

# Weber County Conditional Use Permit Application

**Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401**

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s) Whisper Ridge Mountain Holdings		Mailing Address of Property Owner(s) 4776 East 2600 North, Eden, UT 84310	
Phone 801-876-4664	Fax		
Email Address (required) djohnson@maglebyconstruction.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Dayson Johnson		Mailing Address of Authorized Person 1291 W Center Street Lindon UT 84042	
Phone 801-647-9165	Fax		
Email Address djohnson@maglebyconstruction.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Property Information

Project Name Whisper Ridge Mountain Village	Total Acreage	Current Zoning FR-40
Approximate Address 41°24'48.71"N 111°41'57.70"W	Land Serial Number(s) 230450004; 230450006	

**Proposed Use**  
Place 5 recreational lodges and a ski lift

### Project Narrative

This Conditional Use Permit application is respectfully submitted by Whisper Ridge Mountain Holdings, LLC. We are a group of outdoor sporting enthusiasts that have come together and purchased over 11,000 acres of land near the historic La Plata Ranch.

Our stated goal is to create a special place for our families to enjoy the outdoors in a manner that is immersive and environmentally sustainable. We want our children to learn to appreciate this "corner of heaven" by playing in the forest, learning to fish in the streams and riding their bikes and ATVs on the trails. We bought this land so that we would create a sense of stewardship of the land in ourselves and our children and we could make decisions and investments that would instill that stewardship in generations to come.

Our first step in building our dream is to make the property more accessible to our families and friends. We are seeking a conditional use permit that will allow us to build five (5) cabins in the heart of the ranch. We have chosen an area that is more isolated so as to accentuate the feeling of being in the wild and also to lessen any impact that our cabins might have on surrounding landowners. The cabins will all be located on one parcel and will be owned by the entire group (through the LLC) and not by individuals. We are not proposing any subdivision of land at this time.

The cabins will be powered by sustainable energy sources such as solar and wind with backup propane generators to be used in cases of emergency. We will develop a nearby spring to be used for culinary water and fire sprinklers. We will utilize a common wastewater system based on plans approved by the Health Department and Utah state code. We will develop and improve all roads in accordance with direction from the Engineering and Fire Departments to ensure that necessary safety measures are met.

While we are very excited to see our dreams come to life, we also understand that we must be always be mindful of health and safety concerns and our intent is to work in unison with all of the applicable county officials that are tasked with ensuring that any construction within the county be done so within the confines of the law.

We appreciate the time that you the Planning Commission donate and we look forward to presenting our ideas and dream to you at the next scheduled Planning Commission meeting and to answering any questions or concerns you might have.

**Basis for Issuance of Conditional Use Permit**

Reasonably anticipated detrimental effects 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.

See attached narrative

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

See attached narrative

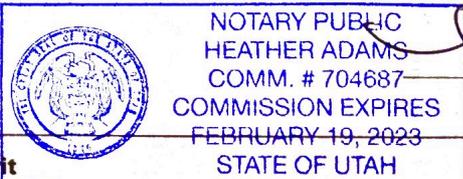
**Property Owner Affidavit**

I (We), SETH BAILEY ON BEHALF OF WHISPER RIDGE MOUNTAIN HOLDINGS, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 23 day of April, 20 23



[Signature]  
\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

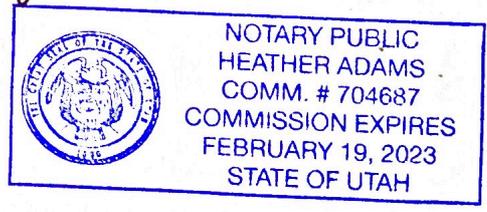
I (We), SETH BAILEY ON BEHALF OF WHISPER RIDGE MOUNTAIN HOLDINGS LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), DANSON JOHNSON, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 23 day of April, 20 23, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature]  
\_\_\_\_\_  
(Notary)



## Whisper Ridge Project – Team Response to CUP Criteria

### Sec 108-4-5 Conditional Use Standards

1. The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:
  1. The application of the standard is relevant to the use; and
  2. The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.
2. The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.
3. Conditional use standards are as follows:
  1. *Standards relating to safety for persons and property.*
    1. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable firefighting agencies.

The site for the proposed five (5) cabins is accessed via Highway 39 to the multi-intersection at Ant Flat Road where Swan Ranch Road leads directly to the site. This road will be retrofitted as needed to easily accommodate visitors and fire/EMS vehicles. In addition, the Applicant proposes to plow the road in the winter months, as needed.

2. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.

See the response to #1 above. The scale of the proposal, five (5) cabins, is significantly less than typical resort areas or neighborhoods within the County. In addition, the seasonal characteristics associated with visitors to this site will be significantly less than a full-time residential housing development.

3. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the county sheriff's office.

The concept behind the proposed cabins is to create a low-impact, low-density, and energy efficient lodging environment that allows users to experience nature in whatever form they desire – skiing, fishing, hiking, etc. Only five (5) cabins are proposed and any demand for public services such as police/fire will be minimal and far less than a traditional development.

4. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.

The development pads for each of the cabins and parking area are located outside any flood hazard area. An existing ephemeral stream is located within the gulch nearby but all cabins have been situated uphill and outside the required 75' stream setback as required by the County.

5. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:
  1. The location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing, and landscaping;
  2. The frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.

The scale of the project is quite small and will create no traffic impacts. The density is only five (5) units and the visitors using the cabins will bring all food and necessities with them at the time of arrival. No additional commercial or other deliveries are anticipated at this time.

6. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

The proposed cabins are situated in a remote area of the La Plata Ranch's 11,000 acres and are designed to operate off the grid for up to five days to a week, use dependent. Each cabin has been designed to integrate seamlessly into the natural landscape and mitigate any damage to the property. By design, the remoteness of the site selected for the cabins significantly reduces opportunities to interact or impact other persons in the County.

2. *Standards relating to infrastructure, amenities, and services.*

1. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.

There will be minimal traffic and pedestrians on site and access will be limited to those staying in the five (5) cabins.

2. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.

The proposed parking lot for the cabins has twenty-three (23) spaces where eight (8) [technically, seven and a half parking spaces (7.5)] are required by the Code (Sec 108-8-4 – Hotel: one space per two sleeping units). Where each of the five (5) cabins has three (3) bedrooms, 1.5 parking spaces for each cabin are required. There are excess parking spaces should visitors need them (i.e. arrive with two cars).

3. Mitigate material degradation of the level of service of any street.

The number of vehicles entering the site will be minimal given the proposed density. In addition, users will typically stay on site once they arrive and are situated in their cabin. The cabins will have a full kitchen and there will be no need to leave the site for food, etc. All recreational amenities – skiing, hiking, fishing can be accessed by foot from the cabins, by design.

4. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

The cabins are located more than a half mile (> 0.5 mile) from any existing house or development and will not impact storm water infrastructure on/from another site. All storm water will be addressed on site for the cabins and parking lot.

5. Mitigate material degradation of the level of service of any culinary and irrigation water facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water service to the site. To help determine adequacy of culinary water provisions, the land use authority may require, but are not limited to, the following as a condition of approval of the conditional use permit:
  1. Written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
  2. A capacity assessment letter from the Utah Division of Drinking Water for additional connections to any existing public water system; or
  3. Written verification that the source of any non-public well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of a new or existing well.

Mill Spring is located a few hundred feet north of the Village site in Weber County. The concentrated spring flow is estimated to be 90 gpm and has been partly developed and historically used for camping and stock

watering purposes. The second potential source is located approximately 5,000 feet to the north in Cache County and is termed 'Bear Springs' with an estimated flow of 25 gpm. Each spring has substantial flow capable of serving the five units. One (or both) springs may be developed for project purposes. Our project team is currently working with county (specifically the Weber Morgan Health Department) and state authorities to finalize the water source and will obtain a letter of feasibility, capacity, safety, or other as required by Weber County Planning Commission.

6. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.

The proposed development will use a combined septic field for the five cabins. This will be the least impactful on the land and result in the most efficient system. Alternative Onsite Solutions (AOS) has conducted a feasibility study for the Whisper Ridge Development. *It is the professional opinion of Alternative Onsite Solutions that the proposed development is feasible for onsite septic systems for the five proposed cabins. Adequate distance from open water, source protection zones, drainage areas, and slope setbacks all exist in accordance with State Code R317-4 and Weber County Health Department Codes to allow the permitting of onsite septic systems for this project. There are multiple areas that exist on the site that meet the feasibility requirements for onsite septic.* (This letter is included in our team's application materials.)

7. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.

The proposed five (5) cabins are designed to be an off-grid community with no impacts to the existing County infrastructure: Hone Propane will provide propane service to the location for both household heating, hot water, and fuel for the generator system. *[Hone] already services locations around Whisper Ridge, in Weber and Cache Counties, and will be able to provide ongoing service to the location. [Hone] will install the propane storage tanks on site and service the tanks as needed. Solar power will generate electricity for the cabin units and include batteries in each that will power a cabin for up to five days to a week.* (A letter from Hone Propane is included in our team's application materials.)

8. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational

amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.

This project as proposed will not negatively impact the usability of the open space but rather, on the contrary, allow users to access the wild, natural areas in a manner that is unparalleled in Utah. The addition of a small ski lift for the for the five (5) cabins further enhances the users' outdoor experience.

9. Mitigate any disproportionate demand for government services, generally.

No additional demand for government services are envisioned or proposed for this project.

3. *Standards relating to the environment.*

1. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, groundwater protection, and slopes.

This is a low-impact project designed to protect and enhance the natural environment. The project will not result in any detrimental effects to the environment.

2. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

See the response to #1 above. This project will not create any detrimental effects to the surrounding area/environment. The proposed five (5) cabin community is an off-grid community.

4. *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.*

1. Provide buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.

All mature trees and landscaping outside of the building (and driveway/parking) envelopes will be protected. Upon completion of the five (5) cabins, new landscaping (native vegetation species) will be planted in all disturbed areas.

2. Provide hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses.

The visitor/users of the site will typically arrive in the early afternoon on their scheduled arrival date and depart late morning on their departure date. There are no scheduled events that would be incompatible with surrounding uses (all of which are greater than a half-mile away). The ski lift will operate during daylight hours.

3. Provide reclamation, restoration, cleanup, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.

As noted previously, the natural landscape will be restored/replanted upon completion of construction activity. The preservation of the natural landscape and the experience it provides is an essential component to this project's success.

4. Mitigate nuisance factors, including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.

There will be no such nuisance factors that result from this project.

5. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.

The project has been designed to integrate seamlessly into the natural environment and will create no detrimental effects.

6. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the county's general plan, future land use map (or proposed land use map), and this Land Use Code.

This area is zoned F-40 (Forest – 40 Acres) and the intent is: to keep the area naturally vegetated, create an enhanced opportunity for visitors to

quietly reconnect with nature, and preserve the 'wild' feeling that is essential to our project.

5. Standards relating to performance.

1. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.

Our project team is committed to the highest standards of development and will provide performance bonds, completion/development agreements as needed.

2. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of certain specified detrimental effects by an appropriately qualified professional.

Our team agrees to this requirement and looks forward to a collaborative development process.

6. *Standards generally.*

1. Mitigate unsustainable effects on the economy of the surrounding area or county, generally, if credible evidence of such negative effects is present.

This project should not result in any unsustainable effects on the economy. In fact, this environmentally and sustainably designed development proposal should result in a positive contribution to the local economy.

2. Provide appropriate mitigation of detrimental effects as required in standards found elsewhere in this Land Use Code in a manner that complies with this Land Use Code, and any other federal, state, or local regulation, as may be applicable.

Our project team agrees to mitigate if needed per the Land Use Code and will work closely with the Planning Department to ensure all issues are addressed.

7. *Voluntary contributions providing satisfactory compliance with applicable standards.* When considering a conditional use, the land use authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The land use

authority may require a development agreement to execute the voluntary alternative.

Our team is committed to working with the Planning Commission and the Planning Department to address any reasonable requests that would result in a creative strategy.