



OGDEN VALLEY PLANNING COMMISSION

AMENDED PLANNING REGULAR & WORK SESSION AGENDA

May 02, 2017
5:00 p.m.

Pledge of Allegiance

Roll Call:

1. Minutes: Approval of the minutes March 01, 2016, March 29, 2016, October 04, 2016, and April 25, 2017 meeting minutes
2. Petitions, Applications and Public Hearings
 - 2.1. Legislative Item
 - a. New Business
 1. ZDA 2017-01 Consideration and action on a request to amend and renew expired Wolf Creek Zoning Development Agreements previously approved as Contracts #2012-230 and #2013-287, which affect The Ridge Townhomes development parcel. The request is that Weber County considers renewing the Agreements and extends the project completion date (5 years) to the last day of February, 2022 for the Ridge Townhomes development only.
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 Convene to a Work Session in the Breakout Room
 - WS1. DISCUSSION: Ogden Valley Sign Ordinance
 - WS2. DISCUSSION: Transfer Development Rights (TDR) and (ADU) Case Studies

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.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

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

Minutes of the Ogden Valley Planning Commission Regular meeting March 01, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; John Howell, Kevin Parson; Will Haymond; Stephen Waldrip, Jami Taylor

Absent/Excused: Greg Graves

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary, Iris Hennen, Code Enforcement officer

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the January 26, 2016 meeting minutes.

Chair Warburton approved the meeting minutes as written.

2. **Remarks from Planning Commissioners:** None

3. **Planning Director Report:** None

4. **Remarks from Legal Counsel:** None

5. **Adjourn to Convene to a Work Session in the Breakout Room**

WS1. DISCUSSION: Review and discussion of the following sections of the proposed Ogden Valley General Plan: Land Use

Charles Ewert reviewed the setup from the previous meeting and said they would review with the Land Use Section. After they have gone through this today, they are hopeful that they can have enough takeaways to go work on Draft 3.

Charles Ewert began on Page 16, Land Use Section and asked if there were any questions. Commissioner Parson suggested going through the tables talk about the relationship between those two.

Jim Carter of Logan Simpson Design explained that Table 1 looks at Ogden Valley planning area which includes Ogden Canyon. It breaks it down by the current zone. Looking at what is happening on the valley floor which is the focus of interest; the shoreline and open space zones are about a quarter, agriculture zones including forest valley zones is 44%.

Charles Ewert began on Page 18, and asked if there were any questions.

There was discussion with recommendations from the Planning Commission and the community members.

There is a presentation from Jody Smith with the Ogden Valley Trust, and another from Kim Wheatley with the GEM Committee.

Charles Ewert asked if they were ready to move on to Page 18. Chair Warburton mentioned that if anyone reads this document at home, if they have questions they can send an email to Charlie and it would be recognized. Mr. Ewert said if anybody would like to get in touch with him to have a meeting to talk to him about this, he is more than happy to do so. Steve Clarke said that he would like to have the GEM presentation and maybe the Ogden Valley Land Trust presentation before they go to Page 21. Mr. Ewert said maybe they wrap up Page 18 and then move on.

Charlie Ewert asked if anyone had any questions on Page 18.

Discussion with recommendations from the Planning Commission and the community members

There was much discussion regarding goals, policies, and implementation strategies of this section.

Charles Ewert referenced Page 22, Land Use Implementation, 1.4.1.: Creating an Agricultural Protection and Open Space Overlay Zone.

Discussion with recommendations from the Planning Commission and the community members

Kim Wheatley from the GEM Committee goes through his presentation on TDR's and PDR's.

Discussion on creating a market, goals, policies, and implementing strategies

Jodi Smith, Ogden Valley Land Trust goes through her presentation.

Jodi Smith explained the second slide is more information on the Ogden Valley Land Trust and describes what they are all about and she would not be going into that but if they have a minute to go through that she would appreciate them reading that.

Discussion from the Planning Commission and the community members

Charlie Ewert explains Goals, Policies, and Implementation and beings reading Land Use Goal 1 and Land Use Policy 1.1.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Implementation 1.1.1.; Amend title 108, Chapter 29.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Policy 1.2., Land Use Implementation 1.2.1, 1.2.2, and 1.2.3. There was a discussion that Title 108 needed to be changed to Title 104.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Policy 1.3., Land Use Implementation 1.3.1, 1.3.2, and 1.3.3.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Policy 1.4., Land Use Implementation 1.4.1, 1.4.2, and 1.4.3.

Mr. Ewert mentions stated by Jim Carter earlier, when it comes to identifying receiving areas, the County is not doing this. He explains where the sending areas are located on the map.

Discussion with recommendations from the Planning Commission and the community members

Jim Carter suggested Mr. Ewert should read Land use Implementation 1.4.2. Mr. Ewert complied.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Implementation 1.4.3.

Discussion with recommendations from the Planning Commission and the community members

Charlie Ewert read Land Use Policy 1.5., Land Use Implementation 1.5.1, and Land Use Implementation 1.5.2.

Discussion with recommendations from the Planning Commission and the community members

Charles Ewert read Land Use Goal: Support continued agricultural operations in Ogden Valley. Land Use Policy 2.1, Land Use Implementation 2.1.1, and Land Use Policy 2.2.

Discussion with recommendations from the Planning Commission and the community members

6. **Adjournment:** The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,



Kary Serrano, Secretary
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Public Hearing March 29, 2016, held at the Bowery Building Park, located at 2100 N 5600 E, Eden commencing at 5:30 p.m.

Present: Laura Warburton, Chair; John Howell, Kevin Parson; Will Haymond; Stephen Waldrip, Jami Taylor, Greg Graves
Absent/Excused:

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Asst. Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

1. **5:30 p.m. – 6:00 p.m.: Community Social – Refreshments Served (Courtesy of Local Business Owners).**
2. **6:00 p.m.: PUBLIC HEARING for Ogden Valley General Plan:** A public hearing to receive public comment regarding the proposed draft of the Ogden Valley General Plan. The hearing will focus on the Commercial Development, Transportation and Mobility, Utilities and Public Services, and Parks and Recreation section of the Plan; however, comments related to all sections will be welcome. A brief presentation will be provided. Copies of the proposed draft may be reviewed prior to the hearing on www.valleyplan.com.

Chair Warburton stated this is a public hearing and they are here to listen to what the public has to say. She then turned over the meeting to Charles Ewert, Planning Staff.

Charles Ewert said this is the first public hearing to review the first half of the document. They had an attendance of about 12-13 people with about 4-5 people that spoke. Staff is grateful to have the greatest attendance of people tonight. As you all know, they are talking about the Ogden Valley General Plan. The first half of the document was discussed in the first public hearing, but given the size of the turnout today; Mr. Ewert wanted to oversee the basic elements of the whole document, and give the opportunity to give your comments about the whole plan. The focus of this hearing is on the last half of the document which is Commercial Development, Transportation and Mobility, Utilities and Public Services, and Parks and Recreation. However, if you have a pressing comment on the first half, please feel free to make it.

3. General Plan schedule and next steps.

Charles Ewert said we want to be sensitive to draft three and make sure everyone has a chance to look at that. So we have the following schedule prepared:

- | | | |
|------------------|----------------------|---|
| • April 12, 2016 | Work Session | Commercial Development & Transportation Mobility |
| • April 26, 2016 | Work Session | Utilities, Public Services, & Parks and Recreation |
| • May 17, 2016 | Open House | To be determined |
| • May 18, 2016 | Work Session | Go over draft three |
| • May 24, 2016 | Regular/Work Session | Finalize draft three and present to County Commission |
| • June 7, 2016 | Work Session | Work with the County Commission |

4. **Adjourn.** The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

 Kary Serrano, Secretary;
 Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Work Session dated October 04, 2016, in the Weber County Commission Chambers Break Room, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Will Haymond; Jami Taylor, Greg Graves, Robert Wood, John Lewis

Absent/Excused: John Howell,

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Guests: Gage Froerer, Commissioner Gibson, Sean Wilkinson, Jim Carter, Logan Simpson; Krissy Gilmore, Logan Simpson; Kim Wheatley

WS1. DISCUSSION: Bonus Density

Gage Froerer, Ogden Valley Resident, put together a presentation and asked if there were any questions.

Commissioner Gibson reminded everyone, of the process through the work session where at some point this goes to the legislative body where it comes back for public comment. There was a two year discussion on the General Plan that took several works sessions to put together. Every time it was talked about in a public forum, there were people who commented that the commission had already made their decision on the General Plan. In reality it was one of those circumstances where everyone was heard before any decision had been made.

Ron Gleason, who resides in Huntsville, said he doesn't see anything changing to encourage clustering unless they change it in the General Plan. Commissioner Gibson that this change was more for the developers. What this really addresses is the type of person who is going to make this decision is probably going to be developer, and the generations that have that desire to perpetuate that like their children.

Commissioner Taylor said there are creative ideas and she is hoping it doesn't hurt the process. She understands having smaller areas gives them the right to transfer property. When we have larger density, there needs to be more density so they can provide an incentive for that.

Commissioner Lewis stated they are looking 20 to 30 years from now. As a developer he does not see that as a TDR, but people need to do whatever they need to do to get a much bigger sewer line, get a sewer plan, now that makes sense. To encourage centralized sewer lines may not be as effective as that.

Chair Warburton said the Ogden Valley Land Trust there is a piece there in the trust that automatically has TDR's. She would like to help those people that are writing letters; if they would emphasize on bonus density that would be very helpful and Mr. Froerer is going to speak with the GEM Committee to explain the situation.

Director Wilkinson stated that if everybody came out to the work session when an ordinance is being worked on, it would be more effective and people would be more informed on what is being proposed.

Stephen Waldrip, who resides in Eden, is concerned with the people in the Ogden Valley, if they don't have enough property, how are they going to utilize what they have? He is talking about an opportunity to achieve transfer development right, and encouraging more density makes more sense from a market standpoint for additional market. Can you keep that incentive with TDR and is there enough in the valley of critical land pieces to have bonus density to mitigate that and still be able to have 65% reduction? Prior to an ordinance being adopted from the County Commission, there seems to be gap as large as the Grand Canyon.

Director Grover said in the General Plan that is adopted, it requires those restrictions so it doesn't start looking blanket wide with density that doesn't exist, and there are sensitive areas that need to be protected.

WS2. TRAINING: Land Use Law Training – Office of Property Rights Ombudsman:

This item was rescheduled for a later time and was not heard.

WS3. DISCUSSION: Adopted 2016 Ogden Valley General Plan

Charlie Ewert said going by line item as they go through this tracking list. As we go through this just let me know if you think this is a high priority or low priority.

PRIORITY	IMPLEMENTATION STRATEGY	TRACKING LIST
Medium	Gateways & View Sheds 2.1.1.	Community Character
High	Gateways & View Sheds 3.1.1	Community Character
High	Gateways & View Sheds 3.2.1	Community Character
High	Land Use Implementation 1.2.1	Land Use
High	Transportation Implementation 1.1.2	Transportation
Medium High	Transportation Implementation 1.1.3	Transportation
High	Transportation Implementation 1.2.1	Transportation
High	Transportation Implementation 1.2.2	Transportation
High	Transportation Implementation 1.3.1	Transportation
Pending (TBD)	Transportation Implementation 1.3.2	Transportation
High (Combine)	Transportation Implementation 1.3.3 & 1.3.4	Transportation
Medium	Transportation Implementation 1.3.5	Transportation
Work with UTA	Transportation Implementation 1.4.1	Transportation
Work With UTA	Transportation Implementation 1.4.2	Transportation
Medium High	Transportation Implementation 2.1.1	Transportation
Medium	Transportation Implementation 2.1.2	Transportation
High	Transportation Implementation 2.1.3	Transportation
Medium	Transportation Implementation 2.2.1	Transportation
High	Streetscape Design Implementation 1.1.1	Transportation
Medium	Streetscape Design Implementation 1.1.2	Transportation
High	Streetscape Design Implementation 1.2.1	Transportation
High	Utilities & Public Services Implementation 1.3.1	Transportation
Medium Low	Utilities & Public Services Implementation 1.3.2	Transportation
High	Utilities & Public Services Principle 2.1	Transportation
Very High	Utilities & Public Services Implementation 3.1.1	Transportation
Very High	Utilities & Public Services Implementation 3.1.2	Transportation
Very High	Utilities & Public Services Implementation 3.2.1	Transportation
Medium High	Utilities & Public Services Implementation 3.2.3	Transportation
Medium High	Utilities & Public Services Implementation 4.1.1	Transportation
Medium Low	Utilities & Public Services Implementation 4.1.2	Transportation
Medium High	Utilities & Public Services Implementation 4.2.1	Transportation
Medium High	Utilities & Public Services Implementation 5.1.1	Transportation
Medium High	Utilities & Public Services Implementation 5.1.2	Transportation
Medium	Utilities & Public Services Implementation 5.1.3	Transportation
Medium	Utilities & Public Services Implementation 5.1.4	Transportation
Medium Low	Utilities & Public Services Implementation 5.2.1	Transportation
Low	Utilities & Public Services Implementation 5.2.2	Transportation
Low	Utilities & Public Services Implementation 5.2.3	Transportation
High	Parks & Recreation Implementation 1.2.1	Parks & Recreation
High	Parks & Recreation Implementation 1.2.2	Parks & Recreation
High	Parks & Recreation Implementation 1.2.3	Parks & Recreation
Medium	Parks & Recreation Implementation 1.2.4	Parks & Recreation
High	Parks & Recreation Implementation 1.3.1	Parks & Recreation
Medium Low	Parks & Recreation Implementation 2.1.1	Parks & Recreation
High	Parks & Recreation Implementation 3.1.1	Parks & Recreation
High	Parks & Recreation Implementation 3.1.2	Parks & Recreation
High	Parks & Recreation Implementation 3.1.3	Parks & Recreation
Very High	Parks & Recreation Implementation 3.1.4	Parks & Recreation
High	Parks & Recreation Implementation 3.1.5	Parks & Recreation

Chair Warburton inquired about the upcoming training session. Director Grover said for those of you that traveling with us, we will meet 7:30 a.m. at the Station Park. For those of you who are taking their own transportation, there is a map with directions to the new section of the Town Center.

WS-4. ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,



**Kary Serrano, Secretary;
Weber County Planning Commission**

Minutes of the Ogden Valley Planning Commission Regular meeting April 25, 2017 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Greg Graves, John Howell; John Lewis, Robert Wood, Jami Taylor

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Asst. Planning Director; Steve Burton, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call

Chair Taylor asked if there was anyone that would like to declare ex parte communication. John Lewis replied there was one item related to Wolf Creek and he would recuse himself.

1. **Minutes:** Approval of the December 06, 2016, February 28, 2017, March 07, 2017, and March 28, 2017 Meeting Minutes

MOTION: Chair Taylor approved the meeting minutes as presented.

2. **Consent Agenda:**

- 2.1. **UVE030217:** Consideration and action on a request for preliminary approval of Eagle Ridge Cluster Subdivision Phase 6, consisting of 5 Lots, 2 common areas, and an extended road in the Residential Estates (RE-20) and Agricultural Valley (AV-3) Zones, located at 3600 N Eagle Ridge Drive in Eden. (Eden Hills LC, Owner; Tyler Nielson, Agent)
- 2.2. **UVH121416:** Consideration and action on an application for final approval of the Hidden Haven Estates 2nd Amendment, consisting of 3 lots and an extended private road in the Agricultural Valley (AV-3) and Shoreline (S-1) Zones, located at 1682 N 6250 E in Eden. (Pineview Partners LLC, Applicant; Randy Shepherd, Applicant)
- 2.3. **CUP 2017-03:** Consideration and action on a conditional use permit application for a water pumping plant for Liberty Pipeline Company in the Forest (F-5) Zone, located at 6701 N Durfee Creek Way in Liberty. (Liberty Pipeline Company, Pen Hollist Director, Applicant; Mike Durtschi, Project Engineer, Agent)

MOTION: Commissioner Warburton moved to approve the consent agenda as read. Commissioner Graves seconded. A vote was taken the Commissioners Warburton, Graves, Howell, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

3. **Petitions, Applications and Public Hearings**

- 3.1. **Administrative Items**

- b. **New Business**

1. **CUP 2017-05:** Consideration and action on a conditional use permit application for a public equestrian training and stable facility for Kent Winegar in the Agricultural Valley (AV-3) Zone, located at 9510 E 200 S in Huntsville. (Kent Winegar, Applicant)

Director Grover stated this is a conditional use and you may take public comment, but it is not required to. Each zone there are permitted uses and conditional uses and you can't really deny this, you have to put conditions that will help intergraded it into the neighborhood. You will have Steve Burton give a brief orientation on this, then Mr. Kent Winegar will represent his project, and Mr. Burton will explain how it is meeting or not meeting the code.

Steve Burton referenced an application for a public equestrian training and stabling facility located at approximately 9510 E 200 S in Huntsville. The building associated with the operation is an existing 60' x 120' building. The applicant is also proposing to place a face wall sign for the business on the south wall of the building that fronts 200 South. The operation will involve between 20 and 40 horses at any given time, an average of about 1 horse per acre. The applicant states that the operation will be for the training, raising, and breeding of horses.

Steve Burton stated that the applicant has provided a site plan with building elevations and parking area that will be used for the customers. The applicant has said that it would be about two customers per week and there were

concerns with the parking. The proposed use is conditionally allowed in the AV-3 Zone and is being reviewed as a public equestrian training and stable facility on a tract of land consisting of ten acres in an area with a density of not more than five horses per acre. The existing structure meets the site development standards of the zone. The parcel owned by the Middleton Waterworks Association appears to be located in the middle of the property; it was a parcel that was deeded out to Middleton Waterworks association a long time ago. The parcel does meet the zoning requirements and it does meet setbacks. There are no new buildings proposed so there will not be any new construction for traffic concerns. The applicant has also provided traffic parking area. There is a riding area that surrounds the existing building, and there are two residential homes located on the property. Both homes are outside of the animal setback regulation as outlined in the land use code. The existing building that will be used to keep horses is located approximately 75 feet from both rental homes on the property; and located approximately 175 feet from Highway 39.

Steve Burton said the sign code allows 90 sq. ft. sign to be placed on the wall of this building; the proposed sign is approximately 87 sq. ft. meeting that sign requirement. The property currently maintains the 20% landscaping requirement. The landscaping is currently made up of deciduous trees to the north of the property; which are watered by the shares of the Ogden Valley Canal. This request conforms to the Ogden Valley General Plan and is intended to preserve property rights, while preserving the rural characteristics of the valley. The recommended conditions are imposed; the request meets the applicable land use requirements. Staff recommends approval subject to all review agency requirements and the conditions and findings listed in the staff report.

Chair Taylor asked for clarification as it was noted that the agenda had CUP 2017-01 and the staff report had CUP 2017-05. Mr. Burton clarified that it is CUP 2017-05.

MOTION: Commissioner Howell moved to approve CUP2017-05 for a public equestrian training and stable facility for Kent Winegar in the Agricultural Valley (AV-3) Zone, located at 9510 E 200 S in Huntsville. This is subject to the conditions and recommendations from all the county and state agencies; and subject to the findings listed in the staff report. Commissioner Warburton seconded. A vote was taken the Commissioners Warburton, Graves, Howell, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

Commissioner Lewis excused himself from the meeting.

2. CUP 2017-04: Consideration and action for a conditional use request for The Strand at Wolf Creek Resort Phase 1 PRUD located within the approved Wolf Creek Resort Master Development including an average building height of 33 feet as conditionally allowed in the Commercial Valley Residential (CVR-1) Zone, located at 3820 N Wolf Creek Resort. (WCU, LLC, Applicant; Eric Householder, Agent)

Director Grover said back in 2015 we did a rezone on this property to CVR-1; and the use that is being looked at is a conditional use and there is a development agreement with this. As a conditional use it is not required to take public comment on it. Mr. Grover orients the commission as to where the development is being proposed. It will be accessed from Wolf Creek Drive. The gym is located to the south of where this is taking place. It will entail tree building associated within the landscaping. The applicant, Eric Householder will explain the project and how it is going to be developed with more detail. Mr. Grover will then present how this may or may not with the ordinance.

Chair Taylor mentioned the name had been changed to Exchanged.

Eric Householder, Representing Wolf Creek, have some updates from when they submitted two months ago. As previously mentioned in 2015 they spent a lot of time on a rebuild and getting all the zoning in place. At that time they applied to have a use added to the conditional use for the blue pub. In the presentation are a few examples regarding interior design. Mr. Householder takes the commission through his presentation.

Director Grover explains how the designs fit into the area. The architecture of the building is related to other buildings in the area. In the CVR-1 Zone there is a 25 foot maximum height limit. There is a possibility to go higher than that with a conditional use permit. Planning looked at the articulation, the variation, the roofline, and the pitch. From the lowest point on the building to the highest range is between 29 feet to approximately 37 feet. Based on

these features, the way it's designed and meeting the lay of the land, it meets the requirement. The 37 foot height areas are more features on the buildings; so it's not that the majority of the buildings. The first building closest to Wolf Creek Drive has a building on a hill on the other part of the daylight. Based on those features and the way it's designed, the lay of the land, it meets the requirements of the reduction.

Director Grover said the next point is the parking lot, landscaping, and screening. Applicant has done a good job with the flood areas between the buildings, it's going to create a nice feel from what we think is going to happen there. We would recommend screening with the dumpsters; create a screen that relates to the architectural materials located on the building. As for as safety; sidewalks and pathways will be provided. The infrastructure amenities will be addressed in the subdivision level. Applicant has received a will serve letter for sewer and water. When looking at the surrounding areas, it blends with the architecture and the site layout of the properties in the area. The applicant will be required, when they come in for subdivision approval, to put up a financial guarantee for subdivision improvements. On the land use codes, staff is requesting to look at reduction to a zero foot setback on the side yards. Staff is recommending approval with the conditions listed in the staff report and recommendations on the findings listed in the staff report.

Commissioner Warburton mentioned zero setbacks is not listed in the staff report so that would be #7; and with regards to #5, did they change all of this? Director Grover replied that he would strike out #5 completely, and financial guarantee will be provided at subdivision level, so staff recommends not looking at development feasibility on that.

Chair Taylor asked if there was anyone wanting to speak for or against this application. Miranda Menzies responded that she was in full support of this development.

MOTION: Commissioner Warburton moved to approve CUP 2017-04, with staff's recommendations and other agencies requirement. That the conditional use of The Exchange at Wolf Creek Resort Phase 1 PRUD located within the approved Wolf Creek Resort Master Development, including an average building height of 33 feet as conditionally allowed in the Commercial Valley Residential (CVR-1) Zone. This is subject to all agencies requirements based on the conditions listed in here which is 1 through 6, and scratch off #5, and add #7 to the 0 foot setback for the side yard. Commissioner Graves seconded.

VOTE: A vote was taken the Commissioners Warburton, Graves, Howell, Wood, and Chair Taylor voting aye. Motion Carried (5-0)

Commissioner Lewis returned to the meeting.

4. Public Comment for Items not on the Agenda: None

- 5. Remarks from Planning Commissioners:** Director Grover discussed the Development Agreement for Wolf Creek and that there were two parties involved; one being John Lewis and the other Howard Schmidt. Staff would like to entertain only the John Lewis portion; the Howard Schmidt portion is going to require them to work through the Consent Agreement. Staff would like to get your feedback on extending the time on it because it has expired. Staff thought that there was no problem with the John Lewis portion of it, but Howard Schmidt wants some legality off of the consent. That will be on the agenda.

Director Grover discussed the next work session.

Commissioner Warburton asked who was going to be addressing the Night Sky. Director Grover replied it would be Charlie Ewert.

Chair Taylor said that people were wondering about the General Plan and how the work session is going. It sounds like it's headed in a good direction, and a lot of the General Plan has involved the TDR Program. The fact that it is being discussed is a good direction to be headed.

6. **Planning Director Report:** Director Grover stated that staff and a member of each commission will be going to the New York Conference. Mr. Graves will be going for Ogden Valley, and there will be a presentation on what was learned there. Director Grover would like to do it during a work session that would be beneficial for the county.
7. **Remarks from Legal Counsel:** None
8. **Adjournment:** The meeting was adjourned at 6:45 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to amend and renew expired Wolf Creek Zoning Development Agreements, previously approved as Contracts #2012-230 and #2013-287, which affect The Ridge Townhomes development parcel. The request is that Weber County consider renewing the Agreements and extend the project completion date (5 years) to the last day of February, 2022 for the Ridge Townhomes development only.
Application Type:	Legislative
Agenda Date:	Tuesday, May 02, 2017
Applicant:	Ridge Development Corporation
Authorized Representative:	Eric Householder
File Number:	ZDA 2017-01

Property Information

Approximate Address:	Wolf Creek Resort, Eden Utah
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Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
Report Reviewer:	RG

Summary

The applicant is requesting that Weber County renew and amend expired Wolf Creek Zoning Development Agreements (ZDA) that were previously approved as Contracts #2012-230 and #2013-287. More specifically, and because the Agreements expired on March 1st, 2017 and involve two different development projects (The Ridge Townhomes and Eagles Landing), the applicant is asking that the County renew the Agreements, extend the project completion date (5 years) through February 2022, and break apart the two involved development projects by entering into a superseding and separate agreement with the Townhomes project only. See Exhibit A for the applicant's request letter. See Exhibit B for the applicant's architectural representations and concept development site plan showing The Ridge Townhomes parcel only. See Exhibit C for the original Zoning Development Agreement approved as Contract #2012-230. See Exhibit D for a subsequent Zoning Development Agreement (amending Contract #2012-230 by updating the concept plan and architecture for The Townhomes parcel only) approved as Contract #2013-287.

Background

Wolf Creek Resort has been a Master Planned Resort Community since the early 1980's. In October of 2002, the developer of Wolf Creek Resort petitioned the County to rezone certain development areas, within the resort, and amend the original master plan and agreement. The 2002 Wolf Creek master plan amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524.

In December of 2002, the developer (sole owner at the time) of The Ridge Townhomes parcel and Eagles Landing parcel petitioned the County to rezone the subject property from AV-3 to RE-15 and O-1. The reason for the rezone was to allow a (9-hole) golf course and cluster subdivision consisting of approximately 106 (single-family) homesites. The 2002 rezone request was approved as Contract# C2002-169 and recorded with the Weber County Recorder's Office as Entry# 1899165.

Approximately 4 years later, the developer of Wolf Creek Resort and the developer of Eagles Landing requested that the County consider approving an amendment to the overall (2002) Resort master plan that integrated Eagles Landing (106 single-family dwellings) into the Resort and added 24 two-family dwelling to the Eagles Landing area. At this time, some zoning was changed from RE-15 and O-1 to FR-3 (The Ridge Townhomes parcel) and a different configuration of RE-15 and O-1 was approved. This request was approved as Contract# C2006-62 and recorded with the Weber County Recorder's Office as Entry# 2184604. Later in May of 2006, the Eagles Landing cluster subdivision was submitted for preliminary approval and final approval of Phase 1. Phase 1 was recorded on May 3rd, 2007.

In 2009, the Weber County Commission approved an agreement to extend temporary development rights associated with a previously executed Consent Agreement that granted the developer of the Eagles Landing property, rights to develop the subject property at a density based on one unit per one and one-half acres. The original Consent Agreement was approved as Contract# C2002-22 and the extension to that Agreement (extending the agreed upon basis for density until February 2017) was approved as Contract# 2009-20. Contract# 2009-20 and its allowance for additional density was set to expire on February 4th, 2017.

In 2012, the developers (now two owners at this time) of the Ridge Townhomes parcel and the Eagles Landing parcel requested that the County consider an extension of the previously approved Zoning Development Agreement, approved as Contract# C2006-62 and set to expire on May 30th, 2011. This request was approved as Contract# C2012-230 and recorded with the Weber County Recorder's Office as Entry# 2610607. Contract# 2012-230 was set to expire on February 11th, 2017.

In 2013, the developer of the Ridge Townhomes parcel requested that Weber County consider approving an amendment to the previously approved Zoning Development Agreement, approved as Contract# C2012-230 and recorded with the Weber County Recorder's Office as Entry# 2610607. The proposal was to amend the Agreement by constructing 4-plexes rather than two-family dwellings, reducing the number of structures from 24 to 12, and changing the architectural design from a traditional timber frame to a more modern, horizontal roof-line style. This request was approved as Contract# 2013-287 and recorded with the Weber County Recorder's Office as Entry# 2667670. Contract# 2013-287 was set to expire (keeping the expiration date established by Contract# 2012-230) on the last day of February, 2017. Also, the conditional use permit for the townhome development, associated with Contract# C2012-230 and Contract# C2013-287, was approved on November 20th, 2013. Phases 1 and 2 dedication plats were recorded on September 23rd, 2014 and November 19th, 2015, respectively. See Exhibit E for The Ridge Townhomes Phase 2 dedication plat showing the recording of phases 1 and 2.

Conformance to the General Plan

Based on staff's analysis, the proposal conforms to the Ogden Valley General Plan by:

- Encouraging development within existing resort areas. (*The 2016 Ogden Valley General Plan, Chapter 3, Land Use, page 16 and Map 6*).
- Encouraging residential development projects to incorporate a mix of housing types. (*The 2016 Ogden Valley General Plan, Chapter 4, Rural Residential Development and Housing, page 20*).
- Acknowledging that Ogden Valley "Residents support housing near villages and commercial areas and in commercial areas in mixed-use developments." (*The 2016 Ogden Valley General Plan, Chapter 5, Commercial Development, page 24*).

Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request to amend the Zoning Development Agreements that were previously approved as Contracts C2012-230 and C2013-287:

- Does the existing "Conceptual Development Plan" still correspond with the vision of the Wolf Creek Resort area and Ogden Valley General Plan?
- Does extending the completion date to March 1st, 2022 meet the County's development expectations?
- Will separating The Ridge Townhomes project from the Eagles Landing project promote the County's ability to administer the development agreement?
- Does the proposal promote public health, safety and welfare?

Staff Recommendation

The Planning Division recommends approval of the request to amend the expired Wolf Creek Zoning Development Agreements that were previously approved as Contract# C2012-230 and Contract# C2013-287. More specifically, the staff recommendation is to renew and consolidate the Agreements into one agreement, break apart The Ridge Townhomes and Eagles Landing projects by entering into a superseding and separate agreement with The Ridge Townhomes project only, and extend The Ridge Townhomes project completion date (5 years) to March 1, 2022. This recommendation is based on the following findings and conditions as listed below:

FINDINGS

1. The developer has, in good faith, completed a substantial percentage of the overall Ridge Townhomes project. Substantial completion has been demonstrated by; recording two phases (which accounts for approximately 40%

of the entire project); preparing to record Phase 3 (which accounts for 12 units and a pool house/amenity) within the next 4-6 weeks; and has completed construction and has obtained "final occupancy" for 16 units or 33% of the total number of project units.

2. The amendment and renewal will promote public health, safety, and welfare by guaranteeing that a secondary access is provided for the greater Wolf Creek Resort community residents.
3. The amendment will not negatively impact the general area or surrounding properties and uses.

CONDITION(S)

1. To enhance public safety, the developer will complete construction of Moose Hollow Drive, within The Ridge Townhome project's overall boundary, by October 1st, 2018.

Exhibits

- A. Applicant's request letter.
- B. Proposed concept development site plan and architectural representations for The Ridge Townhomes project only.
- C. Previously approved Zoning Development Agreement Contract# C2012-230.
- D. Previously approved Zoning Development Agreement Contract# C2013-287.
- E. The Ridge Townhomes Phase 2 dedication plat showing the recordation of Phases 1 and 2.

Vicinity Map



April 14, 2017

Weber County Planning
2380 Washington Blvd. #240
Ogden UT 84310

Re: Request for 5-yr extension for ZDA

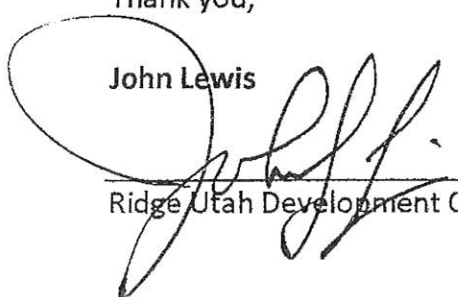
Dear Planning Commission,

Representatives from the Ridge Development Corporation would like to request that the expiration date in Section 2 of the Zoning Development Agreement with Weber County (Contract C 2012-230, Entry #2610607, Recorded 12.13.2012), be amended from February 2017 to February 2022. The Ridge phase 1 and 2 are now complete and phase 3 is underway with projected final project completion within 5 additional years.

We appreciate your consideration to this request.

Thank you,

John Lewis



Ridge Utah Development Corporation

4-14-17
Date

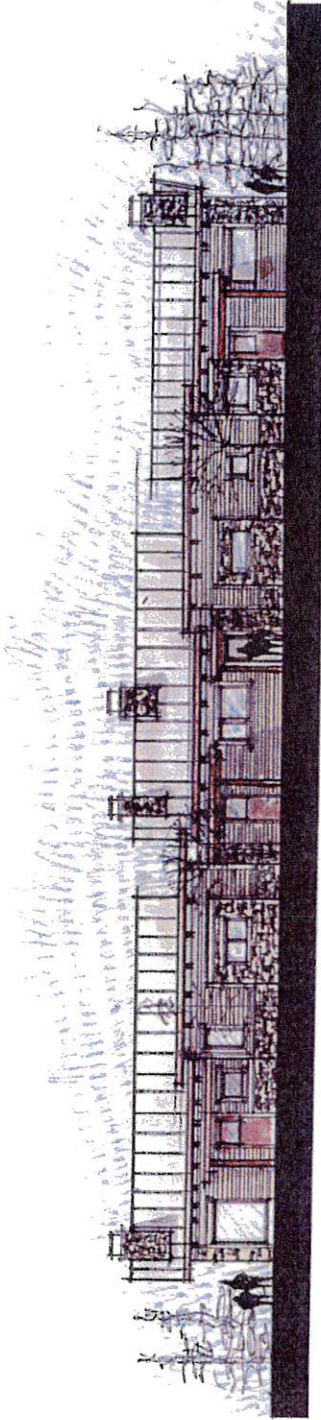
Encl:



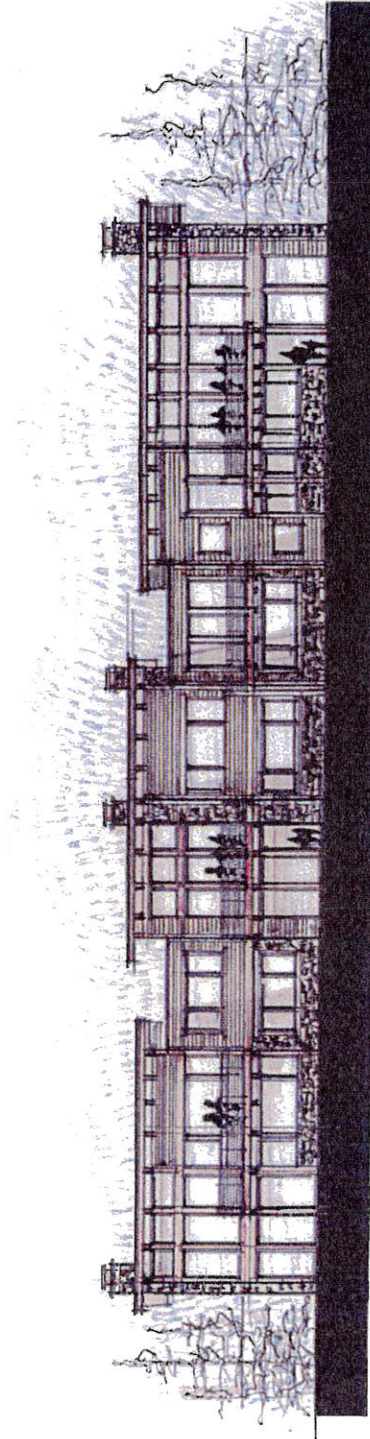
THE RIDGE TOWNHOMES

JANUARY 2016

Exhibit B
2 of 3

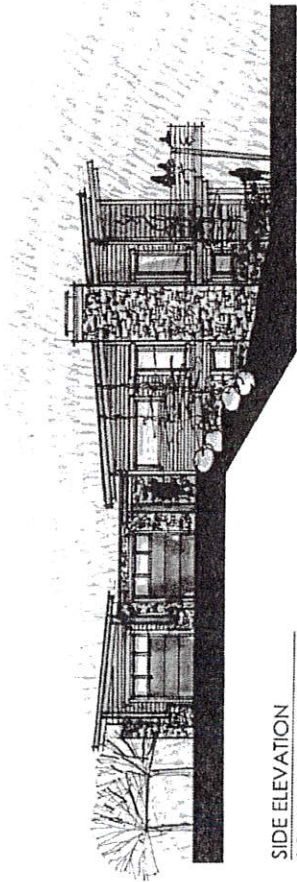


FRONT ELEVATION
SCALE: 1/8" = 1'-0"

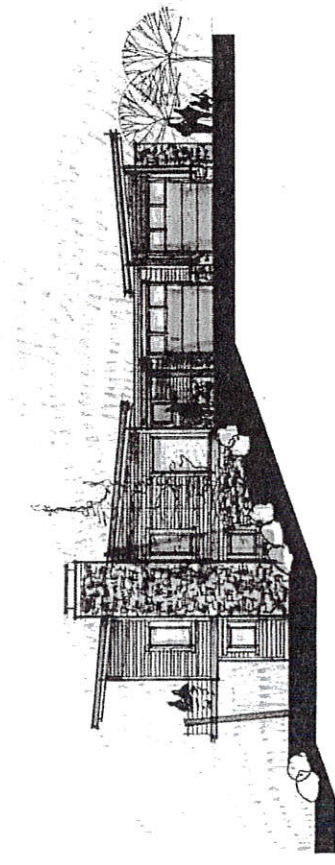


REAR ELEVATION
SCALE: 1/8" = 1'-0"

Exhibit B
3 of 3



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



W2610607

2012-230

WEBER COUNTY

EN 2610607 PG 1 OF 8
ERNEST D ROWLEY, WEBER COUNTY RECORDER
17 DEC-12 348 PM FEE \$1.00 DEP 300
REC FOR: WEBER COUNTY CLERK/AUDITOR

ZONING DEVELOPMENT AGREEMENT AMENDED

EXHIBIT
C
1/8

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Howard Schmidt D.B.A. Eden Valley Development LLC and John Lewis D.B.A. Capon Capital LLC ("the petitioner") and Weber County Corporation ("the County").

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

RECITALS: Whereas, the petitioner seeks to rezone property generally located in the East Half of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian within the unincorporated area of Weber County, Utah from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estate RE-15 zone and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential FR-3 Zone for the purpose of: Constructing 106 single family dwelling units and 24 two family dwelling unit which property consists of approximately 178 acres and is more particularly described on EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); and,

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

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

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

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

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

WHEREAS, the petitioner has acknowledged that, due to the lack of progress on the approved project, he will be in default of the previously approved Zoning Development Agreement; and

WHEREAS, the petitioner has requested that the County extend the expiration date of the previously approved Zoning Development Agreement recorded in the Office of the Weber County Recorder as entry number 2184604; and

WHEREAS, the County Commission, after receiving a recommendation from the Ogden Valley Planning Commission, has determined that proposed development continues to conform to the goals and objectives of the Ogden Valley General Plan and continues to be a benefit to both parties involved;

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

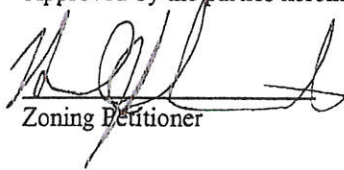
1. The County will rezone the property described in Exhibit A from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estate RE-15 Zone and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential FR-3 Zone for the purpose of allowing the petitioner to develop his property in conformance with the approved concept development plan. C
2/8
2. The petitioner will develop the subject property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and modified but the general concept of the plan will not be changed without prior formal approval of the County. The petitioner has begun construction on the designated project described in Exhibit B of the original zoning development agreement and has until February 2017 to complete the project.
3. Petitioner acknowledges that if the project has not begun or has not been completed within the time frames outlined above that he will request that the property be rezoned from a Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estate RE-15 zone and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential FR-3 Zone and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.
4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
 - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain land use and building permits and complete construction within the time periods specified in this Agreement.
 - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
 - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

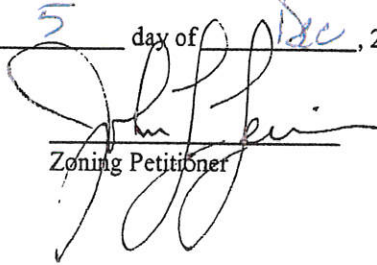
- 9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest, occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change or the concept plan or initiate steps to revert the zoning designation to its former zone.
- 10. The parties may amend or modify the provisions of this Agreement, the concept development plan and list of use types only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public hearing to determine public feeling on the proposed amendment or modification if deemed warranted.
- 11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

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Approved by the parties herein undersigned this 5 day of Dec, 2012


Zoning Petitioner


Zoning Petitioner

INDIVIDUAL ACKNOWLEDGMENT

State of Utah)

ss

County of Weber)

On the 11th day of December A.D. 2012

personally appeared before me _____

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Notary Public

Residing at: _____, Utah

CORPORATE ACKNOWLEDGMENT

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4/8

State of Utah)
ss
County of Weber)

On the 5 day of Dec A.D. 2012

personally appeared before me John Lewis duly sworn, did say that he/she is the managing member of Labor Capital LLC corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.



[Signature]
Notary Public

Residing at: Ogden, Utah

CORPORATE ACKNOWLEDGMENT

State of Utah)
ss
County of Weber)

On the 5 day of Dec A.D. 2012

personally appeared before me Howard Schmitt duly sworn, did say that he/she is the managing member of Eden Valley Development LLC corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.



[Signature]
Notary Public

Residing at: Ogden, Utah

APPROVED AS TO FORM:

[Signature] _____
Weber County Attorney Date 12/10/12

APPROVED:

[Signature] _____
Chairperson, Weber County Commission Date 12-11-2012

ATTEST:

C
6/8

Zoning Development Agreement

Page 6

Exhibit A

22-021-0102^W, 22-021-0061^{PT}

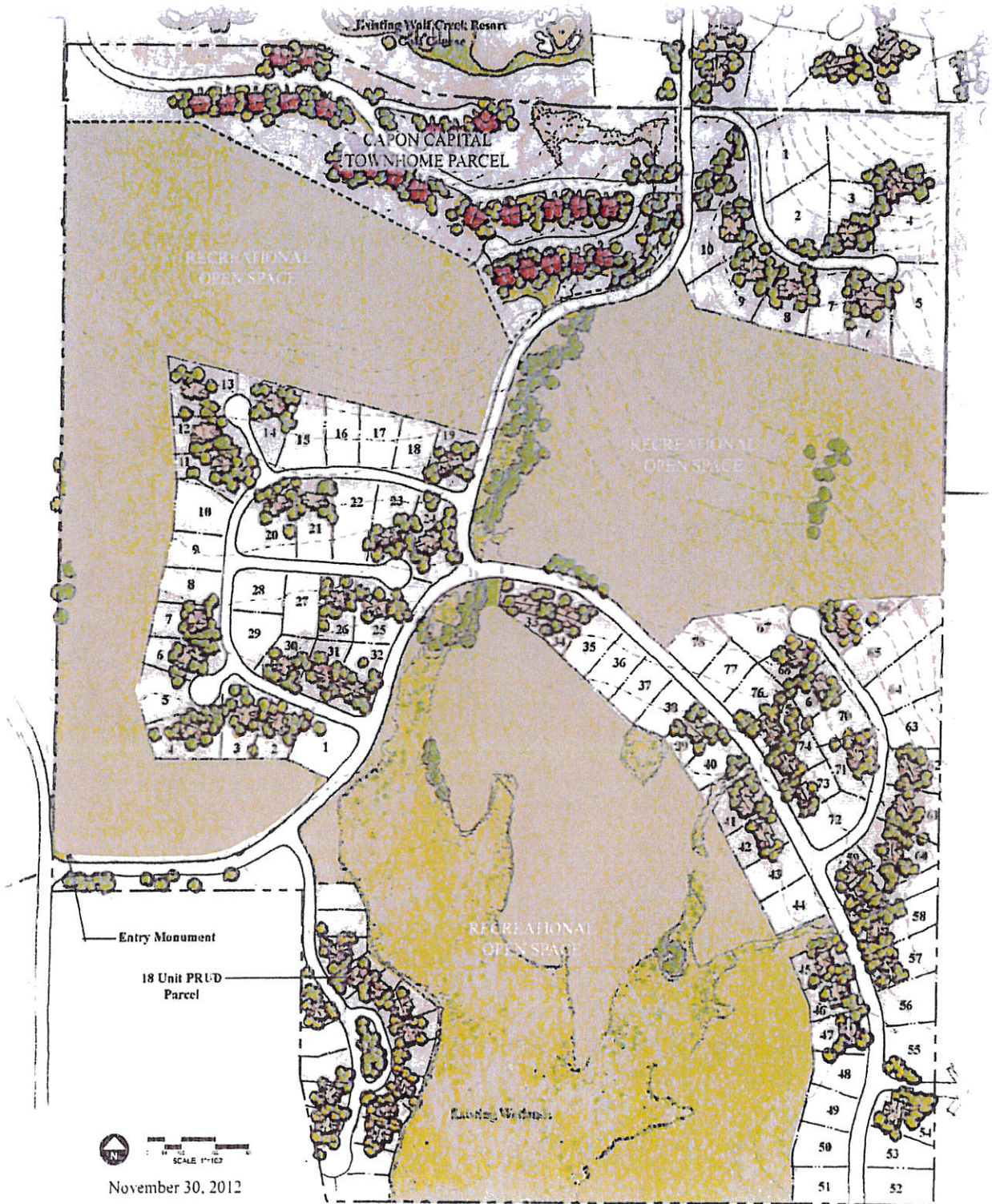
A part of the East Half of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point on the South line of Elk Horn Subdivision Phase 3 said point being S. 00°27'53" W. along the section line 163.46 feet from the Northeast Corner of said Section 27, T7N, R1E, SLB&M; thence the following courses: S 00°27'53" W 2464.48 feet along said section line to the east quarter corner; thence S 00°22'02" W 650.86 feet along the section line; thence N 89°37'27" W 1805.50 feet to the East line of Andersen Acres Subdivision; thence N 13°25'39" W 362.44 feet along the East line of Andersen Acres Subdivision; thence N 00°00'09" W 530.00 feet along the East line of Andersen Acres Subdivision and the extension of said subdivision; thence West 752.36 feet to the West line Of the East half of said Section 27; thence N 00°16'53" E 2423.21 feet along the West line Of the East half of said Section 27 to the North quarter corner of said section 27; thence S 89°09'42" E 738.12 feet along the North line of said section 27; thence S 68°46'53" E 378.92 feet; thence S 85°37'27" E 500.94 feet to the Southwest corner of Elk Horn Phase 2; thence S 89°07'48" E 1063.64 feet along the south line of Elk Horn Phase 2 to the point of beginning.

Contains: 7,770,295 sq. ft. / 178.38 acres

C
7/8

Eagles Landing

Wolf Creek Resort



SCALE 1"=100'

November 30, 2012



November 27, 2012

EH 2610607 PG 8 OF 8

C
8/8

Dear Mr. Gentry and Members of the Ogden Valley Planning Commission,

RE: Open Space Commitment Letter

As Developers of Eagles Landing and the adjacent town home parcel, it has come to our attention that Weber County staff has concerns about our open space. As part of our desire to extend the current development agreement, we feel that now is a good time to address our intentions regarding our open space.

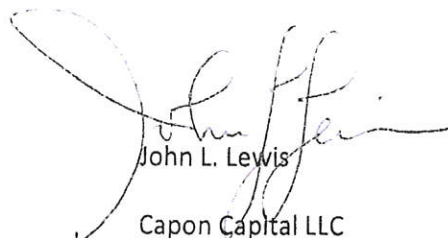
The current financial reality is that the feasibility of a golf course within our open space is not appropriate at this time. However, in the future, it is still our desire and vision to work with the county, our homeowners and futures owners of Wolf Creek Golf Course, to proceed with the plans to build an additional 9 holes. For now however, it is our full intention and commitment to maintain this open space in the natural state that currently exists.

Until such time as a golf course is practical, the HOAs will take responsibility for the maintenance of these open space parcels as part of their internal CCR's.



Howard J. Schmidt

Eden Valley development LLC



John L. Lewis

Capon Capital LLC



V2667670

E# 2667670 PG 1 OF 10
ERNEST D ROWLEY, WEBER COUNTY RECORDER
10-DEC-13 1251 PM FEE \$.00 DEP SGC
REC FOR: WEBER COUNTY PLANNING

C 2013-287

12-10

EXHIBIT
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WEBER COUNTY
ZONING DEVELOPMENT AGREEMENT
(TOWN HOMES PARCEL AMENDED CONCEPT DEVELOPMENT PLAN)

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Capon Capital LLC ("the petitioner") and Weber County Corporation ("the County").

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

RECITALS: Whereas, the petitioner seeks to rezone property generally located in the Northeast ¼ of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian within the unincorporated area of Weber County, Utah from Open Space Zone (O-1) to Forest Residential Zone (FR-3) for the purpose of: Constructing 12 four-plex dwelling units, which property consists of approximately 16 acres and is more particularly described in EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); and

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

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

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

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

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

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

1. The County will rezone the property described in Exhibit A from Open Space Zone (O-1) to Forest Residential Zone (FR-3) for the purpose of allowing the petitioner to construct his conceptually pre-designed project on the subject property.
2. The petitioner will develop the subject property based on the Concept Development Plan attached hereto and marked as Exhibit B. The attached Concept Development Plan may be refined and modified but the

general concept of the plan will not be changed without prior formal approval of the County. The petitioner has received approval from the Weber County Commission on the designated project described in Exhibit B and has until the last day of February, 2017 to complete the project based on Weber County Ordinance 2006-15 as amended.

3. Petitioner acknowledges that if the project has not been completed within the time frame outlined above that he will request that the property be rezoned from Open Space Zone (O-1) to Forest Residential Zone (FR-3) and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.
4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed, shall constitute a covenant and restriction, running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest, and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
 - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain Land Use/Conditional Use and Building Permits and complete construction within the time periods specified in this Agreement.
 - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
 - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.
9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change to the concept plan or initiate steps to revert the zoning designation to its former zone.
10. The parties may amend or modify the provisions of this Agreement and/or the concept development plan only by written instrument and after considering the recommendation of the County Planning Commission

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which may hold a public hearing to obtain public input on the proposed amendment or modification if deemed warranted.

- 11. This Agreement with any amendments shall be in full force and effect according to this approved Zoning Development Agreement until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

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Documents Attached:

- Exhibit A (FR-3 Zoning Description)
- Exhibit B (Amended (2013) Concept Development Plan)

Approved by the parties herein undersigned this 10th day of December, 2013

John Lewis, President, Capon Capital.
 Developer

CORPORATE ACKNOWLEDGMENT

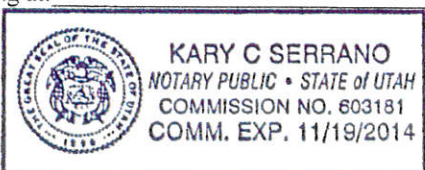
State of Utah)
ss
County of Weber)

On the 10th day of December A.D. 2013

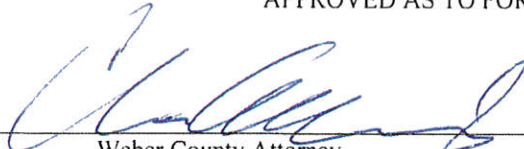
personally appeared before me JOHN L. LEWIS duly sworn, did say that he/she is the President of CAPON CAPITAL, the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

Kary C. Serrano
 Notary Public

Residing at: _____, Utah



APPROVED AS TO FORM:



 Weber County Attorney

 Date

12/10/13

D
4/10

APPROVED:



 Chair, Weber County Commission

 Date

ATTEST:



 Weber County Clerk

D
5/10

Exhibit A

Legal Description

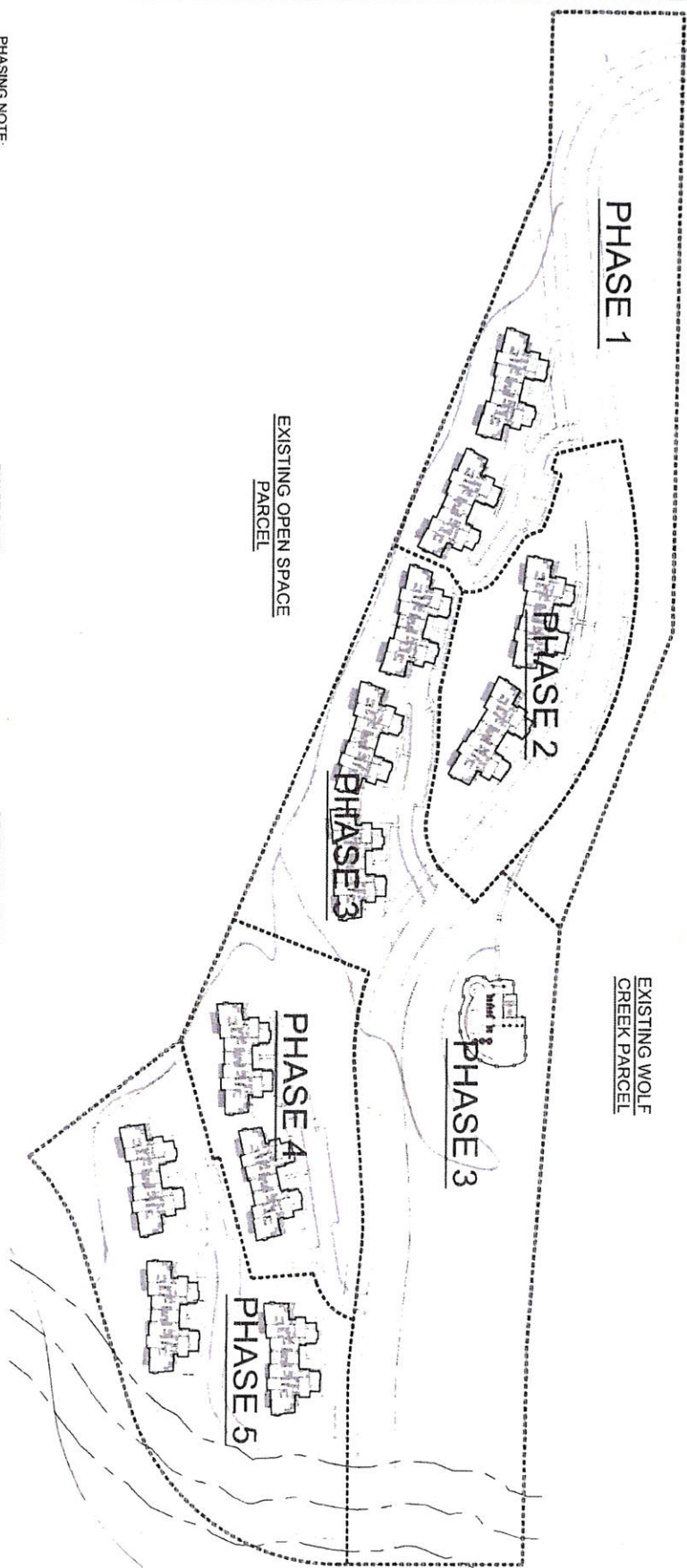
A part of the Northeast Quarter of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point on the South line of Elk Horn Subdivision Phase 2 said point being S. 00°27'53" W. along the section line 163.46 feet and N 89°07'48" W 806.75 feet from the Northeast Corner of said Section 27, T7N, R1E, SLB&M; thence the following courses: South 229.51 feet to a tangent curve; thence Southwesterly 340.16 feet along said curve to the right to a tangent line (R=270.00' Delta=72°11'05" T=196.83' CH=318.10' CHB=S 36°05'32" W); thence S 72°11'05" W 197.69 feet to a tangent curve; thence Southwesterly 126.01 feet along said curve to the left to a non-tangent line (R=255.00' Delta=28°18'49" T=64.32' CH=124.73' CHB=S 58°01'40" W); thence N 36°56'23" W 232.69 feet; thence N 65°54'36" W 539.55 feet; thence N 67°23'35" W 604.07 feet; thence N 89°07'48" W 176.96 feet to the West line the East half of said section 27; thence N 00°16'53" E 162.05 feet along the west line of the east half of said section 27 to the North quarter corner of said section 27; thence S 89°09'42" E 738.12 feet along the north line of said section 27; thence S 68°46'53" E 378.92 feet; thence S 85°37'27" E 500.94 feet to the Southwest corner of Elk Horn Phase 2; thence S 89°07'48" E 256.89 feet along the south line of Elk Horn Phase 2 to the point of beginning.

Contains: 698,551 sq. ft. / 16.03 acres

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6/10

Exhibit B
Amended Concept Development Plan

D # 10



PHASING NOTE:
 1. PHASE BOUNDARIES ARE APPROXIMATE AND MAY BE ADJUSTED PER MARKET CONDITIONS OR INFRASTRUCTURE FEASIBILITY. ALL PHASE OF DEVELOPMENT WILL BE CONSTRUCTED TO PROVIDE MINIMUM STANDARDS FOR FIRE SAFETY AND INFRASTRUCTURE REQUIREMENTS.

PHASE DATA:
 PHASE 1: 8 UNITS / 21 PARKING STALLS
 PHASE 2: 8 UNITS / 28 PARKING STALLS
 PHASE 3: 12 UNITS / 29 PARKING STALLS & POOL/SPA FACILITY
 PHASE 4: 8 UNITS / 21 PARKING STALLS
 PHASE 5: 12 UNITS / 31 PARKING STALLS

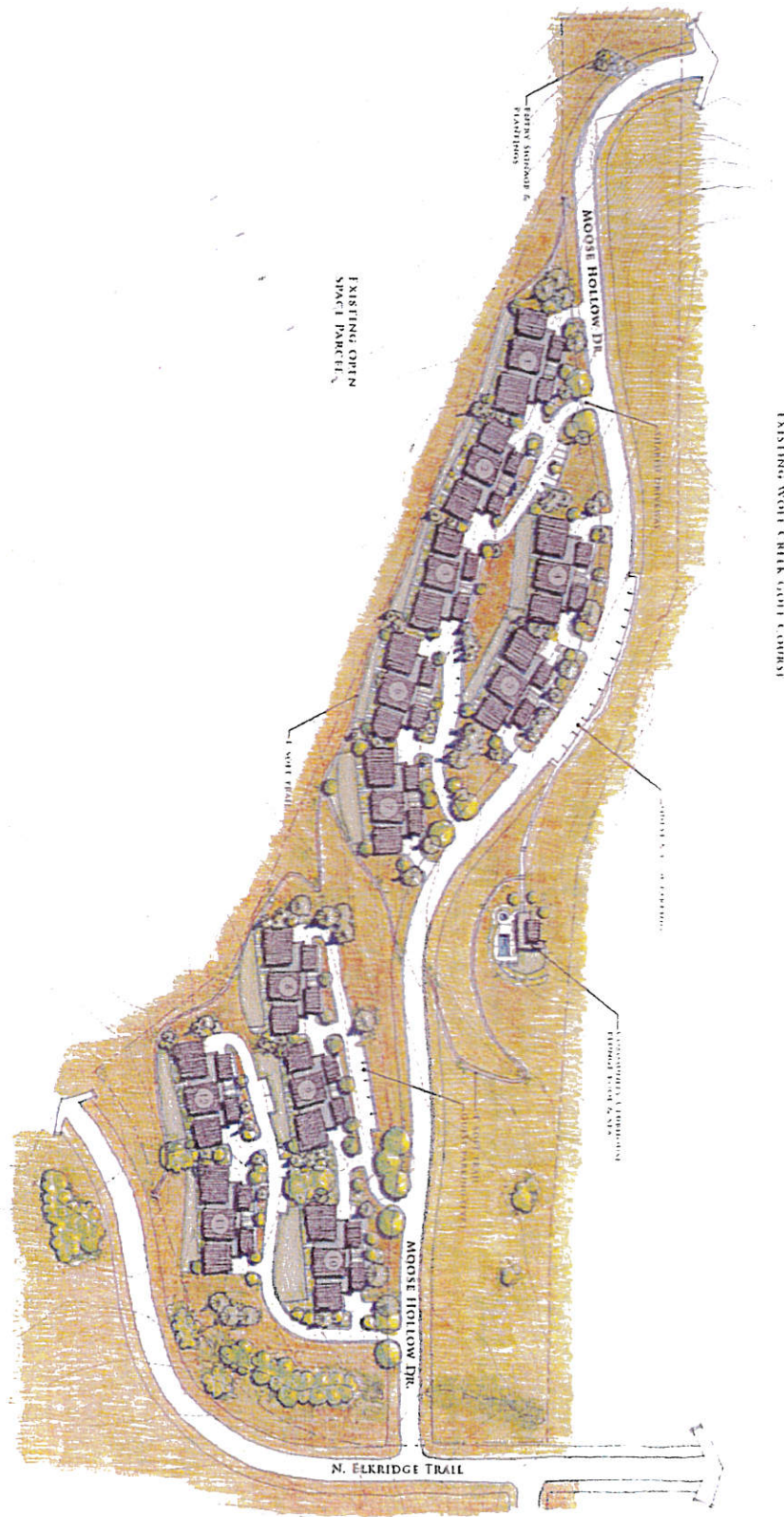
DEVELOPMENT DATA:
 -PROJECT AREA: 16.03 ACRES
 -PROPOSED USES: 48 TOWNHOME UNITS (12 - 4 PLEX UNITS)
 500 S.F. POOL HOUSE W/ POOL, SPA AND POOL DECK
 -PARKING: 130 TOTAL
 -48 GARAGE STALL
 -48 DRIVEWAY SPACES
 -34 GUEST/POOL SURFACE STALLS
 -OPEN SPACE: 10.11 AC. (63.10%)



THE RIDGE TOWNHOMES
 WEBER COUNTY, UT

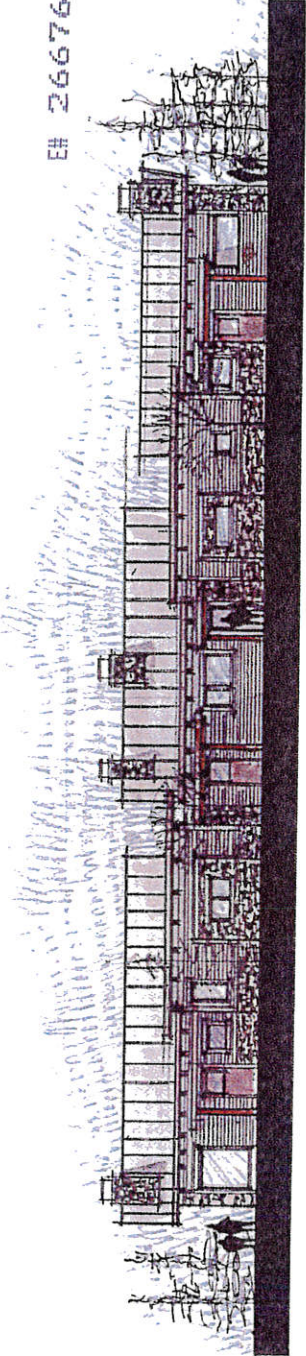
<p>PHASING PLAN</p> <p>DATE: 08/27/2013</p> <p>PROJECT: [REDACTED]</p> <p>DRAWN BY: [REDACTED]</p> <p>BY: [REDACTED]</p> <p>VERSION: [REDACTED]</p> <p>IN: [REDACTED]</p> <p>BY: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>OVERALL PHASING PLAN</p> <p>SWIFT NUMBER: [REDACTED]</p> <p>P1.0</p>
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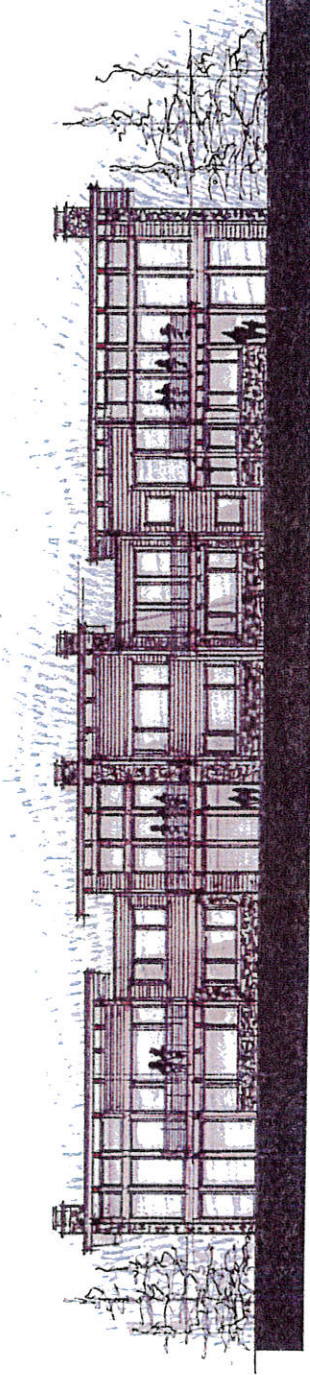


THE RIDGE TOWNHOMES
WEBER COUNTY, UT
NOVEMBER 2010

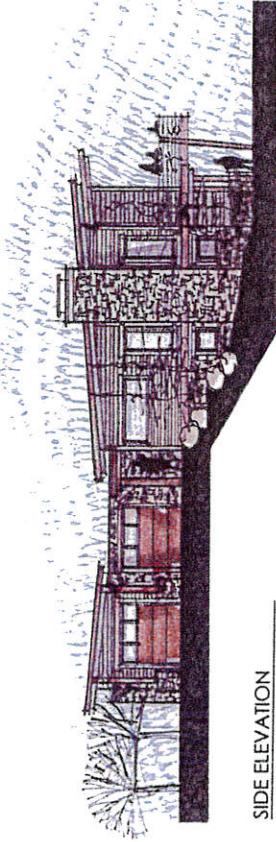
LANDSCAPE DESIGN GROUP
SCALE 1/8" = 1'-0"
LIVESTATS



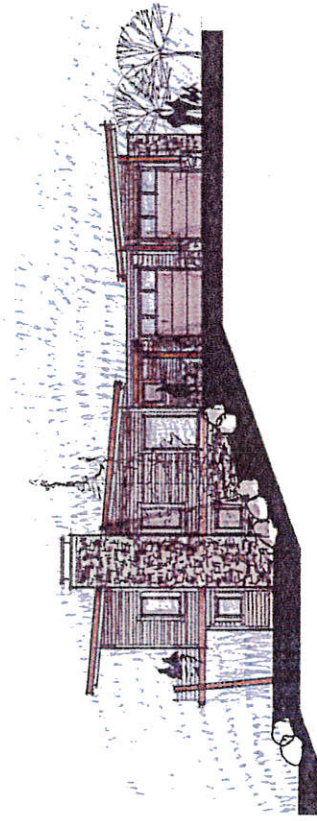
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

THE RIDGE TOWNHOMES

SIDE ELEVATIONS
SCALE: 1/8" = 1'-0"



Tax clearance: The 2016 property taxes have been paid in full. The 2017 property taxes will be due in full on November 1, 2017.

Public Notice: Public notice is not required for conditional use applications; however a courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposal.

Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
 - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
 - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
 - *The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.*
 - *The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.*

Staff Recommendation

Staff recommends approval of the request for a conditional use permit for The Strand at Wolf Creek Resort Phase 1 PRUD located within the approved Wolf Creek Resort Master Development including an average building height of 33 feet as conditionally allowed in the CVR-1 zone. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.
2. Additional screening around the trash dumpsters will be installed prior to receiving occupancy of the structures. The materials to screen the dumpster area should match the architectural materials of the surrounding buildings.
3. Prior to issuing a land use permit for the proposed structures, all proposed lighting must be reviewed and approved by the Ogden Valley Starry Nights to ensure the proposal meets the requirements of LUC §108-16.
4. The metal roof areas and windows must be non-reflective material.
5. The developer will provide during the subdivision process of the development the principals of sustainability into the development when practical and feasible.
6. Final site plan applications made to Weber County shall be accompanied by a summary of the best management practices being utilized.
7. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

This recommendation is based on the following findings:

1. The proposal conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposal complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the proposed plans.
4. The proposed master planned development is in conformance with the approved Zoning Development Master Planned.
5. The proposed PRUD will not be detrimental to the public health, safety, or welfare.
6. The proposed PRUD will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Project Narrative
- B. Zoning Development Conceptual Plan
- C. Landscape Plans
- D. Feasibility Letters
- E. Building Plans
- F. Grading & Utility Plans

Location Map



**The Strand at Wolf Creek Resort Phase 1
Commercial PRUD Conditional Use Permit Application
03.2017**

Application Sections

Project Narrative

In 2015, WCU LLC rezoned the proposed site area to CVR-1 to support both commercial and residential uses at the core of the resort. The first phase of The Strand at Wolf Creek Resort will consist of pure commercial applications as supported in the CVR-1 land use code. This particular Conditional Use Permit submittal consists of three structures totaling 20,151 SF, a plaza, parking and landscaping placed on 1.42 acres. The Commercial PRUD request was made to get variances in the CVR-1 setbacks and landscaping standards as shown on the submitted site plan. The CUP application also requests a height increase from the 25' as indicated in the architectural elevations. The plans also call out the proposed exterior finishes. The phase will be under single ownership with space being leased to tenants. A one-lot Subdivision Application will also be submitted to pull the project area of this phase out of the larger golf course parcel.

The first and largest structure is The Comstock. The two story building is 12,297 SF and approximately 37' in height from existing grade. The programming is still being explored, but we picture event/reception, office, spa and retail spaces as a possibility. A small coffee shop or deli restaurant could also be an option.

The Granary will house the restaurant/brew pub and anchors the eastside of the phase 1 site. The 7,254 SF building has 24' diameter silo element that ties into the restaurant seating area. The trash dumpsters will be screen from the parking area.

In between The Comstock and The Granary buildings is The Garage. Sitting just north of the plaza, the single story is 13' in height and 600 SF. Plan to utilize the structure for storage but could operate as an event overflow facility or even a café/juice bar.

The project will also have three tower sculptures that will resemble vintage ski lift towers. They will be painted a natural, earthy, rusted red color. An example has been submitted with the application.

The parking calculations are included on the site plan and include stalls for both phase 1 of The Strand and the existing club facilities. Lighting will comply with the Ogden Valley Lighting ordinance. The Wolf Creek Water & Sewer Improvement District will provide sewer, culinary and secondary water services to the project.

Reasonably anticipated detrimental effect of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.

- All Weber County ordinances, standards and regulations will be followed during and after construction is completed.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

- The CVR-1 ordinance supports the proposed commercial uses. All Weber County ordinances, standards and regulations will be followed.

Exhibit B-Landscape Plan



WOLF CREEK RESORT

THE STRAND - PHASE 1

WEBER COUNTY UTAH



DATE: 11/11/2011

SCALE: 1"=20'

PROJECT: WOLF CREEK RESORT

PHASE: THE STRAND - PHASE 1

DESIGNER: [Name]

CHECKER: [Name]

APPROVER: [Name]

DATE: 11/11/2011

SCALE: 1"=20'

PROJECT: WOLF CREEK RESORT

PHASE: THE STRAND - PHASE 1

DESIGNER: [Name]

CHECKER: [Name]

APPROVER: [Name]

DATE: 11/11/2011

SCALE: 1"=20'

PROJECT: WOLF CREEK RESORT

PHASE: THE STRAND - PHASE 1

DESIGNER: [Name]

CHECKER: [Name]

APPROVER: [Name]





February 15, 2017

RE: Capacity

LEWIS HOMES

3615 N. Wolf Creek Dr.

Eden UT, 84310

To whom it may concern:

This is official notice that Wolf Creek Water and Sewer Improvement District has the capacity to serve Water, Sewer and Irrigation for the Commercial Core phase 1. WCWSID is working with Gardner Engineering on bringing utilities to this site.

If you have any further questions or concerns please feel free to contact me at 801-430-4647

Thank you,

A handwritten signature in black ink, appearing to read "Rob Thomas", written in a cursive style.

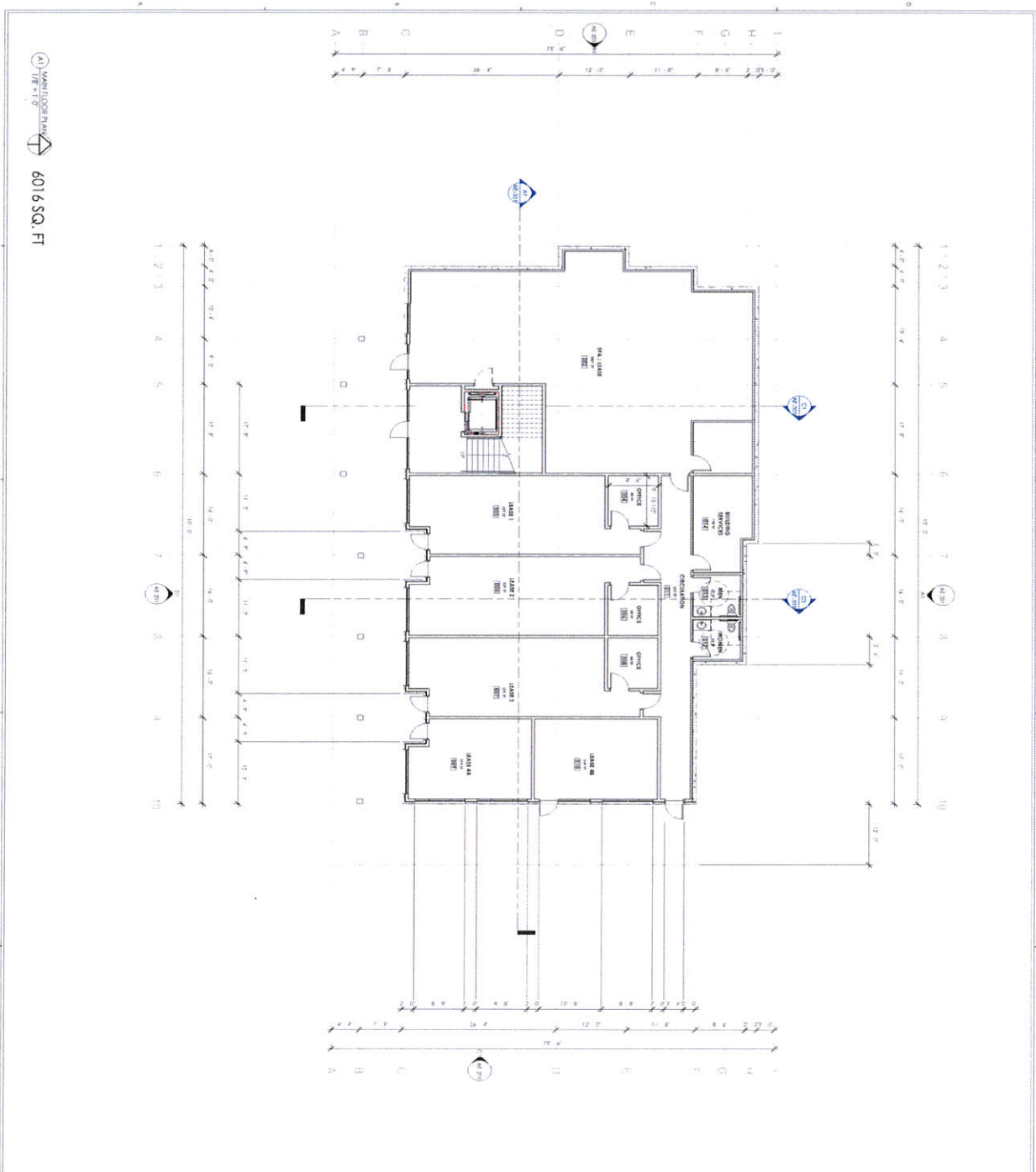
Rob Thomas

General Manager

Wolf Creek Water and Sewer

Improvement District

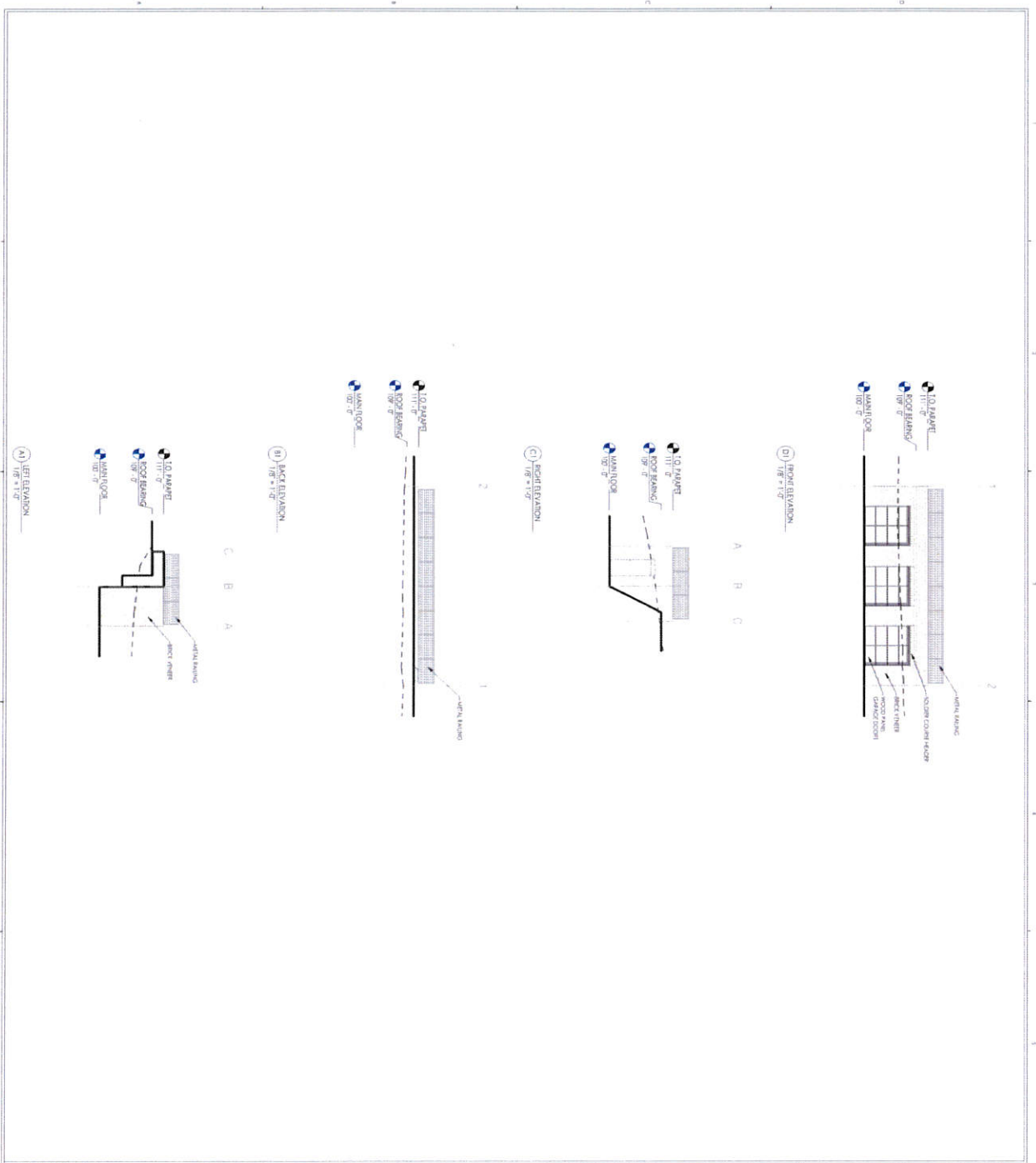
Exhibit E-Architectural Building Plans - The Comstock



MANITOWOC
6016 SQ. FT.

<p>GENERAL NOTES</p> <p>1. ALL DIMENSIONS ARE TO CENTER UNLESS NOTED OTHERWISE.</p> <p>2. FINISH FLOOR SHALL BE 3/4" THICK POLISHED CONCRETE OVER 2" THICK COMPACTED GRANULAR FILL OVER 4" THICK COMPACTED GRAVEL.</p> <p>3. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>4. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>5. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>6. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>7. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>8. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>9. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p> <p>10. ALL INTERIORS SHALL BE FINISHED WITH 5/8" X 11" X 20" POLISHED CONCRETE SLABS.</p>	<p>FLOOR PLAN LEGEND</p> <p>• ALL THIS LAYOUT IS TO BE CONSIDERED AS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.</p> <p>• ALL DIMENSIONS ARE TO CENTER UNLESS NOTED OTHERWISE.</p> <p>• ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.</p> <p>• ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE AS SHOWN ON THE DRAWINGS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p>	<p>KEYED NOTES</p> <p>• ALL THIS LAYOUT IS TO BE CONSIDERED AS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.</p> <p>• ALL DIMENSIONS ARE TO CENTER UNLESS NOTED OTHERWISE.</p> <p>• ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.</p> <p>• ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE AS SHOWN ON THE DRAWINGS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>• ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p>	<p>NOT FOR CONSTRUCTION</p>	<p>THE COMSTOCK</p> <p>Wolf Creek Dr, Eden, UT 84310</p>	<p>BERTOLDI ARCHITECTS</p> <p>ARCHITECTURE • PLANNING • INTERIORS</p> <p>1000 W. 1000 S. SUITE 100, EDEN, UT 84310</p> <p>PHONE: 435.426.1234 FAX: 435.426.1235</p> <p>WWW.BERTOLDIARCHITECTS.COM</p>
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Exhibit E-Architectural Building Plans - The Garage



GENERAL NOTES

1. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.
2. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.
3. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.
4. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.
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10. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.

KEYED NOTES ...

BERTOLDI ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS

1000 S. 1000 E. SUITE 1000, DENVER, CO 80218
TEL: 303.733.1111 FAX: 303.733.1112

THE GARAGE

Wolf Creek Dr. Eden, UT 84310

NOT FOR CONSTRUCTION

DATE	1/13/10
BY	BER
PROJECT	EDENBORO ELEVATIONS
SCALE	AS SHOWN
PROJECT NO.	AE-201

Exhibit E-Architectural Building Plans - The Granary

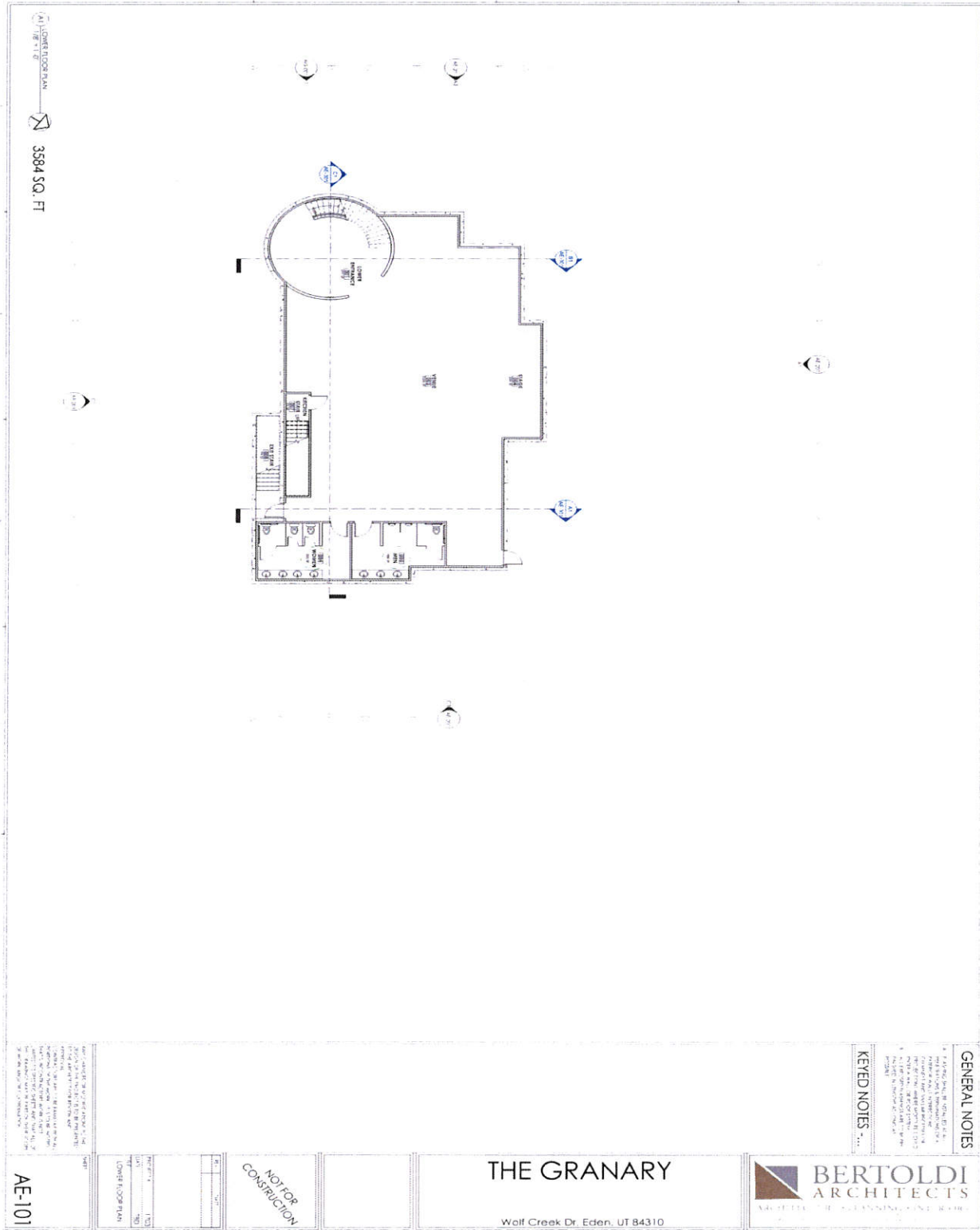


Exhibit E-Architectural Building Pictures



 **BERTOLDI**
ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS

WOLF CREEK CORE



 **BERTOLDI**
ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS

WOLF CREEK CORE

Exhibit E-Architectural Building Pictures



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ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS

WOLF CREEK CORE



 **BERTOLDI**
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ARCHITECTURE • PLANNING • INTERIORS

WOLF CREEK CORE



