

OGDEN VALLEY PLANNING COMMISSION

AMENDED PLANNING MEETING AGENDA

**June 27, 2018
WEDNESDAY
4:00 p.m.**

*Pledge of Allegiance
Roll Call*

1. Minutes: Approval of the June 05, 2018 Meeting Minutes
2. Petitions, Applications and Public Hearings
- 2.1. Legislative Items
 - a. New Business
 1. ZDA 2018-01: Consideration and action on a request for the First Amendment to the Powder Mountain Zoning Development Agreement amending timeframes and trail locations within the Zoning Development Agreement that was previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account. (SMHG Phase 1, LLC, Applicant; Don Guerra, Agent)
 2. ZTA 2017-17 Public hearing to discuss and take comment on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.
3. Public Comment for Items not on the Agenda:
4. Remarks from Planning Commissioners:
5. Planning Director Report:
6. Remarks from Legal Counsel:
7. Adjourn to a work session:
 - WS-1. Update regarding the work being conducted by the Morgan/Ogden Valley Rural Planning Organization. Presenter: Julie Bjornstad from Wasatch Front Regional Council.
 - WS-2. Discuss ZDA 2018-04, a request for a development agreement on a 24.94-acre parcel at the end of String Town Road, currently zoned CVR-1, to register development rights for the purpose of transferable development rights (TDR) to designated TDR receiving areas, both existing and future. Applicant: Ogden City. Applicant Agent: Eric Householder and/or Kenton Moffett.
 - WS-3 Discuss ZMA 2018-04, request to rezone property from AV-3 to CV-2 to support a reconfiguration of the Maverik site, a site on the corner of HWY 158 and HWY 162.

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 3:30 p.m. to discuss agenda items
No decisions are made in this meeting*



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



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

Synopsis

Application Information

Application Request: Consideration and action on a request for the First Amendment to the Powder Mountain Zoning Development Agreement, amending the timeframes and trail locations within the Zoning Development Agreement that were previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account.

Application Type: Legislative

Agenda Date: Wednesday, June 27, 2018

Applicant: SMHG, LLC

Authorized Agent: Don Guerra

File Number: ZDA 2018-01

Property Information

Approximate Address: Powder Mountain

Project Area: 6,198 Acres

Zoning: DRR-1

Existing Land Use: Resort

Proposed Land Use: Resort

Parcel ID: All of (including all subsequent amendments) Summit Eden Phase 1A, Phase 1B, Phase 1C, Phase 1D, The Ridge Nests, The Village Nests East, All of Summit Eden Ridge Nests PRUD, All of Horizon Neighborhood at Powder Mountain PRUD, 22-001-0011, 22-006-0005, 22-006-0007, 22-006-0018, 22-006-0020, 23-012-0027, 23-012-0028, 23-012-0029, 23-012-0030, 23-012-0032, 23-012-0033, 23-012-0034, 23-012-0035, 23-012-0052, 23-012-0054, 23-012-0068, 23-012-0069, 23-012-0118, 23-044-0008, 23-044-0010, 23-044-0011, 23-044-0013, 23-144-0001 and 23-130-0043

Township, Range, Section: T7N, R2E, Sections 5, 6, 7 & 8

Adjacent Land Use

North: Ski Resort/Resort Development	South: Ski Resort/Resort Development
East: Ski Resort/Resort Development	West: Ski Resort/Resort Development

Adjacent Land Use

Report Presenter: Ronda Kippen
 rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: Rick Grover

Development History

- Summit Mountain Holding Group, LLC petitioned Weber County to rezone approximately 6,198 acres from the CVR-1, FV-3 and F-40 zones to the DRR-1 zone to enable them to proceed with their development in a manner that would be consistent with the proposed Master Plan that was presented to Weber County as part of the rezone application. The petition to rezone the development to the DRR-1 zone was heard and approved on January 13, 2015 by the Weber County Commission after receiving a unanimous recommendation for approval from the Ogden Valley Planning Commission on October 28, 2014. Weber County entered into Zoning Development Agreement Contract # C2015-6 and the contract was recorded on January 14, 2015 as Entry# 2717835.
- An amendment to reduce the overlaying PRUD footprint from the original 594.23 acres to approximately 14 acres after holding a public meeting with the Ogden Valley Planning Commission on July 5, 2016 and receiving a unanimous approval from the Weber County Commission on July 19, 2016. The areas to remain under the existing Summit at Powder Mountain Phase 1 PRUD will be three of the previously approved and platted development areas and one future development area. The approved and platted developments to remain under the PRUD are the Summit Eden Ridge Nest PRUD, a 15 unit "Nest" development and the Village Nests at Powder Mountain, a 20-unit condominium development and the Horizon Neighborhood at Powder Mountain PRUD, a 26 unit "Nest" development. The future phase of the PRUD

will be Spring Park at Powder Mountain, which has received conceptual approval as Lot 76 in the existing PRUD for a 12 unit "Nest" development and a lodge.

Background and Summary

Summit Mountain Holding Group, LLC (SMHG, LLC or the developer) has been operating under the current Zoning Development Agreement (ZDA) and the Ogden Valley Destination and Recreation Resort Zone (DRR-1) since January 14, 2015. During that time the developer has been held to timeframes that are outlined in the ZDA as well as in the DRR-1 zone. The applicant has petitioned the County to amend the ZDA to add superseding language to the ZDA as well as language clarifying the Reinvestment Fee Covenant and the Development Funded Reserve Account (see Exhibit A for applicant's request). Staff felt it was essential that we clarify and address additional areas of the ZDA to ensure that the developer remain in compliance with the ZDA. The areas that specifically needed to be addressed were the Avalanche Hazards, Wildfire Prevention, Environmental and Geological Recommendations, Dedication of Public Road Right of Way, Trail Systems, Sustainability, Best Practices and Traffic Mitigation. The ZDA has been reviewed by the Weber County Legal Department, and the Planning Director and the Planning Department staff. All reviewing agencies are forwarding a positive recommendation to the Ogden Valley Planning Commission. The following is a brief analysis of the review.

Analysis

Conformance to the General Plan: Based on staff's analysis, the proposal conforms to the Ogden Valley General Plan by encouraging development within existing community areas by providing incentives for developers to preserve open space by cluster development, balancing commercial development and residential.

The Planning Staff is recommending approval of the petition to Weber County for the First Amendment to the Powder Mountain Zoning Development Agreement, requesting to amend certain timeframes and trail locations within the Zoning Development Agreement that was previously approved as Contract #2015-6 and add language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account. The Reinvestment Fee is an agreement and fee that is managed by the developer and is not a County issue. The Development Funded Reserve Account is in multiple other SMHG Phase 1, LLC and Weber County agreements but was never made part of the ZDA. Staff believes this has been an oversight and it is being added now so that it can be implemented correctly when the time comes.

The proposed amendment will only modify the time frames and clarify certain language in the agreement. The amendment will not increase or alter any of the uses in the DRR-1 Zone or conceptual designs that are reflected in the ZDA Master Plan with the exception of the trails map on page 45. The developer has identified trails, that due to topography and other restrictions that are outside of the developer's control, they are forced to remove these trails as presented in the original Master Plan due to the inability to construct them (see Exhibit B or page 30 of this report). The developer has constructed new trails in alternative locations. As part of the amended ZDA, it is necessary to amend this page to reflect the correct location of the trail system.

The language that has been added or addressed to the proposed amended ZDA is as follows:

Superseding Language: The original ZDA did not address how the agreement would supersede the previous agreement if amended. Staff and the applicant felt it would be better to have it be an addendum in a way to the original ZDA unless otherwise directed. The proposed language reads:

"14. ZDA Supersedes Original ZDA. The parties acknowledge and agree that the ZDA, as amended by this Amendment and any future amendments from time to time, supersedes and replaces in its entirety the Original ZDA."

Avalanche Hazards: The developer was responsible to address site specific avalanche hazards at the site plan level of approvals for development. The developer has included in the building design standards materials that must be used on homes that have the potential of triggering an avalanche. The ZDA Amendment addresses Section 2.1 of the ZDA which states:

"Developer shall address reasonable site specific avalanche hazards at the site plan level of approvals for development.

By deleting this section in its entirety and replacing it with the following in the proposed amendment:

"Developer delivered an avalanche hazards memorandum to the County on January 30, 2017. The memorandum shows that the potential for avalanche threats is very low to non-existent as the terrain currently exists throughout the development areas. Man-made hazards are possible and further analysis will be conducted on a case-by-case basis as requested by the County."

Wildfire Prevention: According to the original ZDA, the developer was to have a development plan in place no later than 18 months after the date of the agreement being adopted. The proposed ZDA states:

“Section 2.5 of the ZDA shall be deleted in its entirety and replaced with the following:

The Developer shall seek input from the U.S. Forest Service or the Utah Department of Natural Resources, Division of Forestry, Fire and State Lands to develop an Integrated Wildland Fire Management Plan (“Wildfire Management Plan”) that addresses wildfire prevention, evacuation, suppression, and staff education. Developer shall complete the Wildfire Management Plan and commence implementation before June 30 2019. Developer shall address any site-specific requirements identified within the Wildfire Management Plan that pertain to individual development areas at the time of development review application.”

Environmental and Geological Recommendations: Geologic and Geotechnical issues have been an ongoing issue for the developer throughout the development. The original ZDA stated:

“4.1. Developer shall develop the subject property based upon representations made in the Rezone Application and the approved Master Plan. The Master Plan may be refined, in accordance with provisions of the DRR-1 Zone, but material changes to the general concept of the Master Plan will not be changed without prior formal approval of the County.”

“4.2. Developer agrees that development, consistent with the Master Plan, will be subject to and part of a more specific and more detailed subdivision and/or plan review. Development inconsistent with the Master Plan will not be approved.”

“4.3. In the event that a new wastewater treatment facility is constructed within the resort boundary, such facility shall be approved by Utah DEQ and the County Health Department to provide a level of effluent quality that will allow the re-use of treated water for snowmaking, aquifer recharge, and irrigation of fields, forests, and/or landscaping.”

In the proposed amendment, the applicant has added some clarification that references back to the original report as follows:

“4.1 Section 2.6 of the ZDA is amended by the insertion of the following sentence:

“Copies of the State of Utah Department of Environmental Quality letter dated October 12, 2007 and the Utah Geological Survey letter dated September 18, 2007 are attached as Exhibit E.”

4.2 Exhibit C attached to this Amendment and is added as a new Exhibit E to the ZDA.

4.3 Section 11 of the ZDA is amended to add the following:

“E. Environmental Quality/Geological Survey Letters”

Dedication of Public Road Right of Way:

“5.1 Section 4.5 of the ZDA is amended by the insertion of the following as the penultimate sentence:

“The maintenance of this right-of-way dedication is to be determined between the Developer and the County.”

5.2 Page 40 of Exhibit B (page 29 of this report) is amended by the insertion of the following between the second and third sentence:

“Prior to any right-of-way dedication, Developer and the County shall agree on the maintenance of the right-of-way.”

Trail Systems: All loop trails have been completed in addition to another 2 miles in Weber County and 8 miles in Cache County that are not shown on page 45. All trails are free and open to the public for use. The trail in Wolf Creek Canyon has not been worked on due to a large amount of public opposition. The Gertsen trail is too steep and the terrain is too rocky to effectively create a multi-use trail. The DWR is unwilling to approve the connection to the valley trails through their property. Due to the topography and boundary constraints, the developer has had to construct alternative trails in areas that were not reflected on the original conceptual drawings shown on page 45 in Contract #2015-6. The proposed ZDA section 6.1 will delete the second and third sentences of Section 4.8 of the ZDA in their entirety and replaced with the following:

“Developer has completed the trails shown on Exhibit B, which trails shall remain open to the public as a fee free recreational activity.”

6.2 Page 45 of Exhibit B shall be deleted in its entirety and replaced with Exhibit B attached and incorporated into this Amendment.”

Sustainability: The original ZDA Section 4.10. states:

“Developer shall incorporate principles of sustainability into the development when practical and feasible. Developer shall demonstrate practicality and feasibility at the time of and within all development review applications.

The ZDA Amendment proposes that the second sentence of Section 4.10 shall be deleted in its entirety and replaced with the following:

“Compliance with Section C (Environmental Stewardship) and Section D (Design Goals and Principles) of the Powder Mountain Design Guidelines, as may be amended in substantially similar form from time to time, shall satisfy this requirement.”

Best Practices: In Section 4.14. of the ZDA the developer agrees that all construction will utilize best management practices. Final site plan applications made to Weber County shall be accompanied by a summary of the best management practices being utilized. All engineer’s, surveyors and architects are held to this same standard. It has been decided that a simple statement in the ZDA should meet the intent of this section. The proposed statement is:

Section 4.14 of the ZDA is deleted in its entirety and replaced with the following:

“Developer agrees that all construction under its control will utilize best management practices. All construction projects are required to have a Utah Pollutant Discharge Elimination System (UPDES) permit with the State of Utah and an associated Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project shall outline the planned best management practices for the specific project. The UPDES and SWPPP are a requirement of the contractor and owner of the specific construction project. In some cases, this may be the Developer, but in many cases this will be a party not subject to this Agreement.”

Traffic Mitigation: The original ZDA addresses traffic mitigation measures and states that the Parties will work together collectively and with local residents to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. These limitations will be presented to the Planning Commission for approval prior to or in conjunction with any site plan/ subdivision submittal. Developer shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.

The developer has diligently been working with the planning and engineering staff and members of the community to find a new location for additional parking. Once the ZDA is recorded, we will be able to move forward with the new location for the temporary parking conditional use permit as well as the next phases of the development. The proposed new language in the ZDA Amendment regarding traffic mitigation is:

Section 6.5 of the ZDA is deleted in its entirety and replaced with the following:

“The Parties will work together collectively to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. These limitations will be presented to County Engineering for approval prior to or in conjunction with any site plan/ subdivision submittal and during construction as issues may arise. Developer shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.”

Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request for the “First Amendment to the Powder Mountain Zoning Development Agreement, amending certain timeframes and trail locations within the Zoning Development Agreement that were previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account”:

- Does the proposed amendment coincide with the vision of the area?
- Is the proposed amendment harmonious with the Ogden Valley General Plan?
- Does the proposed “Conceptual Development Plan” meet the current goals and objectives as outlined in the Ogden Valley General Plan?
- Does the proposal enhance the public health, safety and welfare over the type of development that could otherwise occur?
- Does the proposal to amend the conceptual development plan negatively impact the surrounding properties and uses?

Staff Recommendation

The Planning Division recommends approval of the request the for First Amendment to the Powder Mountain Zoning Development Agreement, amending timeframes and trail locations within the Zoning Development Agreement that were previously approved as Contract #2015-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account. This recommendation is based on the following findings:

1. A request to amend the “Concept Development Plan” is allowed per the previously approved Zoning Development Agreement.
2. It is in the best interests of both the applicant and the County to have a “Concept Development Plan” that is viable and harmonious with the Ogden Valley General Plan.
3. The amendment to the conceptual design will facilitate the required site improvements in a manner that will coincide with the vision of the area and will be more desirable for future residents.
4. The amendment is not detrimental to the public health, safety, or welfare.
5. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Applicant’s request letter.
- B. Proposed Zoning Development Agreement First Amendment with Conceptual Maps

Map 1





Summit Mountain Holding Group, L.L.C.
3923 N. Wolf Creek Drive
Eden, Utah 84310

April 5, 2018

Ronda Kippen
Principal Planner, Weber County
2380 Washington Blvd
Ogden, Utah 84401

Re: Request to Amend ZDA

Dear Ronda,

We would like to request Weber County's approval to amend the Summit Mountain Holding Group / Weber County Zoning Development Agreement (ZDA) for Powder Mountain as a part of the ZDA that was previously approved and recorded as Entry #2717835 on January 14, 2015.

The requested amendment updates Sections 2-7 of the ZDA to more accurately reflect current conditions.

We have drafted the proposed amendment to the ZDA for your review. Please let me know if you have any questions or comments and thank you for your consideration.

Sincerely,


Don Guerra (Apr 10, 2018)

Don Guerra
Director, Real Estate Development
Summit Mountain Holding Group, L.L.C.

**FIRST AMENDMENT
TO
WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT**

THIS FIRST 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").

C. 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 and agreed to fund the Development Funded Reserve Account for the Special Assessment Bonds ("Series 2013 Bonds") issued by the County pursuant to that certain Indenture of Trust and Pledge dated as of September 1, 2013 (the "Indenture"). The Developer and the County subsequently agreed to revise the terms and conditions for Developer's obligation to fund the Development Funded Reserve Account but never reduced those agreements to writing. The "Development Funded Reserve Account" shall have the meaning specified in the Indenture.

D. Developer and the County desire to amend the ZDA to: (i) Revise the Reinvestment Fee Covenant required by Section 7 and provide flexibility for future amendments to the covenant; (ii) amend the "regional public trails" and "loop trails" shown on page 45 of Exhibit B and confirm Developer's completion of construction of the trails systems required by Section 4.8; and (iii) update additional sections of the ZDA to more accurately reflect current conditions, each as more particularly described in this Amendment.

E. Developer and the County also desire to confirm that the Original ZDA was superseded by the ZDA and to carry over, amend, and reduce to writing the Developer's agreement to fund the Development Funded Reserve Account as set forth in this Amendment.

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. Avalanche Hazards. Section 2.1 of the ZDA shall be deleted in its entirety and replaced with the following:

“Developer delivered an avalanche hazards memorandum to the County on January 30, 2017. The memorandum shows that the potential for avalanche threats is very low to non-existent as the terrain currently exists throughout the development areas. Man-made hazards are possible and further analysis will be conducted on a case-by-case basis as requested by the County.”

3. Wildfire Prevention. Section 2.5 of the ZDA shall be deleted in its entirety and replaced with the following:

“The Developer shall seek input from the U.S. Forest Service or the Utah Department of Natural Resources, Division of Forestry, Fire and State Lands to develop an Integrated Wildland Fire Management Plan (“Wildfire Management Plan”) that addresses wildfire prevention, evacuation, suppression, and staff education. Developer shall complete the Wildfire Management Plan and commence implementation before June 30 2019. Developer shall address any site-specific requirements identified within the Wildfire Management Plan that pertain to individual development areas at the time of development review application.”

4. Environmental and Geological Recommendations.

4.1 Section 2.6 of the ZDA is amended by the insertion of the following sentence:

“Copies of the State of Utah Department of Environmental Quality letter dated October 12, 2007 and the Utah Geological Survey letter dated September 18, 2007 are attached as Exhibit E.”

4.2 Exhibit C attached to this Amendment and is added as a new Exhibit E to the ZDA.

4.3 Section 11 of the ZDA is amended to add the following:

“E. Environmental Quality/Geological Survey Letters”

5. Dedication of Public Road Right of Way.

5.1 Section 4.5 of the ZDA is amended by the insertion of the following as the penultimate sentence:

“The maintenance of this right-of-way dedication is to be determined between the Developer and the County.”

5.2 Page 40 of Exhibit B is amended by the insertion of the following between the second and third sentence:

“Prior to any right-of-way dedication, Developer and the County shall agree on the maintenance of the right-of-way.”

6. Trail Systems.

6.1 The second and third sentences of Section 4.8 of the ZDA shall be deleted in their entirety and replaced with the following:

“Developer has completed the trails shown on Exhibit B, which trails shall remain open to the public as a fee free recreational activity.”

6.2 Page 45 of Exhibit B shall be deleted in its entirety and replaced with Exhibit B attached and incorporated into this Amendment.

7. Sustainability. The second sentence of Section 4.10 shall be deleted in its entirety and replaced with the following:

“Compliance with Section C (Environmental Stewardship) and Section D (Design Goals and Principles) of the Powder Mountain Design Guidelines, as may be amended in substantially similar form from time to time, shall satisfy this requirement.”

8. Best Practices. Section 4.14 of the ZDA is deleted in its entirety and replaced with the following:

“Developer agrees that all construction under its control will utilize best management practices. All construction projects are required to have a Utah Pollutant Discharge Elimination System (UPDES) permit with the State of Utah and an associated Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project shall outline the planned best management practices for the specific project. The UPDES and SWPPP are a requirement of the contractor and owner of the specific construction project. In some cases this may be the Developer, but in many cases this will be a party not subject to this Agreement.”

9. Traffic Mitigation. Section 6.5 of the ZDA is deleted in its entirety and replaced with the following:

“The Parties will work together collectively to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. These limitations will be presented to County Engineering for approval prior to or in conjunction with any site plan/ subdivision submittal and during construction as issues may arise. Developer shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.”

10. Reinvestment Fee Covenant.

10.1 Section 7.1 of the ZDA shall be amended by adding the words “as amended from time to time” at the end of the section.

10.2 Section 7.2 of the ZDA shall be amended by deleting subsections (f) and (g) in their entirety and replacing them with:

“(f) any transfer, sale, or conveyance by the Master Developer, including without limitation any transfer from Master Developer to a Neighborhood Developer, or an affiliate or joint venture of Master Developer; (g) any transfer, sale, or conveyance by a Neighborhood Developer, or affiliate or joint venture of Master Developer, including without limitation all initial sales to end purchasers.”

10.3 Section 7.2 of the ZDA shall be amended by adding a new subsection (i) which provides: “(i) or any other similar transfer that does not result in a transfer to a bona fide purchaser for value.”

11. Development Funded Reserve Account. Sections 1.02, 1.03 and 1.04 of the First Amendment to the Original ZDA are amended and superseded in their entirety with the following:

11.1 Developer agrees to remit to the Trustee (as such term is defined in the Indenture) to fund the Development Funded Reserve Account an amount of \$6,000.00 (each, a “**DFRA Assessment**”) for each building permit issued for a residential building by Weber County to a property owner within the Special Assessment Area (as defined in Ordinance No. 3013-21, as amended by Ordinance No. 2013-24, as such Ordinance may be further amended from time to time) (each, a “**Qualifying Building Permit**”) commencing with the fifty-first (51st) Qualifying Building Permit. Developer shall deliver the DFRA Assessments to the Trustee within fifteen (15) days after the County notifies Developer that it has issued a Qualifying Building Permit. The County will verify to Developer that the Trustee has deposited the DFRA Assessment funds in the Development Funded Reserve Account.

11.2 Developer shall continue to remit the DFRA Assessments to the Trustee until Weber County issues one hundred twenty (120) Qualifying Building Permits after the first fifty (50) Qualifying Building Permits and the total amount of the DFRA Assessments equals Seven Hundred Twenty Thousand Dollars (\$720,000.00).

11.3 Money on deposit in the Development Funded Reserve Account may only be used to make up shortfalls of debt service on the Series 2013 Bonds as otherwise provided in Section 5.4(b) of the Indenture. The money on deposit in the Development Funded Reserve Account shall be released to Developer as provided in Section 5.4(e) of the Indenture.

12. Effect of First 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.

13. 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.

14. ZDA Supersedes Original ZDA. The parties acknowledge and agree that the ZDA, as amended by this Amendment and any future amendments from time to time, supersedes and replaces in its entirety the Original ZDA.

Exhibit B-Proposed Zoning Development Agreement Amendment with Conceptual Maps

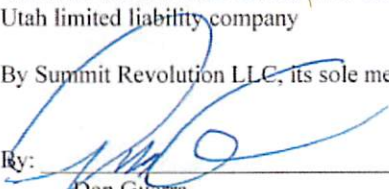
IN WITNESS WHEREOF, the parties having been duly authorized, have executed this Amendment to be effective as of the date this Amendment is approved by the Weber County Commission.

Approved by the undersigned parties this 5th day of June 2018.

DEVELOPER:

SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a Utah limited liability company

By Summit Revolution LLC, its sole member

By: 

Don Guerra
Authorized Signatory

COUNTY:

WEBER COUNTY CORPORATION

By: _____
Name:
Title:

ATTEST:

By: _____
Name:
Title: Weber County Clerk/Auditor

Acknowledgment

State of Utah)

§
County of Weber)

On this 5th day of June, in the year 2018, before me, Olga Mariasina a notary
date month year notary public name

public, personally appeared Don Guerra, proved on the basis of satisfactory
name of document signer
evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged
(he/she/they) executed the same.

Witness my hand and official seal.


(notary signature)



(seal)

EXHIBIT A

Copy of ZDA

See attached.

EH 2717835 PG 1 OF 113
LEANN H KILTS, WEBER COUNTY RECORDER
14-JAN-15 1132 AM FEE \$4.00 DEP TOT
REC FOR: WEBER COUNTY PLANNING

C 2015-6

WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT



W2717835

PARTIES: The parties to this Zoning Development Agreement (“Agreement”) are Summit Mountain Holding Group, L.L.C., a Utah limited liability company and owner of the property commonly known as Powder Mountain (herein “Developer”) and Weber County, a body politic in the State of Utah (herein “County”). The Developer and the County are collectively referred to herein as the “Parties.”

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

RECITALS

WHEREAS, the Developer seeks to rezone certain property located within the Ogden Valley Township of unincorporated Weber County, Utah from Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort-1 Zone (DRR-1 Zone) for the general purpose of developing a year round destination resort upon property that consists of approximately 6,198 acres and is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (“Property”); and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of zoning regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the General Plan as adopted for all or part of the County; and

WHEREAS, the Developer has requested that the above referenced Property be rezoned for the purposes of allowing it or its designees to develop the Property in a manner that has been presented to the County and that is represented in the Master Plan described and shown in the rezone application for the DRR-1 Zone (“Rezone Application”); and

WHEREAS, the Developer considers it to its advantage and benefit for the County to review its petition and supplementary information having prior knowledge of the development, so as to more completely assess its compatibility with applicable zoning ordinances, the County’s General Plan, the surrounding area, and those uses that exist on the lands surrounding the property; and

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

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

AGREEMENT

1. General

- 1.1. The County shall rezone the Property described in Exhibit A from Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort-1 (DRR-1) Zone for the purpose of allowing the Developer to construct its conceptually pre-designed project on the subject Property.
- 1.2. The responsibilities and commitments of the Developer and the County, as detailed in the Developer's Rezone Application and this document when executed, shall constitute a covenant and restriction that shall run with the land and be binding upon the Developer, its assigns and successors in interest.
- 1.3. Both Parties acknowledge that this Agreement will be recorded in the Office of the Weber County Recorder, and recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both Parties.
- 1.4. This Agreement constitutes the entire Agreement between the Parties; however, the Parties acknowledge that an official, recorded copy of the Rezone Application will be kept in the Weber County Clerk/Auditors Office and the Planning Division Office for reference purposes. The Parties may consider amendments or modifications to the provisions of this Agreement and/or the Master Plan only by written instrument. In the event that an amendment to the Master Plan included in the Rezone Application ("Master Plan") is sought, it may only be made after considering the recommendation of the County Planning Commission which may hold a public meeting to obtain public input on the proposed amendment or modification of the Master Plan.
- 1.5. This Agreement with any amendments or modifications shall be in full force and effect according to this approved Agreement until the property covered herein has been reverted to its former zone designation as a result of default.
- 1.6. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.

2. Health and Safety

- 2.1. Developer shall address reasonable site specific avalanche hazards at the site plan level of approvals for development.
- 2.2. Developer agrees to grant access or convey property along (SR158) for, at least two, run-away truck ramps (or other safety facilities) at a time and location that UDOT determines is beneficial.
- 2.3. The Developer is committed to utilizing efficient low-emission fireplaces in future development on the Property, including but not limited to, natural gas, liquid propane and high efficiency wood burning systems. The Developer will work with the County to facilitate the use of such heating methods, but the Developer shall not be prohibited from utilizing traditional log-burning fireplaces on a limited basis in lodges, hotels, corporate retreats, commercial areas and single-family homes, so long as the Developer shall comply with all applicable federal, state and local regulations.

- 2.4. The Developer shall construct and provide a combined facility or individual facilities for the Weber County Sheriff and Weber Fire District at a time that is deemed necessary and practical as determined by the jurisdictions. The facility may be integrated to accommodate both agencies and shall meet the requirements of both the Weber Fire District and the Weber County Sheriff's Office. Accommodations include, but are not limited to, those outlined in the Emergency Services Plan provided on page 50 of Exhibit B. The facility location(s), design, and floor plan shall be approved by the Weber County Sheriff's Office and the Weber Fire District.
- 2.5. The Developer shall seek input from the U.S. Forest Service or the Utah Department of Natural Resources, Division of Forestry, Fire and State Lands to develop and implement a wildfire prevention, evacuation and suppression plan for the entire Project no later than 18 months after the date of this Agreement. Developer shall address phase and site specific wildfire hazards and management plans at the time of and within all development review applications.
- 2.6. Developer agrees to follow the recommendations of the State of Utah Department of Environmental Quality and Utah Geological Survey as outlined in letters dated October 12, 2007 and September 18, 2007 respectively.

3. Master Plan

- 3.1. County hereby adopts the Master Plan found in Exhibit B. It is recognized that the Master Plan may be amended by the Developer from time to time, subject to the provisions of Section 1.4, above.
- 3.2. Developer shall also prepare more detailed development plans for the various neighborhoods ("Development Areas"), so long such plans are consistent with the Master Plan. The Master Plan includes the following six Development Areas: (i) Development Area A – Mid-Mountain, (ii) Development Area B – The Ridge, (iii) Development Area C – Earl's Village, (iv) Development Area D – Summit Village, (v) Development Area E – Gertsen, and (vi) Development Area F – The Meadow. Each Development Area may contain multiple subdivisions. In connection with the development of such subdivisions, each subdivision plat shall be approved by the County so long as all applicable standards are met and such subdivision plats are reasonably consistent with the Master Plan.

4. Development

- 4.1. Developer shall develop the subject property based upon representations made in the Rezone Application and the approved Master Plan (Exhibit B). The Master Plan may be refined, in accordance with provisions of the DRR-1 Zone, but material changes to the general concept of the Master Plan will not be changed without prior formal approval of the County.
- 4.2. Developer agrees that development, consistent with the Master Plan, will be subject to and part of a more specific and more detailed subdivision and/or plan review. Development inconsistent with the Master Plan will not be approved.
- 4.3. In the event that a new wastewater treatment facility is constructed within the resort boundary, such facility shall be approved by Utah DEQ and the County Health

Department to provide a level of effluent quality that will allow the re-use of treated water for snowmaking, aquifer recharge, and irrigation of fields, forests, and/or landscaping.

- 4.4. Developer acknowledges that by rezoning the Property, the County is not representing or guaranteeing that there are readily available services to support the entire project. Further, the Developer agrees that no development shall be allowed unless Developer demonstrates the ability to provide water, sewer and other necessary infrastructure in accordance with state laws, rules and regulations, and county codes.
- 4.5. Developer agrees to dedicate a public road right-of-way (at least 66 feet wide) from an existing public road within the Property to a point on the project boundary that provides area for the full development of a secondary public road. The right-of-way, which may need to be entirely located on Powder Mountain Resort property, shall be dedicated by the Developer within six months of any County request for such dedication. At the County's discretion and at a minimum, the road right-of-way shall be generally located in an area represented in the attached Exhibit C.
- 4.6. Developer agrees to dedicate a public road right-of-way (at least 66 feet wide) for a secondary public road across property that is currently owned (as of November 30th, 2014) by Summit Mountain Holding Group and that lies in Cache County and is traversed by an existing dirt road that is called out on Exhibit C. The right-of-way shall be dedicated by the Developer within six months of any County request for such dedication.
- 4.7. The proposed boutique hotel, located near the top terminal of the existing Sundown chairlift, may only be constructed if methods or technology can be applied (at the time of construction) in such a manner so as to limit light emissions to an imperceptible level as seen from the developed camping areas of North Fork Park. The methods and technology shall be approved by the Ogden Valley Planning Commission at the time of site plan review.
- 4.8. At minimum all "regional public trails" and "loop trails", shown on page 45 of Exhibit B, shall be open to the public as a fee free recreational activity. "Regional public trails" shall be constructed and open to the public by fall of 2017. "Loop trails" shall be constructed and open to the public by fall of 2018.
- 4.9. The County will review more detailed development plans and will approve/issue Land Use, Conditional Use, and Building Permits based on compliance with applicable standards including but not necessarily limited to State Law, the Weber County Zoning Ordinance, Building Code and/or Health Regulations.
- 4.10. Developer shall incorporate principles of sustainability into the development when practical and feasible. Developer shall demonstrate practicality and feasibility at the time of and within all development review applications.
- 4.11. Developer shall consider comments made by the State of Utah Division of Wildlife Resources (DWR) at the site plan level of approvals for all development applications per the existing Resource Development Coordinating Committee (RDCC) process including trails and wildlife buffers. DWR comments, eligible for consideration, shall be those submitted prior to a Planning Commission meeting where the related

application is being considered for the first time. Where not otherwise required by the DRR-1 Zone, reasonable and customary wildlife buffers will be part of the Developer submittals for design review/subdivision applications.

- 4.12. The Developer has submitted a Recreation Facilities Plan as part of the Rezone Application. Recreation facilities shall be provided commensurate with the level of residential development and consistent with the Recreation Facilities Plan. Beginning two years after approval of the Rezone Application, the Developer shall provide a biennial report to the Planning Division Staff that inventories all existing (constructed) recreation facilities and approved commercial projects and residential units or lots to date. The inventory shall include, but not be limited to, the number, type and general location of facilities and lots or units. Recreational facilities and commercial projects shall be represented in terms of acreage or square footage, whichever is more appropriate. General location(s) shall be provided in terms of development area as illustrated on the Overall Land Use Plan.
 - 4.13. In connection with the development, the Developer or its successors in interest shall make the following donations to the County, which sums shall be used solely for the benefit of the local community by purchasing and maintaining open lands or other community projects, as determined by the County: i) upon completion (completion shall mean the issuance of a permanent certificate of occupancy) and sale of the 1st unit, the Developer or its successors in interest shall donate \$100,000; ii) upon completion and sale of the 100th unit, the Developer or its successors in interest shall donate \$100,000; iii) upon completion and sale of the 1,000th unit, the Developer or its successors in interest shall donate \$350,000; iv) upon completion and sale of the 2,000th unit, the Developer or its successors in interest shall donate \$500,000; and v) upon completion and sale of the 2,800th unit, the Developer or its successors in interest shall donate \$500,000. In the event that Developer establishes permanent open space, public use space, conservation areas or similar community benefits within Powder Mountain or the surrounding area, the County will consider applying the value of the land and improvements included in such community benefits as a credit against the amounts to be donated by Developer at the time of the sale of the 1,000th unit and thereafter, as set forth above. Failure of the Developer to pay the donations, in cash or community benefits acceptable to the County, in accordance with the above schedule will be deemed to be sufficient reason for County to deny additional building permits until the donation is received.
 - 4.14. Developer agrees that all construction will utilize best management practices. Final site plan applications made to Weber County shall be accompanied by a summary of the best management practices being utilized.
5. Density
- 5.1. Residential and commercial density shall not exceed 2,800 units which include the units that have been approved and recorded since the approval date of Zoning Development Agreement C2012-212 (E#2607988). The number of units will be applied in two density phases. Multiple development phases are anticipated within each density phase.

- 5.2. The Developer shall be entitled to the following density on the following terms and conditions: Phase 1 Density: 1,477 units which may include condominiums, single-family dwelling units, multi-family dwelling units, hotel rooms, corporate retreats, and others listed and allowed in the DRR-1 Zone. Hotel rooms shall count as the equivalent of one-third (1/3) of a single family dwelling unit. In other words, a 100 unit hotel would count as 33 units. Condominium units containing lock out rooms that can be separately rented shall be counted as one unit (including the lock out rooms). Commercial development is not included in the density limitation. Following the construction of the first 250 units by Developer, recreational and commercial uses shall be developed as needed, in Developer's commercially reasonable judgment, to support the resort.
- 5.3. Phase 2 Density. Upon meeting the requirements specified in Section 5.2 above and the conditions and benchmarks specified in this Agreement, the Developer shall be entitled to proceed with Phase 2 Density, an additional 1,323 units, which may include condominiums, single-family dwelling units, multi-family dwelling units, hotel rooms, corporate retreats, and others listed and allowed in the DRR-1 Zone. Hotels and lock out rooms shall count as described in Section 5.2. Attached is Table 5.3 that sets forth the approved Phase 1 and Phase 2 density.

TABLE 5.3 – PHASE 1 AND PHASE 2 DENSITY AND DESCRIPTION	
Type of Use	Density Equivalent
Single-Family Dwelling	1 unit
Multi-family Dwelling	1 unit per dwelling unit
Hotel Room	.33 units
Commercial Square Footage	N/A. Does not count toward unit density.
Corporate Retreats	First 36 corporate retreat rooms do not count toward unit density. Each room after 36 counts as .33 units.
TOTAL PHASE 1 DENSITY PERMITTED:	1,477 units
TOTAL PHASE 2 DENSITY PERMITTED:	1,323 units
TOTAL PROJECT DENSITY PERMITTED: 2,800 units	
Workforce housing units shall not be counted toward density of the Project regardless of where they are located, as provided by the DRR-1 Zone.	

- 5.4. The first 36 corporate retreat rooms shall not count against the Project's density entitlement. Additional corporate retreats may be added, however, such additional corporate retreat rooms will count towards the density limitations and each corporate retreat room shall count as .33 units for density purposes.

6. Traffic Mitigation

- 6.1. The provisions of this Article 6.1 shall apply after the completion (completion shall mean the issuance of a permanent certificate of occupancy) of the first 1,477 units. Following the completion of the first 1,477 units, County shall issue a scoping letter and the Developer shall pay for a traffic safety/impact study by an entity acceptable to the Parties (the "Traffic Study" or "Study"). The Study shall address the existing access road for the Property and shall make recommendations for improvements to the existing access road and related safety issues, including but not limited to guard rails, additional signage, flashing lights in dangerous areas, and runaway ramps. The Parties shall forward the study to the Utah Department of Transportation ("UDOT") and actively seek UDOT's implementation of the study's recommendations. The study shall also determine whether a secondary access is necessary for emergency purposes and/or general use and provide cost estimates for improvements to the "Powder Mountain Road" and the secondary access in a location approved by the County.
- 6.2. Developer agrees that air transportation into the Resort and Resort air operations will comply with the standards and requirements for heliports in the Ogden Valley. Heliports are allowed only in the DRR-1 and F-40 Zones, subject to applicable standards and requirements. "Resort air operations" refers to those aerial operations vital to construction and management of the resort, i.e., lift installation and avalanche control.
- 6.3. Weber County shall retain the right to define the scope of and, as part of any development application, require the Developer to submit a traffic analysis that can be used to verify representations made in the Powder Mountain Resort Traffic Impact Analysis dated September 26, 2014 and attached as Exhibit D. In the event that representations are/were incorrect and anticipated levels of service are not as expected, the Developer agrees to investigate the traffic volumes, utilizing a qualified traffic/transportation consultant, determine the impacts attributable to Powder Mountain and provide mitigation designed to return service to anticipated levels as represented in Exhibit D.
- 6.4. Developer agrees to continue providing employee transit for Powder Mountain employees in perpetuity and implement and perpetually continue providing a minimum of 5 travel demand reduction methods as proposed on page 44 of the Powder Mountain Resort Traffic Impact Analysis dated September 26, 2014 and attached hereto as Exhibit D. These methods may be changed and others implemented as proposed by Summit Mountain Holding Group and approved by Weber County.
- 6.5. The Parties will work together collectively and with local residents to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. These limitations will be presented to the Planning Commission for approval prior to or in conjunction with any site plan/subdivision submittal. Developer shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.

7. Reinvestment Fee Covenant

- 7.1. The Developer agrees to keep in place the reinvestment fee covenant ("Reinvestment Fee Covenant") as recorded on January 27, 2014 (document entry number 2672941) and amended on October 1, 2014 (document entry number 2704954).
- 7.2. A notice of Reinvestment Fee Covenant, that complies with the provisions of Utah Code, shall also be kept in place. The Reinvestment Fee Covenant, as described in section 7.1, shall require that every purchaser of a unit shall pay the master association a reinvestment fee of one and one-half percent (1.5%) of the purchase price of such unit. Notwithstanding the preceding sentence, this Section shall not apply to any of the following: (a) the creation of any mortgage for refinancing purposes; (b) any foreclosure of a first mortgage; (c) the exercise of a power of sale available under a first mortgage; (d) the taking of a deed or assignment in lieu of a foreclosure by a first mortgagee; (e) the conveyance by a first mortgagee of a deed to a parcel, lot, dwelling unit or improvement, or part thereof or interest therein, to a grantee if such first mortgagee shall have obtained title to such parcel, lot, dwelling unit or improvement, or part thereof or interest therein, pursuant to subclause (b), (c) or (d) above; (f) any transfer, sale or conveyance by the Developer, including without limitation any transfer from Developer to a neighborhood developer; (g) any transfer, sale or conveyance by a neighborhood developer, including without limitation all initial sales to end purchasers; (h) any transfer to a family trust or other closely held entity solely for estate planning purposes; or (i) conveyance by will, intestate succession, or trust to a deceased owner's heir. For purposes of the reinvestment fee, a "transfer" shall mean, whether in one transaction or in a series of related transactions, any sale, conveyance, assignment, or other transfer of any beneficial ownership of or interest in any parcel, lot, or dwelling unit, including but not limited to (1) the conveyance of fee simple title to any parcel, lot, or dwelling unit, (2) the transfer of any ownership interest in any timeshare, fractional ownership interest, or vacation club interest, (3) the transfer of more than 50 percent (50%) of the outstanding shares of the voting stock of a corporation which, directly or indirectly, owns one or more lots, parcels, or dwelling units and (4) the transfer of more than 50 percent (50%) of the interest in net profits or net losses of any partnership, limited liability company, joint venture or other entity which, directly or indirectly, owns one or more parcels, lots, or dwelling units.

8. Vested Rights

- 8.1. This Agreement shall vest with respect to the Property, all of the uses, densities, maximum building heights, the ability to transfer density and earn bonus density, design guidelines and design review procedures set forth in the Master Plan and this Agreement.
- 8.2. Notwithstanding any other provision of this Agreement, this Agreement shall not preclude the application of changes in laws, regulations, plans or policies, to the extent that such changes are specifically mandated and required by changes in state or federal laws or regulations ("Changes in the Law") applicable to the Property. In the event that Changes in the Law prevent or preclude compliance with one or more provisions of this Agreement, such provisions of the Agreement shall be modified or

suspended, or performance thereof delayed, as may be necessary, to comply with the Changes in the Law.

9. Reserved Legislative Powers: Compelling Countervailing Public Interest

9.1. Nothing in this Agreement shall limit the future exercise of the police power of the County in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement. Notwithstanding the retained power of the County to enact such legislation under its police power, such legislation shall only be applied to modify the vested rights described in Section 8.1 and the other provisions of this Agreement, based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah, as set forth in *Western Land Equities, Inc., v. City of Logan*, 617 P.2d 388 (Utah 1980) or successor case and statutory law. Any such proposed change affecting the vested rights of the Developer and the Property, or other provisions of this Agreement, shall be of general application to all development activity in the area included within the Rezone Application, unless the County declares an emergency. The Developer shall be entitled to prior written notice and an opportunity to be heard with respect to any proposed changes and its applicability to the Property under the compelling, countervailing public policy exception to the vested rights doctrine. In the event that the County does not give prior written notice, the Developer shall retain the right to be heard before an open meeting of the County Commission in the event that Developer alleges that its rights under this Agreement have been adversely affected.

10. Default and Enforcement

- 10.1. The Developer acknowledges that the County's granting of the rezoning outlined herein is contingent upon the Developer proceeding expeditiously with the implementation of its development plan. The County acknowledges that the development of the Property will occur in phases over an extended period of time. Nevertheless, in the event that the Developer does not begin construction of its first phase of improvements within one year following the Effective Date, as evidenced by Developer submitting a complete building permit application and paying all applicable fees for the construction of any portion of the first 1,477 units, the County shall have the right to process a rezone of the Property to reinstate the zoning classifications of the Property to those that existed immediately prior to the Effective Date.
- 10.2. The following conditions, occurrence and/or action will constitute a default by the Developer, its assigns and/or its successors in interest:
- 10.2.1. A breach of any provision, responsibility, or commitment presented in the Rezone Application (or other required rezone submittals) and agreed to through this Agreement.
- 10.2.2. Failure to present a detailed development plan, gain County approval and obtain Land Use/Conditional Use and Building Permits and commence construction within the manner of time specified in Section 10.1 of this Agreement.

- 10.3. In the event that any of the conditions constituting default, by the Developer (including its assigns or successors in interest) occur, the County may examine the reasons for the default and at its discretion, modify the terms of this Agreement, approve a change to the Master Plan or initiate steps to revert the zoning designation to its former zones.
- 10.4. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned or transferred to any other party, individual or entity without assigning also the responsibilities arising hereunder.
- 10.5. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be invalid the remainder of the Agreement shall remain in full force.
- 10.6. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the Parties hereto nor any rights or benefits to third parties, except as expressly provided herein.
- 10.7. This Agreement contains the entire Agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the Parties hereto.
- 10.8. The Exhibits to the Agreement are incorporated herein by the reference to them in the Agreement.
- 10.9. Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall be delivered personally to the party for whom intended, or, if mailed be certified mail, return receipt requested, postage prepaid to the Parties as follows:

For Developer:

Summit Mountain Holding Group, L.L.C.
3923 N. Wolf Creek Drive
Eden, UT 84310

Attn: Paul Strange

For Weber County:

Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, UT 84401

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

11. Exhibits

- A. Property Description
- B. Master Plan
- C. Secondary County Public Roadway Proposal Dated October 9, 2014
- D. Powder Mountain Resort Traffic Impact Analysis Dated September 26, 2014

Exhibit B-Proposed Zoning Development Agreement Amendment with Conceptual Maps

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IN WITNESS WHEREOF, the Parties hereto, having been duly authorized, have executed this Agreement to be effective upon date of approval.

Approved by the Parties herein undersigned this 13 day of January, 2015.

Weber County Corporation
"County"

Summit Mountain Holding Group, L.L.C.
"Developer"

By: Kerry W. Gibson
Kerry W. Gibson
Chair, Weber County Commission

By: Paul Stray
Name: Paul Stray
Its: Authorized Signature

ATTEST:

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

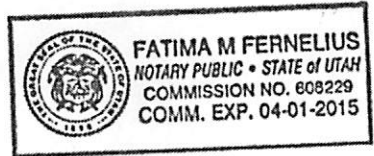
CORPORATE ACKNOWLEDGMENT

State of Utah)
)ss.
County of Weber)

On this 13 day of January, in the year ²⁰¹⁵~~2014~~, before me, Fatima M Fernelius
a Notary Public in and for the State, personally appeared, Paul Strange proved, on the
basis of satisfactory evidence, to be the Authorized Signatory of Summit Mountain Holding Group LLC
corporation which executed the foregoing instrument, and that said instrument was signed on
behalf of said corporation by authority of a Resolution of its Board of Directors that said
corporation executed the same.

Witness my hand and official seal.

Fatima M Fernelius
Notary Public



APPROVED AS TO FORM:

[Signature]
Weber County Attorney

1/12/15
Date

Exhibit A

Powder Mountain Legal Description for DRR-1 Rezone

The following metes and bounds description has been put together primarily from record information and the bearings and dimensions are intended to follow various parcel lines, section lines, and the county line, and those line locations as they actually exist are to preside over these metes and bounds calls.

Beginning at the Weber County Monument at the Intersection of the Weber/Cache County Line and the North Line of Section 1, Township 7 North, Range 1 East, Salt Lake Base and Meridian (Basis of Bearings is North 89°55'51" West between the Northeast Corner of Section 1 Township 7 North, Range 1 East, Salt Lake Base and Meridian and the Weber County Monument at the intersection of the Weber/Cache County Line and the Section Line); Running thence along the Weber/Cache County Line the following (81) Courses: 1) South 26°39'20" East 457.03 feet, 2) South 36°45'22" East 374.24 feet, 3) South 66°54'26" East 745.76 feet, 4) South 67°48'15" East 1,214.23 feet, 5) South 68°53'51" East 618.68 feet, 6) South 32°02'26" East 1,432.62 feet, 7) South 47°01'38" East 1,561.89 feet, 8) South 74°16'55" East 602.01 feet, 9) South 84°37'17" East 129.79 feet, 10) North 74°55'18" East 101.38 feet, 11) South 76°31'57" East 92.39 feet, 12) South 65°19'33" East 171.60 feet, 13) North 89°40'40" East 28.76 feet, 14) North 89°40'40" East 75.92 feet, 15) North 52°55'34" East 193.59 feet, 16) North 69°40'16" East 221.91 feet, 17) North 59°06'24" East 118.16 feet, 18) South 67°13'20" East 69.76 feet, 19) North 86°54'23" East 63.24 feet, 20) South 86°25'04" East 100.69 feet, 21) South 74°00'19" East 244.83 feet, 22) North 74°03'46" East 521.31 feet, 23) North 66°25'48" East 317.77 feet, 24) North 70°24'30" East 153.33 feet, 25) North 58°12'10" East 285.32 feet, 26) South 84°07'27" East 53.98 feet, 27) South 87°03'34" East 69.14 feet, 28) North 81°05'29" East 97.39 feet, 29) South 42°06'19" East 88.79 feet, 30) South 29°32'36" East 90.02 feet, 31) South 60°56'58" East 66.00 feet, 32) North 89°45'17" East 75.88 feet, 33) South 40°32'55" East 57.25 feet, 35) North 79°41'20" East 72.99 feet, 36) North 82°58'43" East 52.82 feet, 37) North 72°17'57" East 58.58 feet, 38) South 82°52'28" East 50.93 feet, 39) North 75°58'50" East 120.54 feet, 40) South 63°46'05" East 276.76 feet, 41) North 82°55'41" East 343.76 feet, 42) North 64°52'15" East 188.03 feet, 43) South 83°46'40" East 176.84 feet, 44) South 70°02'49" East 59.60 feet, 45) North 73°42'12" East 72.74 feet, 46) North 59°12'49" East 102.26 feet, 47) North 25°41'17" East 70.59 feet, 48) North 66°03'04" East 70.31 feet, 49) North 42°54'13" East 128.35 feet, 50) North 54°47'53" East 84.47 feet, 51) North 49°51'28" East 87.14 feet, 52) North 38°48'21" East 141.86 feet, 53) North 36°53'14" East 116.00 feet, 54) North 70°56'50" East 94.54 feet, 55) North 52°44'33" East 145.13 feet, 56) North 59°00'12" East 111.75 feet, 57) North 55°28'15" East 198.69 feet, 58) North 61°38'46" East 91.96 feet, 59) South 87°10'59" East 103.70 feet, 60) North 80°38'14" East 286.76 feet, 61) North 84°30'35" East 198.43 feet, 62) North 61°36'18" East 92.91 feet, 63) North 50°22'10" East 103.07 feet, 64) North 27°03'07" East 101.09 feet, 65) North 42°50'05" East 153.03 feet, 66) North 38°49'16" East 262.69 feet, 67) North 44°43'21" East 190.34 feet, 68) North 81°07'16" East 180.14 feet, 69) North 70°39'00" East 172.83 feet, 70) North 73°43'10" East 165.69 feet, 71) South 88°30'22" East 241.18 feet, 72) North 89°39'35" East 108.74 feet, 73) North 83°37'52" East 170.29 feet, 74) North 84°51'13" East 215.80 feet, 75) South 81°51'43" East 144.54 feet, 76) North 73°14'01" East 160.54 feet, 77) North 89°12'59" East 152.04 feet, 78) South 86°20'53" East 125.49 feet, 79) North 89°57'00" East 141.72 feet, 80) South 84°52'46" East 141.65 feet, 81) South 73°46'48" East 11.88 feet To the Center Section Line of Section 4, Township 7 North, Range 2 East Salt Lake Base and Meridian; thence South 00°19'06" East 3,583.87 feet along said Section Line to the Quarter Corner of Section 4 and 9, Township and Range aforesaid; thence South 00°03'35" West

along the Center Section line 5,405.90 feet to the Quarter Section corner of Sections 9 and 16, township and range aforesaid; thence South 86°20'47" East along the South Section Line 2,617.49 feet to the Corner of Sections 9, 10, 15 and 16, township and range aforesaid; thence South 46°37'20" West 3,639.90 feet to the center of Section 16; thence South 00°43'08" West along the Center Section Line 2,358.71 feet to the Quarter Corner of Sections 16 and 21 township and range aforesaid; thence South 86°47'40" West along the Section Line 2,650.21 feet to the Corner of Section 16, 17, 20 and 21, township and range aforesaid; thence North 85°54'28" West along the section line 2,614.70 feet to the Quarter Corner of Sections 17 and 20, Township and Range aforesaid; thence South 87°20'03" West along the Section Line 2,432.26 feet to the Corner of Sections 17, 18, 19 and 20, Township and Range aforesaid; thence North 03°35'27" West along the Section Line 2,575.97 feet to the Quarter Corner of Sections 17 and 18, Section and Range Aforesaid; thence North 85°39'14" West along the Quarter Section Line 1,270.03 feet; thence North 04°19'32" West 3,520.00 feet; thence West 2,460.69 feet; thence South 02°20'05" East 659.64 feet to the West Sixteenth Corner of Sections 7 and 18; thence North 84°07'08" West along the Section Line 1,197.28 feet to the Corner of Sections 7 and 18, Township 7 North, Range 2 East, and Sections 12 and 13, Township 7 North, Range 1 East; thence North 89°39'48" West along the Section Line 1,322.81 feet; thence North 00°06'22" West 2,681.08 feet to the Quarter Section Line; thence North 89°50'14" West along said Quarter Section Line 1,322.49 feet to the Center of Section 12, Township 7 North, Range 2 East; thence North 00°04'52" West along the Quarter Section Line 1,344.10 feet; thence South 89°45'43" East 1,319.67 feet; thence North 00°12'08" West 1,340.37 feet to the Section Line; thence North 89°45'21" West along said Section Line 1,317.72 feet to the Quarter Corner of Sections 1 and 12, Township and Range Aforesaid; thence North 89°50'36" West along the Section Line 2,635.43 feet to the Corner of Sections 1, 2, 11 and 12, Township and Range Aforesaid; thence South 00°01'44" East along the Section Line 5,346.97 feet to the Corner of Sections 11, 12, 13 and 14, Township and Range Aforesaid; thence South 89°26'58" West along the Section Line 2,647.58 feet to the Quarter Corner of Sections 11 and 14, Township and Range Aforesaid; thence South 89°26'58" West along the Section Line 2,647.58 feet to the Corner of Sections 11, 10, 14 and 15, Township and Range Aforesaid; thence North 89°19'32" West along the Section Line 2,134.72 feet; thence North 2,637.58 feet; thence North 03°52'25" East 3,942.57 feet; thence North 38°42'06" East 668.17 feet; thence North 64°01'06" East 1,766.53 feet to the Quarter Corner of Sections 2 and 3, Township and Range aforesaid; thence North 02°39'45" East along the Section Line 2,514.91 feet to the Corner of Sections 2 and 3, Township and Range Aforesaid, and Sections 34 and 35, Township 8 North, Range 1 East, Salt Lake Base and Meridian; thence North 01°11'03" East along the Section Line 3,223.27 feet More or Less to the Weber and Cache County Line; Running Northeasterly and Southeasterly 11,901 feet More or Less along said Weber and Cache County Line to the point of beginning.

Less and Excepting the following:

Aspen Drive, Powder Mountain West Subdivision Phase 1, Powder Mountain West Subdivision Phase 2, Powder Mountain West Subdivision Phase 3, Sundown Condominiums at Powder Mountain Phase 1, Moon Ridge Condominiums, Powder 11 Subdivision at Powder Mountain, Powder Mountain Village, Powder Ridge Condominiums Phase 1, Powder Ridge Condominiums Phase 1 Building 3 Amended, Weber State Parcel 23-012-0109, Powder Mountain West Subdivision Phase 4, Powder Ridge Condominiums Phase 1 Amended, Snowflake Subdivision 3 "Open Space", Tax Parcel 23-044-0012, Tax Parcel 22-001-0014, Tax Parcel 22-001-0017, Tax Parcel 23-012-0082, Tax Parcel 23-012-0105, Tax Parcel 23-012-0106, Tax Parcel 23-012-0107, and Tax Parcel 23-012-0119.

Containing Approximately: 6198 Acres

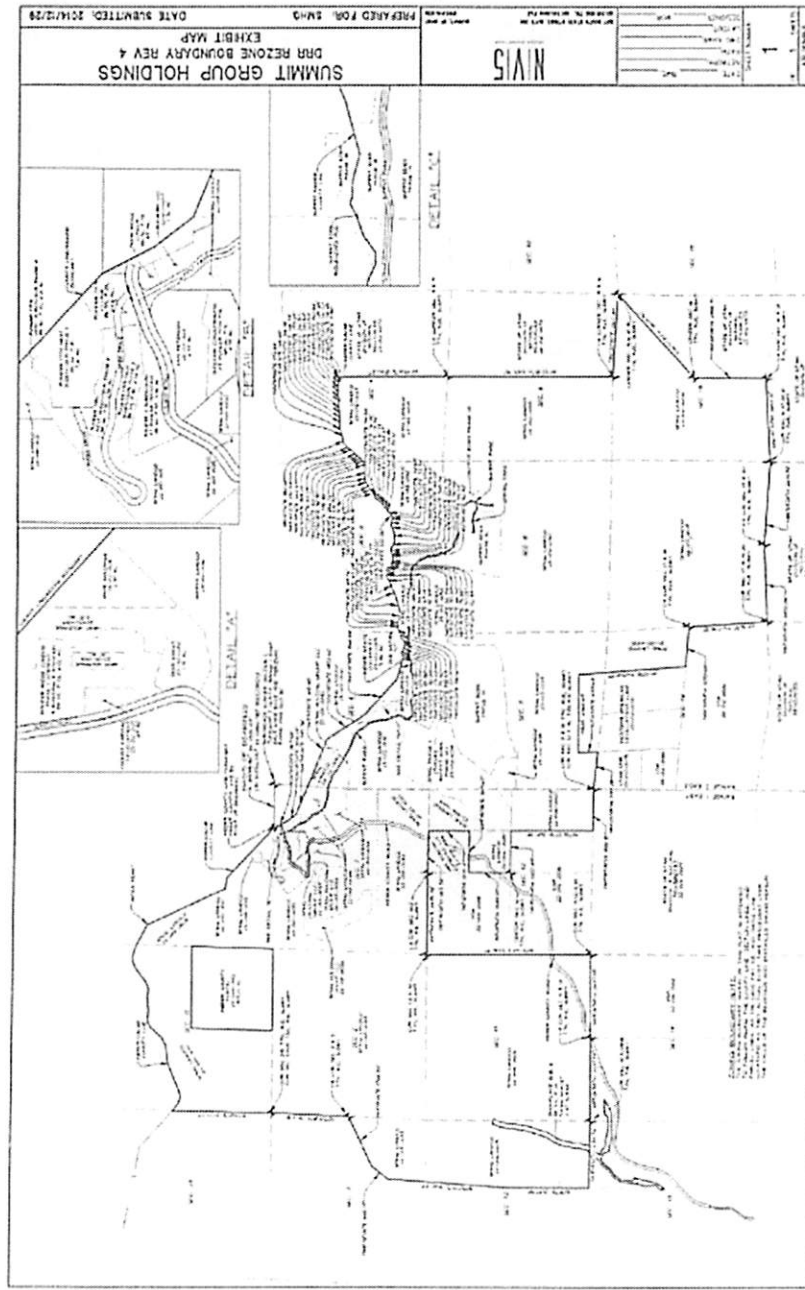
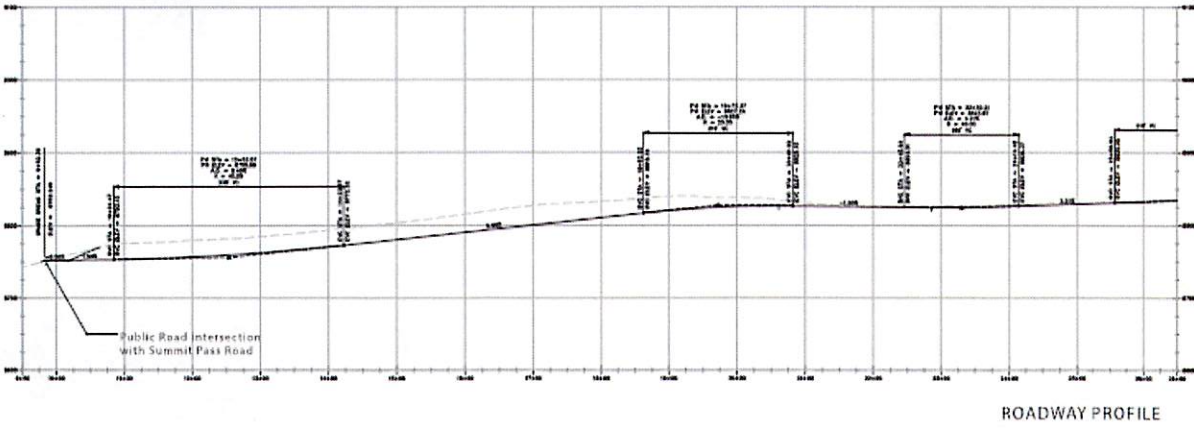
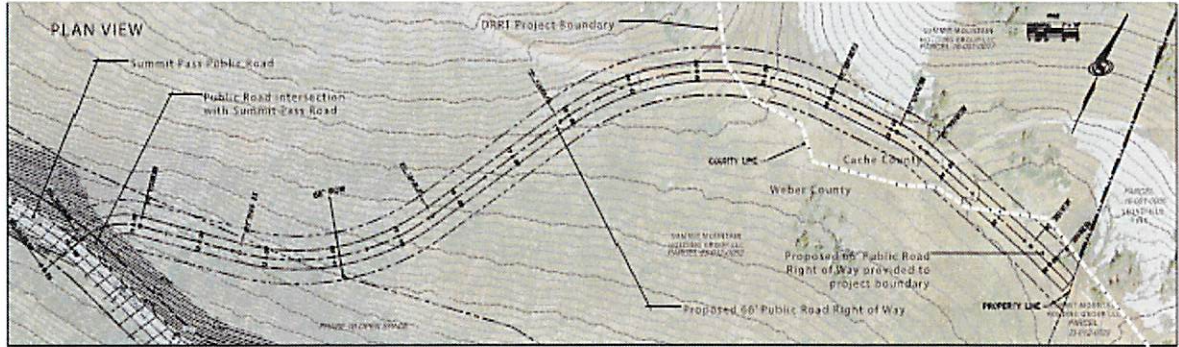


EXHIBIT B

Public Roadway Access

See Attached.

Public Roadway Access



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.

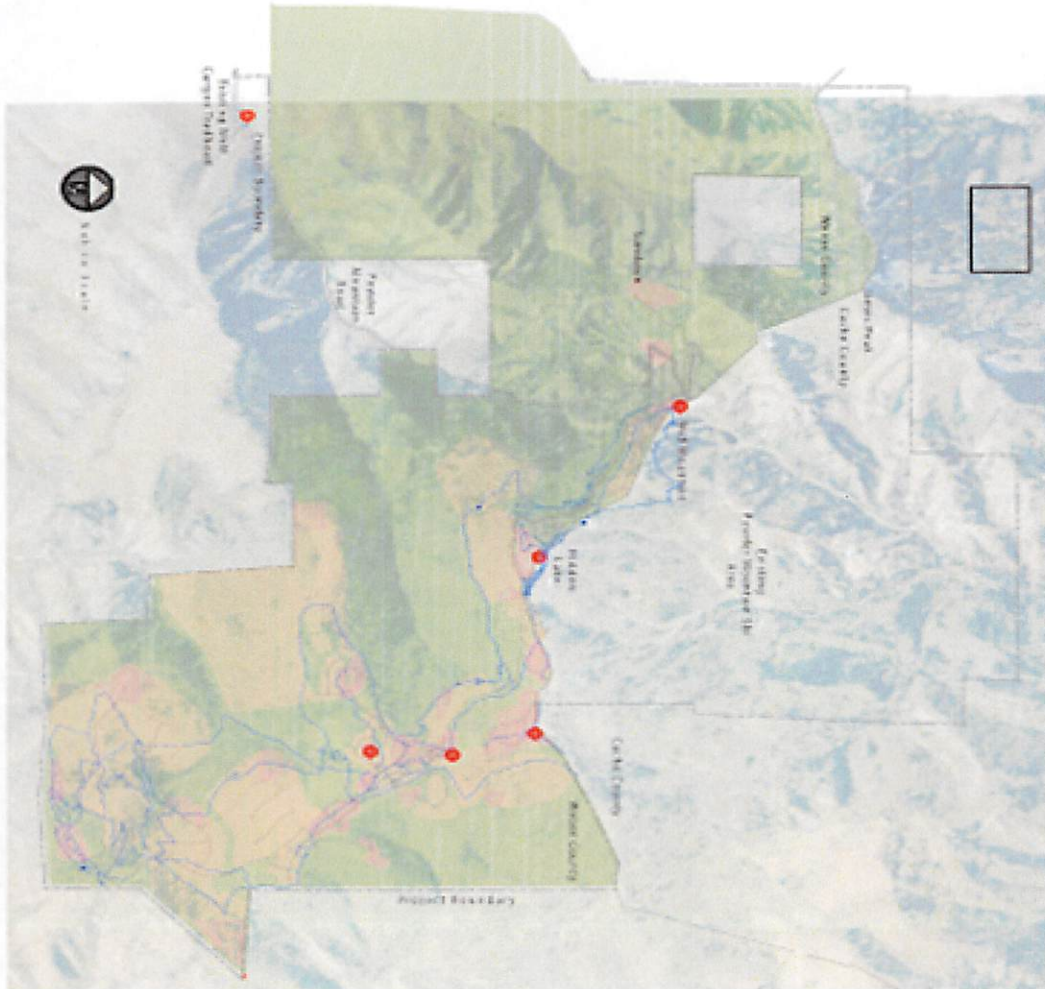


EXHIBIT B

Page 45 of Exhibit B to the ZDA

See attached.

Open Space with Trails Plan



The Open Space and Trails System diagram illustrates project trails that will connect neighborhoods to one another and to a regional trail network, if developed in the future. Powder Mountain is committed to providing regional public trail connectors through the project to ensure public trail access to and through the project. Powder Mountain will work with the adjacent landowners, USMR and Weber Pathways to provide these connectors, if feasible. A priority has been placed on creating loops within the project. The loop trails 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 written and around each development area that will include single-track, 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 OSRZ zoning requirements, the approximate 2,100 acres that have steep slopes more than 40 percent were subtracted from the total acres, resulting in an Adjusted Gross Average of approximately 4,080 acres. Development is planned on approximately 1,500 acres, leaving 2,580 acres or 63% of the Adjusted Gross Average preserved as open space.



EXHIBIT C

Copies of the State of Utah Department of Environmental Quality letter dated October 12, 2007 and the Utah Geological Survey letter dated September 18, 2007

See attached.



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

4/14

October 12, 2007

Scott Mendoza
Weber County Planning
Weber Center Suite 240
2380 Washington Blvd.
Ogden, Utah 84401

Subject: Powder Mountain Resort

Location: New commercial/residential community proposed adjacent to
Power Mountain Resort.

Purpose: Rezone for the expansion of the ski resort, and construction of 610
single family dwellings, 850 townhomes/condominiums, 320 hotel rooms, 5-8
hotels, and associated commercial retail and restaurants including landscaping and
access roads.

The Utah Division of Water Quality staff has reviewed the referenced information.
It is our opinion that applicable water quality standards may be violated in the South
Fork and Middle Fork of the Ogden River, Wolf Creek, and Pineview Reservoir
unless appropriate Best Management Practices (BMPs) are incorporated to minimize
the erosion-sediment load to any adjacent waters during project activities and
operation of the facilities. Pineview Reservoir is listed on Utah's 303(d) list for
dissolved oxygen, temperature, and total phosphorus. The beneficial use listed as
impaired is 3A (cold water aquatic life). We recommend that appropriate water
quality parameters of adjacent water be monitored for effectiveness.

Potential impacts from runoff during construction or during operation of the facility
may include the degradation of water quality, increased quantities and intensities of
peak flows, channel erosion, flooding, and geomorphologic deterioration that may
directly or indirectly cause an inability of streams to sustain ecology and support
their designated beneficial uses. Site designs should minimize the creation of
additional impervious surfaces in watersheds that increase sheet runoff and promote
designs that result in infiltration of runoff. Emphasis in design should avoid
concentrations of storm water to fewer drainage locations. The intent should be to
allow or mimic the natural flow patterns to the degree possible.

The Division of Water Quality requests the following conditions be included in the
proposed project, as follows:

1. Whenever an applicant causes the water turbidity in an adjacent surface
water to increase by 10 NTU's or if turbidity is visibly increased, the
applicant shall notify the Division of Water Quality.
2. The applicant shall not use any fill material which may leach organic

5/14

Page 2

chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into the receiving water.

3. Applicant shall protect any potentially affected fish spawning areas.
4. The following permits from our Division are required during the construction phase of the project when more than a total of one acre of land is disturbed as a result of the project:
 - a. Construction activities that grade one acre or more are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR100000. The permit requires the development of a storm water pollution prevention plan to be implemented and updated from the commencement of any grading activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures can be found on our web site waterquality.utah.gov.
 - b. Dewatering activities during the construction may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations.
 - c. In addition to these permitting requirements, the Division of Water Quality requires the submission of plan elements for permanent storm water runoff control and treatment. Control of pollutants such as petroleum and de-icing products must be implemented.
5. Repair of damaged riparian areas along the above-mentioned waters or tributaries should be included in project design. Riparian areas along creek banks help to reduce erosion, provide habitat and maintain proper temperatures necessary to retain beneficial uses of the waterbody.

Enclosed please find a map of the waters that may be affected by any development in the rezoned area. Please contact Shelly Quick at (801) 538-6516 if you have questions concerning the water quality comments for this project.

File: spud09p481 certification projects
Sp481 certification Permit Materials



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION

JOHN HARJA
Director

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

3/14

September 18, 2007

Scott Mendoza
Weber Center
2380 Washington Boulevard
Ogden, Utah 84401-1473

SUBJECT: Powder Mountain Resort Re-Zone For Development
Project No. 07-8271

Dear Mr. Mendoza:

The Resource Development Coordinating Committee (RDCC) has reviewed the Powder Mountain re-zone proposal in Weber County. The Utah Geological Survey (UGS) comments:

The UGS performed a cursory review of the report by AMEC Earth and Environmental, Inc. (AMEC) dated December 13, 2001 that is included as a section of the environmental impact study for the proposed Powder Mountain Resort rezone. AMEC identified geologic hazards on the property including slope instability/landslides, karst, debris flows, rock falls, problem (shrink/swell) soil, and shallow bedrock. AMEC's investigation is a preliminary study and more detailed work should be performed for areas where they have identified specific hazards. AMEC specifically recommends more detailed studies be done adjacent to areas where they identified landslides and limestone bedrock (potential karst areas). Addressing geologic hazards is best done early in the planning and design stages of development. Dealing with hazards after construction has begun or is completed can be difficult and costly.

Conclusions and recommendations in this review are based on data presented in the AMEC report. The Department of Natural Resources, Utah Geological Survey (UGS) provides no warranty that the data in the reports is correct or accurate, and has not done an independent evaluation of the geology/geologic hazards of the area. Recommendations in this review are provided to aid Weber County in reducing risks from geologic hazards

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address or call the Director, Jonathan G. Jemming, at (801) 537-9023, or Carolyn Wright at (801) 537-9230.

Sincerely,

John Harja
Director
Public Lands Policy Coordination Office



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and take comment on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

Agenda Date: Wednesday, June 27, 2018
Staff Report Date: Tuesday, June 20, 2018
Applicant: Weber County Planning Division
File Number: ZTA 2017-17

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763
Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
§102-1: General Provisions
§104-[ALL], Zones
§106-2: Subdivision Standards
§108-3: Cluster Subdivisions
§108-5: Planned Residential Unit Development (PRUD)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

On March 20, 2018, the County Commission asked staff to rework the planned residential unit (PRUD) ordinance to allow more legislative flexibility in the decision-making process. A PRUD is a flexible development tool that is currently listed as a conditional use in many zones. However, under state law a decision on a conditional use permit is an administrative decision in which there is not support for legislative-type discretion. The current PRUD code has been determined to contain insufficient detail to enable the predictable and desirable preconceived outcomes that an administrative decision should have. For this reason, the attached proposal is being proposed to change the decision type – and therefore the amount of decision discretion allowed – for all future PRUDs.

Policy Analysis

Policy Considerations:

The following is an analysis of the various development policy implications that run with the proposed ordinance. The subjects are listed in the order they appear in the proposal (with line numbers).

Definitions.

Lines 10-16 and 25-32 move, but do not change, the definition of “base density.” This move is for clarity purposes only.

Lines 49-53 are being deleted from the code. It is not clear what part of the code this paragraph belongs. It references “any such legislative amendment” but offers no insight as to what legislative amendment it is referring. The context of all four paragraphs that precede it have no applicability to legislative amendments. This is likely a relic of a previous amendment that was not appropriately modified or deleted at the time. Deleting this paragraph has little or no consequence as all hearing requirements for legislative decisions are better and more clearly governed by state code.

Lines 57-240 deletes PRUD from the list of conditional uses in each zone. This eliminates the administrative nature of these types of decisions.

Lines 144-161 is part of the CVR-1 zone. The information listed in the CVR-1 zone’s site development standards section deviates from the conventional writing for site development standards of the other zones, making a quick change to the conditional use list insufficient to adequately address how the density of a PRUD overlay zone is intended to be calculated in this zone. These lines accommodate for this concern and offer a more conventional tabulated approach to site development standards in the CVR-1 zone. This is intended for clarity purposes only.

Lines 242-494 offer the new proposed PRUD overlay zone in Title 104 (zones). This whole chapter is copied and pasted (with some modifications as further explained below) from the existing PRUD standards section of Title 108 (standards). Moving it from 108 (standards) to 104 (zones) transforms the ordinance from an administrative set of standards into a legislative zoning designation.

Lines 243-259 offer definitions that are only applicable to the chapter, and not applicable to the entire code. Any changes made here are clerical in nature.

Lines 260-283 is a section from the old code. A few minor modifications have been made to it to clarify the legislative nature of the Commission’s decision to apply a PRUD overlay zone. It also offers better support for what to do if this code has any conflicts with other parts of the land use code, which we know to be very likely as the purpose of this code is to offer flexible deviation from other stricter regulations.

Lines 284-303 is a new section intended to communicate the applicability of the code, and designating all PRUDs approved prior to the adoption of this proposal as nonconforming (meaning legal-nonconforming). It also offers a simple method of amending those PRUDs provided that the amendment is small enough that it will not merit public outcry.

Lines 304-336 offer application requirements. This section has been rewritten nearly in its entirety.

Lines 337-354 is primarily a copy and paste from the old code. If there are any changes here it is clerical in nature.

Lines 355-388 is in part taken from the old code and in part rewritten. It now offers more explanation regarding the rezoning process for a PRUD overlay zone.

Lines 389-412 is all new. It explains what should appear in an overall development plan. In this section we are requiring a PRUD to be designed to offer cluster elements as adopted in the new version of the cluster subdivision code. It explains that the applicability of standards of the cluster subdivision code can still be modified for a PRUD, but advocates for the general configuration of cluster-type developing. Given that adoption of a PRUD overlay zone is legislative the specific points of the cluster code to be waived will be decided during development agreement process. This section also advocates for the overall development plan to have a quality transportation and land use component.

Lines 407-408 explains that the overall development plan is where lot development standards will be proposed/located for a PRUD development.

Lines 409-412 requires the overall development plan to be planned around moderate and high risk geologic hazards. This is different than our current development regulations in which a developer may develop on a high risk area as long as proper mitigation has been provided.

Lines 413-426 are copied and pasted from the current PRUD ordinance, however, subsection (b) has been rewritten for clarity and to offer additional legislative discretion.

Lines 428-434 govern the area and density of a PRUD. Under the current PRUD ordinance a PRUD has to contain at least 24 dwelling units and ten acres (four if in a residential zone). This section has been modified to allow a PRUD to contain a smaller acreage if there is over 100 acres and 90 percent of it is permanently preserved open space. This covers the recent application to amend the PRUD code to allow a lesser density in exchange for more open space which the planning commission heard (and the County Commission tabled) earlier this year.

Lines 435-498 offers the bonus density provisions. It still suggests that no bonus density should be offered in the Ogden Valley. As it relates to Western Weber, this section is carried over from the current PRUD ordinance with formatting changes. There are a number of new provisions here though, so read them carefully to ensure they capture the appropriate desires. More detail is offered below.

It is important to note that because a PRUD overlay zone will now become a legislative decision, this section constitutes a guideline for starting bonus density negotiation. It does not create a mandate for the County to offer a bonus, nor does it create a mandate to strictly comply with the bonus percentages of the table. It is merely a guide to document county priorities to help the developer know what can be reasonably expected as they engage the negotiation process.

Lines 445-447 has formatting and clerical changes.

Lines 448-453 has all of the bonus offerings from the current PRUD code, formatted a little differently, but also contains a few new ones. The bonus percentages allowed have been changed for a number of them to better reflect the county's desire for the offering. Here is a list of the new offerings:

- HOA park and public park have been separated into two different offerings and the density percentages have been adjusted.
- Land for a public recreational or emergency services facility has been added. In the event there is significant development in an area already the County may want to award a bigger bonus for this offering so public funds do not have to be invested to create a new facility.
- The bonus percentage for development for excess sewer has been adjusted to offer a proportional bonus-to-excess-sewer-infrastructure ratio, all based on the development's base density.
- The bonus for agricultural land has been modified to meet the new definition of prime agricultural land and has been adjusted to reflect what is in the cluster code – except require at least 20 contiguous acres.

Lines 454-473 offer a provision for affordable housing bonus (again, the bonus would not be applicable to Ogden Valley, but it would not hurt the Ogden Valley Planning Commission to consider it). Given the public's response to affordable housing in the recent Western Weber Futures open houses, this subject will likely be controversial and uncomfortable. It offers 10 percent *free* density for affordable housing. The idea here is to encourage each PRUD development to contain affordable housing. The general plan's moderate income housing element explains that as the Western Weber area grows the need for affordable housing will rise proportionately. What we are finding now is that due to the large acreage requirement for housing in Western Weber the existence of affordable housing is nearly impossible. In addition to this, the Wasatch Front is experiencing significant growth in real estate values, creating an affordable housing crisis for those fixed income families or individuals. Offering some allowance for affordable housing in a community helps decrease the probability that Weber County is perpetrating exclusionary zoning practices, which has been directly addressed by the courts as a fair housing/reasonable accommodation/equal protection issue.

While encouraging affordable housing, this section also governs the location and screening of the affordable housing building(s). They will need to be centrally located in the interior of the PRUD and surrounded by other homes so as not to be located directly adjacent to existing housing or existing public rights-of-way.

It should be observed that no parameters are being prescribed for the building types or spread of affordable housing within the development, except that it cannot be taller than two stories. This is intentional to allow the developer to choose how to best accommodate for it (if the developer even chooses to do it). This will allow a

developer, after County Commission approval, to locate all 10 percent in a small footprint, thereby realizing cost savings and freeing up land acreage that could otherwise be used for other housing/uses or open spaces.

As an anecdote when considering affordable housing, a developer of a cluster subdivision that was approved in the last couple years with a bonus density for offering affordable housing is struggling to find two affordable housing lots marketable. Someone, whether the developer or the resulting buyer, is likely to lose significant value with the affordable housing restriction. There are a number of reasons this is occurring, one of them being that the affordable housing lots were required to have an acreage that inhibits selling the property to an individual who qualifies for affordable housing at current free-market prices. If the lot acreage was allowed to be decreased and/or the two dwelling units were allowed to be located on the same lot (maybe as a duplex, condo, or other similar dwelling building (with the land being maintained by the HOA)) it is far more likely that these units could've been created specifically with market-based long-term affordable housing costs in mind. Other issues revolve around choices the developer made in order to get the bonus density that he is now regretting, of which little can be done unless the development density is reduced.

Lines 478-498 are lifted from the current PRUD code without changes, except clerical,

Lines 507-521 offers a new flexible standard for subdivision lots that enables some lots in the A-1 and A-2 zones to be reduced to 20,000 square feet with 50 feet of lot width (reduced from 40,000 square feet and 150 feet of lot width) provided that the overall density is not increased. This will allow smaller lots to exist in the same subdivision as larger lots. It allows the developer a little more flexibility to cluster some lots (without using the new cluster subdivision ordinance) while also creating larger lots in the same development. This addition was requested to be considered by the County Commission.

Lines 531-538 is a minor change to the new cluster subdivision code. It loosens up the mandatory section line road requirement of the new cluster subdivision code. We knew that because the cluster subdivision code was run through the process faster than usual there could be a few minor edits necessary in the coming months as we better realize the plain-text application of the new code. This edit is intended to take into consideration the possibility that a section line might run into a natural constraint, like a body of water, where it is impractical to require a street. This should be relatively rare.

Lines 561-564 is another minor change to the new cluster subdivision code. It offers one more element to reduce or eliminate the 450-foot-wide standard to consider an agricultural preservation parcel contiguous in a cluster subdivision. A developer recently discussed with us the nature and configuration of their desired cluster subdivision in which applying this standard would actually reduce the farmability of the two sides of the property. This additional language will allow the planning commission to better protect the farmability of oddly configured agricultural land when offering a waiver from the 450-foot rule.

Lines 566-867 show the current PRUD ordinance deleted.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. When used as intended this ordinance will not just comply with the general plan, it will **implement** it by providing a legal mechanism to enable sufficient flexibility from the strict requirements of current ordinances that may not, themselves, be the optimal implementation mechanism for the general plan. More specifically, this proposal assists the implementation of the following provisions of the general plans:

Ogden Valley General Plan:

Community Character Vision:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden

Valley that enhances the Valley's character.

Land Use Vision:

The Ogden Valley community desires a place where land uses support healthy physical, social, and economic interactions. Land uses in Ogden Valley should complement, not overwhelm or compete with, the rural character of the Valley, as defined in the Community Character element vision statement.

Land Use Goal 1: A goal of Weber County is to reduce the overall amount and impact of future land development in the Ogden Valley planning area.

Land Use Principle 1.1: In general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.

Land Use Implementation 1.1.2: Amend the Weber County Land Use Code to minimize the density bonuses available in resort areas and Planned Residential Unit Development (PRUD) in a manner that only allows minimal bonuses in order to leverage significant and meaningful advancement of the goals and principles of this plan.

Land Use Principle 1.5: Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage clustered residential developments with smaller building lots and larger areas of open space for most subdivisions

Residential Development Goal 1: A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley.

Residential Development Principle 1.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.

Residential Development Implementation 1.1.1: Revise Cluster Subdivision and PRUD ordinances to require a variety of housing types in development projects larger than [establish the unit size by ordinance]. Monitor the ordinance-established number and price variability in development projects to determine whether it is either overly burdensome on the development community or impractical in achieving the desired outcome of a mix of available housing types and price ranges, and adjust the unit threshold as necessary.

Utilities and Public Services Goal 2: A goal of Weber County is to encourage alternatives to septic drainfield systems.

Utilities and Public Services Principle 2.1: New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.

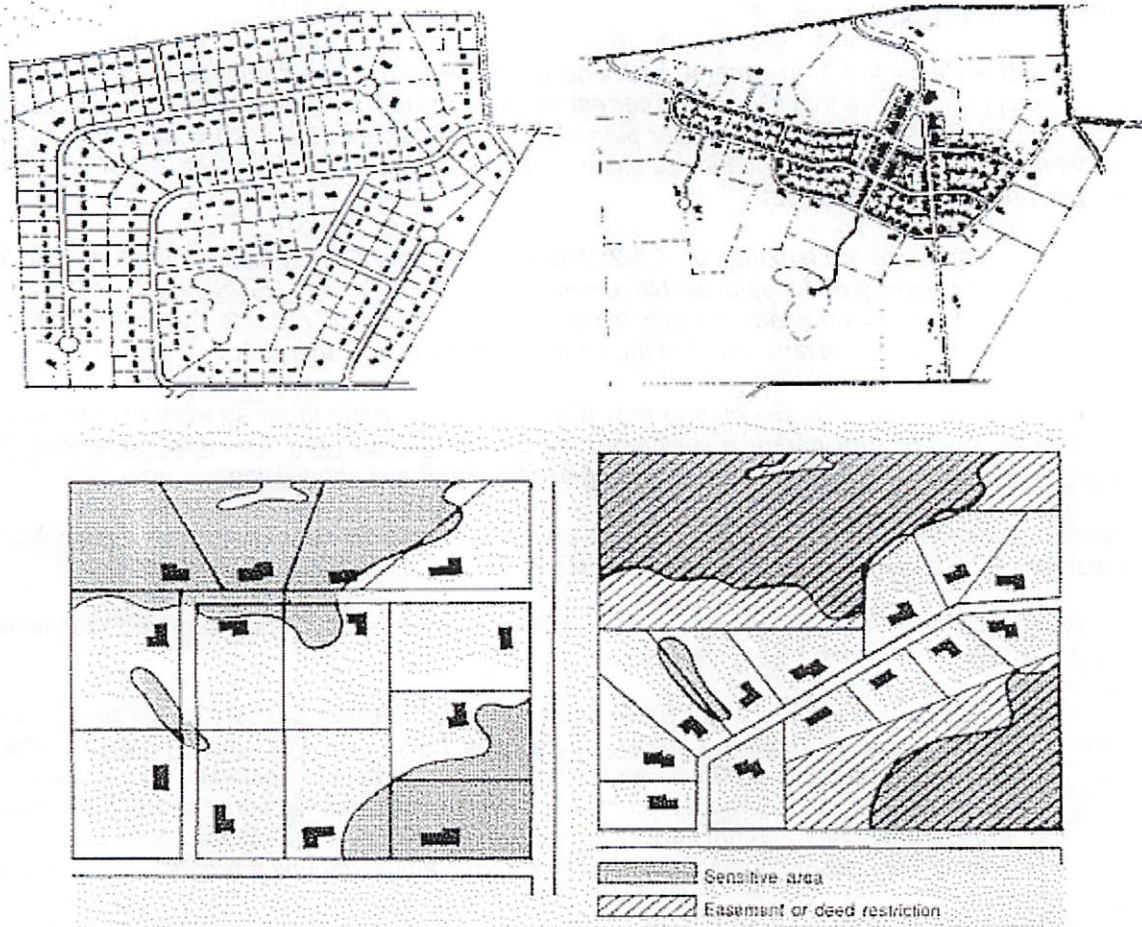
West Central Weber General Plan:

Policy: Pattern of Development: The existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space. An increase in overall density is permitted in Weber County's current Cluster Subdivision Special Provision Ordinance (Chapter 22B) for preservation of open space; however, additional incentives are desired. It is anticipated that the open space and public space allocated as a result of incentive-based increased density should be useable, undeveloped, consolidated open space in the form of parks, natural areas, sensitive lands, agriculturally productive land, or other managed open space.

Implementation Action: Create an overlay in all A-1, A-2, and A-3 zones in the West Central Weber

County area. The intent is to encourage clustering, which is further explained in the following example on a 20 acre parcel.

**Figure 3-1
Comparison of Typical Subdivision and Cluster Subdivision Patterns**



Past Action on this Item

On March 20, 2018 the Weber County Commission adopted a resolution indicating its intent to modify the PRUD ordinance to make it legislative instead of administrative. This resolution was intended to trigger the 'pending legislation' doctrine found in state code.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

The County Commission is eager to make a decision on this item. For that reason, both planning commissions may only have one meeting to discuss and give recommendation to the commission regarding the proposal. For this

reason, staff recommends that the Planning Commission consider the text included as Exhibit B and Exhibit C and forward it (with or without desired changes) to the County Commission with a favorable recommendation based on the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan and the 2003 West Central Weber General Plan.
2. The changes will provide needed support flexible and innovative development designs without locking the County in to vague administrative decision criteria.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes are not detrimental to the general health and welfare of County residents.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

1 PART II – LAND USE CODE

2 ...

3 Title 101 – GENERAL PROVISIONS

4 ...

5 Sec. 101-1-7. – Definitions.

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* ~~See "base density." The term "base density" means the number of dwelling units~~
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]
42 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
43 on a parcel of land.

44 ...

45 Title 102 – ADMINISTRATION

46 CHAPTER 1. - GENERAL PROVISIONS

47 ...

48 Sec. 102-1-5. - ~~Reserved. Hearing and publication notice for county commission.~~

49 ~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a~~
50 ~~public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state~~
51 ~~code. The unanimous vote of the full body of the county commission is required to overturn the~~
52 ~~recommendation of the planning commission, if there was a unanimous vote of the planning commission~~
53 ~~in favor or denial of the petition.~~

54 ...

55 Title 104 - ZONES

56 ...

57 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

58 ...

59 Sec. 104-3-5. - Conditional uses.

60 The following uses shall be permitted only when authorized by a conditional use permit as provided in
61 title 108, chapter 4 of this Land Use Code:

62 ...

63 (3) Private park, playground or recreation grounds and buildings not open to the general public and
64 to which no admission is made but not including privately owned commercial amusement
65 business.

66 (4) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
67 ~~Land Use Code.~~

68 (5) Public utility substation.

69 ...

70 CHAPTER 5. - AGRICULTURAL ZONE A-1

71 ...

72 Sec. 104-5-6. - Conditional uses.

73 The following uses shall be permitted only when authorized by a conditional use permit obtained as
74 provided in title 108, chapter 4 of this Land Use Code:

75 ...

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76 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
77 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

78 (7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

79 (8) Private park, playground or recreation grounds and buildings not open to the general public and
80 to which no admission charge is made, but not including private owned commercial amusement
81 business.

82 ...

83 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

84 ...

85 **Sec. 104-6-5. - Conditional uses.**

86 The following uses shall be allowed only when authorized by a conditional use permit obtained as
87 provided in title 108, chapter 4 of this Land Use Code.

88 ...

89 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

90 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
91 ~~Land Use Code.~~

92 (11) Private park, playground or recreation area not open to the general public and to which no
93 admission charge is made, but not including privately owned commercial business.

94 ...

95 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

96 ...

97 **Sec. 104-7-5. - Conditional uses.**

98 The following uses shall be permitted only when authorized by a conditional use permit obtained as
99 provided in title 108, chapter 4 of this Land Use Code.

100 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

101 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
102 ~~Land Use Code.~~

103 (14) Private park, playground or recreation area not open to the general public and to which no
104 admission charge is made, but not including privately owned commercial business.

105 ...

106 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

107 ...

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108 **Sec. 104-8-5. - Conditional uses.**

109 The following uses shall be permitted only when authorized by a conditional use permit obtained as
110 provided in title 108, chapter 4 of this Land Use Code.

111 ...

112 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

113 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5-~~

114 (16) Private park, playground or recreation area not open to the general public and to which no
115 admission charge is made, but not including privately owned commercial amusement business.

116 ...

117 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

118 ...

119 **Sec. 104-9-3. - Conditional uses.**

120 The following uses shall be permitted only when authorized by a conditional use permit obtained as
121 provided in this Land Use Code:

122 ...

123 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
124 County Excavation Ordinance.

125 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

126 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
127 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

128 ...

129 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

130 ...

131 **Sec. 104-11-4. - Conditional uses.**

132 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
133 provided in title 108, chapter 4 of this Land Use Code:

134 ...

135 (26) Travel agency.

136 (27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex
137 subdivision, where part of a PRUD in a recreation resort complex.~~

138 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
 139 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
 140 the residential use.

141 ...

142

143 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

144 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
 145 half acres:

<u>USE</u>	<u>AREA</u>
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet.</u>
<u>Other uses:</u>	<u>None.</u>

Commented [E1]: Reference

Commented [E2]: Reference

146 (b) Width. 150-foot minimum lot width, as measured at the yard setback and the street frontage.

147 (c) Yard setbacks. The minimum yard setbacks are as follows:

<u>YARD</u>	<u>SETBACK</u>
<u>Front:</u>	<u>30 feet</u>
<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

148 (d) Building height. The maximum height for a building shall be 50 feet.

149 (a) ~~Area. A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that~~
 150 ~~site:~~

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151 ~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing~~
152 ~~nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000~~
153 ~~square feet of net developable area for each dwelling unit in excess of two dwelling units.~~

154 ~~(2) Lockout sleeping room, 500 square feet.~~

155 ~~(3) Other uses: none.~~

156 ~~(b) Width: 150 feet minimum frontage.~~

157 ~~(c) Yard.~~

158 ~~(1) Front: 30 feet minimum.~~

159 ~~(2) Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

160 ~~(3) Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

161 ~~(d) Building height. Conditional use permit is required if over 25 feet in height.~~

162 ...

163 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

164 ...

165 **Sec. 104-12-3. - Conditional uses.**

166 The following uses shall be permitted only when authorized by a conditional use permit as provided in
167 title 108, chapter 4 of this Land Use Code:

168 (1) Educational/institutional identification sign.

169 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
170 ~~Land Use Code.~~

171 (3) Private park, playground or recreation area, but not including privately owned commercial
172 amusement business.

173 ...

174 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

175 ...

176 **Sec. 104-13-3. - Conditional uses.**

177 The following uses shall be permitted only when authorized by a conditional use permit obtained as
178 provided in title 108, chapter 4 of this Land Use Code:

179 ...

180 (7) Parking lot accessory to uses permitted in this zone.

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181 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
182 ~~Land Use Code.~~

183 (9) Private park, playground or recreation area, but not including privately owned commercial
184 amusement business.

185 ...

186 CHAPTER 14. - FOREST VALLEY ZONE FV-3

187 ...

188 Sec. 104-14-3. - Conditional uses.

189 The following uses shall be permitted only when authorized by a conditional use permit obtained as
190 provided in title 108, chapter 4 of this Land Use Code:

191 ...

192 (9) Parking lot accessory to uses permitted in this zone.

193 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the Land~~
194 ~~Use Code.~~

195 (11) Private park, playground or recreation area, but not including privately owned commercial
196 amusement business.

197 ...

198 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2

199 ...

200 Sec. 104-15-3. - Conditional uses.

201 The following uses shall be permitted only when authorized by a conditional use permit as provided in
202 title 108, chapter 4 of this Land Use Code.

203 ...

204 (2) Educational/institutional identification signs.

205 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
206 ~~Land Use Code.~~

207 (4) Private park, playground, or recreation area, but not including privately owned commercial
208 amusement business.

209 ...

210 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3

211 ...

212 Sec. 104-16-3. - Conditional uses.

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213 The following uses shall be permitted only when authorized by a conditional use permit as provided in
214 title 108 of this Land Use Code.

215 ...

216 (7) Nursing home.

217 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
218 ~~Land Use Code.~~

219 (9) Private park, playground, or recreation area, but not including privately owned commercial
220 amusement business.

221 ...

222 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

223 ...

224 **Sec. 104-17-3. - Conditional uses.**

225 The following uses shall be permitted only when authorized by a conditional use permit obtained as
226 provided in title 108, chapter 4 of this Land Use Code:

227 ...

228 (7) Nightly rental.

229 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

230 (9) Private park, playground and/or recreation area, but not including privately owned commercial
231 amusement business.

232 ...

233 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

234 ...

235 **Sec. 104-19-3. - Conditional uses.**

236 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
237 Weber County Subdivision Ordinance.

238 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and planned~~
239 ~~residential unit development chapter of this Land Use Code.~~

240 (c) Public utility substations.

241 ...

242 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

Commented [c3]: Whole chapter moved from Title 108 "Standards" to this Title 104 "Zones."

243 **Sec. 104-27-1. - Definitions.**

244 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
245 section, unless the context indicates a different meaning:

246 *Common open space.* The phrase “common open space” means land area in a planned residential
247 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
248 driveway areas for common use and enjoyment of the residents of the PRUD

249 *Common open space easement.* The phrase “common open space easement” means a required right
250 of use granted to the county by the owner of a planned residential unit development, on and over land in a
251 planned residential unit development designated as common open space, which easement guarantees to
252 the county that the designated common open space and recreation land is permanently reserved for
253 access, parking and recreation and open green space purposes in accordance with the plans and
254 specifications approved by the planning commission and county commission at the time of approval of the
255 PRUD or as such plans are amended from time to time with the approval of the county commission.

256 *Planned residential unit development (PRUD).* The phrase “planned residential unit development”
257 means a development in which the regulations of the zone, in which the development is situated, are waived
258 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
259 development plan and imposed general requirements.

260 **Sec. 104-27-2. - Purpose and intent.**

261 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
262 adopted overlay zone that provides for diversification in the relationship of various uses and structures
263 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
264 encourage new and innovative concepts in the design of neighborhood and housing projects in
265 urbanizing areas. To this end, the development should be planned and entitled as one complete land
266 development. Phasing of the complete land development may occur over time if approved by the
267 county commission and if in compliance with the entitlements of the complete land development.

268 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
269 after recommendation from the planning commission, the county commission may allow deviations
270 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the
271 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
272 Unless specified otherwise, development of a PRUD shall adhere to the applicable regulations and
273 other provisions of this Land Use Code.

274 (c) The county commission may apply any condition of approval reasonably necessary to advance the
275 directives of the general plan or to promote the public health, safety, and general welfare whilst being
276 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
277 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
278 scale developments.

279 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
280 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
281 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
282 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
283 of this Land Use Code.

284 **Sec. 104-27-3. - Applicability.**

285 (a) *Effective date.* Except as specified in subsection (c) and (d) of this section, this chapter shall apply to
286 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

Commented [E4]: Reference

Commented [E5]: Reference

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287 (b) Allowed zones. A planned residential unit development overlay zone may only be considered in the
288 following zones:

289 (1) Residential estates zones:

290 (2) Agricultural zones:

291 (3) Forest, forest residential, and forest valley zones:

292 (4) Single-family, two-family and three-family residential zones:

293 (5) Commercial valley resort recreation zone; and

294 (6) Residential manufactured home zone.

295 (c) Nonconforming PRUD. All PRUDs approved administratively prior to the date specified in subsection
296 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
297 time to time under the same rules that governed its creation, provided that the amendment is a de
298 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
299 has independent authority to determine what constitutes a routine and uncontested de minimus
300 decision. If it is determined to not be routine or uncontested then the provisions of this chapter shall
301 apply prior to execution of any modification to the PRUD.

302 (d) Previously existing development agreements. Nothing in this chapter shall be construed to inhibit the
303 entitlements of an approved development agreement executed prior to this date.

304 **Sec. 104-27-4. – Application requirements.**

305 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
306 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
307 documents, plans, and studies required by this chapter. The application shall contain authorization
308 from all owners of land within the property's legal description. The following are the minimum
309 requirements necessary to submit a complete application:

310 (1) An overall development plan, complying with the requirements of Section 104-27-X, including the
311 following:

312 a. A map of the general configuration of the development, together with land tabulations
313 detailing the proposed uses of land for all areas of the project;

314 b. An open space preservation plan, showing uses, sizes, and locations of proposed structures;

315 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

316 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
317 facilities, if applicable;

318 e. Architectural drawings and sketches demonstrating the design and character of the
319 proposed development;

320 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
321 shall include a natural hazards map.

322 g. Any proposed mappable voluntary contributions, including those proposed in pursuance of
323 a density bonuses.

Commented [E6]: Reference

Commented [E7]:

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- 324 f. A development phasing plan, if applicable.
- 325 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
326 the considerations listed in Section 104-27-9.
- 327 (3) A list of development commitments the applicant is prepared to make with the county, and a list
328 detailing what the development needs from the county. This list will be the initial basis for
329 development agreement negotiation.
- 330 (4) Base density calculations and a tabulation and explanation of bonus density requests.
- 331 (5) The legal description for all properties to be included in the overlay zone and development
332 agreement, together with a general vicinity map of the rezone extents.
- 333 (6) Additional information as may be necessary to determine that the contemplated arrangement of
334 uses make it desirable to apply regulations and requirements differing from those ordinarily
335 applicable under the land use code.

Commented [E8]: Reference

336 (b) An application fee shall be paid at the time of application submittal.

337 **Sec. 104-27-5. - Planning commission consideration and action.**

- 338 (a) In considering the proposed planned residential unit development, the planning commission shall
339 consider and make recommendation to the County Commission regarding:
- 340 (1) The architectural design of buildings and their relationship on the site and development beyond
341 the boundaries of the proposal.
- 342 (2) Which streets shall be public and which shall be private; the entrances and exits to the
343 development and the provisions for internal and external traffic circulation and off-street parking.
- 344 (3) The landscaping and screening as related to the proposed uses within the development and their
345 integration into the surrounding area.
- 346 (4) Lighting and the size, location, design, and quality of signs.
- 347 (5) The residential density of the proposed development and its distribution as compared with the
348 residential density of the surrounding lands, either existing or as indicated on the zoning map or
349 general plan proposals of the county as being a desirable future residential density.
- 350 (6) The demonstrated ability of the applicant to financially carry out the proposed project under total
351 or phase development proposals within the time limit established.

352 (b) The planning commission, after considering applicable codes and any anticipated detrimental effects,
353 may recommend an approval, recommend an approval with conditions, or recommend denial of the
354 PRUD overlay zone to the county commission.

355 **Sec. 104-27-6. - General requirements.**

356 (b) Rezone and development agreement required. Approval of a PRUD overlay zone shall follow the
357 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
358 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
359 agreement between the developer and the county shall be prepared and readied for execution upon
360 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
361 document the County's roles and responsibilities to the developer and the developer's roles and

Commented [E9]: Reference

362 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
363 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
364 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
365 approval of a PRUD overlay zone or associated development agreement.

366 (c) Overall development plan. The development agreement shall include an overall development plan
367 detailing the proposed development as otherwise specified herein. No changes or alterations to the
368 approved overall development plan shall be made without first obtaining an amendment to the
369 development agreement, except for landscaping as provided in subsection (d) of this section.

Commented [E10]: Reference

370 (d) Landscaping plan. The development agreement shall include a landscaping plan that meets or
371 exceeds the landscaping requirements found elsewhere in this land use code.

372 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design
373 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD
374 overlay zones.

Commented [E11]: Reference

375 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a
376 PRUD shall be released until all landscaping requirements are completed for that phase, with the
377 exception of single-family dwellings. In the case of single-family dwellings, that portion of the
378 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

379 (3) Application of the development agreement's landscape plan may be modified during the land use
380 permit or building permit review process provided a more site-specific landscape plan is submitted
381 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

- 382 a. That the area of landscaping exceeds the approved landscape plan;
- 383 b. That the number and quality of plants exceed the approved landscape plan;
- 384 c. That the functional use of vegetation, such as shade from trees or site-screening from
385 bushes, meet or exceed relevant landscaping requirement of the land use code and the
386 intent of the approved landscape plan; and
- 387 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
388 plan.

389 **Sec. 104-27-7. – Configuration of overall development plan.**

390 (a) Cluster subdivision. All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter
391 3, Cluster Subdivisions, except those lot development standards as listed in subsection (d) of this
392 section. The overall development plan shall demonstrate that the development can feasibly comply
393 with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements
394 may be granted by the county commission, after recommendation from the planning commission, if
395 the deviation offers a better community outcome or better contributes to the implementation of a
396 significant and meaningful general plan goal, principle, or implementation strategy.

Commented [E12]: Reference

397 (b) Street configuration. The development plan shall show, at a minimum, the general alignment of all
398 existing or proposed streets in the development. Streets shall offer efficient connectivity to existing
399 street rights-of-way and shall be laid out to provide ease of use and navigation throughout the
400 development. The development plan shall show streets stubbing into an adjacent property in at least
401 one location, more if necessary to comply with block-width or intersection distance requirements of
402 this land use code. At least two points of access into the development is required if it contains more
403 than 30 residences, or as otherwise required by the local fire or emergency services authority.

404 (c) Land use configuration. The development plan shall show the general locations of proposed land uses
405 including open space areas, and offer a land use inventory specifying approximate land acreage per
406 use.

407 (d) Lot development standards. The development plan shall propose building locations, lot area, lot width,
408 yard, height and coverage regulations for all lots or parcels that will contain development or structure.

409 (e) Natural hazards. The development plan shall be designed around high-hazard natural hazards, and
410 offer reasonable avoidance of moderate hazards. If a hazard is known to exist onsite, or if the site is
411 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard Areas,
412 a natural hazards map shall be included as part of the overall development plan submittal.

413 **Sec. 104-27-8. - Use permissions and prohibitions.**

414 (a) General uses. All uses specified in the underlying zone are allowed in a PRUD, unless specifically
415 prohibited in the development agreement.

416 (b) Other small-scale service uses. If a PRUD contains 100 dwelling units or more other uses may be
417 approved by the county commission, after receiving recommendation from the planning commission,
418 provided that clear evidence demonstrates that those uses are necessary for the provision of small-
419 scale local neighborhood services to the residents of the development and the immediate surrounding
420 neighborhood. The county commission has legislative discretion to determine what a small-scale local
421 neighborhood service is. The development agreement shall contain provisions for the proposed uses,
422 ownership, operational characteristics, and physical design to assure compliance with this section.

Commented [E13]: Reference

423 (c) Nightly rentals. Any housing units to be developed or used, in whole or in part, for sleeping rooms
424 (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site
425 development plan, and shall adhere to the additional parking requirements for rental sleeping rooms
426 as provided in title 108, chapter 8, section 2 of this Land Use Code.

Commented [E14]: Reference

427 **Sec. 104-27-9. - Area and residential density regulations.**

428 (a) Area and base density. A development in a PRUD overlay zone shall contain at least 24 dwelling units
429 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
430 but the area shall never be less than four acres in any residential zone and ten acres in all other
431 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
432 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
433 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
434 memorialize and entitle the base density calculation.

Commented [c15]: Check Reference

435 (b) Bonus density.

436 (1) Western Weber Planning Area bonus density. After recommendation from the planning
437 commission, the county commission may allow for an increased number of residential lots in a
438 PRUD development by awarding bonus densities to those PRUDs developed within the Western
439 Weber County Planning Area in exchange for meaningful public offerings. The following presents
440 the bonus density opportunities that may be available. At the county commission's discretion,
441 these may be in place of or in addition to the bonuses already available in the cluster subdivision
442 code. Regardless, the developer's offerings shall provide a public benefit proportionate to the final
443 awarded bonus density. The developer's bonus density offerings and the county's bonus density
444 awards shall be clearly documented and tabulated in the development agreement:

445 a. In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones. The county may
446 award a maximum bonus density of ten percent based on an accumulation of any
447 combination of the following:

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>A park, open to the general public</u>	<u>5 percent.</u>
<u>A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value</u>	<u>10 percent.</u>

448 b. In the Agricultural (A-1, A-2, and A-3) Zones. The county may grant a bonus density of up to
 449 50 percent if the development preserves open space area equal to or greater than 50 percent
 450 of the PRUD's adjusted gross acreage as defined in section 101-1-7, but not less than 10
 451 acres. Overall bonus density shall be no greater than a percentage equal to the percentage
 452 of the development's total area preserved as open space. The county may award bonus
 453 densities based on an accumulation of any combination of the following:

Commented [E16]: Reference

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:</u>	<u>15 percent.</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>An HOA park, open to the general public:</u>	<u>5 percent.</u>
<u>A park donated to the county, a local park district, or other county approved entity:</u>	<u>10 percent.</u>
<u>Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:</u>	<u>10 percent.</u>
<u>Development of excess sewage treatment capacity:</u>	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:</u>	<u>One percent per acre up to 50 percent.</u>

<p><u>Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:</u></p>	<p><u>5 percent.</u></p>
<p><u>A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:</u></p>	<p><u>15 percent.</u></p>

- 454
- 455 c. Affordable housing bonus. Ten percent of the development's base density may be freely
- 456 added as a bonus but not counted in density calculations provided compliance with the
- 457 following:
- 458 1. The additional density is permanently set aside for affordable housing as outlined by
- 459 the Affordable Housing Act of 1990.
- 460 2. The additional density is located in the interior of the development, as central as is
- 461 practicable given site constraints, land uses, open spaces, and street configuration, and
- 462 is completely surrounded by other dwelling units within the development. Open space
- 463 may abut part of it provided the open space is large enough to offer a sufficient buffer
- 464 from existing residential uses in the area. The buildings are limited to 35 feet or two
- 465 stories above grade.
- 466 3. The development agreement shall offer an effective plan and method for guaranteeing
- 467 and enforcing perpetual affordability. Any method used, such as an affordable housing
- 468 deed restriction, shall limit the sale or rental of the affected lots and homes to a
- 469 household with an income at or below 80 percent of the county median income;
- 470 4. A final subdivision plat shall identify and label a lot or unit set aside as an affordable
- 471 housing lot or unit, and provide a note on the final subdivision plat explaining the nature
- 472 of the housing restriction and the method by which occupancy and affordability will be
- 473 regulated.
- 474 (2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density
- 475 entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area
- 476 for transferrable development rights or a similar density transfer program. The development
- 477 agreement shall clearly specify the logistics of such a program.
- 478 (c) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
- 479 beyond what county development ordinances would normally allow, by requesting housing unit credit
- 480 and transfer for lands to be included in the PRUD boundary as common open space which have little
- 481 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
- 482 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
- 483 development due to lack of water, access, natural resource limitations, etc. After recommendation from
- 484 the planning commission, the county commission has legislative discretion to determine what part if
- 485 any of such lands may be included in a PRUD as useable open space common area for which dwelling
- 486 unit credit is being requested for transfer to developable portions of the PRUD. When a determination
- 487 justifies an inclusion, the transfer of units may be allowed. Among other considerations, the county
- 488 commission's decision should give general preference to the following standards:
- 489 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD
- 490 are such that the common areas are suitable for landscaped and/or developed open space or for
- 491 recreational use of direct benefit, access and usability to the unit owners.

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492 (2) The lands should contribute to the actual quality, livability and aesthetics of the PRUD and should
493 be physically integrated into the development design.

494 (3) The lands are suitable for and possess the capability for housing development.

495 (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones
496 and 30 percent or more in all other zones should be discouraged from being classified as
497 developable land and should not be considered when determining the number of allowable units
498 in a proposed PRUD.

499 ...

500 **Title 106 - SUBDIVISIONS**

501 ...

502 **CHAPTER 2. - SUBDIVISION STANDARDS**

503 ...

504 **Sec. 106-2-4. - Lots.**

505 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for
506 buildings, and be properly related to topography and to existing and probable future requirements.

507 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
508 the Land Use Code for the zone in which the subdivision is located, ~~except~~:

509 (1) ~~Except as~~When otherwise permitted by the granting of a variance by the board of adjustment as
510 authorized by the Land Use Code;

511 (2) ~~Where~~When in accordance with the cluster subdivision provisions of the Land Use Code;

512 (3) As required by the county health officer as being the minimum area necessary for septic tank
513 disposal and water well protection if greater than the above area requirements;

514 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width
515 requirements shall be increased in accordance with the slope density tables contained in the Land
516 Use Code.

517 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed
518 provided sufficient diversity of lot sizes and widths, and that the base density of the overall
519 subdivision is not increased:

520 a. Minimum lot area: 20,000 square feet.

521 b. Minimum lot width: 80 feet.

522 ...

523 **Title 108 - STANDARDS**

524 ...

525 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

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526 ...
527 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**
528 ...
529 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
530 intersection distances no less than provided in Section 106-2-3.

Commented [E17]: Reference

531 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
532 generally follow existing street grid design. Section line streets are mandatory ~~and shall not be~~
533 ~~waived~~ unless, based on the transportation element of the general plan and other plans or studies,
534 the County Engineer determines that no street will ever be needed on the particular section line.
535 When practicable, quarter section lines shall denote the general location of other through streets.
536 If current parcel configuration does not make this practicable, a through-street, or stubbed-street
537 that will be a future through-street, shall be located as close to these lines as otherwise reasonably
538 possible.

539 ...
540 **Sec. 108-3-5. - Open space preservation plan.**

541 ...
542 (c) *Open space development standards and ownership regulations.* All open space area proposed to
543 count toward the minimum open space area required by this chapter shall be clearly identified on the
544 open space site plan. The following standards apply to their creation. Open space area in excess of
545 the minimum required by this chapter is exempt from these standards.

546 ...
547 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
548 shall be arranged to create future long-term agricultural opportunities in the following ways:

549 ...
550 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
551 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
552 reach all parts of the area with three or more passes or turns. Generally, this requires the area
553 to be at least 450 wide in any direction at any given point to be considered contiguous. This
554 three turn standard may be reduced by the planning commission for portions of the parcel
555 affected by the following:

556 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
557 impossible;
558 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
559 would otherwise be one contiguous open space area if the street did not exist; ~~or~~
560 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
561 realigned, cause an interruption to crop producing capabilities; or

Commented [E18]: Reference

562 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
563 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
564 agricultural parcels.

565 ...

566 CHAPTER 5. ~~RESERVED. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

Commented [c19]: Whole chapter moved from Title 108 "Standards" to Title 104 "Zones."

567 ~~Sec. 108-5-1. Definitions.~~

568 ~~When used in this chapter, the following words and phrases have the meaning ascribed to them in this~~
569 ~~section, unless the context indicates a different meaning:~~

570 ~~Common open space means land area in a planned residential unit development reserved and set aside~~
571 ~~for recreation uses, landscaping, open green areas, parking and driveway areas for common use and~~
572 ~~enjoyment of the residents of the PRUD~~

573 ~~Common open space easement means a required right of use granted to the county by the owner of a~~
574 ~~planned residential unit development, on and over land in a planned residential unit development~~
575 ~~designated as common open space, which easement guarantees to the county that the designated~~
576 ~~common open space and recreation land is permanently reserved for access, parking and recreation and~~
577 ~~open green space purposes in accordance with the plans and specifications approved by the planning~~
578 ~~commission and county commission at the time of approval of the PRUD or as such plans are amended~~
579 ~~from time to time with the approval of the county commission.~~

580 ~~Planned residential unit development (PRUD) means a development in which the regulations of the zone,~~
581 ~~in which the development is situated, are waived to allow flexibility and initiative in site, building design~~
582 ~~and location in accordance with an approved plan and imposed general requirements.~~

583 ~~Sec. 108-5-2. Purpose and intent.~~

584 ~~(a) A planned residential unit development (PRUD) is intended to allow for diversification in the~~
585 ~~relationship of various uses and structures to their sites and to permit more flexibility of such sites and to~~
586 ~~encourage new and imaginative concepts in the design of neighborhood and housing projects in~~
587 ~~urbanizing areas. To this end, the development should be planned as one complex land use.~~

588 ~~(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring~~
589 ~~adequate standards related to the public health, safety, and general welfare shall be observed, without~~
590 ~~unduly inhibiting the advantages of large scale planning for residential and related purposes.~~

591 ~~Sec. 108-5-3. Permitted zones.~~

592 ~~A planned residential unit development shall be permitted as a conditional use in all forest, agricultural,~~
593 ~~residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter~~
594 ~~set forth shall be applicable if any conflict exists.~~

595 ~~Sec. 108-5-4. Use requirements.~~

596 ~~(a) An overall development plan for a planned residential unit development showing residential uses,~~
597 ~~housing types, locations, sizes, height, number of residential units, access roads, common area and other~~
598 ~~open spaces, etc., may be approved by the planning commission and county commission and building~~
599 ~~permits issued in accordance with such plan, even though the residential uses and dwelling types and the~~
600 ~~location of the buildings proposed may differ from the residential uses and dwelling types and regulations~~
601 ~~governing such uses in effect in the zone in which the development is proposed provided the~~
602 ~~requirements of this chapter are complied with. Accessory nonresidential uses may be included in~~
603 ~~planned residential unit developments of 100 units or more to provide a necessary service to the~~
604 ~~residents of the development as determined by the planning commission provided agreements and~~
605 ~~restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical~~
606 ~~design to the county's satisfaction are filed by and entered into by the developer to assure that the~~
607 ~~approved necessary services intent is maintained.~~

608 ~~(b) Once the overall development plan showing details of buildings, structures and uses has been~~
609 ~~approved by the county commission, after recommendations of the planning commission, no changes or~~

610 ~~alterations to said development plan or uses shall be made without first obtaining the approval of the~~
611 ~~planning commission and county commission, except for landscaping, provided subsection (c) of this~~
612 ~~section has been complied with.~~

613 ~~(c) — The landscaping plan submitted for approval of the PRUD, shall be considered the minimum~~
614 ~~acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the~~
615 ~~planning area planning commission and shall be stamped by a licensed landscape architect certifying the~~
616 ~~following:~~

617 ~~(1) — That the area of landscaping area exceeds the approved landscape plan;~~

618 ~~(2) — That the number and quality of plants exceed the approved landscape plan;~~

619 ~~(3) — That the portion of landscaping per phase exceeds the portions per phase of the approved plan;~~
620 ~~and~~

621 ~~(4) — That all requirements of the Land Use Code have been met.~~

622 ~~No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall~~
623 ~~be released until all landscaping requirements are completed for that phase, with the exception of single-~~
624 ~~family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion~~
625 ~~of the phase represented by the dwelling, may be released.~~

626 ~~(d) — Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lookout~~
627 ~~sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and~~
628 ~~shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108,~~
629 ~~chapter 8, section 2 of this Land Use Code.~~

630 ~~**Sec. 108-5-5.—Area and residential density regulations.**~~

631 ~~(a) — A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all~~
632 ~~forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.~~

633 ~~(b) — The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area~~
634 ~~requirements of the same zone in which the PRUD is located. Land used for schools, churches, other~~
635 ~~nonresidential service type buildings and uses, for streets and exclusively for access to the useable area~~
636 ~~of a PRUD shall not be included in the area for determining the number of allowable dwelling units.~~

637 ~~(c) — Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number~~
638 ~~of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western~~
639 ~~Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible~~
640 ~~for bonus densities. The following presents the bonus density opportunities that are available to PRUDs~~
641 ~~located within specific zoning classification boundaries:~~

642 ~~(1) — In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a~~
643 ~~maximum bonus density of ten percent based on an accumulation of any combination of the following:~~

644 ~~a. — If the PRUD provides a minimum of one road stub to an adjacent property where the planning~~
645 ~~commission determines that streets are needed to provide for current or future traffic circulation, up to a~~
646 ~~five percent bonus density may be granted.~~

647 ~~b. — If the PRUD provides a minimum of one approved public access to public lands, up to a five percent~~
648 ~~bonus density may be granted.~~

649 e.— If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or
650 community garden, that are open for use by the general public, up to a five percent bonus density may be
651 granted.

652 d.— If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an
653 open space easement that permanently preserves areas that have been identified by the state division of
654 wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density
655 may be granted.

656 (2)— In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30
657 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's
658 adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space
659 area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density
660 potential shall be no greater than a percentage equal to the percentage of the PRUD's total area
661 preserved as open space. The county may award bonus densities based on an accumulation of any
662 combination of the following:

663 a.— If a PRUD provides and implements an approved roadway landscape and design plan that includes,
664 but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an
665 appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every
666 100 feet of road length, up to 20 percent bonus density may be granted.

667 b.— For each five percent increment of open space preserved over 50 percent, a five percent bonus
668 density shall be granted up to the total bonus density allowed by subsection (c)(2).

669 e.— If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus
670 density may be granted.

671 d.— If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or
672 community gardens, that are open for use by the general public, up to a 15 percent bonus density may be
673 granted.

674 e.— If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary,
675 to a local park district or other county-approved entity, for the perpetual location and operation of a public
676 park, cultural, or other recreation facility, up to a 20 percent bonus may be granted.

677 f.— If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as
678 outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a
679 bonus density is granted to affordable housing, the applicant shall:

680 1.— Present and gain county approval of an effective plan and method for guaranteeing and enforcing
681 perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the
682 sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the
683 county median income;

684 2.— Identify and label, on the final plat, the lots set aside as affordable housing lots; and

685 3.— Provide a note on the final plat explaining the nature of the housing restriction on the lot and the
686 method by which occupancy and affordability will be regulated.

687 g.— If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan
688 approved by the planning commission and records an agricultural preservation easement on the parcel, a
689 bonus density may be approved as follows:

- 690 1. ~~For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density~~
691 ~~may be granted.~~
- 692 2. ~~For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density~~
693 ~~may be granted.~~
- 694 3. ~~For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density~~
695 ~~may be granted.~~
- 696 4. ~~For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density~~
697 ~~may be granted.~~
- 698 5. ~~For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.~~
- 699 h. ~~If a PRUD provides for the preservation of historical sites and buildings that have been identified by~~
700 ~~the state historic preservation office as having notable historical value, up to a five percent bonus density~~
701 ~~may be granted.~~
- 702 i. ~~If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent~~
703 ~~bonus density may be granted.~~
- 704 j. ~~If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an~~
705 ~~open space easement that permanently preserves areas that have been identified by the state division of~~
706 ~~wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density~~
707 ~~may be granted.~~
- 708 k. ~~If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to~~
709 ~~permanently preserved open space on an adjoining property located outside of the proposed PRUD, up~~
710 ~~to a 20 percent bonus density may be granted.~~
- 711 (d) ~~If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total~~
712 ~~of the units allowed in each zone, however, the units allowed in each zone must be constructed in the~~
713 ~~respective zone.~~
- 714 (e) ~~It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD~~
715 ~~beyond what county development ordinances would normally allow, by requesting housing unit credit and~~
716 ~~transfer for lands to be included in the PRUD boundary as common open space which have little or no~~
717 ~~possibility of housing development. Such areas may include swamp lands, bodies of water, excessively~~
718 ~~steep slopes and hillsides, mountain areas which do not have the capability of housing development due~~
719 ~~to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall~~
720 ~~determine what part if any, of such lands may be included in a PRUD as useable open space common~~
721 ~~area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD~~
722 ~~and, when such determination justifies such inclusion, the planning commission shall allow the transfer of~~
723 ~~units. In making this determination, the planning commission shall be guided by the following factors:~~
- 724 (1) ~~The physical relationship of the proposed common areas to the developable areas of the PRUD~~
725 ~~shall be such that the common areas are suitable for landscaped and/or developed open space or for~~
726 ~~recreational use of direct benefit, access and usability to the unit owners.~~
- 727 (2) ~~The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be~~
728 ~~physically integrated into the development design.~~
- 729 (3) ~~The lands must be suitable for and possess the capability for housing development.~~

730 ~~(4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones~~
731 ~~and 30 percent or more in all other zones shall not be classified as developable land and shall not be~~
732 ~~considered when determining the number of allowable units in a proposed PRUD.~~

733 ~~Sec. 108-5-6. General requirements.~~

734 ~~(a) The development shall be in a single or corporate ownership at the time of development or the~~
735 ~~subject of an application filed jointly by the owners of the property.~~

736 ~~(b) The property adjacent to the planned residential unit development shall not be detrimentally affected~~
737 ~~without the county imposing reasonable conditions or, in the absence of appropriate natural or~~
738 ~~constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the~~
739 ~~perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required~~
740 ~~on the immediate periphery of a PRUD.~~

741 ~~(c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed~~
742 ~~shall be determined acceptable by approval of the site development plan.~~

743 ~~(d) The county commission may, at its discretion and after receiving a recommendation from the~~
744 ~~planning commission, consider and approve a plan that provides for ownership, preservation,~~
745 ~~maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any~~
746 ~~improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially~~
747 ~~guaranteed as follows:~~

748 ~~(1) Plan approval. An open space preservation plan shall accompany an application for PRUD~~
749 ~~approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance~~
750 ~~methods for all open space parcels, and a site plan that shows proposed common areas, individually~~
751 ~~owned preservation parcels, and the locations of existing and proposed future structures.~~

752 ~~a. For open space dedicated as common area parcels, the site plan shall show the location of existing~~
753 ~~and future structures by identifying the structure's approximate footprint. Structures housing a utility or~~
754 ~~servicing as a development amenity shall be subject to all applicable standards including all design review~~
755 ~~and applicable architectural standards found in title 108 of the Weber County Land Use Code.~~

756 ~~b. For open space dedicated as individually owned preservation parcels, the site plan shall identify~~
757 ~~locatable building envelopes within which all existing and future buildings must be located.~~

758 ~~(2) Ownership.~~

759 ~~a. Open space parcels of any size and dedicated as common area shall be commonly owned by an~~
760 ~~appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium~~
761 ~~Ownership Act, or § 57-8a-101 et seq., the Community Association Act.~~

762 ~~b. Other open space parcels, consisting of five acres or more, may be owned individually.~~

763 ~~1. Individually owned preservation parcels of ten acres or more in area may be owned by any person,~~
764 ~~regardless of whether the person owns a residential lot within the PRUD.~~

765 ~~2. Individually owned preservation parcels of less than ten acres in area may only be owned by an~~
766 ~~owner of a lot within the same PRUD.~~

767 ~~3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following~~
768 ~~manner:~~

- 769 i. ~~An explanation of the applicable ownership standard and a perpetual restriction conforming thereto~~
770 ~~shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to~~
771 ~~subsection (3); and~~
- 772 ii. ~~A note describing the applicable ownership standard shall be placed on the final recorded subdivision~~
773 ~~plat.~~
- 774 iii. ~~A notice describing the applicable ownership standard shall be recorded on each individually owned~~
775 ~~preservation parcel at the time of recording a subdivision plat.~~
- 776 ~~(3) — Preservation.~~
- 777 a. ~~Open space parcels are to be permanently preserved in a manner that is consistent with the~~
778 ~~approved open space preservation plan.~~
- 779 b. ~~The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording~~
780 ~~the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner~~
781 ~~association if applicable, an open space easement over all areas dedicated as common area or~~
782 ~~individually owned preservation parcels. The open space easement shall incorporate and conform to the~~
783 ~~open space preservation plan approved under subsection (1).~~
- 784 c. ~~If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or~~
785 ~~crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement~~
786 ~~meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.~~
- 787 d. ~~If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the~~
788 ~~applicant shall:~~
- 789 1. ~~Identify and label on the final plat each such parcel as an agricultural, forest, or other type of~~
790 ~~preservation parcel;~~
- 791 2. ~~Further identify each preservation parcel by placing a unique identifying letter of the alphabet~~
792 ~~immediately after the label;~~
- 793 3. ~~Present an agricultural, forest, or other type of preservation easement to the county and gain its~~
794 ~~approval; and~~
- 795 4. ~~Record an approved preservation easement on each parcel identified as an agricultural, forest, or~~
796 ~~other type of preservation parcel.~~
- 797 e. ~~The county may impose any additional conditions and restrictions it deems necessary to ensure~~
798 ~~maintenance of the open space and adherence to the open space preservation plan. Such conditions~~
799 ~~may include a plan for the disposition or re-use of the open space property if the open space is not~~
800 ~~maintained in the manner agreed upon or is abandoned by the owners.~~
- 801 ~~(4) — Guarantee of open space improvements.~~
- 802 a. ~~The county shall not require an applicant to deposit a financial guarantee for open space~~
803 ~~improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and~~
804 ~~that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting~~
805 ~~from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall~~
806 ~~complete the improvements according to the approved phasing component of an open space~~
807 ~~preservation plan. If the applicant fails to complete improvements as presented in the open space~~
808 ~~preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and~~

809 ~~record an instrument notifying prospective lot buyers that future land use permits may not be issued for~~
810 ~~any construction.~~

811 ~~b.—The county shall require an applicant to deposit a financial guarantee for all open space~~
812 ~~improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a~~
813 ~~certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a~~
814 ~~proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners.~~
815 ~~The applicant or developer shall complete all improvements according to the approved phasing~~
816 ~~component of an open space preservation plan.~~

817 ~~(5) —Maintenance. The open space parcel owner, whether an individual or an association, shall use,~~
818 ~~manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation~~
819 ~~plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement~~
820 ~~executed under subsection (3).~~

821 **~~Sec. 108-5-7. —Submission of application.~~**

822 ~~(a) —An application for a planned residential unit development shall be to the planning commission and~~
823 ~~shall be accompanied by an overall development plan, including an open space preservation plan,~~
824 ~~showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as~~
825 ~~schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for~~
826 ~~accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural~~
827 ~~drawings and sketches demonstrating the design and character of the proposed development.~~

828 ~~(b) —Additional information shall be included as may be necessary to determine that the contemplated~~
829 ~~arrangement of uses make it desirable to apply regulations and requirements differing from those~~
830 ~~ordinarily applicable under this chapter.~~

831 **~~Sec. 108-5-8. —Planning commission consideration.~~**

832 ~~In considering the proposed planned residential unit development, the planning commission shall~~
833 ~~consider:~~

834 ~~(1) —The architectural design of buildings and their relationship on the site and development beyond the~~
835 ~~boundaries of the proposal.~~

836 ~~(2) —Which streets shall be public and which shall be private; the entrances and exits to the development~~
837 ~~and the provisions for internal and external traffic circulation and off-street parking.~~

838 ~~(3) —The landscaping and screening as related to the proposed uses within the development and their~~
839 ~~integration into the surrounding area.~~

840 ~~(4) —Lighting and the size, location, design, and quality of signs.~~

841 ~~(5) —The residential density of the proposed development and its distribution as compared with the~~
842 ~~residential density of the surrounding lands, either existing or as indicated on the zoning map or general~~
843 ~~plan proposals of the county as being a desirable future residential density.~~

844 ~~(6) —The demonstrated ability of the applicant to financially carry out the proposed project under total or~~
845 ~~phase development proposals within the time limit established.~~

846 **~~Sec. 108-5-9. —Planning commission action.~~**

847 ~~The planning commission, after considering applicable codes and any anticipated detrimental effects,~~
848 ~~may recommend an approval, recommend an approval with conditions, or recommend denial of the~~
849 ~~PRUD to the county commission.~~

850 **~~Sec. 108-5-10. – County commission action.~~**

851 ~~The county commission, after holding a public meeting, may approve or disapprove the application for a~~
852 ~~PRUD. If approving an application, the county commission may attach conditions as it may deem~~
853 ~~necessary to secure the purposes of this chapter. Approval of the county commission, together with any~~
854 ~~conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in~~
855 ~~which it is proposed.~~

856 **~~Sec. 108-5-11. – Land use permit issuance.~~**

857 ~~The planning division shall not issue any land use permit for any proposed building, structure, or use~~
858 ~~within the project unless such building, structure, or use complies with the approved plans and any~~
859 ~~conditions imposed. Approved development plans shall be filed with the planning division, building~~
860 ~~inspector and county engineer.~~

861 **~~Sec. 108-5-12. – Time limit.~~**

862 ~~Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase~~
863 ~~thereof, within a period of 18 months from the date of approval, the approval shall expire unless an~~
864 ~~extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and~~
865 ~~structures thereon, if any, may be used for any other permitted use in the zone in which the project is~~
866 ~~located. Reserved open space shall be maintained where necessary to protect and blend existing~~
867 ~~structures into alternate land use proposals after abandonment of a project.~~

868

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1 **PART II – LAND USE CODE**

2 ...

3 **Title 101 – GENERAL PROVISIONS**

4 ...

5 **Sec. 101-1-7. – Definitions.**

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* See "base density."

26 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
27 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
28 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
29 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
30 accessory dwelling units, and all or any portion of any other residential use, with separate or common
31 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
32 rented independently of the main unit for nightly rental by locking access. A detached lockout is
33 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
34 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]
35 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
36 on a parcel of land.

37 ...

38 **Title 102 – ADMINISTRATION**

39 **CHAPTER 1. - GENERAL PROVISIONS**

40 ...

41 **Sec. 102-1-5. - Reserved.**

42 ...

43 **Title 104 - ZONES**

44 ...

45 **CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

46 ...

47 **Sec. 104-3-5. - Conditional uses.**

48 The following uses shall be permitted only when authorized by a conditional use permit as provided in
49 title 108, chapter 4 of this Land Use Code:

50 ...

51 (3) Private park, playground or recreation grounds and buildings not open to the general public and
52 to which no admission is made but not including privately owned commercial amusement
53 business.

54 (4) Reserved.

55 (5) Public utility substation.

56 ...

57 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

58 ...

59 **Sec. 104-5-6. - Conditional uses.**

60 The following uses shall be permitted only when authorized by a conditional use permit obtained as
61 provided in title 108, chapter 4 of this Land Use Code:

62 ...

63 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
64 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

65 (7) Reserved. (8) Private park, playground or recreation grounds and buildings not open to the
66 general public and to which no admission charge is made, but not including private owned
67 commercial amusement business.

68 ...

69 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

70 ...

71 **Sec. 104-6-5. - Conditional uses.**

72 The following uses shall be allowed only when authorized by a conditional use permit obtained as
73 provided in title 108, chapter 4 of this Land Use Code.

74 ...

75 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

76 (10) Reserved.

77 (11) Private park, playground or recreation area not open to the general public and to which no
78 admission charge is made, but not including privately owned commercial business.

79 ...

80 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

81 ...

82 **Sec. 104-7-5. - Conditional uses.**

83 The following uses shall be permitted only when authorized by a conditional use permit obtained as
84 provided in title 108, chapter 4 of this Land Use Code.

85 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

86 (13) Reserved.

87 (14) Private park, playground or recreation area not open to the general public and to which no
88 admission charge is made, but not including privately owned commercial business.

89 ...

90 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

91 ...

92 **Sec. 104-8-5. - Conditional uses.**

93 The following uses shall be permitted only when authorized by a conditional use permit obtained as
94 provided in title 108, chapter 4 of this Land Use Code.

95 ...

96 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

97 (15) Reserved.

98 (16) Private park, playground or recreation area not open to the general public and to which no
99 admission charge is made, but not including privately owned commercial amusement business.

100 ...

101 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

102 ...

103 **Sec. 104-9-3. - Conditional uses.**

104 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 105 provided in this Land Use Code:

106 ...

107 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
 108 County Excavation Ordinance.

109 (7) Reserved.

110 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
 111 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

112 ...

113 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

114 ...

115 **Sec. 104-11-4. - Conditional uses.**

116 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
 117 provided in title 108, chapter 4 of this Land Use Code:

118 ...

119 (26) Travel agency.

120 (27) Reserved.

121 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
 122 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
 123 the residential use.

124 ...

125

126 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

127 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
 128 half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for

	each dwelling unit in excess of two dwelling units.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.
Lockout sleeping room:	500 square feet.
Other uses:	None.

129 (b) *Width.* 150-foot minimum lot width, as measured at the yard setback and the street frontage.

130 (c) *Yard setbacks.* The minimum yard setbacks are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

131 (d) *Building height.* The maximum height for a building shall be 50 feet.

132 ...

133 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

134 ...

135 **Sec. 104-12-3. - Conditional uses.**

136 The following uses shall be permitted only when authorized by a conditional use permit as provided in
 137 title 108, chapter 4 of this Land Use Code:

138 (1) Educational/institutional identification sign.

139 (2) Reserved.

140 (3) Private park, playground or recreation area, but not including privately owned commercial
 141 amusement business.

142 ...

143 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

144 ...

145 **Sec. 104-13-3. - Conditional uses.**

146 The following uses shall be permitted only when authorized by a conditional use permit obtained as
147 provided in title 108, chapter 4 of this Land Use Code:

148 ...

149 (7) Parking lot accessory to uses permitted in this zone.

150 (8) Reserved.

151 (9) Private park, playground or recreation area, but not including privately owned commercial
152 amusement business.

153 ...

154 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

155 ...

156 **Sec. 104-14-3. - Conditional uses.**

157 The following uses shall be permitted only when authorized by a conditional use permit obtained as
158 provided in title 108, chapter 4 of this Land Use Code:

159 ...

160 (9) Parking lot accessory to uses permitted in this zone.

161 (10) Reserved.

162 (11) Private park, playground or recreation area, but not including privately owned commercial
163 amusement business.

164 ...

165 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

166 ...

167 **Sec. 104-15-3. - Conditional uses.**

168 The following uses shall be permitted only when authorized by a conditional use permit as provided in
169 title 108, chapter 4 of this Land Use Code.

170 ...

171 (2) Educational/institutional identification signs.

172 (3) Reserved.

173 (4) Private park, playground, or recreation area, but not including privately owned commercial
174 amusement business.

175 ...

176 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

177 ...

178 **Sec. 104-16-3. - Conditional uses.**

179 The following uses shall be permitted only when authorized by a conditional use permit as provided in
180 title 108 of this Land Use Code.

181 ...

182 (7) Nursing home.

183 (8) Reserved.

184 (9) Private park, playground, or recreation area, but not including privately owned commercial
185 amusement business.

186 ...

187 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

188 ...

189 **Sec. 104-17-3. - Conditional uses.**

190 The following uses shall be permitted only when authorized by a conditional use permit obtained as
191 provided in title 108, chapter 4 of this Land Use Code:

192 ...

193 (7) Nightly rental.

194 (8) Reserved.

195 (9) Private park, playground and/or recreation area, but not including privately owned commercial
196 amusement business.

197 ...

198 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

199 ...

200 **Sec. 104-19-3. - Conditional uses.**

201 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
202 Weber County Subdivision Ordinance.

203 (b) Reserved.

204 (c) Public utility substations.

205 ...

206 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

207 **Sec. 104-27-1. - Definitions.**

208 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
209 section, unless the context indicates a different meaning:

210 *Common open space.* The phrase “common open space” means land area in a planned residential
211 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
212 driveway areas for common use and enjoyment of the residents of the PRUD

213 *Common open space easement.* The phrase “common open space easement” means a required right
214 of use granted to the county by the owner of a planned residential unit development, on and over land in a
215 planned residential unit development designated as common open space, which easement guarantees to
216 the county that the designated common open space and recreation land is permanently reserved for
217 access, parking and recreation and open green space purposes in accordance with the plans and
218 specifications approved by the planning commission and county commission at the time of approval of the
219 PRUD or as such plans are amended from time to time with the approval of the county commission.

220 *Planned residential unit development (PRUD).* The phrase “planned residential unit development”
221 means a development in which the regulations of the zone, in which the development is situated, are waived
222 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
223 development plan and imposed general requirements.

224 **Sec. 104-27-2. - Purpose and intent.**

225 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
226 adopted overlay zone that provides for diversification in the relationship of various uses and structures
227 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
228 encourage new and innovative concepts in the design of neighborhood and housing projects in
229 urbanizing areas. To this end, the development should be planned and entitled as one complete land
230 development. Phasing of the complete land development may occur over time if approved by the
231 county commission and if in compliance with the entitlements of the complete land development.

232 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
233 after recommendation from the planning commission, the county commission may allow deviations
234 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the
235 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
236 Unless specified otherwise, development of a PRUD shall adhere to the applicable regulations and
237 other provisions of this Land Use Code.

238 (c) The county commission may apply any condition of approval reasonably necessary to advance the
239 directives of the general plan or to promote the public health, safety, and general welfare whilst being
240 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
241 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
242 scale developments.

243 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
244 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
245 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
246 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
247 of this Land Use Code.

248 **Sec. 104-27-3. - Applicability.**

249 (a) *Effective date.* Except as specified in subsection (c) and (d) of this section, this chapter shall apply to
250 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

251 (b) *Allowed zones.* A planned residential unit development overlay zone may only be considered in the
252 following zones:

253 (1) Residential estates zones;

254 (2) Agricultural zones;

255 (3) Forest, forest residential, and forest valley zones;

256 (4) Single-family, two-family and three-family residential zones;

257 (5) Commercial valley resort recreation zone; and

258 (6) Residential manufactured home zone.

259 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection
260 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
261 time to time under the same rules that governed its creation, provided that the amendment is a de
262 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
263 has independent authority to determine what constitutes a routine and uncontested de minimus
264 decision. If it is determined to not be routine or uncontested then the provisions of this chapter shall
265 apply prior to execution of any modification to the PRUD.

266 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the
267 entitlements of an approved development agreement executed prior to this date.

268 **Sec. 104-27-4. – Application requirements.**

269 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
270 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
271 documents, plans, and studies required by this chapter. The application shall contain authorization
272 from all owners of land within the property's legal description. The following are the minimum
273 requirements necessary to submit a complete application:

274 (1) An overall development plan, complying with the requirements of Section 104-27-X, including the
275 following:

276 a. A map of the general configuration of the development, together with land tabulations
277 detailing the proposed uses of land for all areas of the project;

278 b. An open space preservation plan, showing uses, sizes, and locations of proposed structures;

279 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

280 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
281 facilities, if applicable;

282 e. Architectural drawings and sketches demonstrating the design and character of the
283 proposed development;

284 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
285 shall include a natural hazards map.

286 g. Any proposed mappable voluntary contributions, including those proposed in pursuance of
287 a density bonuses.

- 288 f. A development phasing plan, if applicable.
- 289 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
290 the considerations listed in Section 104-27-9.
- 291 (3) A list of development commitments the applicant is prepared to make with the county, and a list
292 detailing what the development needs from the county. This list will be the initial basis for
293 development agreement negotiation.
- 294 (4) Base density calculations and a tabulation and explanation of bonus density requests.
- 295 (5) The legal description for all properties to be included in the overlay zone and development
296 agreement, together with a general vicinity map of the rezone extents.
- 297 (6) Additional information as may be necessary to determine that the contemplated arrangement of
298 uses make it desirable to apply regulations and requirements differing from those ordinarily
299 applicable under the land use code.
- 300 (b) An application fee shall be paid at the time of application submittal.

301 **Sec. 104-27-5. - Planning commission consideration and action.**

- 302 (a) In considering the proposed planned residential unit development, the planning commission shall
303 consider and make recommendation to the County Commission regarding:
- 304 (1) The architectural design of buildings and their relationship on the site and development beyond
305 the boundaries of the proposal.
- 306 (2) Which streets shall be public and which shall be private; the entrances and exits to the
307 development and the provisions for internal and external traffic circulation and off-street parking.
- 308 (3) The landscaping and screening as related to the proposed uses within the development and their
309 integration into the surrounding area.
- 310 (4) Lighting and the size, location, design, and quality of signs.
- 311 (5) The residential density of the proposed development and its distribution as compared with the
312 residential density of the surrounding lands, either existing or as indicated on the zoning map or
313 general plan proposals of the county as being a desirable future residential density.
- 314 (6) The demonstrated ability of the applicant to financially carry out the proposed project under total
315 or phase development proposals within the time limit established.
- 316 (b) The planning commission, after considering applicable codes and any anticipated detrimental effects,
317 may recommend an approval, recommend an approval with conditions, or recommend denial of the
318 PRUD overlay zone to the county commission.

319 **Sec. 104-27-6. - General requirements.**

- 320 (b) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the
321 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
322 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
323 agreement between the developer and the county shall be prepared and readied for execution upon
324 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
325 document the County's roles and responsibilities to the developer and the developer's roles and

326 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
327 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
328 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
329 approval of a PRUD overlay zone or associated development agreement.

330 (c) *Overall development plan.* The development agreement shall include an overall development plan
331 detailing the proposed development as otherwise specified herein. No changes or alterations to the
332 approved overall development plan shall be made without first obtaining an amendment to the
333 development agreement, except for landscaping as provided in subsection (d) of this section.

334 (d) *Landscaping plan.* The development agreement shall include a landscaping plan that meets or
335 exceeds the landscaping requirements found elsewhere in this land use code.

336 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design
337 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD
338 overlay zones.

339 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a
340 PRUD shall be released until all landscaping requirements are completed for that phase, with the
341 exception of single-family dwellings. In the case of single-family dwellings, that portion of the
342 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

343 (3) Application of the development agreement's landscape plan may be modified during the land use
344 permit or building permit review process provided a more site-specific landscape plan is submitted
345 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

346 a. That the area of landscaping exceeds the approved landscape plan;

347 b. That the number and quality of plants exceed the approved landscape plan;

348 c. That the functional use of vegetation, such as shade from trees or site-screening from
349 bushes, meet or exceed relevant landscaping requirement of the land use code and the
350 intent of the approved landscape plan; and

351 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
352 plan.

353 **Sec. 104-27-7. – Configuration of overall development plan.**

354 (a) *Cluster subdivision.* All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter
355 3, Cluster Subdivisions, except those lot development standards as listed in subsection (d) of this
356 section. The overall development plan shall demonstrate that the development can feasibly comply
357 with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements
358 may be granted by the county commission, after recommendation from the planning commission, if
359 the deviation offers a better community outcome or better contributes to the implementation of a
360 significant and meaningful general plan goal, principle, or implementation strategy.

361 (b) *Street configuration.* The development plan shall show, at a minimum, the general alignment of all
362 existing or proposed streets in the development. Streets shall offer efficient connectivity to existing
363 street rights-of-way and shall be laid out to provide ease of use and navigation throughout the
364 development. The development plan shall show streets stubbing into an adjacent property in at least
365 one location, more if necessary to comply with block-width or intersection distance requirements of
366 this land use code. At least two points of access into the development is required if it contains more
367 than 30 residences, or as otherwise required by the local fire or emergency services authority.

368 (c) *Land use configuration.* The development plan shall show the general locations of proposed land uses
369 including open space areas, and offer a land use inventory specifying approximate land acreage per
370 use.

371 (d) *Lot development standards.* The development plan shall propose building locations, lot area, lot width,
372 yard, height and coverage regulations for all lots or parcels that will contain development or structure.

373 (e) *Natural hazards.* The development plan shall be designed around high-hazard natural hazards, and
374 offer reasonable avoidance of moderate hazards. If a hazard is known to exist onsite, or if the site is
375 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard Areas,
376 a natural hazards map shall be included as part of the overall development plan submittal.

377 **Sec. 104-27-8. - Use permissions and prohibitions.**

378 (a) *General uses.* All uses specified in the underlying zone are allowed in a PRUD, unless specifically
379 prohibited in the development agreement.

380 (b) *Other small-scale service uses.* If a PRUD contains 100 dwelling units or more other uses may be
381 approved by the county commission, after receiving recommendation from the planning commission,
382 provided that clear evidence demonstrates that those uses are necessary for the provision of small-
383 scale local neighborhood services to the residents of the development and the immediate surrounding
384 neighborhood. The county commission has legislative discretion to determine what a small-scale local
385 neighborhood service is. The development agreement shall contain provisions for the proposed uses,
386 ownership, operational characteristics, and physical design to assure compliance with this section.

387 (c) *Nightly rentals.* Any housing units to be developed or used, in whole or in part, for sleeping rooms
388 (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site
389 development plan, and shall adhere to the additional parking requirements for rental sleeping rooms
390 as provided in title 108, chapter 8, section 2 of this Land Use Code.

391 **Sec. 104-27-9. - Area and residential density regulations.**

392 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units
393 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
394 but the area shall never be less than four acres in any residential zone and ten acres in all other
395 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
396 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
397 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
398 memorialize and entitle the base density calculation.

399 (b) *Bonus density.*

400 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning
401 commission, the county commission may allow for an increased number of residential lots in a
402 PRUD development by awarding bonus densities to those PRUDs developed within the Western
403 Weber County Planning Area in exchange for meaningful public offerings. The following presents
404 the bonus density opportunities that may be available. At the county commission's discretion,
405 these may be in place of or in additional to the bonuses already available in the cluster subdivision
406 code. Regardless, the developer's offerings shall provide a public benefit proportionate to the final
407 awarded bonus density. The developer's bonus density offerings and the county's bonus density
408 awards shall be clearly documented and tabulated in the development agreement:

409 a. *In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones.* The county may
410 award a maximum bonus density of ten percent based on an accumulation of any
411 combination of the following:

OFFERING	BONUS DENSITY
A minimum of one approved public access to public lands:	5 percent.
A park, open to the general public	5 percent.
A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value	10 percent.

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- b. *In the Agricultural (A-1, A-2, and A-3) Zones.* The county may grant a bonus density of up to 50 percent if the development preserves open space area equal to or greater than 50 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7, but not less than 10 acres. Overall bonus density shall be no greater than a percentage equal to the percentage of the development's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:

OFFERING	BONUS DENSITY
Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
A minimum of one approved public access to public lands:	5 percent..
An HOA park, open to the general public:	5 percent.
A park donated to the county, a local park district, or other county approved entity:	10 percent.
Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
Development of excess sewage treatment capacity:	3 percent for every 10 percent capacity increase over the development's base density.
Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:	One percent per acre up to 50 percent.

Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.

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c. *Affordable housing bonus.* Ten percent of the development’s base density may be freely added as a bonus but not counted in density calculations provided compliance with the following:

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1. The additional density is permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990.

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2. The additional density is located in the interior of the development, as central as is practicable given site constraints, land uses, open spaces, and street configuration, and is completely surrounded by other dwelling units within the development. Open space may abut part of it provided the open space is large enough to offer a sufficient buffer from existing residential uses in the area. The buildings are limited to 35 feet or two stories above grade.

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3. The development agreement shall offer an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;

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4. A final subdivision plat shall identify and label a lot or unit set aside as an affordable housing lot or unit, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and affordability will be regulated.

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(2) *Ogden Valley Planning Area bonus density.* A PRUD overlay zone should create no new density entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

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(c) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. After recommendation from the planning commission, the county commission has legislative discretion to determine what part if any of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD. When a determination justifies an inclusion, the transfer of units may be allowed. Among other considerations, the county commission’s decision should give general preference to the following standards:

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(1) The physical relationship of the proposed common areas to the developable areas of the PRUD are such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.

456 (2) The lands should contribute to the actual quality, livability and aesthetics of the PRUD and should
457 be physically integrated into the development design.

458 (3) The lands are suitable for and possess the capability for housing development.

459 (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones
460 and 30 percent or more in all other zones should be discouraged from being classified as
461 developable land and should not be considered when determining the number of allowable units
462 in a proposed PRUD.

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464 **Title 106 - SUBDIVISIONS**

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466 **CHAPTER 2. - SUBDIVISION STANDARDS**

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468 **Sec. 106-2-4. - Lots.**

469 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for
470 buildings, and be properly related to topography and to existing and probable future requirements.

471 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
472 the Land Use Code for the zone in which the subdivision is located, except:

473 (1) When otherwise permitted by the granting of a variance by the board of adjustment as authorized
474 by the Land Use Code;

475 (2) When in accordance with the cluster subdivision provisions of the Land Use Code;

476 (3) As required by the county health officer as being the minimum area necessary for septic tank
477 disposal and water well protection if greater than the above area requirements;

478 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width
479 requirements shall be increased in accordance with the slope density tables contained in the Land
480 Use Code.

481 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed
482 provided sufficient diversity of lot sizes and widths, and that the base density of the overall
483 subdivision is not increased:

484 a. Minimum lot area: 20,000 square feet.

485 b. Minimum lot width: 80 feet.

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487 **Title 108 - STANDARDS**

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489 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

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491 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

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493 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
494 intersection distances no less than provided in Section 106-2-3.

495 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
496 generally follow existing street grid design. Section line streets are mandatory unless, based on
497 the transportation element of the general plan and other plans or studies, the County Engineer
498 determines that no street will ever be needed on the particular section line. When practicable,
499 quarter section lines shall denote the general location of other through streets. If current parcel
500 configuration does not make this practicable, a through-street, or stubbed-street that will be a
501 future through-street, shall be located as close to these lines as otherwise reasonably possible.

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503 **Sec. 108-3-5. - Open space preservation plan.**

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505 (c) *Open space development standards and ownership regulations.* All open space area proposed to
506 count toward the minimum open space area required by this chapter shall be clearly identified on the
507 open space site plan. The following standards apply to their creation. Open space area in excess of
508 the minimum required by this chapter is exempt from these standards.

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510 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
511 shall be arranged to create future long-term agricultural opportunities in the following ways:

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513 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
514 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
515 reach all parts of the area with three or more passes or turns. Generally, this requires the area
516 to be at least 450 wide in any direction at any given point to be considered contiguous. This
517 three turn standard may be reduced by the planning commission for portions of the parcel
518 affected by the following:

519 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
520 impossible;

521 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
522 would otherwise be one contiguous open space area if the street did not exist;

523 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
524 realigned, cause an interruption to crop producing capabilities; or

525 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
526 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
527 agricultural parcels.

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529 **CHAPTER 5. – RESERVED.**

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