



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for the Third Amendment to the Wolf Creek Resort Zoning Development Agreement to request to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously approved as Contract #2015-31 and amended as Entry# 2784398 to allow for a reduction in lots in the Fairways at Wolf Creek by nine density rights (units) and hold the remaining nine density rights (units) in reserve to be sold, assigned or transferred at a later date.
Application Type:	Legislative
Agenda Date:	Tuesday, November 28, 2017
Applicant:	Fairways at Wolf Creek
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:	220170017
Township, Range, Section:	T7N, R1E, Sections 22

Adjacent Land Use

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

Adjacent Land Use

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
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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 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 plans would be brought forwarded to add to the Wolf Creek Resort Zoning Development Agreement. This condition was met with first amendment recorded with the Weber County Recorder's Office as entry #2784398.

Summary

The Planning Staff is recommending approval of the petition to Weber County to reduce the density rights (units) that have previously been allocated to "The Fairways at Wolf Creek" as part of the "Wolf Creek Resort Zoning Development". If this request is approved it will decrease the development rights in the Fairways at Wolf Creek Resort Zoning Development Agreement from 99 undeveloped units to 90 undeveloped units. The applicant would then like to hold the remaining nine units (which would bring the overall units held in reserve to 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 A for the current conceptual map and Exhibit B for the proposed amendments). The proposed amendment will only modify the density rights in the by Fairways at Wolf Creek and will not affect the remaining density rights owned

throughout the Wolf Creek Resort. If the request to hold the remaining nine units in reserve is approved, the applicant will need to petition the County for approval prior to transferring the units elsewhere in the future.

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

Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously approved as Contract# C2015-31, the agreement was amended as entry# 24816398 which added the conceptual maps to the agreement and amended as Entry# 2784398 to allow the transfer of five density rights (units) from "The Fairway's" to "Trapper's Ridge" and hold the remaining 11 density rights (units) will be held in reserve to be sold, assigned or transferred at a later date:

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

Staff Recommendation

The Planning Division recommends approval of the request the for third amendment to the Wolf Creek Resort Zoning Development Agreement to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement that was previously approved as Contract #2015-31, the first amendment was amended as entry# 24816398 which added the conceptual maps to the agreement and the third amendment know as Entry# 2784398 to allow for a reduction in lots in the Fairways at Wolf Creek by nine density rights (units) and hold the density rights (units) in reserve to be sold, assigned or transferred at a later date after receiving County Commission approval for the transfer. This recommendation is based on the following conditions:

1. Prior to being forwarded to the County Commission, the correct ownerships will need to sign the agreement to ensure that all parties are in favor of the modifications.

This recommendation is based on the following findings:

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

Exhibits

- A. Applicant's request letter.
- B. Proposed Zoning Development Agreement 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 Eden Village, L.L.C., a Utah limited liability company ("**Eden Village**"), and Weber County, a body politic in the State of Utah ("**County**"). Eden Village 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, recorded in the Official Records of Weber County on July 5, 2016 as Entry No. 2802028 (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. Eden Village 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. Eden Village 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**." Eden Village also currently holds eleven (11) Density Rights in reserve which may be transferred to other Developer Parcels in the future.

E. Eden Village has developed or plans to develop 90 units in the Fairways, resulting in a surplus of nine (9) Density Rights. Eden Village 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. Eden Village 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 Eden Village, and which may be transferred to other Developer Parcels in the future.
4. 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 _____ day of _____, 2017.

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

By: _____
Name: _____
Its: _____

STATE OF UTAH)
 : ss.
COUNTY OF _____)

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

NOTARY PUBLIC
Residing at _____ County, Utah

My Commission Expires:

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 "B"

ZONING AND DENSITY MAP – PRE-TRANSFER

OCTOBER 2017

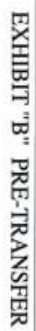


EXHIBIT "C"

ZONING AND DENSITY MAP – POST-TRANSFER

EXHIBIT "C" POST-TRANSFER