



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to add an addendum to the 2002 Zoning Development Agreement for Wolf Creek Resort allowing a transfer of 58 units between the Forest Residential FR-3 and the Residential RE-15 Zones and other minor changes.

Agenda Date: Tuesday, February 03, 2015

Applicant: Wolf Creek Stakeholder members

File Number: ZTA 2014-05

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Adjacent Land Use

North:	Not Applicable	South:	Not Applicable
East:	Not Applicable	West:	Not Applicable

Staff Information

Report Presenter: Jim Gentry
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(801) 399-8767

Report Reviewer: SW

Background

Attached is the addendum to the 2002 Wolf Creek Zoning Development Agreement. This addendum allows the transfer of 58 units from the Forest Residential FR-3 Zone to the Residential RE-15 Zone and other minor changes described below. This transfer of density does not increase the density of Wolf Creek and the number of development units in the RE-15 Zone would still be less than what zoning would allow. The explanations of the numbers are in exhibit B.

This addendum also clarifies the zoning on parcel 4, which the 2002 Zoning Development Agreement calls out as FRC-1 which is no longer in Weber County's Land Use Code. The Zoning Map shows this parcel as Forest Residential FR-1 and still with 1 dwelling unit assigned to this 9 acre parcel. The other clarification this addendum makes is regarding the units in the Commercial CV-2 Zone. A rezone was done in 2006 that rezoned a portion of the commercial property to a Commercial Valley Resort Recreation CVR-1 Zone for a condominium hotel. As part of the rezone, 61 units were assigned to this CVR-1 Zone. All of the Residential RE-20 units have been developed and are no longer listed.

The next step in the two-step process would revise the maps and overall master plan associated with Wolf Creek. The applicant is proposing to have this second step submitted within 12 months for the Ogden Valley Planning Commission recommendation. The applicant has been working on a revised master plan for Wolf Creek. The applicants also suggested a progress meeting with staff in six months. The Planning Division is supportive of having all the units assigned to a parcel, though the proposed density allocations come directly from the stakeholders.

Summary of County Commission Considerations

Is the County Commission comfortable with reassignment of the units?
Is there a benefit to the County and others in Wolf Creek?

Conformance to the General Plan

The proposal conforms to Wolf Creek's Master Plan Density

Planning Commission Recommendation

The Ogden Valley Planning Commission on December 2, 2014 unanimously (6-0) recommended approval of the transfer of 58 units from the Forest Residential FR-3 Zone to the Residential RE-15 Zone with the condition that an update to the Wolf Creek Master Plan is presented within one year.

Exhibits

- A. Addendum to the 2002 Zoning Development Agreement
- B. Number analysis

WHEN RECORDED, RETURN TO:

Dated: _____, 2015

Space Above for Recorder's Use Only

**AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING
DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT**

RECITALS

WHEREAS, Weber County, Utah (the "County") and Wolf Creek Properties, L.C., a Utah limited liability company ("Original Developer"), entered into that certain Zoning Development Agreement dated October 11, 2002 and recorded on October 22, 2002 as Entry No. 1883524, in Book 2276, beginning at page 990 in the office of the Weber County Recorder (the "Development Agreement");

WHEREAS, the Development Agreement, among other things, allocates available density for the development of the Wolf Creek Resort located in the Eden area of the Ogden Valley located within the County (the "Resort");

WHEREAS, the actual allocation of density for the Resort is based on zoning classification and available acreage within the zones, and the actual placement of units within the over-all development of the Resort was left to the Original Developer to propose to the County, under the County's land use code; and

WHEREAS, the Resort has been partially developed with assigned density allocations as contemplated by the Development Agreement, but there remains undeveloped areas within the Resort that have not been developed and for which density allocations are available;

WHEREAS, the parties signing this Amendment with the County (the "Successor Developers") have succeeded to the interests of the Original Developer to that portion of the Resort that is legally described on Exhibit "A" attached to and incorporated by reference in this Amendment (the "Subject Property"); and

WHEREAS, the Successor Developers wish to amend and clarify certain provisions of the Development Agreement to reflect changes in the ownership of the Subject Property and to assign to each Successor Developer's portion of the Subject Property (each a "Developer Parcel") a portion of the remaining density entitlements for the Resort that can be supported by the zoning classification of each Developer Parcel but subject to the remaining unassigned density allocations that were available to the Original Developer under the terms of the Development Agreement; and

WHEREAS, the Ogden Valley Planning Commission, in a Public Hearing on December 2, 2014, received public comment on this proposal and unanimously recommended approval to the Weber County Commission.

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties do hereby amend the Development Agreement as follows:

1. ZONING CLASSIFICATION OF THE RESORT

1) A map depicting the Resort and showing ownership of each remaining Developer Parcel affected by this Amendment, its approximate acreage and zoning classification is attached to and incorporated by reference in this Amendment as Exhibit "B."

2) The County and the Successor Developers acknowledge that the ownership of the Subject Property has changed from the Original Developer to the Successor Developers.

2. DENSITY ALLOCATIONS FOR SUBJECT PROPERTY

The following table summarizes the zoning classification, Development Parcel owner and the total units available to each of the Development Parcels affected by this Amendment, with notice to the County and agreed to by the Successor Developers, and includes the reallocation of 58 units from Parcel 3 to Parcel 1 now owned by America First Federal Credit Union ("America First"):

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	America First	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Galt Capital	61
Parcel 12	CV-2	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

Each Successor Developer may use the total assigned units on its Development Parcel(s) as shown on the above-table. Each Successor Developer shall be required to follow the approval process set forth in the County's land use code before commencing any construction on its Development Parcel, including preliminary and final plat approval.

3. ASSIGNMENT

The Development Parcels, or portions thereof, may be sold, assigned, or otherwise transferred by the Successor Developers to parties, individuals, or entities, together with the assigned density allocations set forth in paragraph 2 above. In no event shall the transfer of units result in an allocation to any Development Parcel, or portion thereof, that exceeds the maximum number of units otherwise available to such Development Parcel, or portion thereof, under this agreement and the County's land use code.

4. **MASTER PLAN AMENDMENTS**

Successor Developers must submit to the Ogden Valley Township Planning Commission proposed drawings for any Amendments to the existing Master Plan covering the Development Parcels within twelve (12) months after the date of this Amendment.

5. **EFFECT OF AMENDMENTS**

Except for the specific provisions of the Development Agreement clarified and amended hereby, the Development Agreement shall remain in full force and effect and shall be applicable to the parties and the Resort. In the case of conflict between the provisions of this Amendment and the Development Agreement, the provisions of this Amendment shall govern in all respects.

[Signatures appear on the following pages.]

Signed and Dated this _____ day of _____, 2015.

WEBER COUNTY, UTAH

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this _____ day of _____,
2015, by _____, who is the _____ of WEBER COUNTY, UTAH.

NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:

The following parties hereby execute this AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT, dated _____, 2015:

AMERICA FIRST FEDERAL CREDIT UNION

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF WEBER_)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, who is a _____ of AMERICA FIRST FEDERAL CREDIT UNION.

NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:

KRK WOLF CREEK, LLC, a Utah limited liability company

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, who is a _____ of KRK WOLF CREEK, LLC, a Utah limited liability company.

NOTARY PUBLIC
Residing at _____ County, Utah

My Commission Expires:

EDEN VILLAGE, L.L.C., a Utah limited liability
company

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2015, by _____, who is the _____ of EDEN VILLAGE, L.L.C., a Utah limited
liability company.

NOTARY PUBLIC
Residing at _____ County, Utah

My Commission Expires:

WCU, LLC, a Utah limited liability company

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2015, by _____, who is the _____ of WCU, LLC, a Utah limited liability
company.

NOTARY PUBLIC
Residing at _____ County, Utah

My Commission Expires:

GALT CAPITAL, LLC, a Utah limited liability company

By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, who is the _____ of GALT CAPITAL, LLC, a Utah limited liability company.

NOTARY PUBLIC
Residing at _____ County, Utah

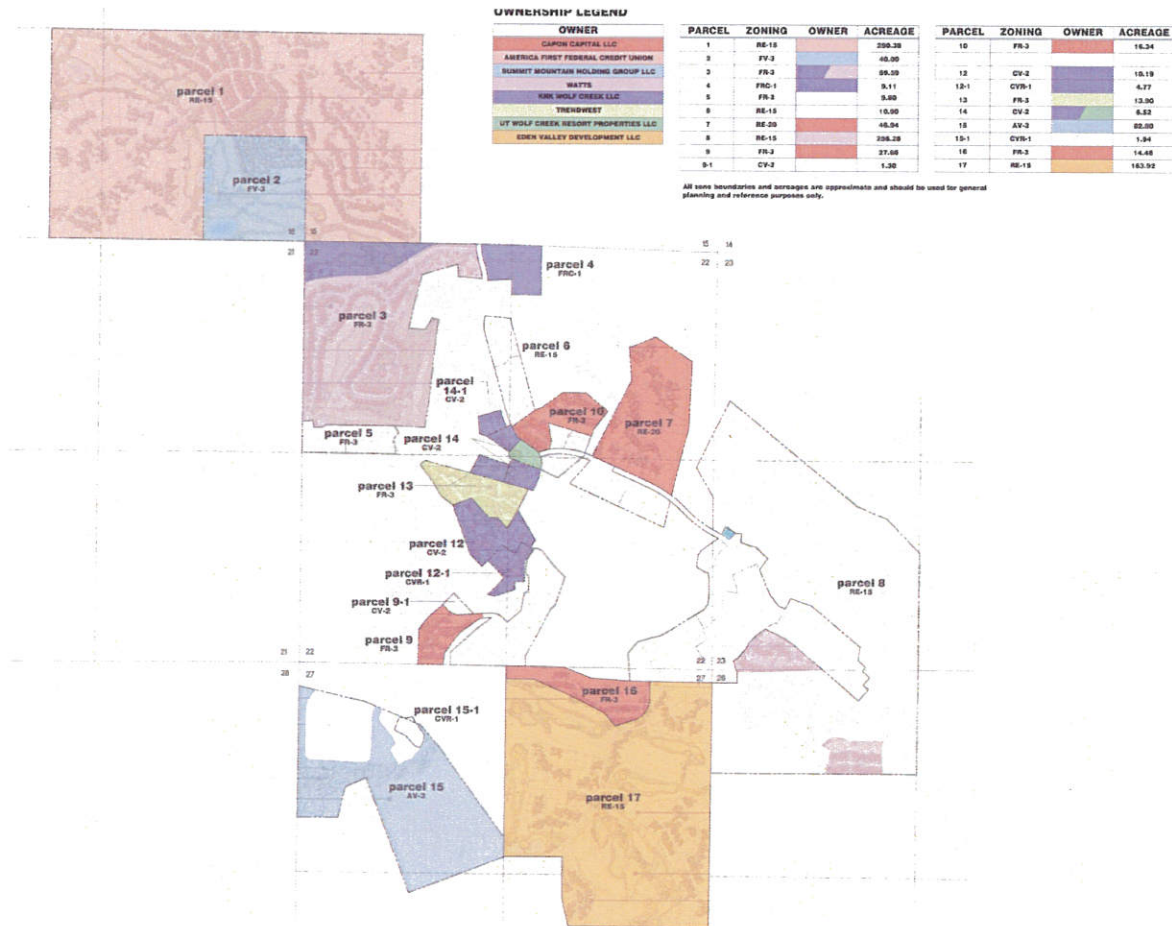
My Commission Expires:

EXHIBIT "A"

SUBJECT PROPERTY DESCRIPTION

EXHIBIT "B"

RESORT ZONING MAP



2002 Wolf Creek Zoning Development Agreement Amendment – Numbers Analysis

The table below shows the number of developed and remaining units (by zone) based on the 2002 Zoning Development Agreement (ZDA) numbers:

Zoning and 2002 ZDA Units	Developed Units	Remaining Development Units by Zone
FR-3 (705)	509	196
RE-15 (664)	291	373
RE-20 (28)	45	-17
FV-3 (13)	0	13
FRC-1 (1)	0	1
AV-3 and O-1 (0)	0	0
CV-2 (250)	0	250
Total Zoning (1,661)	845	816

- The addendum proposes a total of 798 units. This number is derived from subtracting the 13 Summit Mountain Holding Group FV-3 units and the 5 Elkhorn RE-15 units from 816.
- The RE-15 Zone has been increased by 58 units and the FR-1 Zone has been reduced by 58 units.
- The 17 over-allocated RE-20 Units have been taken into account with the amended numbers as shown below. The CV-2 Zone has been reduced by 13 units and the FR-3 Zone has been reduced by 4 additional units.
- The CV-2 Zone has been reduced by an additional 61 units which are now labeled as CVR-1 (as shown on the current zoning map). This change is due to a previous rezone and development agreement for a condo-tel.
- The FRC-1 Zone was eliminated and replaced by the FR-1 Zone (as shown on the current zoning map).

Based on these changes, the table below represents the zoning and unit numbers that are part of the 2002 Zoning Development Agreement Amendment. These numbers are consistent with rezone approvals since 2002 and the overall Wolf Creek density numbers.

ADDENDUM DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	America First	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
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