



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A public hearing for consideration and action on a request to approve the Wolf Creek Resort Zoning Development Agreement Amendment 3.
Application Type:	Legislative
Agenda Date:	Tuesday, January 02, 2018
Applicant:	Fairways at Wolf Creek, LLC/Russ Watts
Authorized Agent:	Rick Everson
File Number:	ZDA 2017-03

Property Information

Approximate Address:	Fairways Drive
Project Area:	15.81 Acres
Zoning:	FR-3
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	22-017-0017
Township, Range, Section:	T7N, R1E, Sections 22

Adjacent Land Use

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

Adjacent Land Use

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

- The Wolf Creek Resort Zoning Development Agreement (ZDA) was reconfigured from the 2002 Zoning Development Agreement. The reconfigured agreement received approval by the County Commission on February 3, 2015 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on June 3, 2014. The agreement was recorded as Contract# 2015-31 on December 4, 2015 as Entry# 2768159
- The ZDA First Amendment received approval by the County Commission on March 22, 2016 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on February 23, 2016. The ZDA amendment added the requested conceptual maps to the reconfigured ZDA to fulfill a previous condition of approval made by the County Commission. The ZDA including the conceptual maps was approved by the County Commission after receiving a positive recommendation by the Ogden Valley Planning Commission and was recorded on December 4, 2015.
- The ZDA Second Amendment received approval by the County Commission on June 6, 2016 after receiving a unanimous positive recommendation from the Ogden Valley Planning Commission on April 26, 2016. The approved amendment reconfigured the Fairways at Wolf Creek PRUD by reducing the density from 115 dwelling units to 99 dwelling units. Five density units were relocated to Trapper's at Wolf Creek PRUD and 11 density rights are held in reserve to be transferred at a later date. The second amendment to the ZDA was recorded on July 5, 2016.

Background

Wolf Creek Resort has been a Master Planned Community since the early 1980's. In 2002, the owner of Wolf Creek Resort petitioned the County to rezone areas within the development and amend the earlier 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. Since that time, the undeveloped parcels have been foreclosed on and the new owners/stakeholders of Wolf Creek Resort have successfully undergone the process with Weber County to restructure and distribute the remaining entitlements throughout the development. The revised contract was approved as Contract# C2015-31 and was recorded with the Weber County Recorder's Office as Entry# 2768159. A condition of that approval was that the applicants provide

the conceptual maps to add to the Wolf Creek Resort Zoning Development Agreement. This condition was met and is considered the first amendment and recorded with the Weber County Recorder's Office as entry #2784398.

Summary

The Ogden Valley Planning Commission has forwarded a unanimous positive recommendation for the petition to Weber County to reduce the density rights (units) that have previously been allocated to the "Fairways at Wolf Creek PRUD" per the "Wolf Creek Resort Zoning Development Agreement". If this request is approved, it will decrease the development rights in the Fairways at Wolf Creek Resort from 99 units to 90 units. The applicant would then like to hold the remaining nine units (which will be combined with the existing 11 density rights for an overall of 20 development rights) in reserve to be sold, assigned or transferred at a later date. The proposed modifications to the applicant's density rights have been marked on the maps (see Exhibit B for the current conceptual map and the proposed amendment). The proposed amendment will only modify the density rights in the Fairways at Wolf Creek PRUD and will not affect any of the remaining density rights owned throughout the Wolf Creek Resort. When the applicant would like to sale, assign or transfer any development rights, a petition to do so would have to be brought forward to the County for approval. The petition would have to receive a recommendation from the Ogden Valley Planning Commission and approved by the County Commission before such a transaction could take place and the Wolf Creek Resort Zoning Development Agreement including the conceptual maps would need to be amended to show the new location of the density as they are relocated within the Wolf Creek Master Planned Development.

Conformance to the General Plan: Based on staff's analysis, the proposal conforms to the 2016 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.

Summary of County Commission Considerations

The previous approvals are outlined to create a timeline for the County Commission:

1. Amendment One added the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously made as a condition of approval with Contract# C2015-31, the agreement was amended as Entry# 24816398.
2. Amendment Two recorded as Entry# 2784398 was approved to allow the transfer of five density rights (units) from the "Fairway's at Wolf Creek PRUD" to "Trapper's Ridge at Wolf Creek PRUD" and hold the remaining 11 density rights (units) in reserve to be sold, assigned or transferred at a later date
3. Amendment Three, if approved, will reduce the density in the "Fairways at Wolf Creek PRUD" from 99 density rights (units) to 90 density rights and hold the remaining 9 density rights (units) in reserve to be sold, assigned or transferred at a later date. The overall approved units to be held in reserve if this request is approved will be 20.

The following questions may be considered by the County Commission regarding the current request based on previous approvals.

- 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?

Planning Commission Recommendation

The Ogden Valley Planning Commission recommends approval of the request for the third amendment to the Wolf Creek Resort Zoning Development Agreement by amending the "Conceptual Development Maps" as part of the Zoning Development Agreement to allow for a reduction in density rights (units) in the Fairways at Wolf Creek PRUD from 99 density rights (units) to 90 density rights (units) and hold nine additional density rights (units) in reserve to be sold, assigned or transferred at a later date and only after receiving County Commission approval of the transfer. This recommendation is based on the following findings:

1. A request to amend the "Concept Development Map" 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 Map" 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 Amendment with Conceptual Maps

Map 1



Exhibit A-Applicant's Request

October 24, 2017

Ronda Kippen
Principal Planner, Weber County
2380 Washington Blvd #240
Ogden, UT 84401

Dear Ronda,

We would like to request Weber County's approval to amend the Wolf Creek Resort Zoning Development Agreement "Concept Development Plan" as part of the ZDA that was previously approved as Contract #2015-31 (entry number 2768159), and amended as entry numbers 2784398 and 2802028.

This request is simply to transfer 9 units out of Fairways to be held in reserve to be sold, assigned, or transferred at a later date. This reduces the Fairways current density entitlements from 99 down to 90 and increases our number of units to be held in reserve from 11 to 20. Fairways Phases 1-3 has 59 units currently platted, and we plan to plat 31 additional units within the future phase(s).

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,



Russ Watts
Manager, Fairways at Wolf Creek
5200 South Highland Drive #101
Salt Lake City, UT 84117

WHEN RECORDED, RETURN TO:

**THIRD AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT
AGREEMENT FOR THE WOLF CREEK RESORT**

This THIRD AMENDMENT TO WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT (the "**Amendment**"), is made this ____ day of _____, 2017, by and between FAIRWAYS AT WOLF CREEK, LLC, a Utah limited liability company ("**Fairways at Wolf Creek**"), and Weber County, a body politic in the State of Utah ("**County**"). Fairways at Wolf Creek and County are collectively referred to as the "**Parties**."

RECITALS

A. County and Wolf Creek Properties, L.C., a Utah limited liability company ("**Original Developer**"), entered into that certain Zoning Development Agreement dated October 11, 2002 and recorded in the Official Records of Weber County on October 22, 2002 as Entry No. 1883524, as amended by that certain Agreement Amending and Clarifying the Weber County Zoning Development Agreement for the Wolf Creek Resort, recorded in the Official Records of Weber County on December 4, 2015 as Entry No. 2768159, and by that certain Second Amendment to Weber County Zoning Development Agreement for the Wolf Creek Resort ("**Second Amendment**"), recorded in the Official Records of Weber County on July 5, 2016 as Entry No. 2802028 (collectively, the "**Development Agreement**"), which governs the allocation of density for the development of the Wolf Creek Resort located in the Eden area of the Ogden Valley located within the County (the "**Resort**").

B. Fairways at Wolf Creek has succeeded to the interests of the Original Developer to that portion of the Resort that is legally described on Exhibit "A" attached to and incorporated by reference in this Amendment (the "**Subject Property**").

C. Density entitlements for the Resort have been assigned to the parcels within the Resort (each a "**Development Parcel**") as contemplated by the Development Agreement and in accordance with County's land use code.

D. Fairways at Wolf Creek is the owner and developer of The Fairways neighborhood located on a portion of Developer Parcel 3 of the Subject Property ("**The Fairways**"). The Fairways currently has assigned density entitlements for 99 units. Each vested right to develop a residential lot or unit shall be referred to as a "**Density Right**." Fairways at Wolf Creek also currently holds eleven (11) Density Rights in reserve which may be transferred to other Developer Parcels in the future.

E. Fairways at Wolf Creek has developed or plans to develop 90 units in the Fairways, resulting in a surplus of nine (9) Density Rights. Fairways at Wolf Creek desires to hold the remaining 9 Density Rights from The Fairways in reserve to be sold, assigned or transferred at a later date.

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties hereby mutually agree to amend the Development Agreement as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are incorporated in this Amendment as if fully set forth in the body of this Amendment.
2. Reservation of Density Rights. Fairways at Wolf Creek hereby reallocates 9 Density Rights from The Fairways to be held in reserve effective as of the date this Amendment is fully executed and recorded. Maps depicting the Subject Property and density allocations of each Developer Parcel located within the Resort prior to and immediately following the reservation of units are attached hereto and incorporated by reference in this Amendment as Exhibit "B" and Exhibit "C," respectively.
3. County Approval. County hereby approves the reservation of 9 Density Rights, which are in addition to the 11 Density Rights currently held in reserved by Fairways at Wolf Creek, and which may be transferred to other Developer Parcels in the future.
4. Ratification of Second Amendment. The Second Amendment mistakenly listed Eden Village, L.L.C. as the owner and developer of The Fairways. Fairways at Wolf Creek was the owner and developer of The Fairways at the time the Second Amendment was executed and recorded. Fairways at Wolf Creek hereby ratifies and agrees to be bound by the Second Amendment, and all references to Eden Village, L.L.C. as the owner and developer of The Fairways in the Second Amendment are hereby corrected and replaced with Fairways at Wolf Creek.
5. Development Agreement Remains in Effect. This Amendment shall be considered supplemental to the Development Agreement. Except as expressly amended by the foregoing, the Development Agreement shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Amendment.

[Signatures appear on the following pages]

Exhibit B-Proposed Zoning Development Agreement Amendment with Conceptual Maps

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment

Signed and Dated this _____ day of _____, 2017.

WEBER COUNTY, UTAH

By: _____
Name: _____
Its: _____

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this _____ day of _____,
2017, by _____, who is the _____ of WEBER
COUNTY, UTAH.

NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:

Exhibit B-Proposed Zoning Development Agreement Amendment with Conceptual Maps

Signed and Dated this 1 day of DEC., 2017.

FAIRWAYS AT WOLF CREEK, LLC a Utah limited liability company

By: [Signature]
Name: RUSSELL E. WATTS
Its: MAN.

STATE OF UTAH)
COUNTY OF Salt Lake : ss.

The foregoing instrument was acknowledged before me this 1 day of December 2017, by Russell Watts who is the Manager of FAIRWAYS AT WOLF CREEK, LLC, a Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at 5200 SO Highland Drive County, Utah

My Commission Expires:

5/16/18

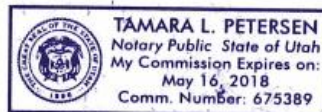


Exhibit B-Proposed Zoning Development Agreement Amendment with Conceptual Maps

Acknowledged and agreed to solely with respect to Paragraph 4 of this Amendment:

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

By: *Russell K. Watts*
Name: RUSSELL K. WATTS
Its: MAN.
Date: 12/1/17.

STATE OF UTAH)
COUNTY OF Salt Lake : ss.

The foregoing instrument was acknowledged before me this 1 day of December 2017, by Russell Watts who is the manager of EDEN VILLAGE, L.L.C., a Utah limited liability company.

Tamara L. Petersen
NOTARY PUBLIC
Residing at 5200 SO Highland Drive County, Utah

My Commission Expires:
5/16/18

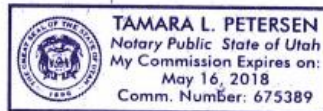


EXHIBIT "A"

SUBJECT PROPERTY DESCRIPTION

PARCEL 3
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22 AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°12'43" EAST 1484.21 FEET; THENCE SOUTH 89°10'46" EAST 289.74 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND THE NORTH RIGHT-OF-WAY LINE OF A FUTURE 80.00 FOOT RIGHT-OF-WAY; THENCE ALONG THE NORTH LINE OF SAID 80.00 FOOT RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) ALONG THE ARC OF A 390.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 221.36 FEET, HAVING A CENTRAL ANGLE OF 32°31'14", CHORD BEARS SOUTH 74°31'40" WEST 218.40 FEET; (2) SOUTH 58°16'30" WEST 508.21 FEET; (3) ALONG THE ARC OF A 560.00 FOOT RADIUS CURVE TO THE RIGHT 330.58 FEET, HAVING A CENTRAL ANGLE OF 33°49'23", CHORD BEARS SOUTH 75°10'44" WEST 325.80 FEET; (4) NORTH 87°54'34" WEST 302.48 FEET; (5) ALONG THE ARC OF A 1540.00 FOOT RADIUS CURVE TO THE LEFT 524.05 FEET, HAVING A CENTRAL ANGLE OF 19°29'50", CHORD BEARS SOUTH 82°20'31" WEST 521.53 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER NORTH 00°21'24" EAST 491.93 FEET TO THE POINT OF BEGINNING.

Exhibit A

DMWEST #17074023 v2

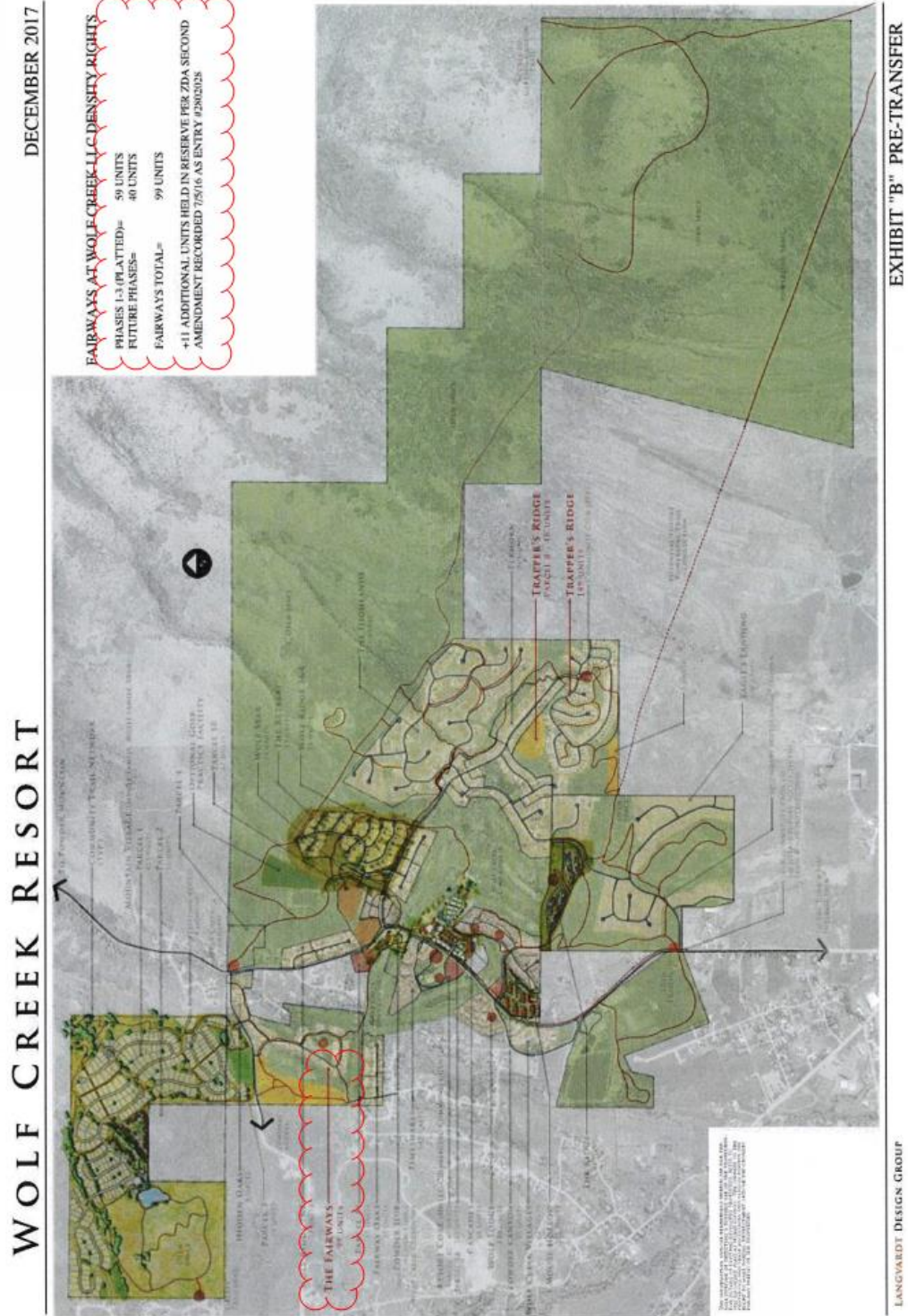


EXHIBIT "C"

ZONING AND DENSITY MAP – POST-TRANSFER

DMWEST #17074023 v2

Exhibit C

