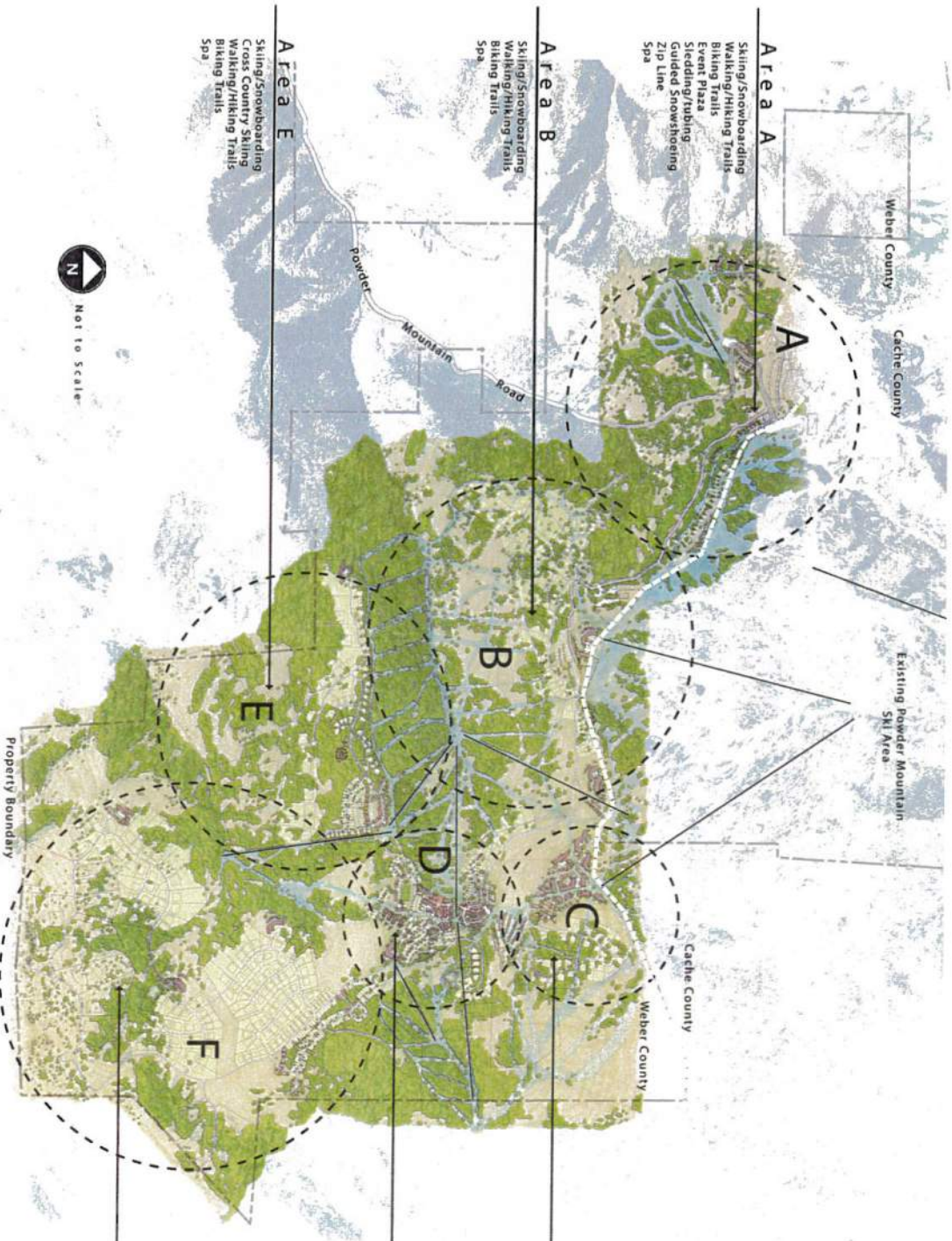
Building and landscape materials will be used that are natural in appearance and available locally or regionally. All houses and landscape structures at Powder Mountain are to be built of materials that appear to have been taken from the site and/or nearby resources in order to reinforce the connection between buildings and their natural surroundings.

All buildings, site landscaping and construction at Powder Mountain should be healthy, durable, restorative, and a complement to the natural landscape. The design of the site and buildings must incorporate sustainable building design and construction practices, including: utilization of renewable and highly efficient energy systems, green building materials, recycling of construction waste, utilization of natural day lighting and water conservation measures.



Recreation Plan

Exhibit A
Existing plan with changes noted



- Area A**
- Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Event Plaza
 - Sledding/Tubing
 - Guided Snowshoeing
 - Zip Line
 - Spa

- Area B**
- Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Spa

- Area E**
- Skiing/Snowboarding
 - Cross Country Skiing
 - Walking/Hiking Trails
 - Biking Trails
 - Spa

B

C

D

E

F

The Powder Mountain Master Plan offers a wide variety of recreational activities for its residents, visitors and the local community. Each area offers different amenities and activities based on the identity, location and needs of that particular community. For example, Area A offers predominantly mountain-based amenities while Area F offers more passive recreational activities including trails. Multi-use trails meander throughout the entire property's open space and cater to walking, hiking, mountain biking, snowshoeing and equestrian uses. All Recreation Facilities are available to the public. Some uses will be fee based such as skiing, guided events, spas, etc.

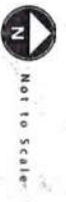
Uses will be phased with the related development area phasing.

- Area C**
- Skiing/Snowboarding
 - Kite Boarding
 - Walking/Hiking Trails
 - Biking Trails
 - Equestrian Trails
 - Events Plaza
 - Ice Skating
 - Spa

REMOVED ILLUSTRATIVE BACKGROUND AND REPLACED WITH OVERALL LAND USE PLAN

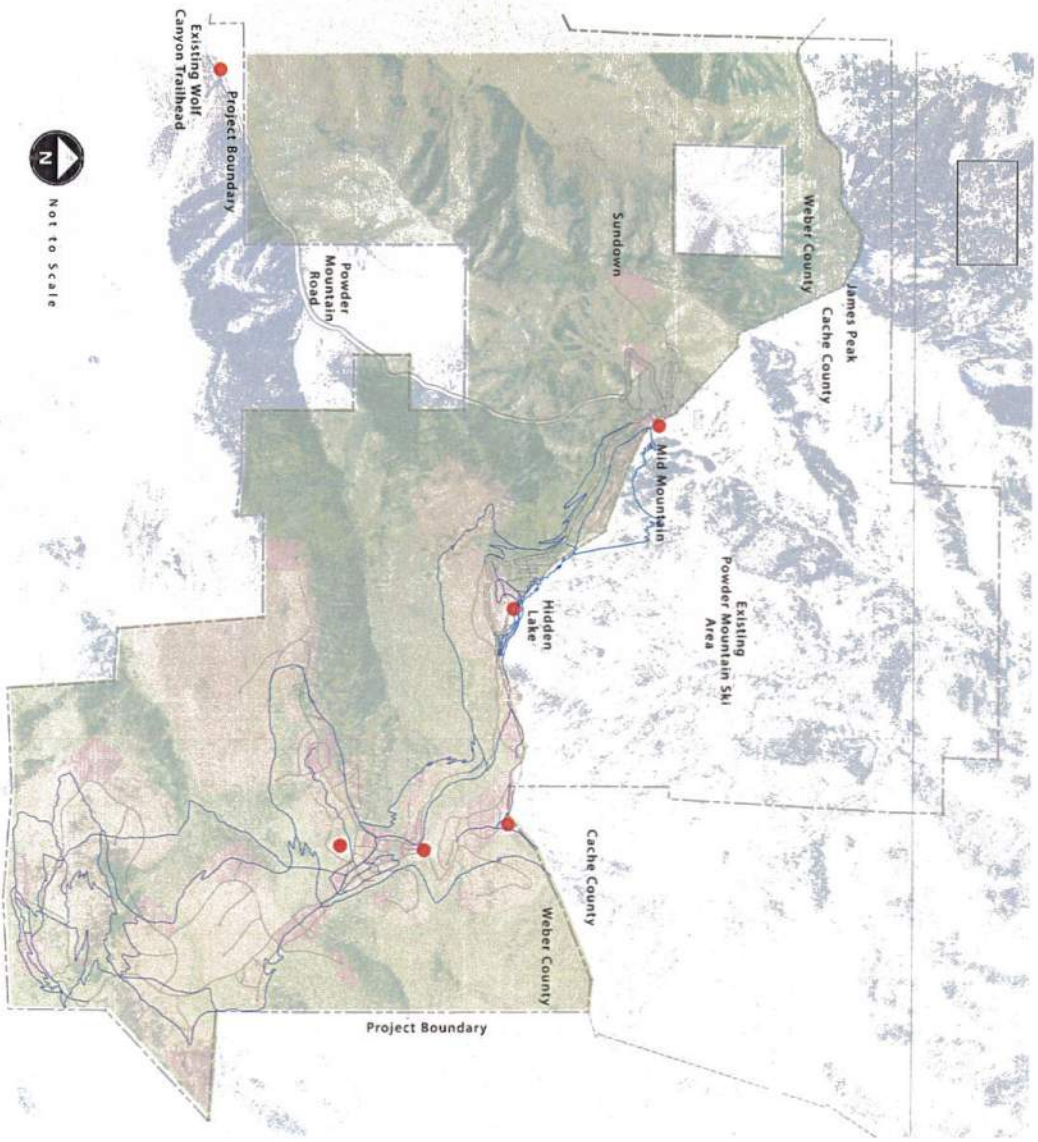
- Area D**
- Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Kid's Camp
 - Event's Plaza
 - Guided Snowshoeing
 - Ice Skating
 - Amphitheater
 - Sledding/Tubing
 - Swimming
 - Indoor Recreation Facility
 - Zip Line
 - Geo-caching
 - Spa

- Area F**
- Walking/Hiking Trails
 - Cross Country Skiing
 - Biking Trails
 - Equestrian Facility
 - Equestrian Trails
 - Adventure Course
 - Spa



Open Space with Trails

Exhibit A
Existing plan with changes noted



The Open Space and Trails System diagram illustrates project trails that will connect neighborhoods to one another and to the regional trail network. Powder Mountain is committed to providing Regional Public Trail Connectors thru the project (shown in blue) to insure public trail access to and thru the project. Powder Mountain will work with the adjacent landowners, UDWR and Weber Pathways to provide these connections. A priority has been placed on creating loops within the project. The loop trails shown (in Green) were developed in conjunction with Weber Pathways and the International Mountain Biking Association to provide beginner level trail loops as shown. In addition, there will be a variety of trails within and around each development area that will include multi-use trails, single-track for mountain biking and general use trails for walking and hiking.

OPEN SPACE CALCULATION

Approximately 6,160 acres of the Powder Mountain property are located in Weber County. In Weber County, approximately 76 percent (4,740 acres) of the total land has been preserved as total open space. In order to calculate the open space per the DRR1 zone requirements, the approximate 2,100 acres that have slope more than 40 percent were subtracted from the total acres, resulting in an Adjusted Gross Acreage of approximately 4,060 acres. Development is planned on approximately 1,500 acres, leaving 2,560 acres or 63% of the Adjusted Gross Acreage preserved as open space.

DEVELOPMENT LEGEND

- MIXED USE
- OPEN SPACE
- RESIDENTIAL
- INTERNAL PUBLIC LOOP TRAILS

UPDATED OVERALL LAND USE PLAN WITH TRAILS

- TRAILHEAD OR ACCESS NODE

Seasonal Workforce Housing Plan

Exhibit A
Existing plan with changes noted

NO CHANGES

Employee generation at Powder Mountain has been calculated according to the formula in the Destination and Recreation Resort Ordinance. It is estimated that a total of 1,623 full time equivalent employees (FTEE) will be generated by Powder Mountain at full build out with 960 FTEE projected for the proposed Phase 1 development. These workforce additions will primarily be located within the Earl's Village and Summit Powder Mountain Village but will include employees servicing communities throughout the project. Only those employees generated due to development within Weber County have been calculated as part of this plan.

At full build out, Powder Mountain will generate the overall need for 984 workforce housing units and will be required to provide approximately 98 of these workforce housing units. These housing units may be provided in the form of group dwelling (dormitories) or multi-family dwelling (condominiums/townhomes) within the Resort, and will be phased with development. Conceptually, the seasonal employees will be housed in the Mid Mountain and Summit Powder Mountain Village Areas, as identified on the proposed Powder Mountain Master Plan, nearest their employment to reduce the need for automobile use. It is estimated that the additional 886 units will be located off-site to support the seasonal workforce housing requirements. With the proximity of Ogden and the Ogden Valley to the resort and the availability of mass transit alternatives and the further development of these mass transit alternatives as per the Traffic Study (Exhibit 2) there exists available seasonal housing options to serve the resorts needs. Additionally, the upper alpine elevation and unpredictable nature of the resorts winter weather makes the Ogden Valley and Ogden ideal for the majority of the employee base to reside on a day to day basis. Here, employees and their families are near to and have reliable access to essential goods and services such as schools and shops.

In order to ensure affordable housing remain available and affordable in perpetuity, the on mountain seasonal workforce housing units will be deed restricted. Upon request, an annual report that outlines the previous year's employment level, workforce housing needs, housing type/availability and occupancy will be generated and presented to Weber County Planning Staff.

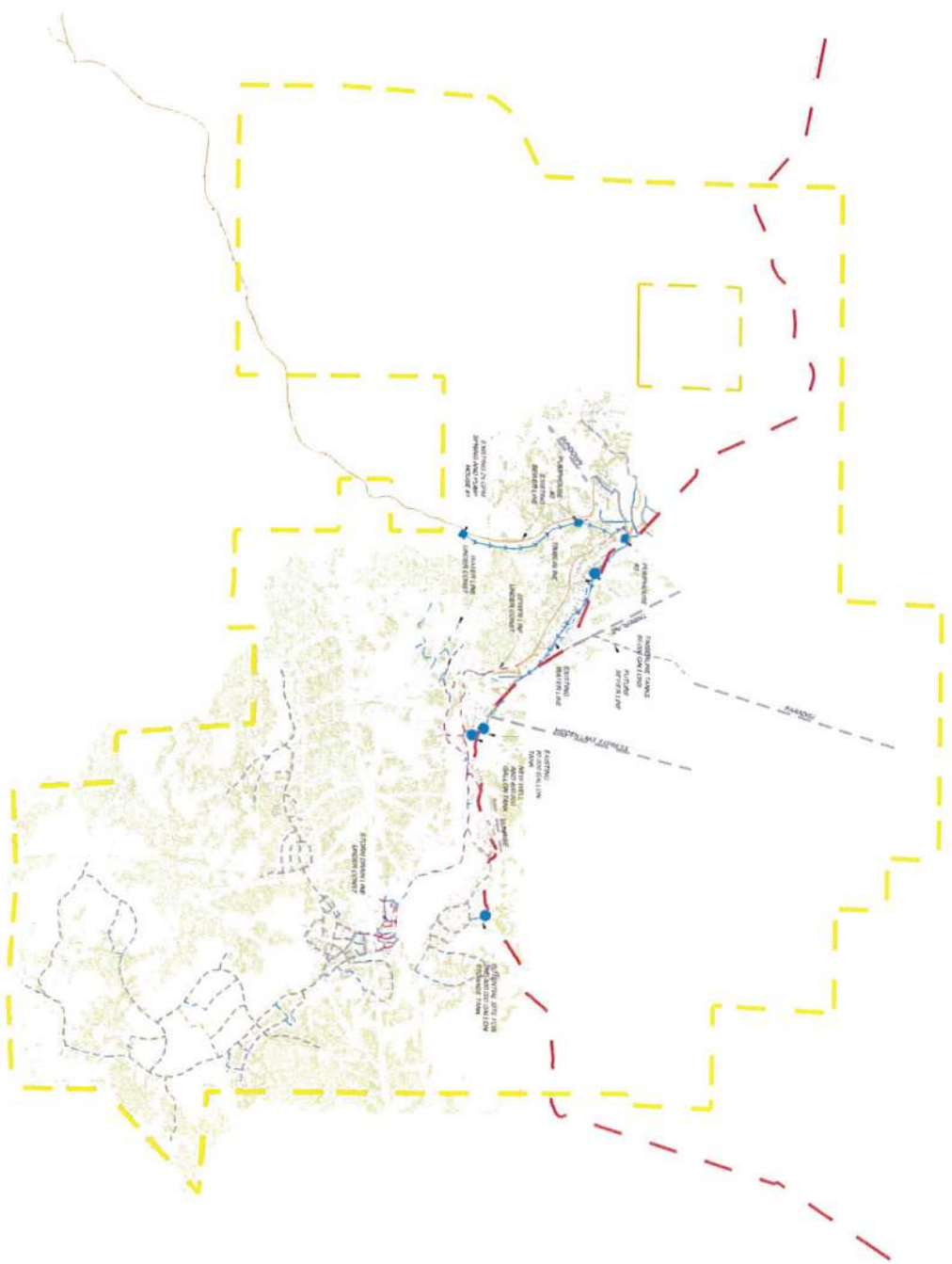
Uses	# Employees Generated	Per Room/SF	Source	Total Rooms or SF		FTEE		Required # Units (10%)	
				Rental Units	Employees Gen.	Emps/WF Unit (/1.65)			
Resort Operations			Powder Mountain Ops						
Hotel	0.7	1 Room	Canyons	-	573	347	35		
Multi Family & Nests Rental	0.3	1 Room	Canyons	328	98	60	6		
Retail	2	1,000 SF	Weber County DRRO	-	150	91	9		
Office	2.3	1,000 SF	Weber County DRRO	-	44	26	3		
Restaurant/Bar	3.5	1,000 SF FF	Weber County DRRO	-	88	53	5		
Estimated # of Employees in WF housing Unit	1.65		Weber County DRRO		952	577	58		
Required # of Seasonal WF Housing Units	0.1		Weber County DRRO						
Phase 1 - 1,477 Units									
Uses				Total Rooms or SF	% in Rental Pool	Rental Units	Employees Gen.	Emps/WF Unit (/1.65)	Required # Units (10%)
Hotel				818	-	-	573	347	35
Multi Family & Nests Rental				656	50%	328	98	60	6
Retail				75,000	-	-	150	91	9
Office				19,000	-	-	44	26	3
Restaurant/Bar				25,000	-	-	88	53	5
Overall - 2,800 Units						Totals	952	577	58
Uses				Total Rooms or SF	% in Rental Pool	Rental Units	FTEE Employees Gen.	Emps/WF Unit (/1.65)	Required #
Hotel				1,218	-	-	853	517	52
Multi Family & Nests Rental				1,596	50%	798	399	242	24
Retail				100,000	-	-	200	121	12
Office				29,000	-	-	67	40	4
Restaurant/Bar				30,000	-	-	105	64	6
Totals							1623	984	98

Wet Utilities Overview

Exhibit A
Existing Plan with changes noted

NO CHANGES

The wet utilities diagram illustrates the existing and proposed water, wastewater and storm drain infrastructure on site at Powder Mountain. The majority of the existing infrastructure is located in and around the mountain operations including the Mid Mountain and Hidden Lake areas



- LEGEND**
- COUNTY LINE
 - PROPERTY BOUNDARY
 - EXISTING SKI LIFT
 - FUTURE SKI LIFT
 - EXISTING SANITARY SEWER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING WATER LINE
 - SANITARY SEWER LINE (FUTURE)
 - STORM DRAIN LINE (FUTURE)
 - WATER LINE (FUTURE)
 - SANITARY SEWER LINE (UNDER CONSTRUCTION)
 - STORM DRAIN LINE (UNDER CONSTRUCTION)
 - WATER LINE (UNDER CONSTRUCTION)

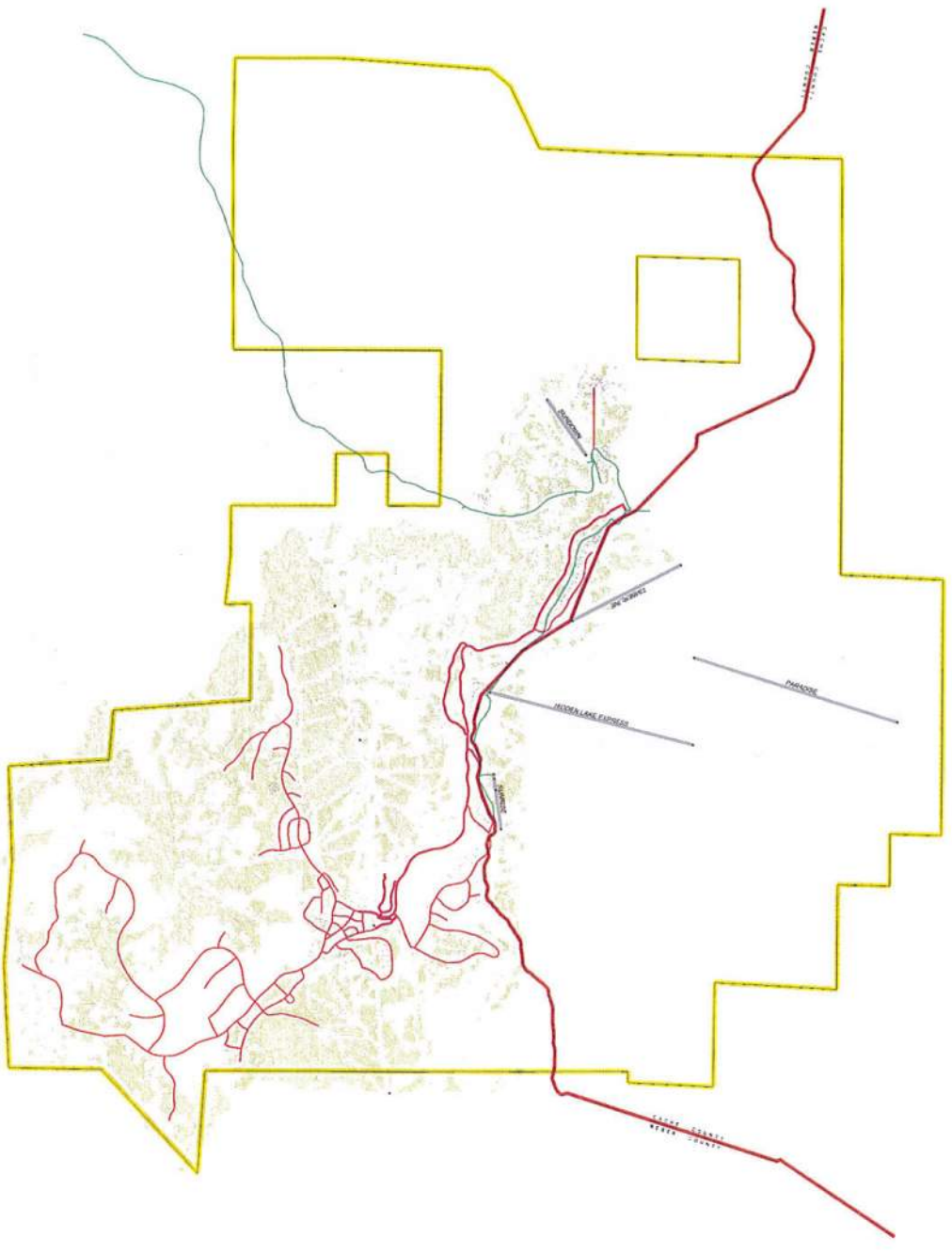


Dry Utilities Overview

Exhibit A
Existing Plan with changes noted

NO CHANGES

The existing and proposed dry utilities map illustrates the on and off-site power, gas and communications infrastructure at the Powder Mountain Resort.



LEGEND

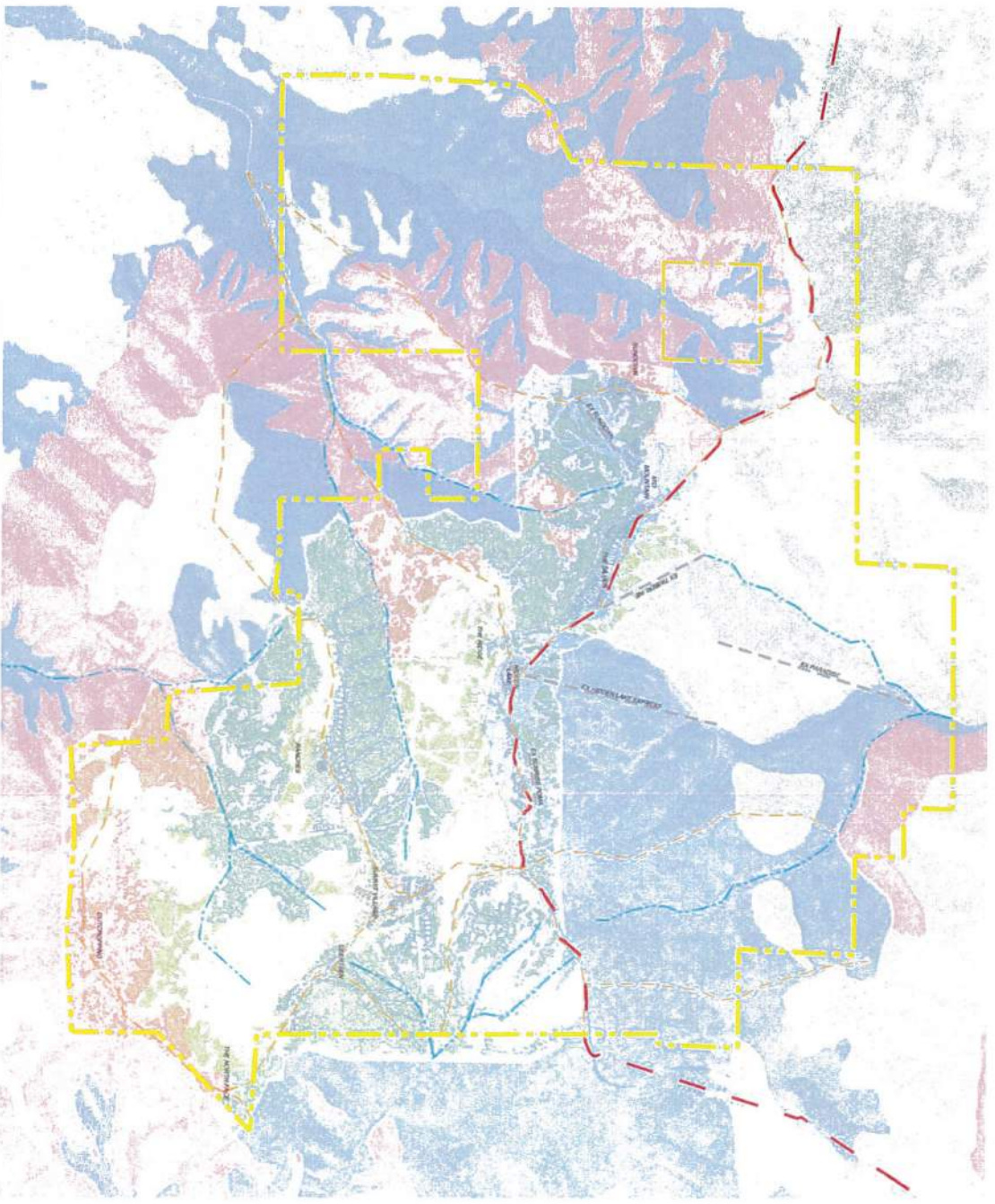
- COUNTY LINE
- PROPERTY BOUNDARY
- EXISTING SKI LIFT
- EXISTING POWER LINE
- FUTURE POWER LINE
- FUTURE COMMUNICATION LINE



Conceptual Stormwater Management System

Exhibit A
Existing plan with changes noted

NO CHANGES



LEGEND

- COUNTY LINE
- PROPERTY BOUNDARY
- EXISTING SKI LIFT
- FUTURE SKI LIFT
- DRAINAGE BASIN BOUNDARY
- DRAINAGE CHANNEL

HYDROLOGIC SOIL GROUPS

- B
- C
- D



Emergency

Exhibit A
Existing plan with changes noted
NO CHANGES



2023 W. 1300 N.
Farr West, UT 84404
(801) 782-3580
Fax (801) 782-3582

Board of Trustees
Bryan Adams
Kevin Wood
Jim Truell
Val Heiner
Brad Ostler
Michael Hancock
Paul Dinsdale
Kerry Gibson
Scott VanLieuwen

July 2, 2014

Rick Everson
Watts Enterprises
5200 South Highland Drive, STE 101
Salt Lake City, Utah 84117

RE: Will Serve Notice

The project at the Powder Mountain area includes multiple phases of development with the potential of 2,800 residential units. The project area is within the jurisdictional boundaries of the Weber Fire District. Weber Fire District currently has two fire stations located in the Upper Valley area that have been and will continue to serve the Powder Mountain area. The closest station to the project site is Station 62, located at 5550 East 2300 North, Edon. Weber Fire District will serve the project area from these two locations supported by units from the lower valley.

When the number of residences and/or commercial structures warrants it, or when the number of incidents in the new developed area warrants it, a new fire station facility may be needed to serve the area. If the build-out reaches its full potential, a fire station in the area will most likely be needed. It would be wise of the developer to consider this and to work with the Fire District regarding response for emergency medical and fire related emergencies.

The development will be required to meet all applicable codes and rules, including fire codes.

If you have further questions, please feel free to contact myself or Chief Austin.

Sincerely,

Brandon Thuesen

Brandon Thuesen
Fire Marshal

Chief, David L. Austin - Deputy Chief, Paul Sullivan - Fire Marshal, Brandon Thuesen

POWDER MOUNTAIN

Weber County Sheriff's Office



Terry L. Thompson
Sheriff

Kevin D. Anderson
Chief Deputy
Law Enforcement Division

Kevin H. Barron
Chief Deputy
Corrections Division

Sheffali Ebert
Administrative Assistant
Support Services Division

Law Enforcement
Division
(801) 778-6600

Corrections
Division
(801) 778-6700

Management
Division
(801) 778-6680

Office Hours are
Monday through Friday
8:00 a.m. to 5:00 p.m.

721 W. 12th Street
Ogden, Utah 84404
(801) 778-6600
Fax (801) 778-6667

August 6, 2014

Rick Everson
Watts Enterprises
5200 South Highland Drive, Ste 101
Salt Lake City, Utah 84117

RE: Serve Notice

Upon completion, the Powder Mountain Development area will potentially consist of 2800 residential units and commercial properties. The project spans two counties, Weber and Cache. Weber County currently has an agreement with Cache County to provide law enforcement services to the entire area as Cache County has limited access to the area. Currently the Weber County Sheriff's Office has one deputy assigned to the area to handle law enforcement.

With current staffing levels, the Weber County Sheriff's Office would not be able to adequately serve a development of more than a few hundred units. It will be imperative that we work with both the developer and county commissioners, both Weber and Cache, to increase deputy numbers at a rate that is the equivalent to the rate of development.

If you have further questions, please feel free to contact me.

Sincerely,

Terry Thompson
Sheriff Terry Thompson
Weber County

The Powder Mountain project team met with representatives from the Weber County Sheriff's Office, the Weber Fire District and Emergency Medical Technicians throughout the Master Plan development process including during the approvals for the Phase 1 PRUD process and approval. During these meetings, the full Master Plan concept for Powder Mountain was discussed, as well as potential emergency services facilities and personnel that would be required to support the Project at build out. The Fire Marshal and Sheriff indicated they would need a facility on-site, preferably in a central location to aid in easy access to the entire Resort. The possibility of shared facilities was discussed and a preferred solution by all parties. At this point, it is envisioned that the facility would need to include a sheriff office, one engine, ambulance and brush truck. The Powder Mountain team is committed to the health, safety and welfare of visitors and residents of the Project and will work with the emergency services providers to ensure adequate facilities are on-site in the appropriate size and location. Construction of said facilities will be phased as appropriate depending on development.

Included with this application are feasibility letters submitted by the Fire Marshal and Sheriff.

Water and Wastewater

Exhibit A
Existing plan with changes noted

NO CHANGES

POWDER MOUNTAIN WATER RIGHTS AND WATER DEVELOPMENT STATUS

Summit Mountain Holding Group (SMHG) currently owns 1,400 acre feet of Weber Basin water rights on the top of Powder Mountain in seven different state approved diversion points. The 1,400 acre feet of water rights is more than enough to supply water for the approved 2,800 units per the Development Agreement. (See attached Bill Loughlin's Engineering letter)

It is the obligation and right of SMHG to develop, in conjunction with the Powder Mountain Sewer and Water District and the State Division of Drinking Water, each well site to extract and store the designated water requirements for the development of each phase of the project as designated by the State of Utah.

POWDER MOUNTAIN WASTEWATER PLAN

SMHG, in conjunction with the Powder Mountain Sewer and Water District, and the Wolf Creek Sewer and Water District, are in the engineering and planning stages to combine their wastewater treatment facilities to provide service for the future growth of the Powder Mountain Development.

SMHG is presently in the middle of negotiations, engineering, planning, and strategy to combine parts of the main trunk lines to assure future growth and wastewater services for the Powder Mountain Development.

June 12, 2013

Weber County Planning/Planning
Attn: Commissioner Zappavigna
2280 West Virginia Blvd, Suite 280
Ogden, UT 84401

Subject: **Feasibility of Using Groundwater to Supply Proposed Development**
Proposed Expansion of Powder Mountain Resort, Weber County, Utah
Per Summit Mountain Holding Group

Dear Commissioner:

The letter represents my opinion of the feasibility of using groundwater to supply the proposed expansion of the Powder Mountain Resort (Powder Mountain) in Weber County, Utah by Summit Mountain Holding Group (the Summit Group). I understand the following about available water rights and estimated water demand of the existing and proposed new development at Powder Mountain:

- The Summit Group owns 1,400 acre-feet (ac-ft) of water on an annual basis from Weber South Water Conservancy District (Weber South) for \$276,000 per year.
- Based on the Powder Mountain Water Distribution System Master Plan by NWS Inc. (NWS, 2011):
 - The existing development at Powder Mountain consists of 122 acres and an estimated annual demand of 53,252 ac-ft and a peak-day demand of approximately 88,252 gpm (per million gpm).
 - The proposed 154 ERWs of Phase 1 have an annual water demand of 65,252 ac-ft and a peak-day demand of about 81 gpm.
 - The proposed 1,000 ERWs of the assessment area have an annual demand of 252 ac-ft and a peak-day demand of about 214 gpm, and a peak-day demand of 402.2 gpm.

The existing development and proposed 1,000 ERWs of the assessment area have a combined estimated annual water demand of 207,252 ac-ft and peak-day demand of 402.2 gpm.

My opinion of using groundwater to supply the proposed development at Powder Mountain is as follows:

- Beneficial groundwater recharge on the Weber County side of Powder Mountain is not sufficient to supply the 1,000 ERWs of the assessment area.
- Early Spring (see Figure 2), which is currently undeveloped, but could be developed, would have a minimum flow of about 100 gpm. In addition, Longhorn Water Conservancy District (LWCD), which is more than adequate to supply the 1,000 ERWs of the assessment area.
- The Summit Group has elected to supply Phase 1 with wells and is currently drilling and casing exploration wells.
- The IDWR requires that a new well be tested at 1.5 times the peak-day demand of 81 gpm (about 122 gpm) for a minimum of 24 hours to approve the 154 ERWs of Phase 1.
- The Summit Group has elected an initial exploration well at 79 gpm and plans to permit and construct exploration and production wells as they are needed for future phases of development.
- Based on my review of the local hydrogeology, I believe that the 81 gpm required for Phase 1, the 214 gpm required for all 1,000 ERWs, and the combined demand of 402.2 gpm for the existing development and the 1,000 new ERWs can be developed from wells and springs at Powder Mountain.

Labels and supporting information for my opinion are provided in the discussion that follows.

WATER RIGHTS

The primary water right for Powder Mountain, and its underlying obligation, is a contract with Weber South to divert up to 1,400 ac-ft on an annual basis. The Weber South contract, The Summit Group owns Weber South \$276,000 per year for this perpetual lease of water quantity of 0.012 ac-ft per acre (or 1 ac-ft) or less.

On November 3, 2009, the Utah Division of Water Rights (UDWR) also issued an "Order of the State Engineer" or "the State Engineer" approved exchange application E-1715 (05-11909) which allows up to 400 ac-ft of the 1,400 ac-ft available under the exchange application, to be diverted from wells and springs at Powder Mountain (the Cadebe Well) to supply the 1,000 ERWs of the assessment area. The Cadebe Well (Paved Springs #1, #2, and #3 and over-undeveloped spring Early Spring) and two

existing well (Cadebe Well and up to 14 new wells, Figure 1) shows the location of Powder Mountain and Figure 2 shows the locations of the existing and proposed springs and wells at Powder Mountain.

Exchange application E-1715 (05-11909) allows water to be used by Powder Mountain and related development served by Powder Mountain Well & Spring Improvement District (PWSMID). A new exchange application will need to be filed and approved by the UDWR to (1) allow the resulting 1,000 ac-ft available under the Weber contract to be diverted and used at Powder Mountain and/or (2) add additional springs of wells at Powder Mountain.

WATER DEMAND

According to NWS, Inc. (NWS, 2011):

- Phase 1 of the proposed expansion of Powder Mountain consists of 154 ERWs with an average annual demand of 65,252 ac-ft and the peak-day demand of about 81 gpm. Phase 1 combined with the existing connections will have an average annual demand of 120,504 ac-ft and peak-day demand of 169.5 gpm.
- The 1,000 ERWs proposed for the assessment area have an average annual demand of 252 ac-ft and peak-day demand of 214 gpm. All 1,000 ERWs combined with the existing connections will have an average annual demand of 207,252 ac-ft and peak-day demand of 402.2 gpm.

The 400 ac-ft of exchange application E-1715 (05-11909) is more than adequate to supply the 1,000 ERWs of the assessment area of Powder Mountain.

GROUNDWATER RECHARGE

King (2009) subdivided the Powder Mountain area into eight surface water subbasins. Most of the existing and proposed wells and springs of exchange application E-1715 (05-11909) are located within or near the edge of the Wolf Creek drainage. Proposed wells and a new line in the shale bank of the Ogden River drainage and Proposed Well 14 are located in the headwaters of the Ogden River drainage. The Powder Mountain recharge from precipitation in these three subbasins, all of which are on the Weber County side of Powder Mountain, is about 12,400 ac-ft per year. Conservator exchange includes: (1) 1,000 ac-ft/yr in the Wolf Creek drainage, (2) 9,300 ac-ft/yr in the Ogden River drainage, and (3) 1,100 ac-ft/yr in the Ogden River drainage.

The estimated total potential groundwater recharge on the Weber County side of Powder Mountain is 12,400 ac-ft. It is more than adequate to supply both (1) the 400 ac-ft of exchange application E-1715 (05-11909) and (2) the additional 1,000 ac-ft of the Weber South contract that has not been transferred to Powder Mountain.

TARGET AQUIFERS

Porosity-age carbonate rocks (sandstone and dolomite and, to a lesser degree, quartzite rocks), are the primary target aquifers, based on the Weber County side of Powder Mountain. Secondary target aquifers, based on the Weber County side of Powder Mountain, are the Ogden River drainage and Proposed Well 14 recharge from precipitation in these three subbasins, all of which are on the Weber County side of Powder Mountain. In about 12,400 ac-ft per year, Conservator exchange includes: (1) 1,000 ac-ft/yr in the Wolf Creek drainage, (2) 9,300 ac-ft/yr in the Ogden River drainage, and (3) 1,100 ac-ft/yr in the Ogden River drainage.

The estimated total potential groundwater recharge on the Weber County side of Powder Mountain is 12,400 ac-ft. It is more than adequate to supply both (1) the 400 ac-ft of exchange application E-1715 (05-11909) and (2) the additional 1,000 ac-ft of the Weber South contract that has not been transferred to Powder Mountain.

Because the primary porosity and permeability of the bedrock at Powder Mountain is secondary porosity, the primary target aquifers will depend, in part, on intersecting zones of fracture porosity and permeability. Fracture porosity and permeability are controlled by fractures, and dissolution features. Limestone dissolves more readily than dolomite and tends to develop greater solution-enhanced permeability. The Middle Laramie member is the primary target aquifer because this unit (1) contains a greater thickness of limestone than the other units and (2) is overlain in most areas by the low-permeability Cadebe Shale.

Principal aquifers, including gravel, which separate the aquifers and create hydraulic continuity of the aquifers, include the Cadebe Sand Shale and limestones that all have of the low-permeability units have interbeds of limestone and/or dolomite that can yield water to wells and springs.

The geology of the Powder Mountain area is complex. The Paleozoic-age bedrock, including the target aquifers, has been folded, faulted, eroded, covered with recent geologic layers, and deeply buried. Based on my review of the local and regional hydrogeology, I believe that the target aquifers, where sufficiently fractured and fractured, are capable of supplying the average annual and peak-day demand of the 154 ERWs of Phase 1 and the 1,000 ERWs of the assessment area.

EXISTING DRINKING WATER SOURCES

PWSMID currently uses Paved Springs #1, #2, and #3 to supply the existing drinking water demand of Powder Mountain. According to PWSMID staff, the combined water yield from the three springs is about 40 gpm. These three springs have existing status of the formation.

The Cadebe Well was equipped with a pump capable of producing about 22 gpm. This well is currently equipped with a pump capable of producing about 22 gpm. This well is used by the PWSMID as a source of drinking water. The Cadebe Well produces groundwater from the formation.

GROUNDWATER EXPLORATION AND DEVELOPMENT

Summit Group is currently drilling exploration wells to identify the best locations to supply the proposed 1,000 ERWs.

Early Spring (see Figure 2) has a minimum flow of about 100 gpm. Although Early Spring could be developed under exchange application E-1715 (05-11909), most of the water yield from Early Spring is currently used by the Ogden River drainage. However, that there is considerable geologic and hydrologic uncertainty with the complex subsurface conditions at Powder Mountain, bedrock is highly fractured and is covered with soils and unconsolidated sand and gravel deposits, which can only be known after test the drilled and tested.

During May 2013 the Summit Group drilled their first exploration well at proposed well 79. The well was drilled to a depth of about 100 feet and yielded about 79 gpm. The well was drilled in the Ogden River drainage and yielded about 79 gpm. The IDWR concentrations is acceptable, however, analytical results will not be available until mid-June 2013. The IDWR has approved a production well at this location.

The Summit Group has started a second exploration well at the location shown in Figure 2. If yield and water quality are satisfactory, a production well will be permitted with IDWR and LWCD and drilled at this location during the summer of 2013. The Summit Group plans to permit and drill additional exploration and production wells as needed to supply the proposed expansion of Powder Mountain.

William D. Longfellow, P.E.,
Lic. No. 10000
Professional Engineer
Utah State Board of Professional Engineers and Land Surveyors
Figure 1 - Location Map
Figure 2 - Vermis Map
Cc: Mr. Ron Watts, P.E., Watts Hydrologics, Inc.
Mr. Rick Everson, P.E., -Watts Hydrologics, Inc.



Redevelopment Agency of Weber County
Proposed Community Development Project Area - Powder Mountain

Proposed Development	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050		
Estimated Annual Property Tax Revenue (Estimated)	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000		
Estimated Annual State and Local Government Revenue	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	14,400,000	
Estimated Annual Total Revenue	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000	28,800,000

In 2013 the Summit Mountain Holding Group, in conjunction with Weber County, hired Bonneville Research to conduct an in-depth study of the costs and phasing of the Powder Mountain improvements and the potential tax benefit yield to the citizens of Weber County. (See attached Bonneville Research Benefit Analysis - Exhibit 4) This study was based on an initial assumption of 1,000 residential units and 290,000 SF of hotel, commercial, retail and restaurant square footage. These numbers are roughly equivalent though slightly lower than the proposed phase 1 development numbers and were used to provide a more conservative study in an effort to not overstate the potential project positive impacts. The total proposed development of 2,800 units (which includes hotel units) assumes a proportionate increased positive yield for Weber County but may vary pending actual product types, infrastructure requirements, etc. as the project develops. (See attached Economic Impact Memorandum from Bonneville Research, Exhibit 4.1)

Study Numbers
 1,000 Residential Units
 190,000 SF Commercial Hotels
 @ 360 SF/room = 527 units
 100,000 SF Retail/Restaurants

Proposed Phase I Numbers
 1,204 Residential Units
 818 Hotel Units
 100,000 SF Retail/Restaurants

Study Highlights

- The projected 20 year cumulative resort investment totals an estimated 990 million dollars.
- The projected total infrastructure investment over 20 years is an estimated 105 million dollars.
- The projected annual tax revenue to Weber County at the 20 year level is estimated between 40-50 million dollars.

See next pages for Exhibit B of this staff report

Weber County Rezone Application

Destination and Recreation Resort Zone: DRR1
AMENDMENT #1

EDEN / UTAH
ENTREPRENEURS, ARTISTS & ACTIVISTS
LAT 41.9081 * LON -111.74432
2022 / APRIL



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Benefit Analysis Memorandum Exhibit 4.1

Community Fire Plan Exhibit 5

The P

Exhibit B
Proposed amended master plan



Applicant:
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POWDER MOUNTAIN HISTORY

Powder Mountain Resort had humble beginnings as the winter range for Frederick James Cobabe's sheep herd. Frederick, who was orphaned at age 15, moved around from family to family until he went to work for Charley Schemitz. He tended camp for Charley's herders taking his pay in sheep until he built a herd of his own.

Frederick established a summer range in the Grand Targhee area. A prohibition on grazing was enacted when the land was incorporated into the national forest system. Between 1902 and 1948, Fred accumulated land for a summer range around Eden, Utah. Old timers say that this property was severely overgrazed by previous owners and hardly a blade of grass could be found. Fred's soil conservation practices greatly improved the vegetation and Powder Mountain now is known as one of the best watersheds in the Wasatch Mountains.

Fred's son, Alvin F. Cobabe bought the livestock company with its 8,000 acres in 1948. Just a few months later, Fred was killed in an automobile accident.

When the ranch needed a reservoir, Alvin bought heavy earth moving equipment. He delved into the earth moving business to help pay for the machinery. A career in ranching, livestock and construction, however, just did not satisfy Alvin. In 1956, at 42, he sold the companies to enroll in pre-med classes at Weber College. Although the businesses were sold, he retained the property. He graduated from the University of Utah Medical School at age 45 and returned to the upper Ogden Valley to establish a medical practice. At that time, Dr. Alvin Cobabe was the oldest person to graduate from the school.

While horseback riding with friends along Lightning Ridge in the 1950's, someone casually mentioned that the terrain would make a great ski resort. The idea rang true with Dr. Cobabe and he began to amass adjacent property adding to the thousands acquired from his father. When the resort opened on February 19, 1972, he owned 14,000 acres.

Only the Sundown lift was open during Powder Mountain's first season. The area was lit for night skiing and a ski school was established. Food was prepared on an outdoor barbecue. The Main Lodge, the Sundown Lodge and the Timberline lift were added to operations for the 72/73 season.

Dr. Alvin Cobabe, at age 88, sold Powder Mountain in 2006 to Western American Holdings. The resort remained under the same management team, led by Alexia Cobabe, daughter of Alvin, during the 2006/07 season.

In 2010, Western American Holdings finalized the Powder Mountain development agreement establishing new zoning for the

Weber County portion of the property and vesting the project with 2,800 units of density.

In 2011, education entrepreneur and venture capitalist Greg Mauro had a residence in the Ogden Valley for several years. Greg had attended "Summit at Sea," a conference which is part of the flagship event series operated by Summit Series. Summit Series was founded in 2008 by entrepreneurs Elliott Binow, Brett Leve, Jeff Rosenhal and Jeremy Schwartz. Greg approached the Summit team with an idea: what if Summit partnered with Greg and purchased the mountain to create a home for the organization and community? What if Powder Mountain became a place with the potential to be a positive force not just in the Ogden Valley but throughout the world? Within months, Summit had moved to Eden to pursue that dream and began the process of acquiring the Powder Mountain Resort with the vision of revitalizing Powder Mountain and establishing the Summit Powder Mountain Village, as the permanent home of Summit.

In mid 2013, the group closed on the nearly 10,000 acre resort property and immediately began to implement their plan for the mountain. This included construction of a world class lodge at the top of the Hidden Lake lift, resort improvements including rearranged food and beverage services as well as obtaining approvals for the first phase of the development. The first phase of the development includes 154 units approved as part of a Planned Residential Unit Development (PRUD) including residential lots ranging from 1/2 acre to 20 acres as well as the initial phase of the Summit Powder Mountain Village. The Summit Powder Mountain Village will be the keystone for the Summit Community as the center for gathering, community events, shops and the epicenter of innovation within the resort. Phase 1 plat approvals were completed in early 2014 with the first home on the mountain anticipated to be completed in summer 2015.

The additional development areas outside of the Summit Powder Mountain Village will be focused on recreation and vacation activities and will enhance the Summit Powder Mountain Village by bringing additional visitors to the community. These areas will add to the vibrant community center of the Summit Powder Mountain Village.

TIMELINE

- 1971-72 Season Powder Mountain opened February 19 with Sundown Lift. Ski School began.
- 1972-73 Season Main Lodge opened. Sundown Lodge opened. Timberline Lift opened.

- 1975-76 Season Hidden Lake Lift added.
- 1981-82 Season Shuttle service for employees and for Powder Country started.
- 1984-85 Season Powder Mountain was the first Utah resort to allow snowboarding.

- 1986-87 Season Hidden Lake Lodge opened.
- 1989-90 Season Columbine Inn opened with two condominiums and five hotel rooms.

- 1990-91 Season Diamond Peaks Heliskiing started providing service between James Peak and at the Hidden Lake parking lot.
- 1994-95 Season Sunrise Lift opened.

- 1999-2000 Season Paradise Lift, a quad, opened up an additional 1300 acres of lift accessed terrain.
- Car skiing moved to Lightning Ridge accessing an additional 700 acres.
- Powder Mountain became resort with the most ski able terrain in America.

- 2001-02 Season Rails added at the Sundown Lift area. Terrain Park added off Hidden Lake run.
- 2006-07 High-speed quad replaced the double chair lift at Hidden Lake. The snowmobile tow at Lightning Ridge was replaced with snow cat with people mover.

- Powder Mountain was sold to Western American Holdings.
- 2007-08 A snow kiting area was designated and Powder Mountain become one of the first, if not the first, resort in the US to offer a snow kite only pass.
- The Snow cat Powder Safari began in January 2008.
- 2012 Summit relocates its operations to Eden, Utah from Malibu, California.

- Summit Mountain Holding Group, L.L.C. ("SMHGC") begins the acquisition process to acquire the approximately 10,000 acre resort.
- Sky Lodge construction begins.
- SMHGC assumes Mountain operations for the 2012/2013 ski season.

- 2013 The Sky Lodge at Hidden Lake is completed.
- Summit holds a Founders weekend on the Mountain to introduce the Summit community to the Phase 1 development.
- Summit Outside is held over 3 days at the future Village site.
- Summit Powder Mountain Village phase 1 PRUD of 154 units is approved.
- SMHGC closes on Powder Mountain's 10,000 acres.

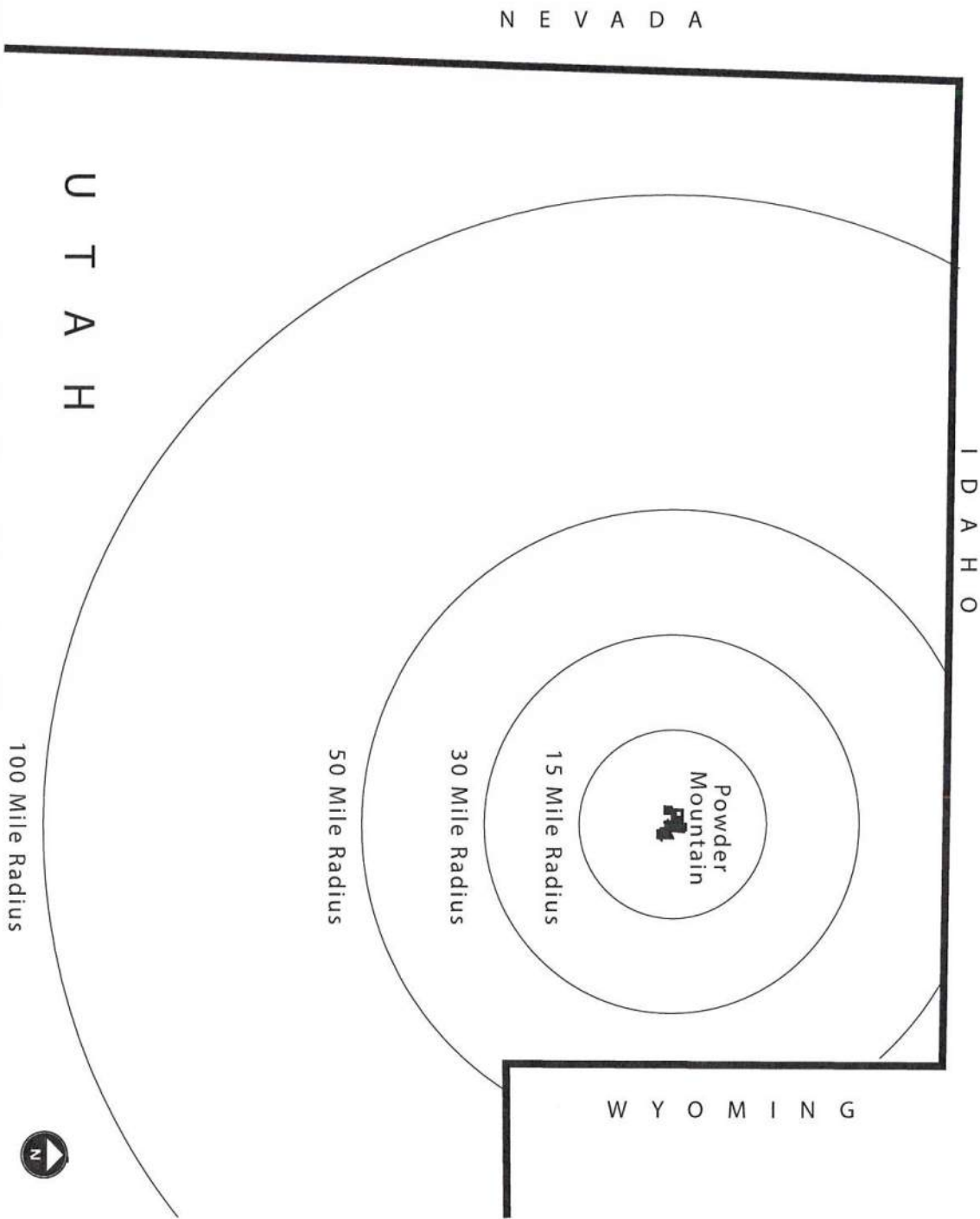
- 2014 Phase 1 plats approved for 154 units.

PURPOSE OF THE REZONE APPLICATION

To aid in the creation of Powder Mountain as the entrepreneurial center for its unique community and to maintain and advance Powder Mountain Resort as a destination four-season resort, the process of creating a Master Plan for the approximately 6,160 acres in the Powder Mountain area began in 2012. The Master Plan combined within this document that is a result of months of studies, programming, visioning and processing is as much about where development has not been placed as it is where development has been placed. The Master Plan provided herein establishes the foundation for Powder Mountain to create an authentic mountain destination with varied vibrant neighborhoods clustered throughout the 6,240 acres within Weber County with the Summit Powder Mountain Village as the center of this Summit community. Additional development areas surround the Summit Powder Mountain Village such as Mid-Mountain, The Ridge, Earl's Village, Gersten and the Meadow provide the community with varied neighborhoods and on mountain experiences with appropriately scaled developments and important open space preservation.

The Master Plan process began with substantial base mapping, site observations and design development studies to ensure the resort will be one of the most sensitively designed master planned projects in the West as well as one of the most unique and diverse. This process included comprehensive development of slope maps, existing vegetation mapping, geotechnical investigation, avalanche zones, wind and solar aspect studies, access feasibility, ski terrain and resort connectivity, wildlife corridors, existing trails, viewsheds (into and out of the property) and open space preservation, all of which are incorporated within this application.

The Applicant requests a zoning change for the approximately 6,160 acre Powder Mountain project area per the Ogden Valley Destination and Recreation Resort Ordinance (DRRO) passed and signed on August 18, 2009 (Ord. 2009-16). This ordinance was created to enable quality resort development in appropriate locations within Weber County. Rezoning the property to a Destination and Recreation Resort will allow Powder Mountain to realize the vision as one of the world's most unique mountain destinations combining an enhanced mountain experience with a truly cutting edge master planned community.



Powder Mountain is located in Northeastern Utah just north and east of the City of Ogden. The resort property is located in both Cache and Weber Counties above the Ogden Valley and the communities of Eden, Huntsville and Liberty. The property is approximately 55 miles from Salt Lake City International Airport. It is accessed from the south by Highway 158 from the Ogden Valley.

Driving Distance from notable Locations to Powder Mountain:

Snowbasin Resort	22 Miles
Ogden	27 Miles
Layton	36 Miles
Salt Lake City	60 Miles
Park City	80 Miles
Provo	101 Miles
Boise	328 Miles
St. George	360 Miles
Cheyenne	441 Miles
Las Vegas	480 Miles
Denver	540 Miles
Reno	570 Miles

PROCESS

This Destination and Recreation Resort Rezone (DRR-1) application contains all documents as required and requested by Weber County in order to obtain zoning and entitlements for the Powder Mountain Property identified herein. This application has been prepared in accordance with the Weber County Destination and Recreation Resort Ordinance (DRR-1) and thru close coordination with the Weber County Planning Department.

This application and subsequent approval will allow Powder Mountain to continue with the development plans outlined in this document and to build upon their Phase I approvals and development progress with more flexibility in design and density placement. The information within this document has been compiled in accordance with the application requirements outlined in the Ogden Valley Destination and Recreation Resort Ordinance.

Upon acceptance of the rezoning application documents, the applicant is prepared to present the plan to the Ogden Valley Planning Commission (OVPC) as necessary to receive Commission and Public comments on the rezoning application. Working with Planning staff, the applicant will fulfill all necessary requests for approvals. Following the OVPC findings, a public hearing(s) will be held with the County Commission to obtain full rezoning approvals.

WHY PRESENT ZONING SHOULD BE CHANGED

Powder Mountain Resort has been a popular ski mountain destination in northern Utah and Weber County and is well known within Utah as a mountain with abundant terrain and great value for skier guests. This all despite missing key elements for a successful destination resort, such as high quality and diverse accommodations, retreats, top notch food and beverage, ski lifts, lodges, retail and other amenities. The current zoning on the property allows for adequate development of the mountain but is not fully appropriate to allow Powder Mountain to maximize its potential as a unique mountain destination. Rezoning the property to Destination and Recreation Resort will enable the land owner to create an extraordinary recreation and residential experience while preserving and promoting the goals and objectives identified within the Ogden Valley General Plan. The rezoning will enable new and yet traditional resort development planning strategies to be implemented lifting Powder Mountain to the front of the mountain community, ski resort and retreats industry while still preserving abundant open spaces and contributing to the surrounding community's long term well being.

POWDER MOUNTAIN

PUBLIC INTEREST

The Master Plan for Powder Mountain Resort will provide a diverse and unique mountain experience for both visitors and residents. The Master Plan provides for both residential communities and recreational properties within the project. The new commercial developments supporting the proposed residential, hotel(s), recreational uses and open spaces at Powder Mountain will provide additional tax revenues to Weber County. These new uses will give Powder Mountain a sustainable development base from which to grow and will benefit the community as a whole while continuing the recreational focus as identified by the County.

SUBSTANTIAL PUBLIC BENEFITS

The rezoning will allow the development to move forward with development plans that will provide the following Substantial Public Benefits:

The process requires the development of a full Master Plan for the Rezoning area. This will provide the public with the vision for the resort and will insure public input is provided as part of the rezoning approval process that would otherwise not be available under the current zoning approval process and development applications.

Substantial agency review of the project is required as part of the DRR1 rezoning application. This review is expansive and thorough and provides for a much broader scope of review than if the project was submitted in piecemeal fashion under current zoning. This includes reviews by:

- Weber County (Assessor, Economic Development, Engineering, Planning, School District, Sheriff, Treasurer)
- Utah Department of Transportation
- Utah Division of Wildlife Resources
- US Forest Service
- Weber Pathways
- Rocky Mountain Power
- Powder Mountain Sewer and Water

Substantial Open Space will be guaranteed with the location of the open space identified within the Master Plan and with a minimum of 30% of the adjusted gross acreage being provided as conservation open space.

The rezoning adds approximately 1,940 acres of land to the previous development application approval and proposes to strip all development rights from this additional property while preserving the area as open space. Much of this property includes the Regional trail to Wolf Canyon Trailhead.

All proposed recreational amenities will be publicly accessible integrating the new community with those existing and future communities within Weber County. This includes the

implementation of important public trail links to and thru the resort as identified on the Open Space and Trails Plan.

The rezoning allows the development to further cluster development areas preserving more open spaces than the flexibility of the rezoning and its allowed uses, building heights and overall design flexibility.

Establishes Design Guidelines and Sustainability practices within the rezoning application far superior to current zoning development requirements minimizing the overall impact of the community as a whole.

Establishes traffic mitigation practices with the rezoning application reducing the overall traffic impacts to the existing transportation system and existing community that far exceed current zoning requirements. These proposed mitigation practices include:

- Providing preferred parking in the day skier lots for vehicles with three or more occupants. To promote reduced vehicle emissions and a healthier environment, preferred parking could also be extended to hybrid vehicles and other low-emissions vehicles.
- Implement the use of alternative fuel shuttles for the employee/skier transit services.
- Provide transit passes to all employees not housed on-site and require the employees to use them to access the resort.

CHANGES TO THE GENERAL AREA SINCE THE ADOPTION OF THE GENERAL PLAN

The Powder Mountain Resort area is recognized as a recreation/resort area that has potential for further development that would support and enhance the existing recreational components within the resort providing a viable long term project. The Destination and Recreation Resort Ordinance was written to allow resort development in appropriate locations. Since the adoption of the General Plan, the Powder Mountain Resort and adjoining undeveloped acreage within Weber County was purchased by Summit Mountain Holding Group. This group aims to create a unique destination community with a vision for a diverse mountain village and associated mountain neighborhoods that would provide economic stability for the existing resort while also providing substantial expansion and diversity of this amenity. This change in ownership since the adoption of the General Plan marks a substantial shift in project vision with enhanced traffic mitigation and sustainability requirements as outlined within this document. The County General Plan supports and promotes appropriate resort facilities as a major element within the County. Powder Mountain is an ideal location for responsible, well balanced and sustainable resort development.

PROMOTE HEALTH, SAFETY AND WELFARE TO WEBER COUNTY

The Master Plan as proposed within this rezoning document for Powder Mountain promotes the health, safety and welfare of Weber County residents by creating a diverse year-round resort. This diversity will provide stability and long term benefits to Weber County and in particular the Ogden Valley while also preserving significant open space within the project.

The project will provide long term economic benefits as outlined in the Benefits Analysis ensuring the County and its residents are not negatively impacted fiscally.

The Master Plan includes important trail connections between neighborhoods and within the surrounding communities of Eden and Liberty through the regional trail links that have been extended into and thru the Resort property. These trail connections link the Resort to the Valley floor providing access to important recreational amenities while limiting impacts to existing communities and residential neighborhoods continuing the important community access to the vast outdoors in Weber County.

Traffic mitigation plans will be implemented to ensure that all new development impacts to existing and future roadways are minimized providing safe a appropriate access to the mountain while mitigating those impacts to existing and future neighborhoods in the Valley.

The development areas within the project were designed with respect to the land attributes preserving sensitive lands and stream corridors and to avoid sky lining. The importance of economic, environmental, community and aesthetic benefits were taken into consideration to ensure a quality destination that provides benefits to the owners, Weber County and the community.

As outlined in Chapter 35 of the Weber County code (35-3), the project meets the approval criteria as follows:

A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Lands Overlay District, or the Weber County Zoning Ordinance.

The Sensitive Lands Areas as outlined in Chapter 43 of the Weber County Code are provided on pages 13-15 with the Powder Mountain project boundary indicated. The Wildlife Habitat exhibit shows that the Powder Mountain project area is generally outside the important wildlife habitat area with the only interface occurring within the Southwest portion of the property and involving the existing highway access to the Resort. No development is proposed within this important wildlife habitat area.

While there are stream corridors within the project area, the primary area of potential impact includes the Powder Mountain Road and Wolf Creek Interfice. The Road exists and all impacts have previously been mitigated as this roadway serves as the existing access to the Resort. No other stream corridors exist within close proximity to any proposed development area within the rezoned Master Plan.

Due to Powder Mountain's proximity above the valley floor, no scenic roadway impacts exist as defined within these exhibits.

B. A professional study has provided substantial evidence determining that the proposed Powder Mountain Resort is viable and contributes to the surrounding community's economic well being. A fiscal impact and cost benefit analysis is attached as Exhibit A. This study was conducted by Bonneville Research out of Salt Lake City, Utah. Highlights of the market, economic and fiscal impact are as follows:

MARKET FEASIBILITY

Utah's mountain resorts are provided with unique market advantages due to their close proximity to the Salt Lake International Airport, large and well maintained local highway and road infrastructure, a large local skier and recreational base in close proximity to resorts and typically abundant snowfall that is considered some of the best in the world.

The State of Utah is also progressive in its ski and outdoor recreational marketing promoting Utah as a recreational destination and prioritizing it as one of the major cornerstones of long term revenue generators for the state.

With the region established as a well developed destination for both summer and winter visitors, the Ogden Valley and Powder Mountain are poised to maintain a consistent rate of growth within

these recreational and residential markets. With the proximity to the Salt Lake International Airport and the continued exposure to the area that is spearheaded by Park City and Deer Valley communities among others, the opportunity to capture first and second home buyers from regions throughout the west remains strong. The Summit community and their unique gathering of entrepreneurial guests will also bring together this love for the outdoors with the new and local communities creating a unique mountain destination.

The Powder Mountain Resort will continue to become more and more recognized by a greater audience as already seen with the implementation of the Phase 1 infrastructure and momentum will only continue to grow as the project develops on the mountain.

ECONOMIC IMPACT

Total economic impacts of the Powder Mountain project are anticipated to continually increase as the project builds out with the addition of hotels, corporate and educational retreats, expanded and new recreational amenities and the synergy of the Summit Powder Mountain Village grows. After full build out, ongoing economic impacts are projected to provide continued positive effects as follows:

Direct annual output is projected as \$60 million, and total annual output (including direct output plus secondary or "multiplier" impacts) is projected at \$112 million.

Direct jobs created by the development are projected at 1,623 at full build out.

Direct labor income is projected at \$24 million annually.

FISCAL IMPACT

The proposed Powder Mountain project is identified to provide a substantially positive fiscal impact for Weber County.

After project build out, Powder Mountain is projected to generate approximately \$55 million in annual taxable revenue. The Powder Mountain project is anticipated to be one of the highest valued resort projects in the west with these values creating the very positive budgetary impact. Most residential units will be second homeowner classification while the assessment of most residential units will be at full market value. This will result in high per capita spending and resulting sales tax revenues and a moderate cost of service profile which is consistent with similar projects throughout western resorts.

Other growth-sensitive Weber County funds are projected to experience positive fund balances throughout the construction period of the project and after build out providing a broad fiscal

benefit to the County. (See attached Bonneville Research Study)

C. A professional traffic study has explored and provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Project, from diminishing below an acceptable Level of Service.

The Transportation Element study prepared by PEC out of Salt Lake City is attached as Exhibit 2.

Overall the road network can and will provide appropriate access to and from Powder Mountain, with some improvements required for mitigation as the project is built out.

D. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.

Powder Mountain Resort is currently a well established ski resort. The proposed Master Plan is designed to enhance the visitor experience with expanded recreational services, new and diverse overnight accommodations, varied retail shops and services including restaurants, a mountain village main street, and varied destination attractions. Publicly accessible recreation facilities and activities are planned throughout the project area to establish Powder Mountain as a year-round destination. These activities include walking/hiking trails, biking trails including mountain biking and cyclocross trails, horseback riding, naturalists tours, camping, rental of non-occupied units and other outdoor special events.

E. The proposed Seasonal Workforce Housing Plan will provide a socially, economically and environmentally responsible development.

The seasonal workforce housing plan is provided on page 43. At full project build-out, it is estimated that Powder Mountain Resort will generate 1,623 full-time equivalent employees and 984 workforce housing units.

As calculated in the table on Page 43, Powder Mountain Resort will provide at least 98 seasonal workforce housing units.

F. Public safety services are and/or will be feasible and available to serve the Resort in a manner that is acceptable to the County Commission.

Throughout the development of the Phase 1 plans as well as the DRR1 Master Plan development, the development team has continually met with representatives from the Sheriff's office, Fire Department and Emergency Medical Service providers gathering input to the plans and incorporating that input into this application. The proposed Master Plan reflects the input received from these departments with regard to necessary Emergency Services. Per the discussions with these public safety providers, Powder Mountain will provide a facility to house both the Sheriff and Fire Department services on mountain. A preliminary parcel has been identified within Summit Powder Mountain Village and will be provided at the time the services are deemed necessary by the emergency service providers. This parcel will be integrated within the Resort in a manner that fits the development setting in which it is located but the scope of services provided will be modeled after the Huntsville Station as per the discussions with the emergency providers. Feasibility letters from both the Fire Department and Sheriff's Department are attached on Page 47.

Compliance with the

Exhibit B
Proposed amended master plan

The proposed Master Plan for Powder Mountain, presented in this application is in compliance with the Ogden Valley General Plan Goals and Objectives as outlined in the Ogden Valley General Plan as follows:

3.01 VISION: PROTECT THE NATURAL BEAUTY AND NATURAL RESOURCES OF THE VALLEY

Goal: Protect Air Quality and Water Resources

Powder Mountain maintains a strong commitment to Weber County's goal of preserving the natural beauty and natural resources of the Ogden Valley. The Master Plan was developed with the ethos that all development must be light on the land and all development impacts should be minimized or mitigated to the greatest extent possible providing a balance between the built and natural environments. Measures to protect the natural resources and beauty of the Ogden Valley during and after both the planning and construction stages include:

Clustering all development within areas that allow for minimized development impacts thus maximizing significant and important open spaces.

Much of the development is centered around "village" infrastructure allowing for walkable trips or reduced traffic impacts and limiting the size of the project "footprint" on the mountain.

A comprehensive transportation plan will be implemented providing resort shuttles from the Valley via Park and Ride lots, shuttles within the resort property and the provisions of essential on-mountain services reducing off-mountain trips all of which will help protect the Valley's air quality thru the reduced trip counts.

Water quality controls will be implemented on the following levels.

Water

As awareness of the importance of conservation of resources and implementation of sustainable practices grows, Powder Mountain has a goal to introduce a higher level of implementation than almost any project yet envisioned in Utah. Powder Mountain is using an integrated water management strategy in an effort to develop a truly sustainable project.

Groundwater

Powder Mountain understands the value of groundwater as an essential resource. To minimize impacts to groundwater resources, Powder Mountain is adopting water conservation and efficiency requirements for both indoor and outdoor water use that will make the project a leader in the State of Utah.

Surface Water

Powder Mountain will also focus on the protection of surface water by limiting grading and preparing erosion control plans and Stormwater Pollution Prevention Plans (SWPPP) that will incorporate the appropriate best management practices to protect drainages, wetlands and surface waters.

Water Conservation

Powder Mountain's Design Guidelines, attached as exhibit 3 within this application, have been written to ensure that water is conserved both indoors and outdoors. The Guidelines require the use of low flow appliances and fixtures that are expected to reduce per person indoor water use to less than half of the State of Utah's design code requirement. In addition, Powder Mountain is restricting the total landscape area of each unit that can be irrigated as well as requiring weather based irrigation controllers, native and low water use plant types and limiting grading areas to protect natural areas.

Goal: Protect Open Space and Sensitive Lands

The most substantial and important portion of the Master Plan is what is not being developed. The Master Plan was sensitive to not only identified steep slopes, wetlands, stream corridors and drainages but it also factored in visually sensitive lands, important wildlife corridors, recreational open spaces and open space buffers. Additionally and as part of this application requirement, Weber County's sensitive land maps were overlaid on the Master Plan to ensure that all proposed development does not occur on areas identified as important wildlife habitats or within stream corridors and scenic road buffers. See Pages 13-15.

Goal: Preserve Wildlife and Wildlife Habitat

As shown on the Sensitive Lands Exhibit on Page 13, the proposed development boundary does overlap upon important wildlife habitat areas as designated by Weber County. However, the detailed Master Plan does not propose any development within this important wildlife area and in fact creates a substantial buffer to this area. However, it is recognized that wildlife can be found throughout the property and providing well placed wildlife corridors will allow all proposed development to work in harmony with the natural environment. The master plan for Powder Mountain proposes clustered development parcels on only 18 percent of the gross acres located in Weber County. The remaining 82 percent is available for wildlife habitat and open space.

3.02 VISION: MAINTAIN THE VALLEY'S RURAL ATMOSPHERE AND RURAL LIFESTYLE

Goal: Promote a Sense of Pride in the Valley's History and Heritage

There are no identified cultural and/or historical resources within the Powder Mountain project area. The applicant is committed to preserving the existing ski area at Powder Mountain as a community resource. Powder Mountain is committed to maintaining the wide open and rustic nature of the resort while providing tasteful upgrades and updates to the facilities. We are dedicated to appropriately addressing the elements that make the resort special and enhancing those elements.

Goal: Require that Development be Compatible with the Valley's Rural Character and Natural Setting

In order to ensure that development is compatible with the Valley's rural character and natural setting, a set of Design Guidelines has been established that will govern the style and characteristics of buildings, landscaping, signage, etc. This style pulls from the Valley's architectural vernacular, utilizes timeless forms and materials and requires structures to be placed sensitively to become part of the landscape, not dominate the landscape.

Goal: Require that Development and Community Services Conform with the Valley's Natural Resource Capabilities

Throughout the development process the Applicant will plan and provide for adequate infrastructure to support all proposed development. This will include calculated phasing of units, concurrency measures for water and sewer as well as establish required funding mechanisms for required development improvements.

Goal: Provide Adequate Emergency and Medical Services

Substantial coordination with the County Emergency Services Departments has been implemented in the Master Plan. The Emergency Services Plan on page 47 of this application outlines the discussions with the Sheriff and Fire Marshall as well as letters of feasibility from each. Emergency and medical services will be phased appropriately and adequately as development occurs and as required by these Emergency Service Providers.

Goal: Promote Agricultural Land

Due to the proximity of the project property at elevations well above the valley floor as well as the steep slopes and recreational focus of the existing mountain property, the project does not currently contain an abundance of agricultural uses and therefore is not conducive to provide agricultural uses in the proposed plan for the project.

Goal: Recognize and Respect Private Property Rights

The proposed Master Plan is fully located on private property owned by the applicant and does not negatively impact any adjacent private land.

Goal: Facilitate the Smooth Flow of Traffic In and Out of the Valley

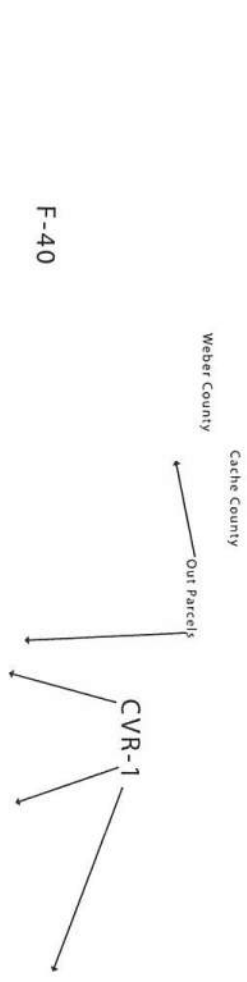
A comprehensive transportation study has been prepared by Project Engineering Consultants (PEC) and is included with this application as Exhibit 2. The report studies the transportation impacts anticipated to be associated with the proposed Master Plan, provides an analysis of phased development steps to identify what and when any necessary roadway improvements would be needed, and identifies any traffic mitigation measures to be utilized by the project to ensure the existing and future road systems continue to provide adequate operations throughout the valley as the development progresses it build out.

Goal: Enhance Quality Recreational Opportunities

The Recreation Plan and the Open Space and Trails Plan outline the recreation opportunities that are proposed for Powder Mountain. These plans highlight the additional recreational amenities that may be provided in addition to those that currently existing within the project and as part of the existing ski area. The trails plan highlights trail linkages to the Ogden Valley via Gertsen Canyon and the existing Gertsen Canyon trail and also provides for regional trail connections both east and west thru the project while also providing a substantial and diverse trail network internal to the resort.

In addition to skiing, snowboarding, snowshoeing, etc., which are already enjoyed at Powder Mountain, the recreation facilities plan expands the recreation opportunities to include non-skiing activities, such as hiking, mountain biking, glamping, ice skating, fishing, as well as facilities for special events and equestrian experiences.

The Powder Mountain property located in Weber County is currently zoned Commercial Valley Resort Recreation Zone (CVR-1), Forest Valley (FV-3) and Forest Zone (F-40).



CVR-1 - Commercial Valley Resort Recreation Zone

The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained.

FV-3 - Forest Valley Zone

The purpose of the Forest Valley Zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

Forest Zone - F-40

The intent of the Forest Zones is to protect and preserve the natural environment of those areas of the County that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.

The Geologic Hazards map identifies surficial geologic conditions at the Project and identifies potential risk from geologic hazards. This investigation is intended to:

- (1) provide preliminary geologic information and assessment of geologic conditions;
- (2) identify potential geologic hazards that may be present and qualitatively assess their risks to the intended project; and
- (3) provide recommendations for additional site- and hazard-specific studies or mitigation measures as may be needed based on our findings.

Given the large Project size and scale of the mapping included with this investigation, small variations in surficial conditions and geologic hazards risk may occur and should be expected.

This report is intended to be a reconnaissance-level tool to assist with Project planning, and reduce and minimize impacts from high-risk geologic hazards.

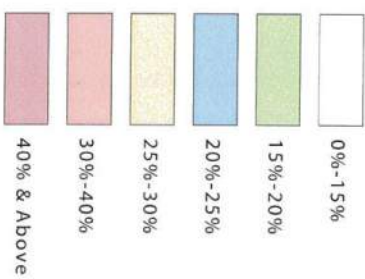
The known geologic conditions are explained in greater detail in the preliminary Geologic Hazard Evaluation report that is included as Exhibit 1 of this submission.

Existing Topog

Exhibit B
Proposed amended master plan

The Slope Analysis illustrates that much of the Powder Mountain property contains slopes most suitable to ski terrain. The projects topography does vary greatly from flat meadows and ridges to steep ski terrain and mountain slopes. The Master Plan was developed with sensitivity to placing development on steep slopes with the majority of the project density clustered around the more gentle meadows and saddles that exist throughout the development.

Slope Legend



Topography and slope information is not available in this area of the property and therefore is not shown. No development is proposed in this area

Project Boundary

Cache County

Weber County

Project Boundary



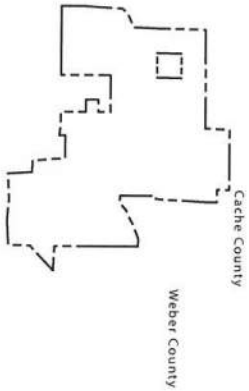
Sensitive Land Areas: Wildlife

Exhibit B
Proposed amended master plan

The Powder Mountain property does slightly overlap with the Important Wildlife Habitat Zone as indicated here but both areas are located at the periphery of the project area. No development plans are proposed within or near these areas. Although the proposed development areas are outside of the Important Wildlife Habitat Zones, it is recognized that smaller yet still significant wildlife habitats exist within the project boundary. Future development has been located to account for significant open spaces and buffers to facilitate wildlife habitat and wildlife corridors throughout the project and continued coordination with Weber County and the Utah Division of Wildlife Resources will be a priority to maintain these habitats throughout the project.

Sensitive Land Areas: Stream

Exhibit B
Proposed amended master plan



The Powder Mountain property is affected by the Ogden Valley Sensitive Lands Overlay District for streams corridors, wetlands and shorelines. The Master Plan has conformed to the development standards outlined in Chapter 43-2. The primary impacts are associated with the Wolf Creek and South Fork drainages in the Southwest portion of the property. These drainages have already been impacted and mitigation measures introduced as part of the existing roadway access to the Powder Mountain resort and any further impacts due to future roadway modifications will conform to the Weber County development standards.

In coordination with the Utah Division of Wildlife Resources (UDWR) all existing riparian corridors within proximity to proposed development areas within the project will be identified and protections put in place at the time of individual project approvals to insure these areas are preserved.

An approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required with the submittal for each phase of development if it is determined that jurisdictional wetlands may exist within any proposed development areas on the property.



Sensitive Land Areas: Scenic Roads 2.5

Exhibit B
Proposed amended master plan

Due to its physical location and relationship to the Ogden Valley and its Scenic Roadways, the Powder Mountain property is not affected by the Ogden Valley Sensitive Lands Overlay District for Scenic Corridors, Ridgelines and Historical/Cultural Resources.

PLANNING AND DESIGN PRINCIPLES

The Powder Mountain Resort totals approximately 10,000 acres with property that spans both Weber County and Cache County. Approximately 6,160 acres are located within Weber County with the vast majority of this area undeveloped. The existing Powder Mountain Resort Ski Area terrain is primarily within Cache County with only a small area currently located within Weber County. Approximately 4,300 acres of the Weber County portion of the project is vested by an approved Development Agreement dated November 29, 2012. Entry # 2607988 that established density for the property totaling 2,800 units. This application for the DRRI rezone will add an additional 1,860 acres to the rezone property for a total of 6,160 acres to be processed for rezone. This additional acreage will be committed to project open space with the additional potential density stripped as part of this rezone application.

In 2012, Powder Mountain began to assemble a team of design and development professionals to initiate the Master Plan development that would appropriately integrate the vision for Powder Mountain. This planning process involved dozens of varied and skilled professionals and focused on every aspect of mountain design from roadway and ski design to snow storage and snow removal strategies. This planning process was thorough and extensive.

Due to the size of the property proposed for rezone to DRRI, the proposed development has been organized and broken into separate, smaller planning areas denoted on the Overall Master Plan and Overall Land Use Plan with a letter (Areas A through F). Each planning area is then detailed within this application to further illustrate anticipated master plans for each area identifying anticipated densities, uses, amenities and massing.

The concept plans within this submittal identify those areas most suitable for development and those mountain areas that will remain open space. This distinction has been identified as the most important element of the Master Plan. The areas NOT shown for development are as important or more important than those areas that are suitable for development. The development areas throughout the property are shown in two land uses that follow Weber County's DRRI Zone Land Uses (Section 104-29-8). The most intense use (Mixed Use) allows for all permitted and conditional Land Uses as identified by the DRRI Zone while the Residential use only allows those uses identified as permitted or conditional residential uses within the zone per the Land Use Code.

The proposed plan for the property within Weber County emphasizes the development of mountain "villages" that are appropriately located and provide suitable land uses, vehicular and pedestrian access, amenities and open spaces based on their locations and proposed functions within the resort.

The first of these mountain villages includes uses to enhance the existing mountain base at Mid Mountain and Sundown (Area A - Mid Mountain) by including hotels and condominiums for overnight accommodations at the existing base of the mountain. This area becomes the primary destination for year round visitors providing direct mountain access. This area also includes potential Hotel uses at the top of the Sundown lift as well as a mix of single family and multi-family homes located along the Silver above Summit Pass Road and adjacent to the existing single family and multi-family homes at Mid Mountain to give the Mid-Mountain area a true ski village mass and energy throughout the year.

The Ridge (Area B) builds upon the existing Hidden Lake Express top terminal which will become the core of this planning area. The Ridge development area will include Ski Lodges, Conference and Meeting spaces, hotels, townhomes and various residential properties ranging from small "nests" to 20+ acre ranches.

Earl's Village (Area C) continues the Powder Mountain tradition of starting your day at the top of the mountain and skiing down. Earl's Village provides a mix of hotel and multi-family development parcels with ski access in three directions and properties with views that are unmatched in the West. Earl's Village sits above the more boutique Summit Powder Mountain Village providing the classic ski mountain village anchor to the Resort.

The heart of the Powder Mountain project is the Summit Powder Mountain Village (Area D). The Summit Powder Mountain Village is the center of the Summit Community and is located on a saddle providing commanding views while simultaneously being tucked away from the rest of the mountain. This location preserves views and provides for a secluded and protected environment. This village provides for ski access into Mary's Bowl, Lefty's and Gertsen Canyon providing immediate access to the world class skiing at Powder Mountain. The Summit Powder Mountain Village contains a mix of hotels, boutique hotels and boutique shops, community amenities, public places and spaces, multifamily and single family home sites including townhomes, condominiums, attached and detached single family and "nests" of all types. This mix of uses surrounds the Summit Powder Mountain Village Main Street and forms the core of the Summit Powder Mountain Village. It also includes clustered residential development tucked amongst the existing trees and just beyond the village core. These areas include single family residential products that begin the density transition to the open spaces with larger lot types including ranch lots.

The Gertsen development area (Area E) transitions from the more dense Earl's and Summit Powder Mountain Villages to less intense yet still clustered multi-family and single family units as the project moves toward the project boundary. A small, well organized node of multi-family townhomes, "nests" and smaller lot single family units anchor the top terminals of the proposed Varn's and Gertsen lifts with lots getting progressively larger as you move west and down the hill. Here larger estate and ranch lots are tucked into large expanses of aspens and along the edge of the Enchanted Forest.

The Meadow Master Plan (Area F) transitions density from the most dense area of the Summit Powder Mountain Village to the project's south edge. The north edge of the Meadow development area maintains the structured road and lotting systems found in the Summit Powder Mountain Village but begins to loosen this development pattern thru the meadow and out to the rock outcropping with larger estate and ranch lots. The south edge of the development area is a location identified for a small, exclusive boutique hotel and retreat providing a destination anchor to the resort with views overlooking the Ogden Valley and Mount Ogden.

Throughout the planning process, open spaces and trail corridors and connections took center stage as seen on the Open Space and Trail Plan. This ensured that access to the beautiful and abundant natural features within the project remains accessible and preserves as much of this natural environment as possible.

The proposed Powder Mountain project is compatible with surrounding land uses and, as outlined herein, is in compliance with the goals and objectives identified in the Ogden Valley General Plan. The impact to the surrounding area will be positive as outlined in the Benefit Analysis. The impact on traffic congestion through the Valley will be minimal as outlined in the traffic study completed as part of the transportation element which is included as Exhibit 2. The Master Plan for Powder Mountain will add a much needed boost to the Powder Mountain Ski Area while also providing a unique on-mountain development that will include a well placed and well balanced mix of mountain uses that will provide Powder Mountain and maybe just as importantly, Weber County, with a project that is sustainable and advances the community goals of a Destination Recreation Resort.

SUSTAINABILITY

The vision for development on Powder Mountain is to create a setting that exemplifies the core values of the Summit community and celebrates the inherent beauty of the natural landscape.

Core Values. We will create a built environment that:

- Is made for people and promotes quality of life.
- Pushes the limits of sustainable performance, as a result of our innovative mind-set and high level of knowledge.
- Merges urban living with the qualities of nature.
- Achieve net zero emissions over it's lifespan.
- Is functional, smart and aesthetically appealing.
- Building on the best of the regional design tradition.
- Is robust, durable, flexible and timeless - built to last.
- Utilizes local resources and is adapted to local conditions.
- Is produced and maintained through partnerships founded on transparent collaboration across borders and disciplines.
- Employs concepts that are scalable and used globally.
- Profits people, business and the environment.

We are actively working to complement the ecosystem that currently exists on Powder Mountain through adherence to these core values and principles. It is our goal to uplift the economy and community through best practices that will lead the region in our approach to sustainability and community development.

We are filtering our decisions through the lens of environmental stewardship that encompasses waste, water, power, our building standards and the flow of transportation throughout our village among others.

ECONOMIC SUSTAINABILITY

As identified within the provided Benefit Analysis (Exhibit 4) the proposed Master Plan will provide the County with an economically sustainable development that will stand on its own two feet while providing substantial local and regional economic benefits.

COMMUNITY SUSTAINABILITY

Sustainable Development:
Powder Mountain aspires to a higher level of project wide sustainable development and is requiring green building practices as part of the Design Guidelines to insure the construction and maintenance of the

POWDER MOUNTAIN

project is sustainable. These requirements include energy efficiency, water conservation, limiting grading and limiting building footprint, using sustainable and locally sourced building materials, and limiting building heights to protect view. The requirements are detailed in Exhibit 3 - Design Guidelines, attached as part of this application.

Transportation:

Powder Mountain is proposing some of the most aggressive traffic mitigating elements ever seen in a development application. As identified in the traffic study, the project is providing mass transit alternatives to incentivize skiers to use existing and expanded UTA services, utilizing park and ride locations to shuttle additional guests to the mountain as well as providing internal shuttle and car share services limiting the total number of trips to, from and within the resort.

Other methods to reduce transportation impacts include encouraging alternative modes of transportation through site planning and building orientation that emphasize connections to sidewalks and trail networks. Homes should be placed and built incorporating easy connections for pedestrian and bike access to trails, sidewalks and streets.

The project is also providing those goods and services required by guests within the resort villages reducing the need for additional trips off the property. These will include such uses as a grocer, restaurants, theaters, shopping and recreational amenities among others.

Market Sustainability:

Variety is important to serve the wants and needs of a diverse community and ensure its sustainability. The product variety within the project will provide for market sustainability as well as foster an authentic community with a mix of residential products and commercial uses that will create real village life. Civic spaces and recreational opportunities will serve to further provide all residents and guests with both active and passive opportunities that range from skiing, mountain biking, hiking and organized outdoor events such as music festivals, Summit Outside, poetry readings, etc.

Open Space:

Encourage design that emphasizes the natural connection to open space and parks. Provide maximum continuity of open space and preserve important natural vistas that reinforce a sense of place and relationship to the natural environment. Integrate

views and access into the open space trail network from homes. Promote the development of site plans that create attractive, comfortable outdoor spaces.

Topography:

Integrate natural site features such as topography, views and vegetation into site design. Building placement should follow contours rather than being placed at right angles to the prevailing slope. On sloping sites, staggering placement of homes along opposite sides of the street, rather than siting homes directly opposite one another, can provide better preservation of views. Use topography to create continuous green space connectivity between homes. Retain the maximum possible amount of natural vegetation.

Landscaping:

Hydrozoning, defined as "the grouping of plants that have similar water requirements," is a highly efficient design strategy for water irrigation systems and landscape planning. Strategies of hydrozoning, low-impact irrigation methods, and efficient watering schedules are to be included in all submitted landscape plans.

Fire protection:

A Community Fire Plan for the Wild land - Urban Interface (Exhibit 5) has been developed for the initial Phase I PRUD approvals for the 154 units at Powder Mountain. This plan shall be implemented for the remaining development at Powder Mountain and used as the standard for all fire safety planning and protection measures within the project. Additionally, all structures will provide landscaping that creates a defensible space for calculating the fire hazard severity. This places an emphasis on utilizing fire resistant vegetation or growth within the planned landscape adjacent to all buildings to minimize the potential for transmitting fire from the native growth to any structure.

AESTHETICS

The goal of Summit Powder Mountain is to design sustainably driven, site responsive structures using regionally sourced, familiar and heritage materials oriented in clever ways to create truly progressive mountain architecture.

- Humble
 - Site responsive
 - Sustainably driven
 - Familiar, regional and heritage materials in clever orientation. Classics with a twist.
 - Subtle elements of surprise, wonder, awe
 - Develop a new archetype of progressive mountain architecture
 - Frame up inspiring views
 - Build value through defining a functionally driven style
 - Create a cohesive exterior vernacular while allowing interiors to highlight Owner's preferred finishes and furnishings
- Define Summit Powder Mountain architecture as aesthetically timeless while featuring the pinnacle of new building methods that enhance the experience of living in the mountains.

ENVIRONMENTAL STEWARDSHIP

Development areas are planned as compact neighborhoods to create real places. These are clustered to limit the footprint of the development thru location and tighter massing of buildings and uses preserving as much of the natural character of the land as possible. This careful integration of all proposed development is further exemplified in the following critical areas of resource management:

Water:
Powder Mountain is implementing requirements for indoor water as part of the Design Guidelines to reduce the project's average indoor water demand (and the associated wastewater generation) with a goal of 50 percent compared to State Water (and Wastewater) Design Requirements. This includes requirements for water efficient fixtures and appliances for new residential construction and limits on landscape irrigation to reduce the overall project water use by 20 to 25 when compared to other similar developments in Utah.

Powder Mountain is reducing irrigation water demands by limiting the amount of irrigated area allowed for each lot as part of the Design Guidelines. The Guidelines also require a water budget, weather based irrigation control, water efficient irrigation system, the use of native and low water plants and encourage opportunities for strategies that might include grey water and/or rainwater harvesting (in strict conformance with State law).

Wastewater:
Powder Mountain's goal to reduce indoor water use by 50 percent when compared to State requirements will also reduce wastewater generated by the project by 50 percent. The use of various advanced wastewater treatment techniques and reuse will also be considered for future phases of the project such as techniques for collecting and utilizing greywater (showers, bathroom sinks, washing machines) and rainwater are encouraged for use as supplemental landscape irrigation. Any storage and related equipment should be below grade or visually screened from neighbors and public paths. All gray and rainwater capture will comply with Utah State requirements.

Stormwater:

The state of the practice for drainage has progressed significantly over the past several years as an awareness of the need to implement best management practice (BMPs) has grown and NPDES regulations have been implemented. To help reduce runoff peaks and volumes from development areas, Powder Mountain will emphasize minimizing directly connected impervious areas to route runoff from impervious surfaces over landscaped or natural areas to slow down runoff and promote infiltration. Powder Mountain will also focus on reducing paved areas and directing stormwater runoff to buffer strips, and vegetated swales to slow down the rate of runoff, reduce runoff volumes, attenuate peak flows, and encourage filtering and infiltration of stormwater. Every effort will be made to maintain natural conditions and prevent the degradation of downstream water quality.

Energy:

Reducing energy use with more efficient buildings as well as incorporating solar, solar domestic hot water, geothermal and ground source heat pump to reduce traditional energy sources are all under consideration for Powder Mountain.

Solar Energy:

Site and building designs are to implement orientation strategies that optimize solar exposure and incorporate passive and active solar systems. Proper solar orientation can substantially reduce energy costs and should be applied wherever possible. Site and building design are to be energy efficient and incorporate natural cooling and passive solar heating. This may include:

- a. Thermal or Active Solar Panels (can incorporate radiant heating systems)
- b. Extended Eaves
- c. Window Shade Elements
- d. Awnings
- e. Strategic Tree Placement (for both shading and wind buffering)
- f. Strategic Building and Window Orientation

The Design Guidelines address increasing the efficiency of heating buildings using passive solar and day-lighting energy building design, solar hot water and space or water heating using solar-thermal panels. The Design Guidelines include opportunities for direct solar (photo-voltaic panels) as well as increasing the efficiency of heating buildings using passive solar and day-lighting energy building design, solar hot water, and space or water heating using solar-thermal panels.

Powder Mountain is also exploring a solar garden approach to delivering power to the community. A solar garden approach would require the placement of solar panels in locations that are environmentally appropriate and aesthetically pleasing and Powder Mountain would work with the Utah Division of Wildlife Resources to ensure that any proposed site would minimize potential impacts to wildlife and wildlife habitat.

Geothermal Energy:

Powder Mountain's Design Guidelines also encourage alternative energy strategies like geothermal exchange heat pumps. Heat pumps utilize the subsurface ground which maintains an almost constant temperature of 50-60 degrees Fahrenheit. Since the ground is warmer than the air above the surface in the winter and cooler in the summer, geothermal heat pumps use a ground heat exchanger and a pump unit to heat and cool buildings and heat water. They use less energy than conventional heating and cooling systems and are more efficient, saving energy, money and reducing air pollution. Powder Mountain is also exploring community wide geothermal solutions.

Wind:

Wind energy systems may be allowed and should be considered as portions of the Powder Mountain property offer the potential for ideal wind energy systems but these systems must be sensitive to the community and environmental impacts they can create and any system proposed must comply with local land use code requirements and will be subject to review and approval by the Architect's Review Committee as well as coordinated with the Utah Division of Wildlife Resources.

Overall Land Use Plan

Exhibit B
Proposed amended master plan

The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

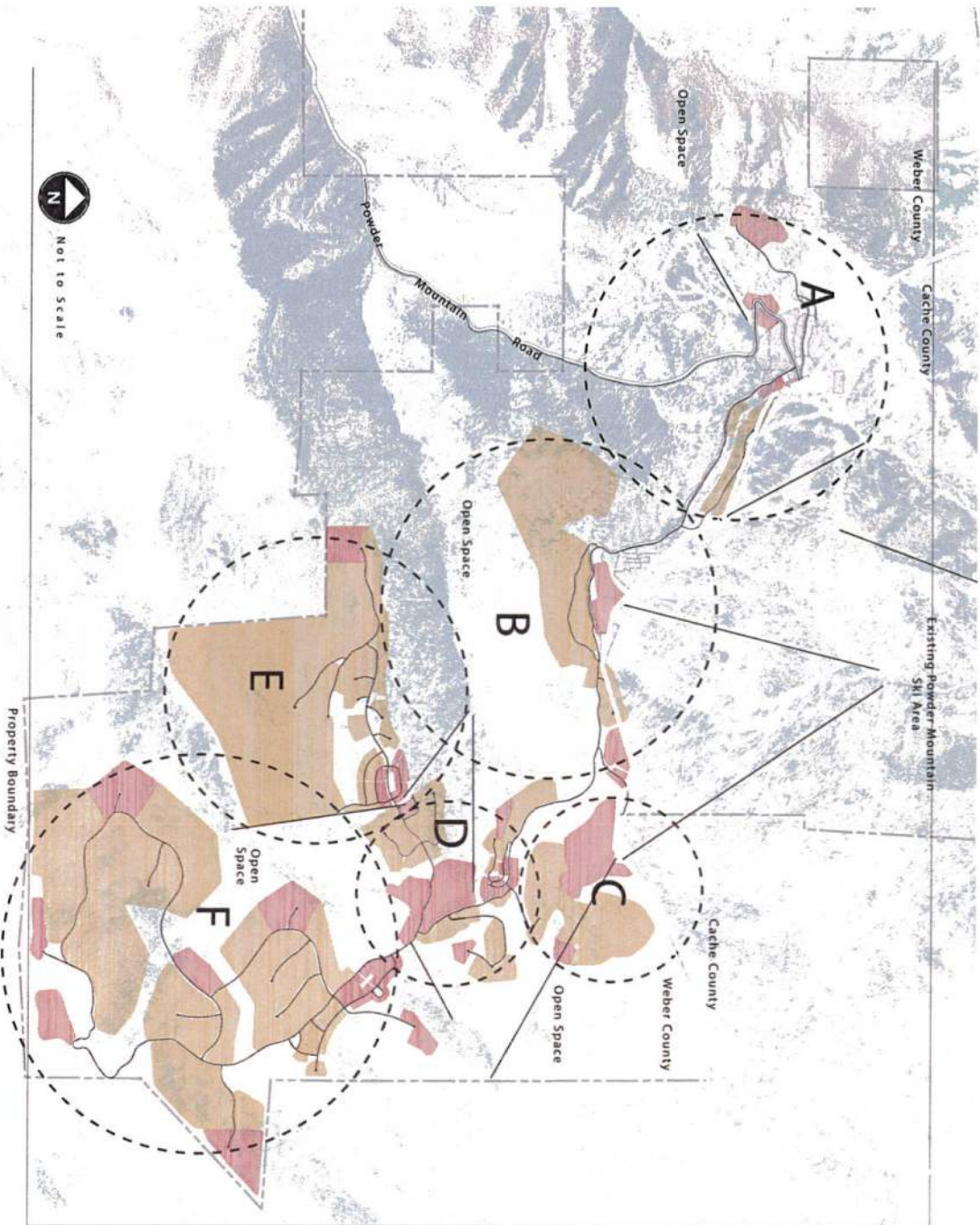
- DEVELOPMENT AREAS**
- Area A - Mid-Mountain
 - Area B - The Ridge
 - Area C - Earl's Village
 - Area D - Summit PM Village
 - Area E - Gertsen
 - Area F - The Meadow

- DEVELOPMENT LEGEND**
- MIXED USE
 - RESIDENTIAL

DEVELOPMENT DATA

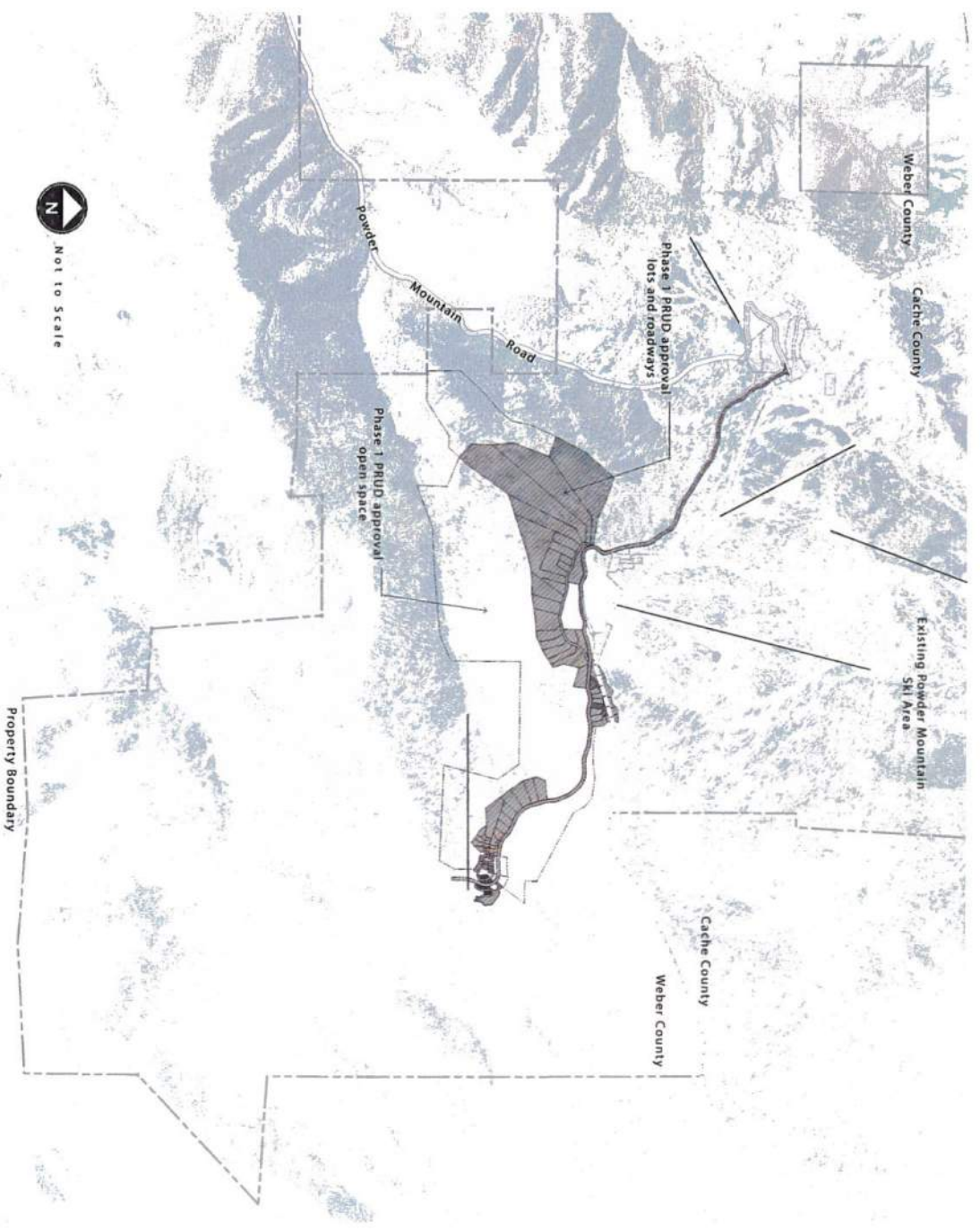
HOTELS	1,218 ROOMS	
COMMERCIAL/SKI/ER SERVICES/CONF. CENTER	159,000 SF	
RETREATS	180 ROOMS	
RESIDENTIAL	2,334 UNITS	2,800 UNITS
TOTAL UNITS		2,800 UNITS

- NOTES:**
1. MIXED USE LAND USE INCLUDES ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED WITHIN THE DRR1 ZONE (SEC. 104-29-8)
 2. RESIDENTIAL USES SHALL INCLUDE ALL PERMITTED OR CONDITIONAL USES AS IDENTIFIED FOR RESIDENTIAL USES WITHIN THE DRR1 ZONE (SEC. 104-29-8)
 3. HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS



Existing Phase

Exhibit B
Proposed amended master plan

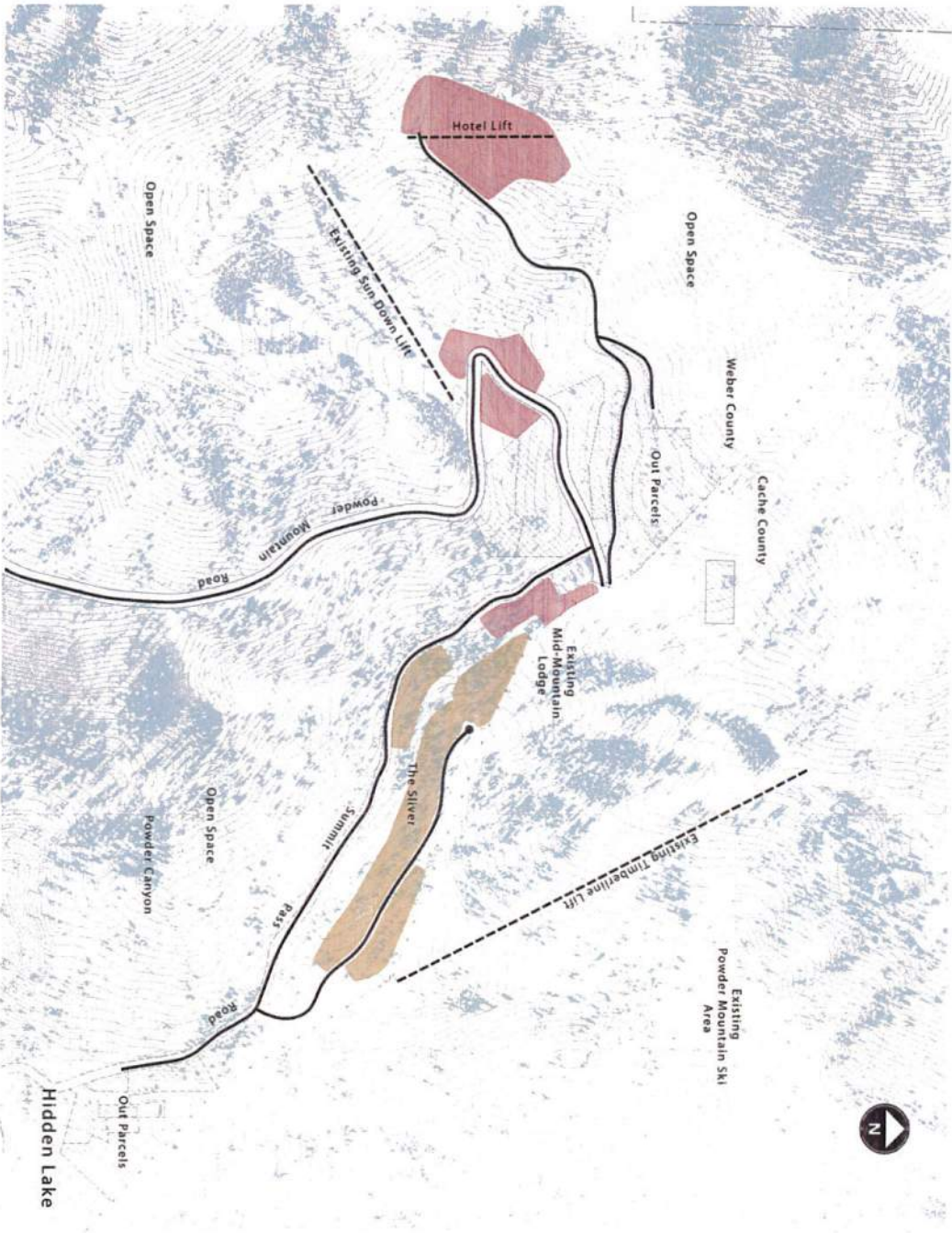


This Master Plan exhibit identifies the approved PRUD project area that includes 154 units and is identified as Phase 1 of the Summit at Powder Mountain community. This approval includes 154 units that are comprised of a mix of large ranch lots, estate single family lots, single family nests, single family village lots and single family zero lot line lots within the Summit Powder Mountain Village. Phase 1 approvals stretch across the Ridge development area and into the Summit Powder Mountain Village and includes approvals and plats for all units and the roadways dedicated to serving these units and as shown here.

Concept Development Plan - Area A: Mid-Mountain

Exhibit B
Proposed amended master plan

Mid-Mountain is the entry portal to Summit Powder Mountain. This area will provide a subtle entry into the Resort with a mix of Hotel, townhome and single family development opportunities that will support the beginner ski area at Sundown as well as the existing ski access to the mountain at the Mid Mountain Lodge.



DEVELOPMENT LEGEND

 MIXED USE HOTEL COMMERCIAL SKI LODGES & SERVICES	 RESIDENTIAL
---	---

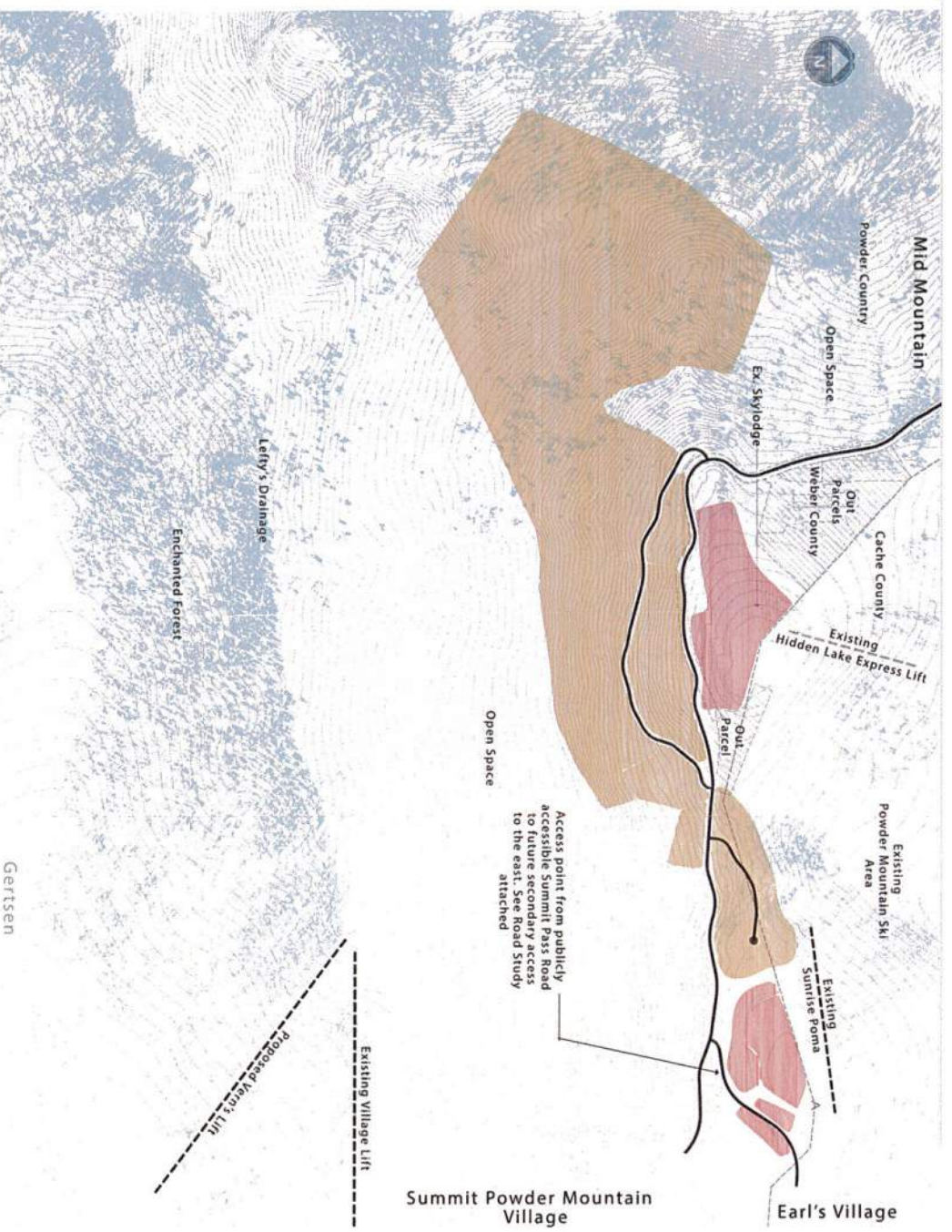
DEVELOPMENT DATA

HOTELS	108 ROOMS
COMMERCIAL/SKIER SERVICES/CONF. CENTER	10,000 SF
RESIDENTIAL	155 UNITS



Concept Development Plan - Area B

Exhibit B
Proposed amended master plan



The Ridge development area includes hotel and associated skier lodges/skier services as well as multi family units all centered around the "top of the mountain" and existing and proposed top lift terminals providing the classic Powder Mountain ski experience. Remaining development areas provide a mix of small "nests" tucked among existing vegetation and a mix of single family lot sizes providing dramatic views to Mount Ogden, the Wasatch Range and the Great Salt Lake.

DEVELOPMENT LEGEND

 MIXED USE HOTELS/RETREAT
 COMMERCIAL SKI LODGES & CONF. CENTER
 RESIDENTIAL

DEVELOPMENT DATA

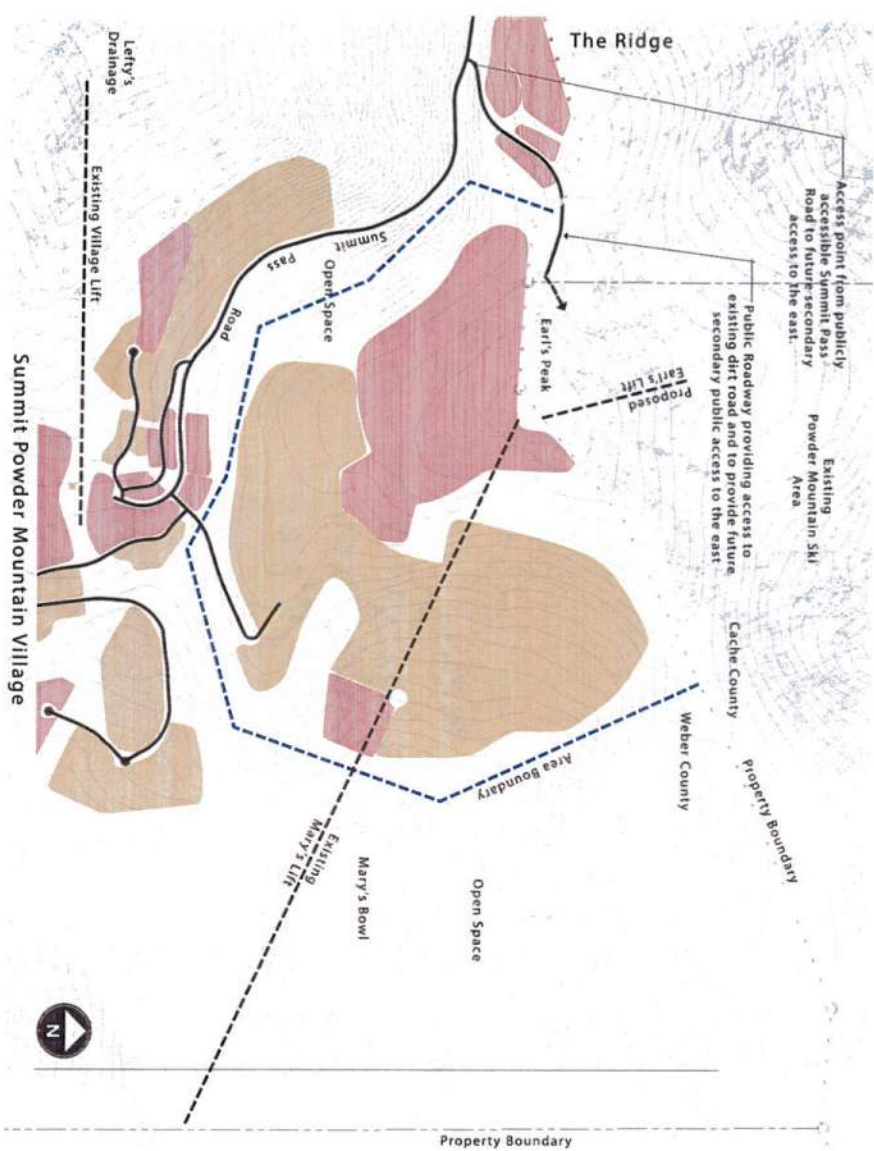
HOTELS	180 ROOMS
COMMERCIAL/SKIER SERVICES/CONF. CENTER	19,000 SF
RESIDENTIAL	159 UNITS



Concept Development Plan - Area C: E

Exhibit B
Proposed amended master plan

Earl's Village continues the Summit Powder Mountain tradition of starting your day at the peak skiing down from the top of the mountain. The Village provides a mix of hotel and multi-family development parcels with ski access in three directions and with views that are unmatched in the West. Earl's Village sits above the more boutique Summit Village providing the classic ski mountain village anchor to the Resort.



DEVELOPMENT LEGEND

	MIXED USE
	RESIDENTIAL

DEVELOPMENT DATA

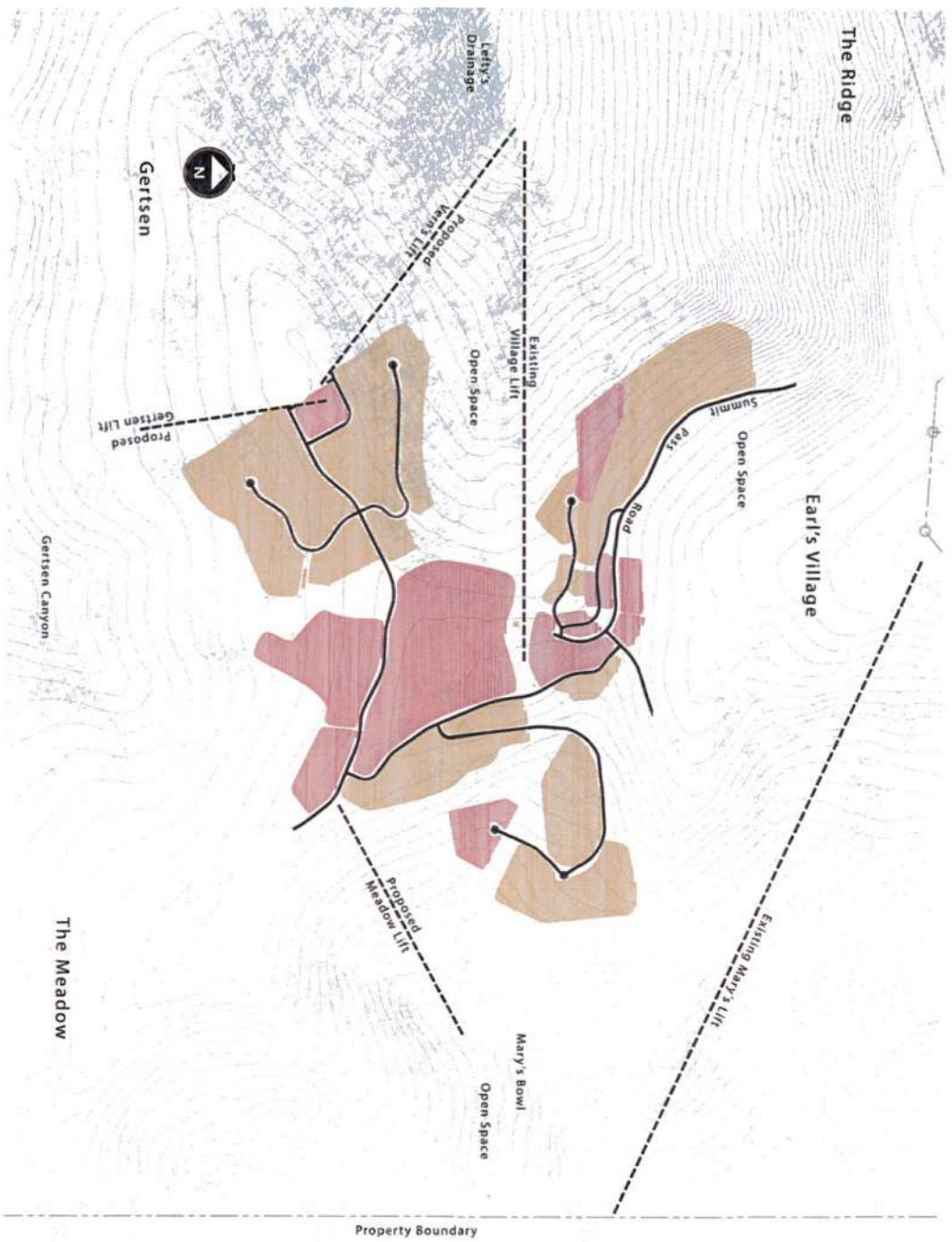
HOTELS	240 ROOMS
COMMERCIAL/SKIER SERVICES/CONF. CENTER	40,000 SF
RESIDENTIAL	814 UNITS



Concept Development Plan - Area D: Summit Powder Mountain

Exhibit B
Proposed amended master plan

Summit Powder Mountain Village is the activity center for the Resort with Main Street retail shops, destination amenities such as lodges, public plazas, recreational facilities and trail heads to access the outdoors. The Summit Powder Mountain Village is modeled after small mountain villages in North American and Europe with walkable, interconnected streets and is made up of boutique hotels, condominiums, townhomes, small single family lots and "nests" making it the most diverse development area at the Resort.



DEVELOPMENT LEGEND

	MIXED USE
	RESIDENTIAL

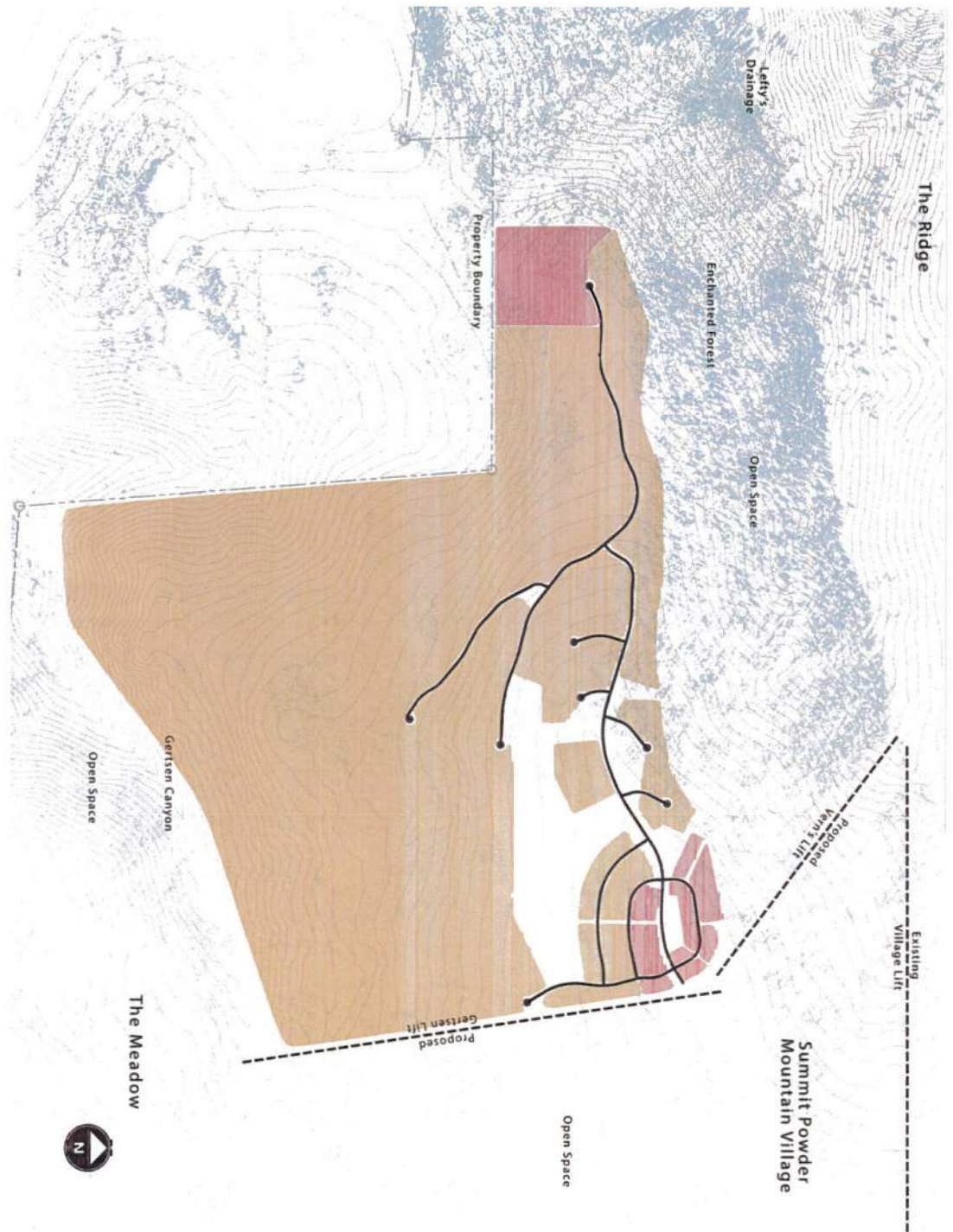
DEVELOPMENT DATA

HOTELS	500 ROOMS
COMMERCIAL/SKIERS	100,000 SF
SERVICES/CONF. CENTER	90 ROOMS
RETREATS	604 UNITS
RESIDENTIAL	



Concept Development Plan - Area

Exhibit B
Proposed amended master plan



The Gertsen development area transitions from the more dense Earl's and Summit Powder Mountain Villages to less intense multi family and single family units as the project moves to the project boundary. A small, organized node of multi family townhomes, "nests" and smaller lot single family units anchor the top terminals of the proposed Verris and Lefty's lifts with lots getting progressively larger as you move west and down the hill. Here larger estate and ranch lots are tucked into large expanses of aspens and along the edge of the Enchanted Forest.

DEVELOPMENT LEGEND

 MIXED USE
 RESIDENTIAL

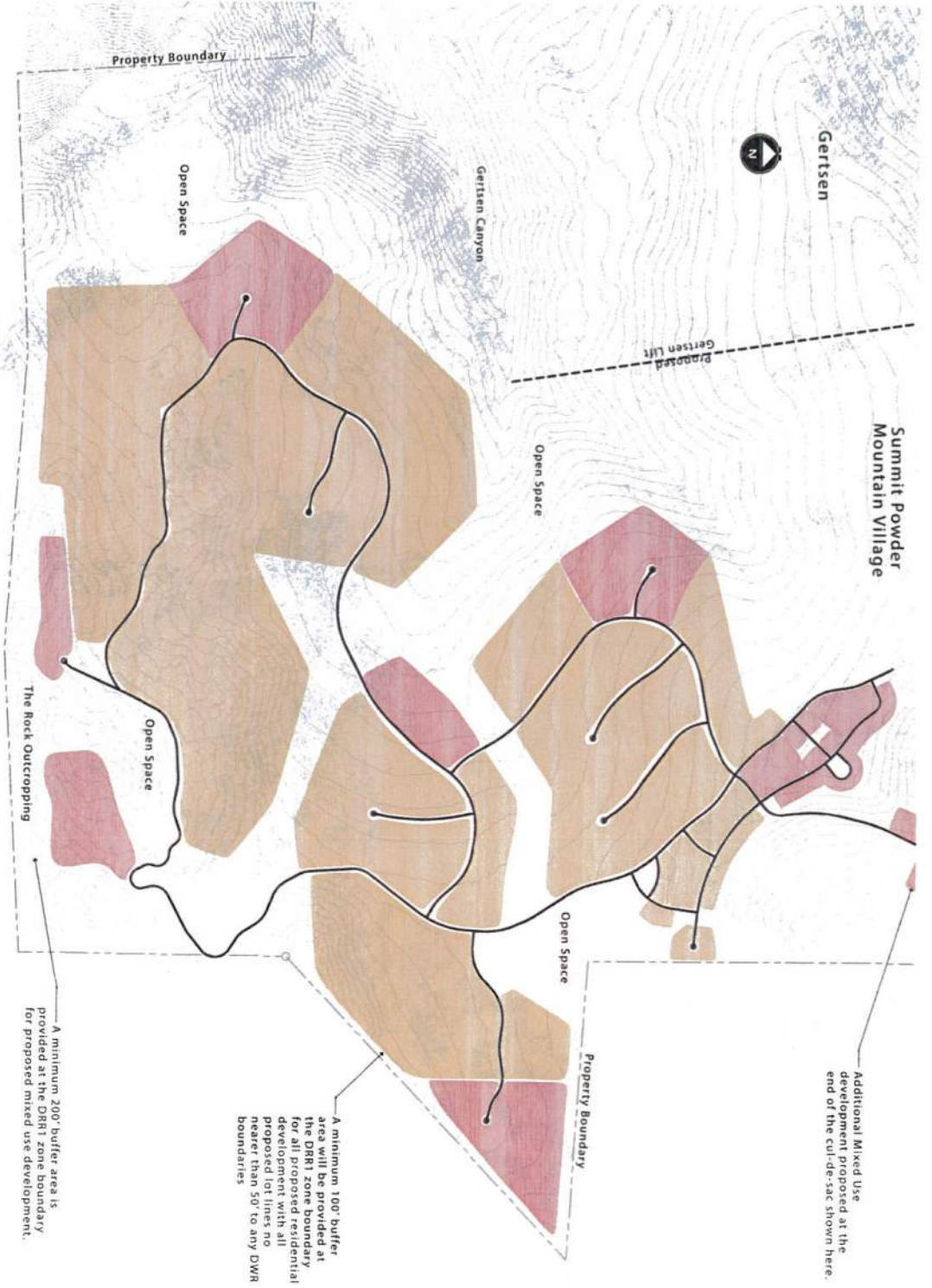
DEVELOPMENT DATA

HOTELS	60 ROOMS
RESIDENTIAL	243 UNITS



Concept Development Plan - Area F: T

Exhibit B
Proposed amended master plan



The Meadow Master Plan transitions density from the most dense area of Summit Powder Mountain Village to the project's south edge. The north edge of the Meadow development area maintains the structured road and lotting systems found in the Summit Powder Mountain Village but begins to loosen this development pattern thru the meadow and out to the rock outcropping with larger estate and ranch lots. The south edge of the development area is a location identified for a small, exclusive boutique hotel and retreat providing a destination anchor to the resort with views overlooking the Ogden Valley and Mount Ogden.

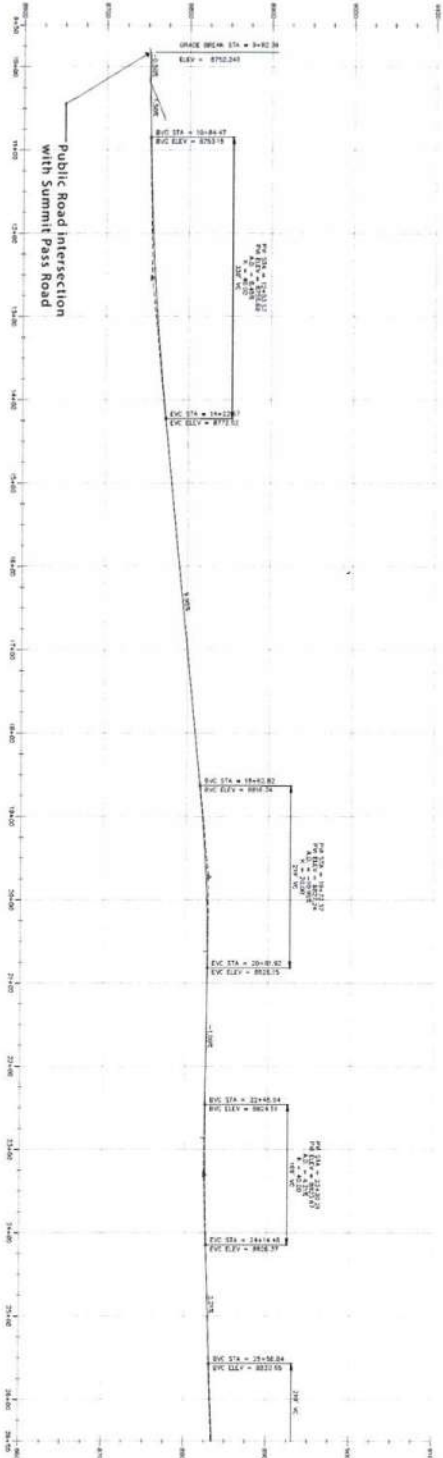
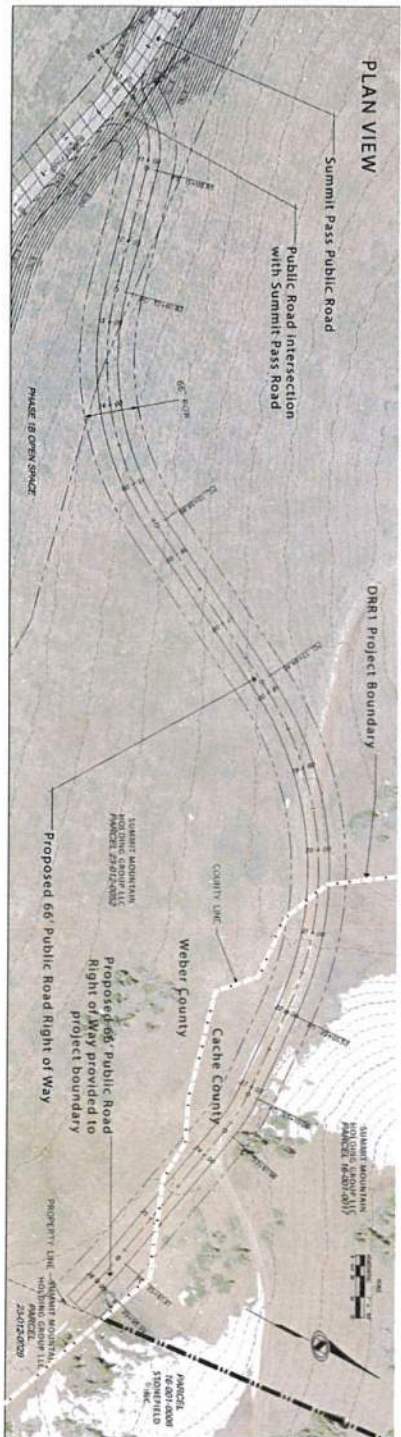
DEVELOPMENT LEGEND

 MIXED USE
 RESIDENTIAL

DEVELOPMENT DATA

HOTELS	130 ROOMS
RETREATS	90 ROOMS
RESIDENTIAL	359 UNITS





Powder Mountain is committing to a public road right of way that will enable a secondary roadway link thru the road right of way would utilize Powder Mountain Road, Summit Pass and this proposed roadway to provide a feasible point of connection for a future roadway access to the east. Prior to any right-of-way dedication, Developer and the County shall agree on the maintenance of the right-of-way.

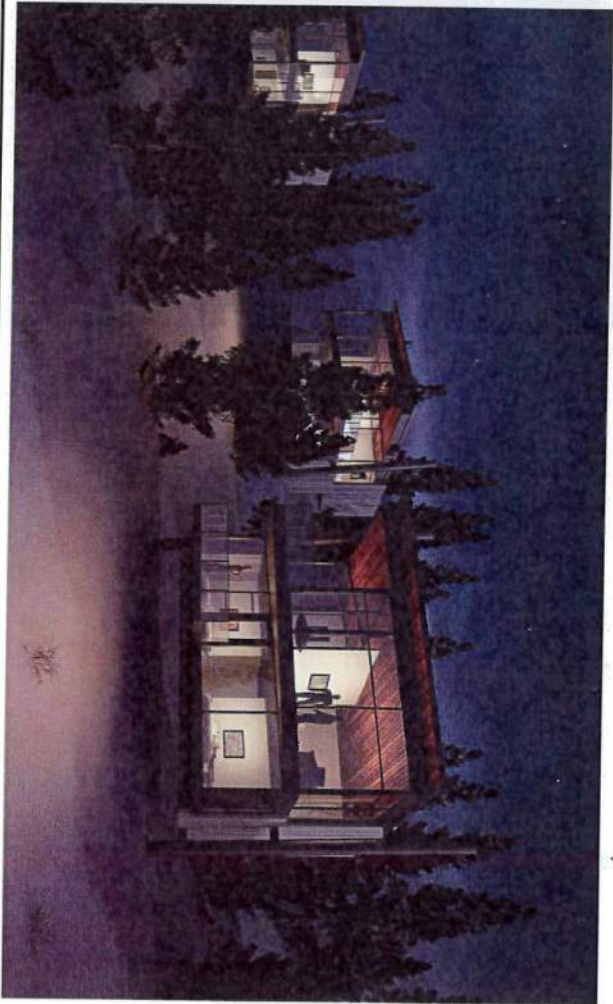
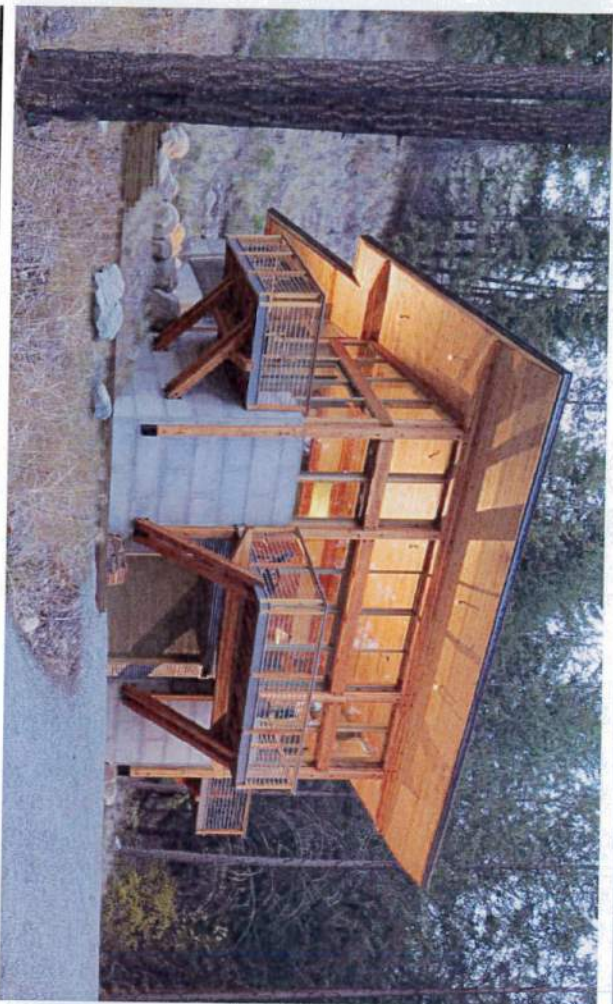
This stub is being provided at a point adjacent to the Stonerfield, Inc. parcel within Cache County and is stubbed at a location with topography that is feasible for a roadway extension. Any roadway alignment provided further east of this point is off of the subject property and would therefore require those property owners to provide access. This access extension, design, location etc. is to be determined at a later date and is not part of this rezone application.

Architectural Prece

Exhibit B
Proposed amended master plan



The Summit community shares a philosophy of innovation, creativity, cultural enrichment and environmental conservation. At Powder Mountain, those core principles come to life in a mountain development of single-family home sites, clusters of nests and a lively village center on 6,160 acres of untouched land in the Wasatch mountain range. Homes will be tucked in clusters of pine and aspen trees to maintain natural views for all community members and The Village will be dense with living accommodations to allow for more open space in wildlife-sensitive areas. Each building design will meet recognized environmental standards and energy conservation guidelines will be provided to incorporate cutting-edge sustainability systems and materials. Buildings will incorporate broad roof lines and indoor-outdoor spaces and will emphasize natural materials, like stone and wood, that suit the local landscape. This modern mountain design aesthetic is essential and should be interpreted with innovation and creativity to add value to the community.

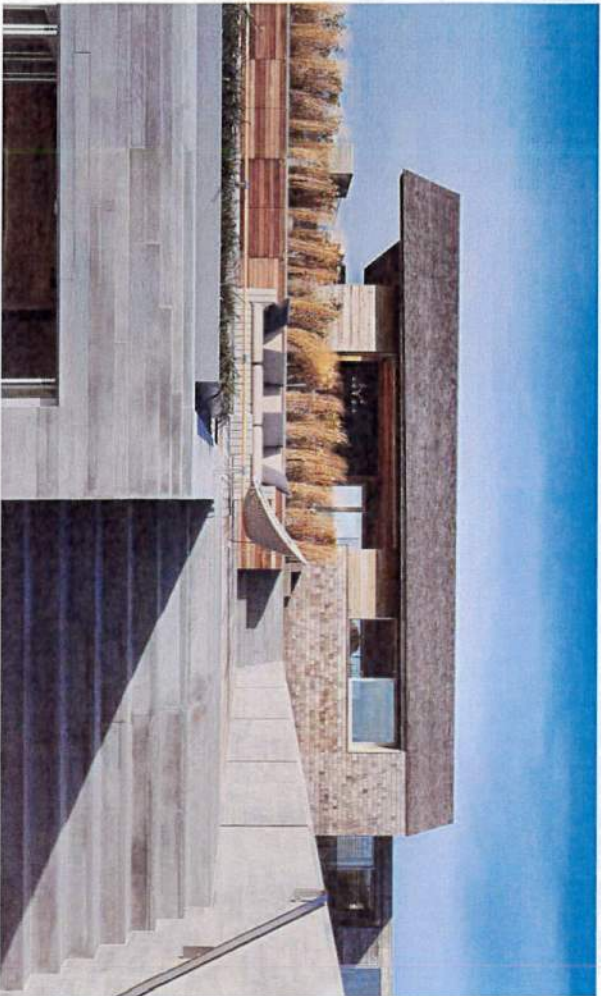


Architectural Precedents: Moun

Exhibit B
Proposed amended master plan



Building design at Powder Mountain will preserve the pristine views and natural beauty while creating an identifiable and cohesive modern mountain design aesthetic. "Modern mountain" is intentionally open-ended in its definition. While designers and architects will adhere to specific site, landscape, massing and sustainability requirements, the architectural guidelines are considered an ethos and to be applied with innovation and creativity. Architecture is subservient to the natural landscape. Reorientation open to mountain views should be enhanced by building and site design. The land and its magnificent panoramas shall remain the dominant design feature, and improvements are not to detract from the site's natural surroundings. Buildings should maintain a low profile and are to be sited to minimize grading by following the natural undulation of the topography. Building masses and articulation are to create shadow, texture, and patterns that help buildings recede into the landscape rather than dominate it.



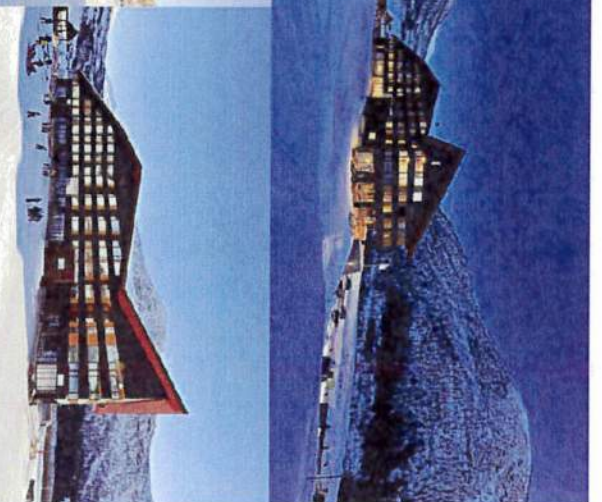
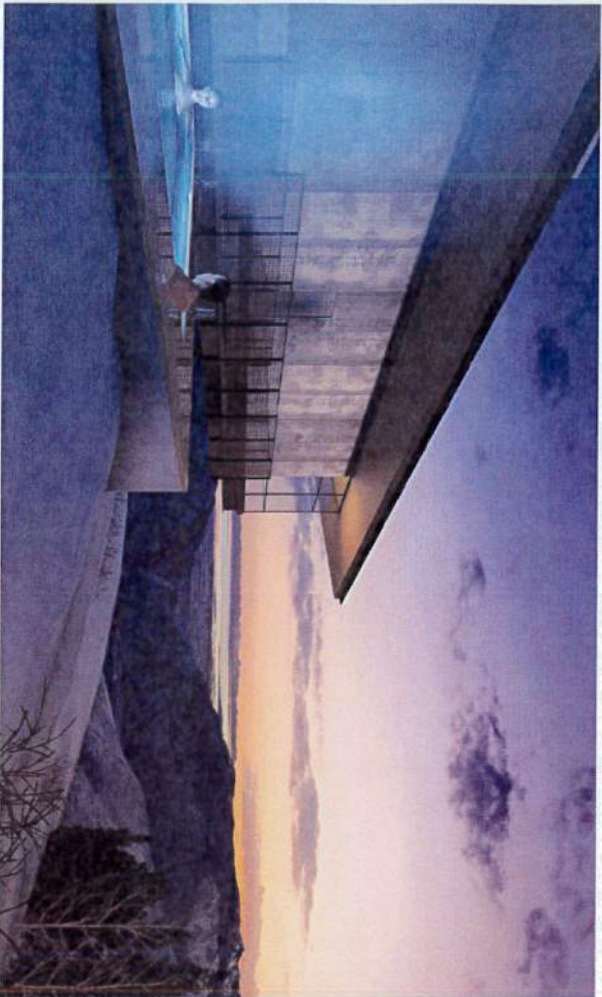
Architectural Precedents: Hotels &

Exhibit B
Proposed amended master plan



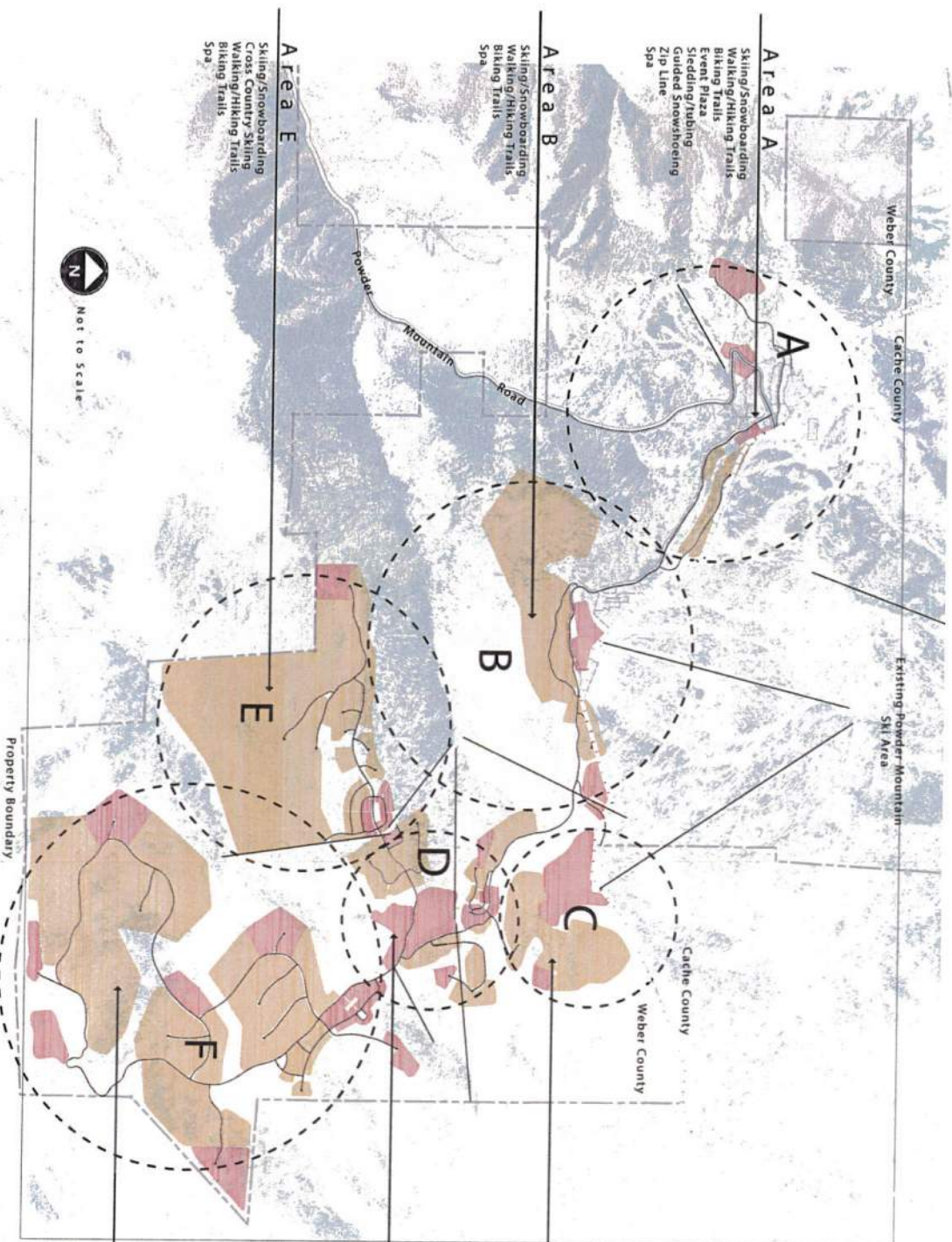
Building and landscape materials will be used that are natural in appearance and available locally or regionally. All houses and landscape structures at Powder Mountain are to be built of materials that appear to have been taken from the site and/or nearby resources in order to reinforce the connection between buildings and their natural surroundings.

All buildings, site landscaping and construction at Powder Mountain should be healthy, durable, restorative, and a complement to the natural landscape. The design of the site and buildings must incorporate sustainable building design and construction practices, including: utilization of renewable and highly efficient energy systems, green building materials, recycling of construction waste, utilization of natural day lighting and water conservation measures.



The Powder Mountain Master Plan offers a wide variety of recreational activities for its residents, visitors and the local community. Each area offers different amenities and activities based on the identity, location and needs of that particular community. For example, Area A offers predominantly mountain-based amenities while Area F offers more passive recreational activities including trails. Multi-use trails meander throughout the entire property's open space and cater to walking, hiking, mountain biking, snowshoeing and equestrian uses. All Recreation Facilities are available to the public. Some uses will be fee based such as skiing, guided events, spas, etc.

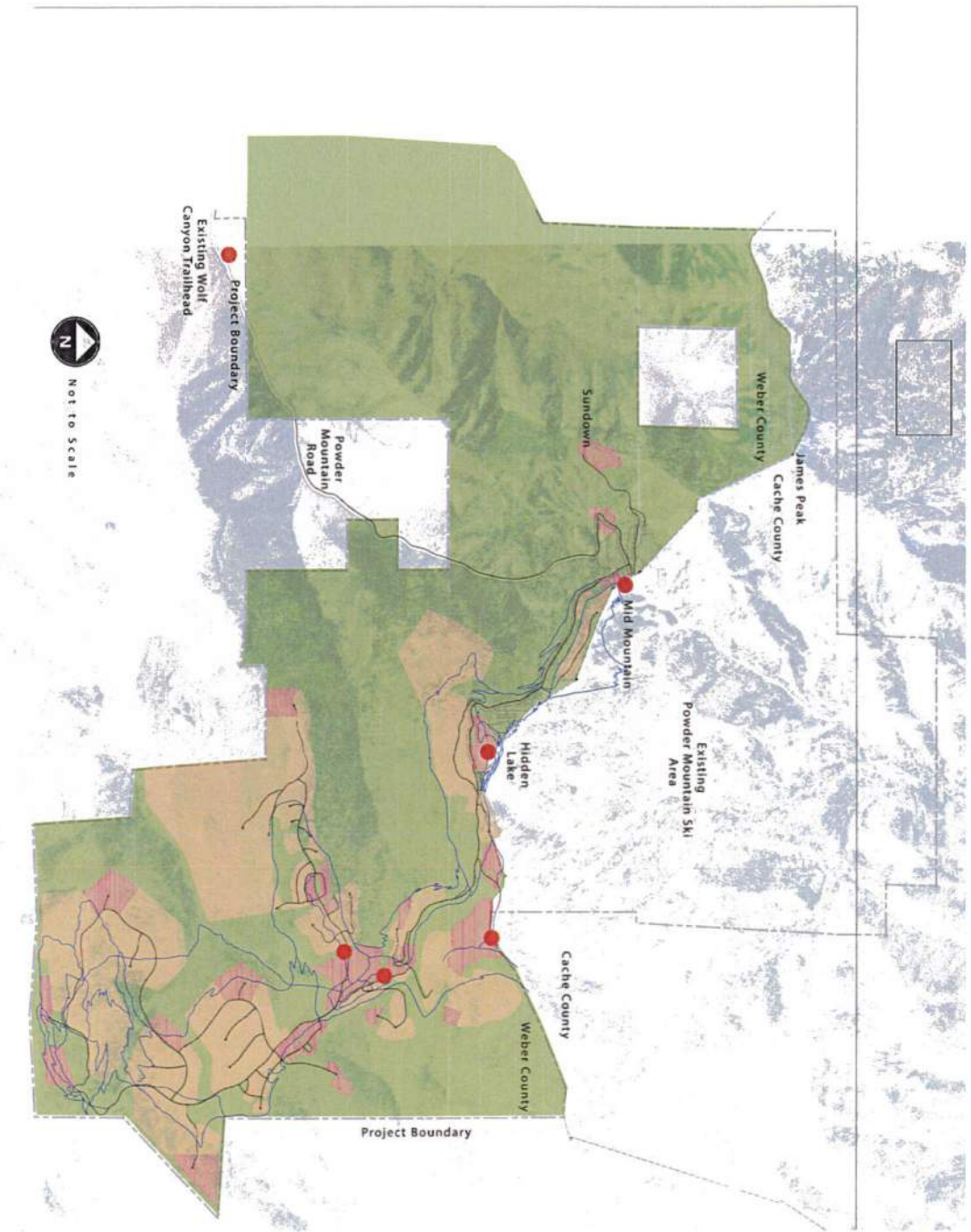
Uses will be phased with the related development area phasing.



- Area A**
 - Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Event Plaza
 - Sledding/Tubing
 - Guided Snowshoeing
 - Zip Line
 - Spa
- Area B**
 - Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Spa
- Area C**
 - Skiing/Snowboarding
 - Kite Boarding
 - Walking/Hiking Trails
 - Biking Trails
 - Equestrian Trails
 - Events Plaza
 - Ice Skating
 - Spa
- Area D**
 - Skiing/Snowboarding
 - Walking/Hiking Trails
 - Biking Trails
 - Kids' Camp
 - Events' Plaza
 - Guided Snowshoeing
 - Ice Skating
 - Amphitheater
 - Sledding/Tubing
 - Swimming
 - Indoor Recreation Facility
 - Zip Line
 - Geo-caching
 - Spa
- Area E**
 - Skiing/Snowboarding
 - Cross Country Skiing
 - Walking/Hiking Trails
 - Biking Trails
 - Spa
- Area F**
 - Walking/Hiking Trails
 - Cross Country Skiing
 - Biking Trails
 - Equestrian Facility
 - Equestrian Trails
 - Adventure Course
 - Spa

Open Space with

Exhibit B
Proposed amended master plan

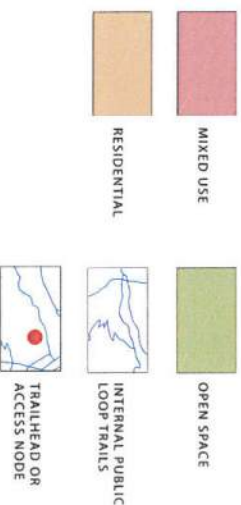


The Open Space and Trails System diagram illustrates project trails that will connect neighborhoods to one another and to the regional trail network. Powder Mountain is committed to providing Regional Public Trail Connectors thru the project (shown in blue) to insure public trail access to and thru the project. Powder Mountain will work with the adjacent landowners, UDWR and Weber Pathways to provide these connections. A priority has been placed on creating loops within the project. The loop trails shown (in Green) were developed in conjunction with Weber Pathways and the International Mountain Biking Association to provide beginner level trail loops as shown. In addition, there will be a variety of trails within and around each development area that will include multi-use trails, single-track for mountain biking and general use trails for walking and hiking.

OPEN SPACE CALCULATION

Approximately 6,160 acres of the Powder Mountain property are located in Weber County. In Weber County, approximately 76 percent (4,740 acres) of the total land has been preserved as total open space. In order to calculate the open space per the DRRI zone requirements, the approximate 2,100 acres that have slope more than 40 percent were subtracted from the total acres, resulting in an Adjusted Gross Acreage of approximately 4,060 acres. Development is planned on approximately 1,500 acres, leaving 2,560 acres or 63% of the Adjusted Gross Acreage preserved as open space.

DEVELOPMENT LEGEND



Seasonal Workforce

Exhibit B
Proposed amended master plan

Employee generation at Powder Mountain has been calculated according to the formula in the Destination and Recreation Resort Ordinance. It is estimated that a total of 1,623 full time equivalent employees (FTEE) will be generated by Powder Mountain at full build out with 960 FTEE projected for the proposed Phase 1 development. These workforce additions will primarily be located within the Earl's Village and Summit Powder Mountain Village but will include employees servicing communities throughout the project. Only those employees generated due to development within Weber County have been calculated as part of this plan.

Uses	# Employees Generated	Per Room/SF	Source
Resort Operations			Powder Mountain Ops
Hotel	0.7	1 Room	Canyons
Multi Family & Nests Rental	0.3	1 Room	Canyons
Retail	2	1,000 SF	Weber County DRRO
Office	2.3	1,000 SF	Weber County DRRO
Restaurant/Bar	3.5	1,000 SF FF	Weber County DRRO
Estimated # of Employees in WF housing Unit	1.65		Weber County DRRO
Required # of Seasonal WF Housing Units	0.1		Weber County DRRO

Phase 1 - 1,477 Units

Uses	Total Rooms or SF	% in Rental Pool	Rental Units	FTEE Employees Gen.	Emps/WF Unit (/1.65)	Required # Units (10%)
Hotel	818	-	-	573	347	35
Multi Family & Nests Rental	656	50%	328	98	60	6
Retail	75,000	-	-	150	91	9
Office	19,000	-	-	44	26	3
Restaurant/Bar	25,000	-	-	88	53	5
Totals				952	577	58

Overall - 2,800 Units

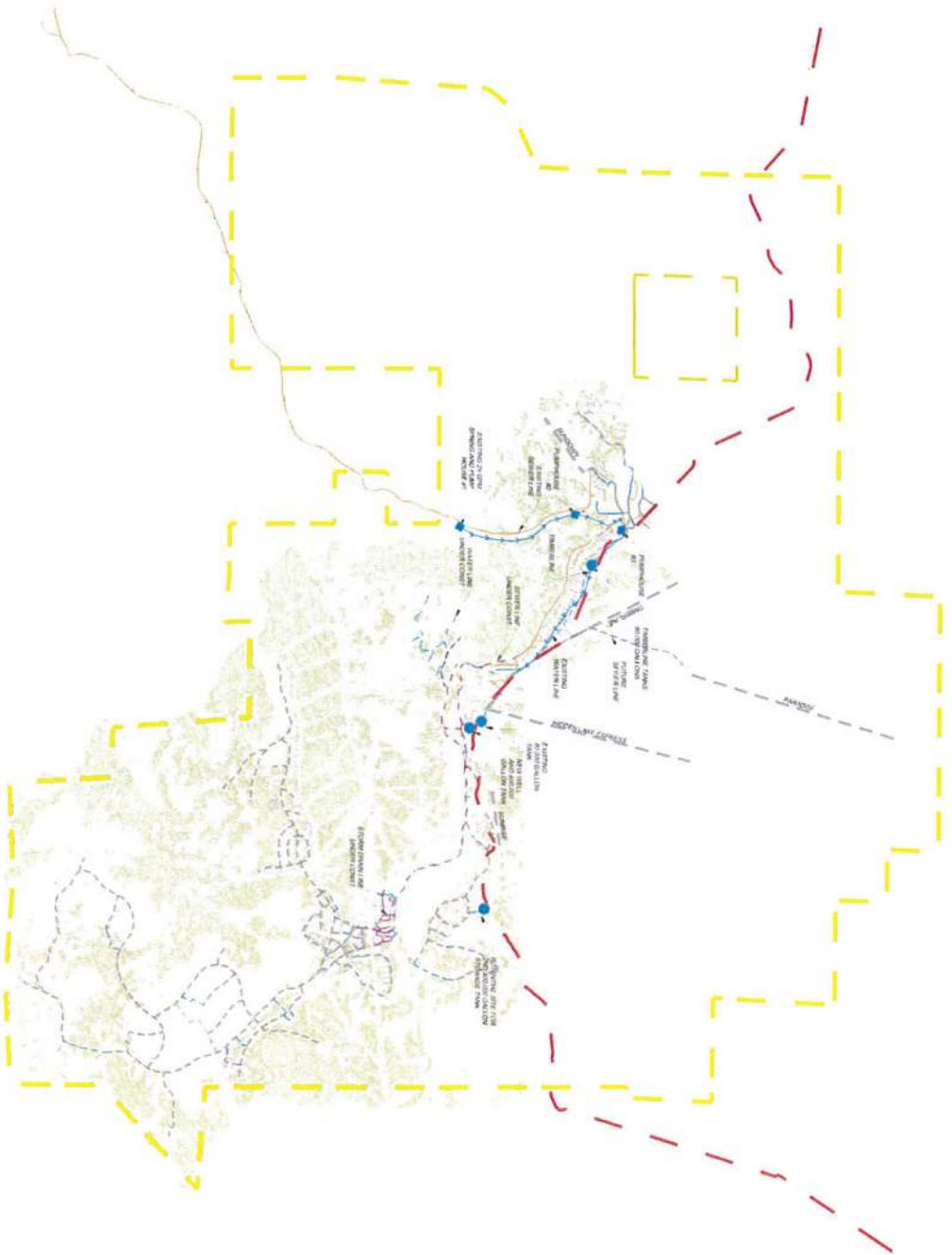
Uses	Total Rooms or SF	% in Rental Pool	Rental Units	FTEE Employees Gen.	Emps/WF Unit (/1.65)	Required # Units (10%)
Hotel	1,218	-	-	853	517	52
Multi Family & Nests Rental	1,596	50%	798	399	242	24
Retail	100,000	-	-	200	121	12
Office	29,000	-	-	67	40	4
Restaurant/Bar	30,000	-	-	105	64	6
Totals				1623	984	98

At full build out, Powder Mountain will generate the overall need for 984 workforce housing units and will be required to provide approximately 98 of these workforce housing units. These housing units may be provided in the form of group dwelling (dormitories) or multi-family dwelling (condominiums/townhomes) within the Resort, and will be phased with development. Conceptually, the seasonal employees will be housed in the Mt. Mountain and Summit Powder Mountain Village Areas, as identified on the proposed Powder Mountain Master Plan, nearest their employment to reduce the need for automobile use. It is estimated that the additional 886 units will be located off-site to support the seasonal workforce housing requirements. With the proximity of Ogden and the Ogden Valley to the resort and the availability of mass transit alternatives and the further development of these mass transit alternatives as per the Traffic Study (Exhibit 2) there exists available seasonal housing options to serve the resorts needs. Additionally, the upper alpine elevation and unpredictable nature of the resorts winter weather makes the Ogden Valley and Ogden ideal for the majority of the employee base to reside on a day to day basis. Here, employees and their families are near to and have reliable access to essential goods and services such as schools and shops. In order to ensure affordable housing remain available and affordable in perpetuity, the on mountain seasonal workforce housing units will be deed restricted. Upon request, an annual report that outlines the previous year's employment level, workforce housing needs, housing type/availability and occupancy will be generated and presented to Weber County Planning Staff.

Wet Utiliti

Exhibit B
Proposed amended master plan

The wet utilities diagram illustrates the existing and proposed water, wastewater and storm drain infrastructure on site at Powder Mountain. The majority of the existing infrastructure is located in and around the mountain operations including the Mid Mountain and Hidden Lake areas

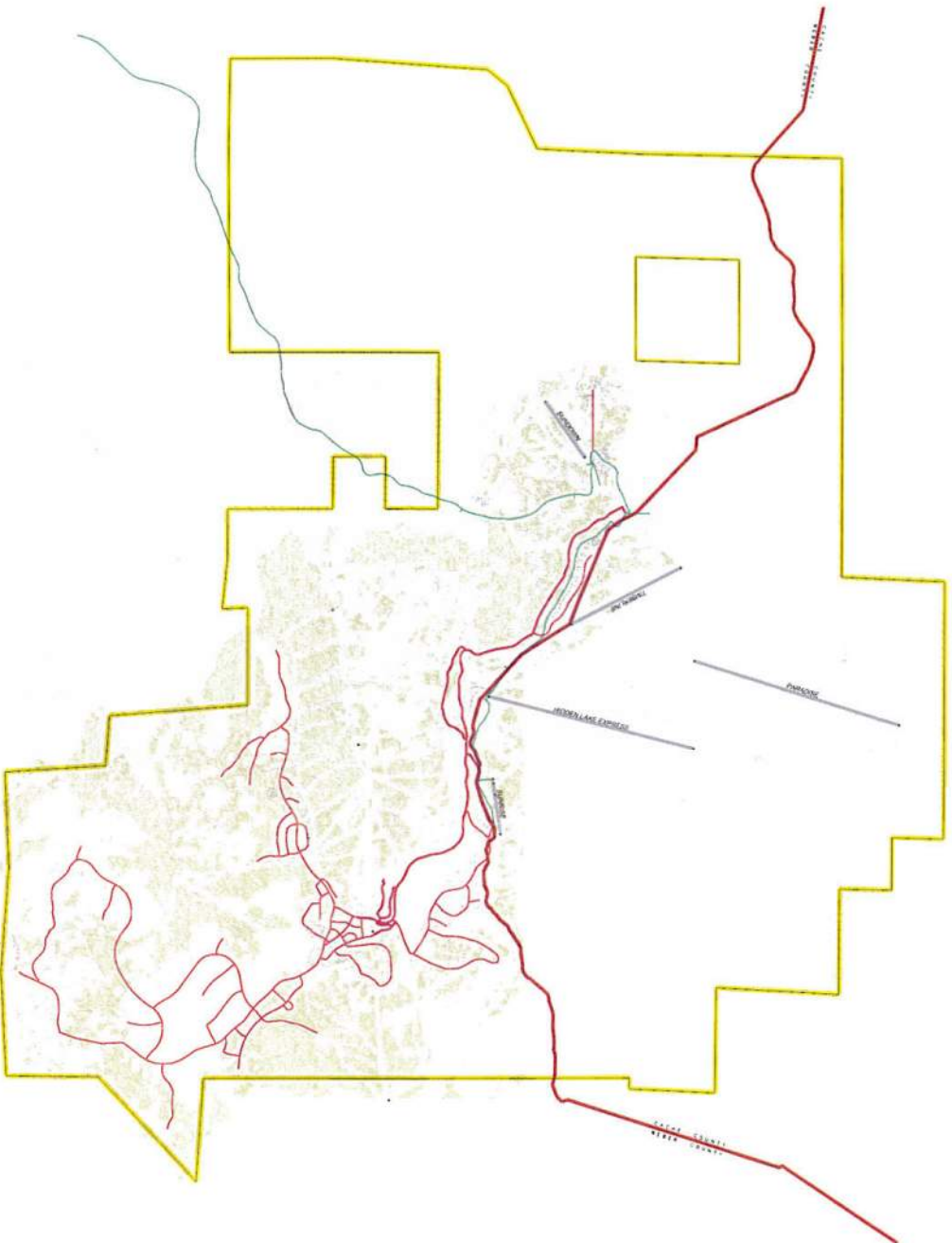


- LEGEND**
- COUNTY LINE
 - PROPERTY BOUNDARY
 - EXISTING SKI LIFT
 - FUTURE SKI LIFT
 - EXISTING SANITARY SEWER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING WATER LINE
 - SANITARY SEWER LINE (FUTURE)
 - STORM DRAIN LINE (FUTURE)
 - WATER LINE (FUTURE)
 - SANITARY SEWER LINE (UNDER CONSTRUCTION)
 - STORM DRAIN LINE (UNDER CONSTRUCTION)
 - WATER LINE (UNDER CONSTRUCTION)

Dry Utiliti

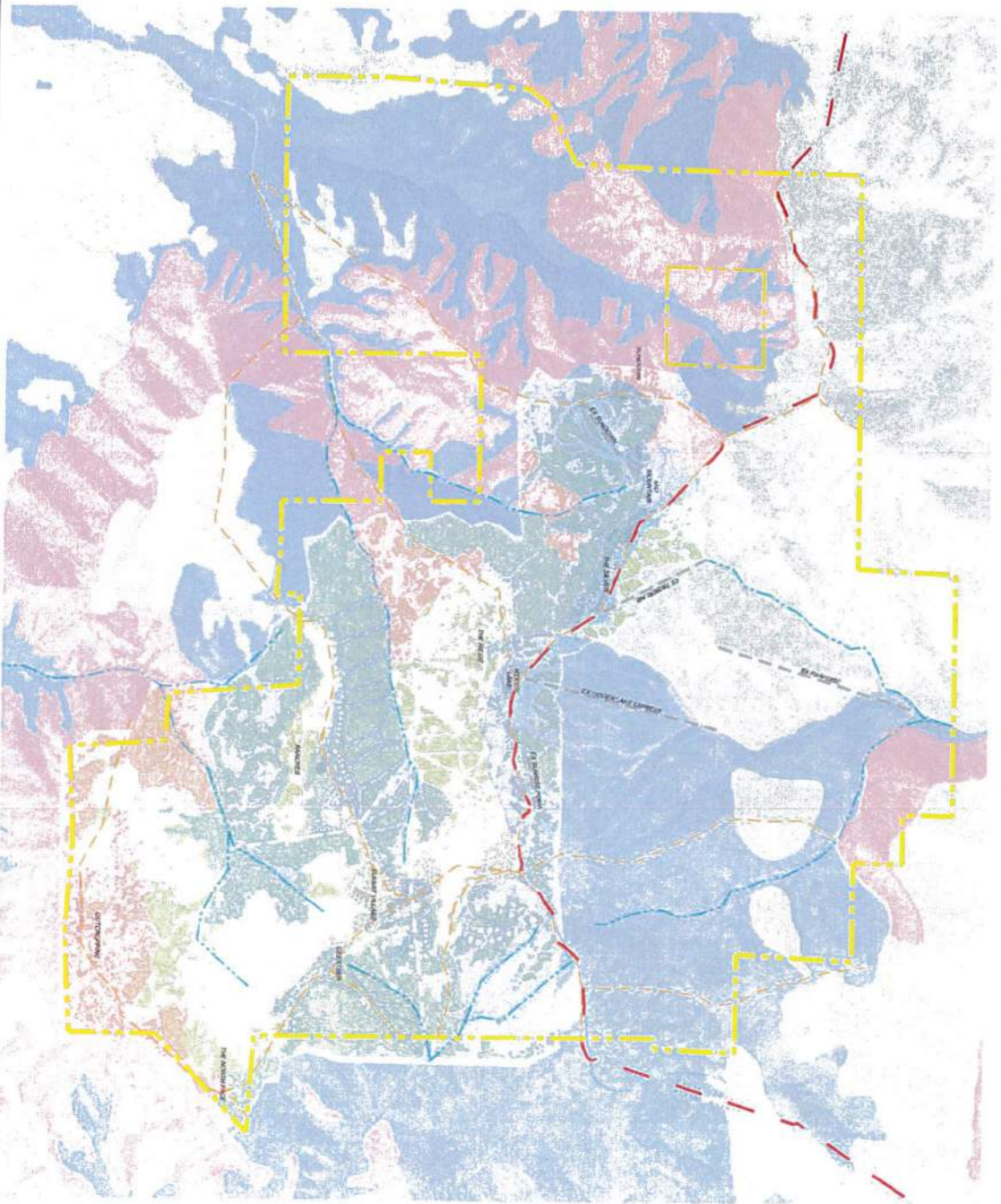
Exhibit B
Proposed amended master plan

The existing and proposed dry utilities map illustrates the on and off-site power, gas and communications infrastructure at the Powder Mountain Resort.



Conceptual Stormw

Exhibit B
Proposed amended master plan





2023 W. 1300 N.
Farr West, UT 84404
(801) 782-3580
Fax (801) 782-3582

Board of Trustees
Blaine Helms
Kevin Ward
Jim Truett
Val Heiner
Brad Osler
Michael Hancock
Paul Dinsdale
Kerry Gibson
Scott VanLewewen

July 2, 2014

Rick Everson
Watts Enterprises
5200 South Highland Drive, STE 101
Salt Lake City, Utah 84117

RE: Will Serve Notice

The project at the Powder Mountain area includes multiple phases of development with the potential of 2,800 residential units. The project area is within the jurisdictional boundaries of the Weber Fire District. Weber Fire District currently has two fire stations located in the Upper Valley area that have been and will continue to serve the Powder Mountain area. The closest station to the project site is Station 62, located at 5550 East 2200 North, Edon. Weber Fire District will serve the project area from these two locations supported by units from the lower valley.

When the number of residences and/or commercial structures warrants it, or when the number of incidents in the new developed area warrants it, a new fire station facility may be needed to serve the area. If the build-out reaches its full potential, a fire station in the area will most likely be needed. It would be wise of the developer to consider this and to work with the Fire District regarding response for emergency medical and fire related emergencies.

The development will be required to meet all applicable codes and rules, including fire codes.

If you have further questions, please feel free to contact myself or Chief Austin.

Sincerely,

Brandon Thuesen
Fire Marshal

Chief, David L. Austin - Deputy Chief, Paul Sullivan - Fire Marshal, Brandon Thuesen

Weber County Sheriff's Office



Terry L. Thompson
Sheriff

Kieran B. Anderson
Chief Deputy
Law Enforcement Division

Kerwin H. Barron
Chief Deputy
Corrections Division

Sheffal Ebert
Administrative Assistant
Support Services Division

Law Enforcement
Division
(801) 778-6600

Corrections
Division
(801) 778-6700

Emergency
Management
(801) 778-6680

Office Hours are
Monday through Friday
8:00 a.m. to 5:00 p.m.

721 W. 12th Street
Ogden, Utah 84404
(801) 778-6600
Fax (801) 778-6667

August 6, 2014

Rick Everson
Watts Enterprises
5200 South Highland Drive, Ste 101
Salt Lake City, Utah 84117

RE: Serve Notice

Upon completion, the Powder Mountain Development area will potentially consist of 2800 residential units and commercial properties. The project spans two counties, Weber and Cache. Weber County currently has an agreement with Cache County to provide law enforcement services to the entire area as Cache County has limited access to the area. Currently the Weber County Sheriff's Office has one deputy assigned to the area to handle law enforcement.

With current staffing levels, the Weber County Sheriff's Office would not be able to adequately serve a development of more than a few hundred units. It will be imperative that we work with both the developer and county commissioners, both Weber and Cache, to increase deputy numbers at a rate that is the equivalent to the rate of development.

If you have further questions, please feel free to contact me.

Sincerely,

Sheriff Terry Thompson
Weber County

The Powder Mountain project team met with representatives from the Weber County Sheriff's Office, the Weber Fire District and Emergency Medical Technicians throughout the Master Plan development process including during the approvals for the Phase 1 PRUD process and approval. During these meetings, the full Master Plan concept for Powder Mountain was discussed, as well as potential emergency services facilities and personnel that would be required to support the Project at build out. The Fire Marshal and Sheriff indicated they would need a facility on-site, preferably in a central location to aid in easy access to the entire Resort. The possibility of shared facilities was discussed and a preferred solution by all parties. At this point, it is envisioned that the facility would need to include a sheriff office, one engine, ambulance and brush truck. The Powder Mountain team is committed to the health, safety and welfare of visitors and residents of the Project and will work with the emergency services providers to ensure adequate facilities are on-site in the appropriate size and location. Construction of said facilities will be phased as appropriate depending on development.

Included with this application are feasibility letters submitted with the Fire Marshal and Sheriff.

**SECOND AMENDMENT
TO
WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT**

THIS SECOND AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT AGREEMENT (this "**Amendment**") is made to be effective as of date this Amendment is approved by the Weber County Commission and is made by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company, ("**Developer**") and Weber County, a body politic in the State of Utah ("**County**") with reference to the following:

RECITALS:

A. Developer and County are parties to that certain Weber county Zoning Development Agreement (the "**ZDA**") dated as of January 13, 2015. A true and correct copy of the ZDA is attached and incorporated into this Amendment as Exhibit A. Any undefined capitalized terms used in this Amendment shall have the same meanings ascribed to such terms in the ZDA.

B. Developer's predecessor-in-interest and the County entered into that certain Weber County Zoning and Development Agreement by and between the County and Western America Holding, LLC a Utah limited liability company recorded in the Office of the Recorder for the County as Entry # 2607988 on November 29, 2012 (the "**Original ZDA**"). The Original ZDA was amended by that certain First Amendment to the Powder Mountain Zoning and Development Agreement made by and between Developer and the County dated as of September 10, 2013 (the "**First Amendment to the Original ZDA**") pursuant to which Developer assumed obligations under the Original ZDA.

C. The ZDA and the Original ZDA, as amended, were further amended by that certain First Amendment to ZDA recorded as of July 12, 2019. A true and correct copy of the First Amendment to ZDA is also attached and incorporated into this Amendment as Exhibit A. The Original ZDA and the ZDA as previously amended as described above are referred to in this Amendment as the Existing ZDA.

D. Developer and the County desire to amend the Existing ZDA in accordance with Section 3 to: (i) approve a revised Overall Land Use Plan and revised Conceptual Development Plans for the Development Areas A, B, C, D, E, and F, more particularly described in Exhibit "B" which is attached and incorporated into this Amendment by this reference.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants set forth below, and other good and valuable consideration, the receipt and adequacy of which are acknowledged, Developer and the County agree as follows:

AGREEMENT:

1. Recitals. The above recitals are an integral part of the agreement and understanding of Developer and County and are incorporated into this Amendment by this reference.

2. Amendment to Exhibit B. Exhibit B of the Existing ZDA shall be deleted in its entirety and amended and restated with Exhibit B attached and incorporated into this Amendment.

3. Concept Development Plan. Section 3.2 of the Existing ZDA shall be deleted in its entirety and replaced with the following:

“Weber County shall retain the right to approve or deny more specific/detailed Concept Development Plans for Areas A through F. The concept development plans shall be approved prior to or in conjunction with the first application for site plan or subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building area and product types (e.g. multi-family, mixed-use, single family, corporate retreats, etc.) may be moved within the areas generally depicted as A through F. Unit density for each Area (A through F) is fixed and may not be transferred between Areas. Concept Development Plans for each Area are expected to evolve and be presented in phases in the context of a more detailed master plan for each Area. County approvals for these Concept Development Plans will technically be handled at the Staff level and will not require amendment of the ZDA or Land Use Plan.”

4. Effect of Second Amendment. Except as expressly modified by this Amendment, all the terms and conditions of the ZDA shall remain in full force and effect. In the event of a conflict between the terms of the ZDA and this Amendment, this Amendment shall control.

5. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties having been duly authorized, have executed this Amendment to be effective as of the date this Amendment is approved by the Weber County Commission.

Approved by the undersigned parties this _____ day of _____ 2022.

DEVELOPER:

SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a
Utah limited liability company

By Summit Revolution LLC, its sole member

By: _____
Anne C. Winston
Authorized Signatory

COUNTY:

WEBER COUNTY CORPORATION

By: _____
Name:
Title:

ATTEST:

By: _____
Name:
Title: Weber County Clerk/Auditor

EXHIBIT A

Copy of ZDA and First Amendment

See attached.

EXHIBIT B

Amended and Restated Master Plan

See attached.

Exhibit C
Proposed Development
Agreement Text Changes



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for approval of the 2nd amendment to the Snowbasin Development Agreement.
Application Type:	Legislative
Agenda Date:	Tuesday, August 2, 2022
Applicant:	Steve Issowits
File Number:	ZDA 2022-03

Property Information

Approximate Address:	3925 E Snowbasin Rd, Huntsville
Zoning:	DRR-1 Zone
Existing Land Use:	Master Planned Ski Resort
Proposed Land Use:	Master Planned Ski Resort

Adjacent Land Use

North:	Resort	South:	Resort
East:	Resort	West:	Resort

Adjacent Land Use

Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	RG, CE

Development History

Snowbasin Resort received the Destination Recreation Resort-1 zoning designation in January of 2011. During that process, a master plan and development agreement were approved to outline density rights as well as the timing and location of future development at Snowbasin.

On December 14, 2021, the Weber County Commission approved the first amendment to the Snowbasin Development Agreement.

On July 1, 2022, Snowbasin submitted a request to add language to the development agreement, exempting the resort from certain subdivision requirements.

Summary

Snowbasin is proposing to add language to the development agreement with the County that allows subdivisions to be recorded without installing or bonding for subdivision improvements including water, secondary water, and sewer improvements. The proposal is intended to allow Snowbasin to subdivide land, while infrastructure like water and sewer lines are brought up to the resort. This option would save the resort time, as installing these improvements on the mountain can take several years.

The County Commissioners discussed this proposal in a work session earlier this year. A general consensus during that work session was that the county may be comfortable allowing Snowbasin to plat lots and start building without critical infrastructure installed, as long as it was installed before the four-way inspection.

Analysis

When legislative amendments such as development agreements, are proposed, the Planning Commission and County Commission should consider the public benefit to such agreements. Snowbasin was rezoned in 2011 to DRR-1 based on their recreational benefits and future residential and commercial tax benefits to the county. The current proposal is a benefit to the county as it helps the resort begin the development process that will result in the residential and commercial tax benefits.

During the subdivision process, the need for improvement to Old Snowbasin road as an emergency egress will be considered. The resort will likely be responsible for improving a portion of Old Snowbasin road. An improvement to Old Snowbasin road would be a public safety benefit to the county if the resort can begin the subdivision process earlier.

Summary of Planning Commission Considerations

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZDA 2022-03.

This recommendation is based on the following findings:

1. The amendment is not detrimental to the public health, safety, or welfare.
2. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
3. The agreement was considered by the Legislative Body, in conformance with Chapter 102-6 of the County Land Use Code.

Exhibits

Exhibit A – Proposed Development Agreement

WHEN RECORDED, MAIL TO:

APN: _____

**SECOND AMENDMENT TO WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT
FOR SNOWBASIN**

THIS SECOND AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR SNOWBASIN (this "Second Amendment") is made and entered into as of the ___ day of _____, 2022 ("Effective Date"), by and between SNOWBASIN RESORT COMPANY, a Wyoming corporation ("Owner"), and WEBER COUNTY CORPORATION, a political subdivision of the State of Utah ("County").

RECITALS

A. Owner and County are parties to a Weber County Zoning Development Agreement dated January 11, 2011, which was recorded in the Office of the Weber County Recorder on January 19, 2011, as Entry No. 2511941, as amended by that certain First Amendment to Weber County Zoning Development Agreement dated December 14, 2021, which was recorded in the Office of the Weber County Recorder on January 25, 2022, as Entry No. 3213075 (the "Development Agreement" or "Agreement"), which covers the real property and improvements more particularly described in Exhibit "A", which is attached hereto and incorporated herein by this reference (the "Property"). All initially-capitalized terms not otherwise defined herein shall have the meanings set forth in the Development Agreement unless the context clearly indicates otherwise.

B. The Development Agreement and the Weber County Land Use Code ("Code") provide certain general and specific requirements for the submittal and approval of improvement plans, subdivision plats, and requirements for certain improvements and Owner and County desire to clarify the process under which Owner may proceed with the subdivision of the Property (including plat recording) and application and issuance of building permits for the Property.

C. In connection with the ongoing planning process for the Property, and to clarify certain terms and provisions set forth in the Development Agreement, Owner has proposed and County has approved modifications to the terms and provisions of the Development Agreement as more fully set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to modify the Development Agreement as follows:

1. Second Amendment Effect. This Second Amendment modifies certain terms and provisions of the Development Agreement, as described and referenced herein. All provisions of the Development Agreement not specifically modified herein shall remain in full force and effect. In the event of any inconsistency between the terms of this Second Amendment and the Development Agreement, the terms of this Second Amendment shall control.

2. Improvement Plans, Assessments, Submittal and Approval Process. Sections 4.1, 4.2 and 4.3 of the Development Agreement are amended to be consistent with the following:

(a) The Owner shall submit a set of draft improvement plans in connection with the final subdivision plat submittal; however notwithstanding the Code, such plans shall not be required to be in final form prior to final subdivision plat approval. Furthermore, approval of the final subdivision plat by the County Engineer shall not be contingent on the County Engineer’s receipt and/or approval of improvement plans from the culinary water, secondary water, and sanitary sewer service providers.

(b) The approval of final improvement plans and commencement of construction of improvements prior to final plat approval shall be governed by this Development Agreement.

(c) Improvements shall not be required to be installed prior to issuance of permits, including without limitation any building permit or land use permit in a subdivision, and any financial assurances for the completion of such improvements shall be made in accordance with Section 4 of this Second Amendment. However, a certificate of occupancy shall not be issued until the improvements are installed and pass inspection.

(d) Owner shall not be required to submit to the County prior to final subdivision plat approval by the planning commission, written capacity assessments, letters of approval, or other evaluation materials not otherwise required by the Development Agreement for culinary and secondary water supply delivery systems, storm water systems, utilities, or other improvements. Subject to Section 4 below, the issuance of permits shall not be contingent upon improvements being completed or water lines being operational at the time of issuance of permits; however, such improvements, including water lines, shall be operational prior to issuance of a certificate of occupancy. For clarity, references in the Code to time periods required prior to issuance of permits and/or final plat recording, shall not be applicable.

3. Fire Protection. Owner shall obtain a letter from the Weber Fire District approving the fire protection method for the Property and submit such letter to the County prior to final approval of the subdivision by the planning commission. The Weber Fire District shall be satisfied with the fire protection method and operation before a land use permit is issued.

Commented [B1]: The plans should also be submitted, reviewed, and approved by the county before four way inspection. They should also be approved by the service provider.

Commented [B2]: I believe the discussion was to allow building up to the four way inspection.

Commented [B3]: I was pretty sure it was four way inspection

4. Completion of Improvements. Consistent with the intent of this Development Agreement, as amended, the Owner and County hereby agree that, Owner and County shall work in good faith to determine whether or not a financial guarantee, including without limitation, escrowed funds, letters or credit, or other assurances, for the completion of any improvements on or to be located on the Property are necessary, and if so, the nature and extent of such financial guarantee. Furthermore, building and/or land use permits shall not be delayed or otherwise withheld by the County as a result of improvements not being installed or otherwise functioning prior to such issuance of permits.

Commented [B4]: Four way inspection

5. Code. The Development Agreement, as amended hereby, will supersede any contradictory requirements in the Code.

6. Current Compliance. As of the Effective Date, Developer and the County acknowledge and agree that there are no existing or continuing events of default by either party in the performance of such party's duties and obligations under the Development Agreement. Further, the parties acknowledge and agree that the Development Agreement, as modified hereby, is in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written by a duly authorized representative of each of the parties hereto.

[Signature pages to follow.]

Weber County Corporation, a political
subdivision of the State of Utah

By: _____

Name: _____

Its: _____

STATE OF UTAH)
) ss:
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022
by _____, the _____ of the County Council of Weber County, State of
Utah.

Notary Public

[Notarial Seal]

Snowbasin Resort Company, a Wyoming
corporation

By: _____

Name: _____

Its: _____

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022
by _____, the _____ of Snowbasin Resort Company.

Notary Public

[Notarial Seal]

EXHIBIT A

Description of the Property

