



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application, Conditional Use Permit (CUP) 2013-03 (Summit at Powder Mountain Phase 1) consisting of a 141 unit Planned Residential Unit Development (PRUD)

**Agenda Date:** Tuesday, February 26, 2013

**Applicant:** Russ Watts (Summit Eden) for Western America Holding LLC

**File Number:** CUP 2013-03

### Property Information

**Approximate Address:** Powder Mountain

**Project Area:** 594.23 Acres at Powder Mountain

**Zoning:** Commercial Valley Resort Recreation Zone (CVR-1), Forest- 40 Zone (F-40), and Forest Valley-3 Zone (FV-3)

**Existing Land Use:** Powder Mountain Ski Resort

**Proposed Land Use:** Summit at Powder Mountain Phase 1 PRUD consisting of 141 units

**Parcel ID:** 22-001-0002, 22-006-0007, 22-006-0018, 22-006-0020, 23-012-0029, 23-012-0030, 23-012-0032, 23-012-0052, 23-012-0054, 23-012-0069, 23-012-0118

**Township, Range, Section:** T7N, R1E, Sections 1 & 12; T7N, R2E, Sections 5, 6, 7, & 8

### Adjacent Land Use

<b>North:</b>	Powder Mountain Ski Resort	<b>South:</b>	Powder Mountain Ski Resort
<b>East:</b>	Powder Mountain Ski Resort	<b>West:</b>	Vacant Private Property

### Staff Information

**Report Presenter:** Jim Gentry, Sean Wilkinson  
 jgentry@co.weber.ut.us, swilkinson@co.weber.ut.us  
 801-399-8767, 801-399-8765

**Report Reviewer:** RS

## Applicable Ordinances

- Weber County Subdivision Ordinance
- Weber County Zoning Ordinance Chapter 8 (Forest Zones F-5, F-10, and F-40)
- Weber County Zoning Ordinance Chapter 9-C (Commercial Valley Resort Recreation Zone CVR-1)
- Weber County Zoning Ordinance Chapter 12-B (Forest Valley Zone FV-3)
- Weber County Zoning Ordinance Chapter 18-C (Architectural, Landscape, and Screening Design Standards)
- Weber County Zoning Ordinance Chapter 22-C (Conditional Uses – Special Provisions)
- Weber County Zoning Ordinance Chapter 22-D (Planned Residential Unit Development (P.R.U.D.))
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Weber County Zoning Ordinance Chapter 24 (Parking and Loading Space, Vehicle Traffic, and Access Regulations)
- Weber County Zoning Ordinance Chapter 32-B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 36 (Design Review)
- Weber County Zoning Ordinance Chapter 36-B (Hillside Development Review Procedures and Standards)
- Weber County Zoning Ordinance Chapter 37 (Standards for Single-Family Dwellings)
- Weber County Zoning Ordinance Chapter 38 (Natural Hazards Overlay District)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)
- Weber County Zoning Ordinance Chapter 40 (Ogden Valley Pathways)

## Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

On November 19, 2012 the Weber County Commission approved a Zoning Development Agreement and Rezone Ordinance with Western America Holding LLC for approximately 4,297 acres at Powder Mountain. The agreement outlined the requirements for development to occur and provided an overall density entitlement of 2,800 units. Western America Holding LLC has allowed Summit Eden to submit a CUP application for a 141 unit PRUD as the first phase of development. It is anticipated that Summit Eden will be the future property owner and developer of Powder Mountain. The PRUD boundary contains approximately 594 total acres with approximately 384 acres (64%) of open space. In addition to the PRUD the first development phase consists of three applications including:

- A Road Dedication Plat on the existing dirt road from the main parking area to the end of the development
- A CUP application for a 400,000 gallon water tank, culinary water well, and well pump house
- An Access Exception application for nine lots that will have access at a location other than across the front lot line

The Road Dedication Plat is not reviewed by the Planning Commission. The CUP application for the water tank/well is being reviewed separate from the PRUD. The Access Exception application is being reviewed in conjunction with the PRUD. All of the information submitted with the applications has been sent to applicable review agencies and posted to the Planning Division's Miradi site. The Planning Division has also facilitated several meetings with the developers and the review agencies which has been helpful to the review process.

In order to make this staff report as simple and clear as possible, an overview of the PRUD is provided and each of the PRUD components is discussed in its own section below. After all of the various sections have been discussed, a summary of the PRUD and Conditional Use criteria will be discussed in the "Summary of Planning Commission Considerations" section. Due to the complexity of the PRUD information and review process, the Planning Division has yet to receive all agency review comments to include in this staff report. The review agencies that have responded include the County Engineering Division, County Surveyor's Office, Powder Mountain Water and Sewer Improvement District, Weber Pathways, Rocky Mountain Power, and the U.S. Forest Service. The State RDCC and Division of Wildlife Resources have requested additional time to respond. It is anticipated that other agency review comments will be received by the February 26<sup>th</sup> Ogden Valley Planning Commission meeting.

## PRUD Overview

The CVR-1, F-40, and FV-3 Zones each list "Planned Residential Unit Development" as a conditional use. PRUDs are subject to the requirements of the Weber County Zoning Ordinance Chapters 22-D (PRUD) and 22-C (Conditional Use) as well as other chapters related to individual design components of the PRUD. The applicable chapters are listed above in the "Applicable Ordinances" section. Chapter 22-D states that PRUDs are intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use." PRUDs allow for variations to housing types, setbacks, lot area, lot width, and other zoning requirements of the zone where the PRUD is located. However, substantial compliance with zoning regulations must be observed such that the public health, safety, and general welfare are preserved. PRUDs also act as preliminary subdivision approval; final plats are required to go back to the Planning Commission and County Commission for approval.

As mentioned previously, the PRUD boundary contains approximately 594 total acres. Of the total, 463 acres can be used for development and 384 acres (64%) are designated as open space. The developer has included an extra 40 acres of developable land that may be used to meet the FV-3 Zone area requirements if certain lots as designated on the site plan are further divided to create additional units. These include Lots 52-55, 59-60, 63-68, 86-87, 93-94, 97, and 100-102. The PRUD has 103 lots with 141 total units and a variety of lot and housing types. A conference center (Lot 73) is also included within the FV-3 Zone which allows "Conference/Education Center as a conditional use. The conference center is considered a non-residential accessory use which is a "necessary service." These non-residential accessory uses are allowed in a PRUD of at least 100 units upon approval of the Planning Commission. The developer is required to provide agreements and restrictive covenants to assure that the approved "necessary service" intent is maintained. If the conference center is approved as part of the PRUD, it is required to come before the Planning Commission for approval prior to construction. There are no other commercial uses proposed in this PRUD, but there are several parcels designated as "Future Development Parcel" where commercial development may occur if the current zoning is changed. Approval of this PRUD does not grant approval of future uses on these parcels.

### Lot and Housing Types

The lot and housing types include the following:

- **Ranch Single-Family:** Ranch lots include Lots 1-4, 9, and 10. These lots range in size from approximately 4 to 30 acres with designated building envelopes. Proposed yard setbacks are 50 feet from the front lot line, 20 feet from the side lot lines, and 30 feet from the rear lot line. Proposed building heights comply with the FV-3 Zone. It is also proposed that Lots 1-4 have up to 20 accessory buildings, and Lots 9 and 10 have up to 10 accessory buildings.

- **Estate Single-Family:** Estate lots include Lots 5-8, 11-24, and 37-44. These lots range in size from approximately .5 to 4.5 acres with designated building envelopes. Proposed yard setbacks are 20 feet from the front lot line, 10 feet from the side lot lines, and 30 feet from the rear lot line. Proposed building heights comply with the FV-3 Zone. It is also proposed that all of the estate lots have up to 4 accessory buildings.
- **Cabin Single-Family:** Cabin lots include Lots 25-35. These lots range in size from approximately .5 to 1 acre with designated building envelopes. Proposed yard setbacks are 20 feet from the front lot line, 15 feet from the side lot lines, and 30 feet from the rear lot line. Proposed building heights comply with the FV-3 Zone. No accessory buildings are proposed for these lots.
- **Hillside Single-Family:** Hillside lots include Lots 45-47 and 63-83. These lots range in size from approximately 4,000 to 22,000 square feet with designated building envelopes. Proposed yard setbacks are 5 feet from the front lot line, 5 feet from the side lot lines, and 20 feet from the rear lot line. Proposed building heights comply with the FV-3 Zone. Lots 45-47 and Lot 74 are proposed to have one accessory building each.
- **Village Single-Family:** Village lots include Lots 48-57, 59-62, and 98-102. These lots range in size from approximately 1,700 to 3,500 square feet and do not have building envelopes due to the small lot size. Proposed yard setbacks are 0 feet from the front lot line, 0 feet from the side lot lines, and 5 feet from the rear lot line. Proposed building heights comply with the FV-3 Zone except Lot 102 is proposed to have a main building height of 40 feet. Lots 62 and 102 are proposed to have one accessory building each.
- **Village Live/Work Single-Family:** Village Live/Work lots include Lots 58 and 84-97. These lots range in size from approximately 3,000 to 13,000 square feet. No yard setbacks and no accessory buildings are proposed for these lots. Proposed building heights comply with the FV-3 Zone except Lots 90-97 are proposed to have a main building height of 40 feet.
- **Nest Units:** Nest Units are proposed for Lots 36, 73, and 103. These lots range in size from approximately 1.2 to 3.5 acres. Lot 36 has 15 nest units, Lot 73 has 5 nest units, and Lot 103 has 20 nest units. The nest units do not function as full time single-family dwellings. Rather, they are more like individual hotel units that will be sold with fractional ownership. Chapter 22-D requires that these units and any others to be used for timeshares, nightly rentals, etc. be designated on the site plan. There are no yard setbacks or accessory buildings proposed for these lots. A separate condominium plat for the nest units is required.

### **Architecture**

Architectural renderings of the different housing types are provided in Exhibit F. The architectural style of this PRUD is termed by the developers “modern mountain design” and it is quite different compared to other developments in the Ogden Valley. The style uses a variety of wood, stone, and metal materials with shed and nearly flat roofs. Typical pitched roofs are not used except on a few structures in the village area. The Planning Commission must consider whether the architectural design of the PRUD fits with this site and with development beyond this project, i.e., the existing dwellings, condominiums, and commercial buildings already built at Powder Mountain.

The developer has provided only one architectural rendering for each of the housing types. Typically with PRUD’s, the architectural renderings show the size and location of what is actually going to be built on a given lot or building footprint. However, the developers have taken a different approach with this PRUD. They have provided building envelopes, setbacks, and basic conceptual designs only in order to leave as much flexibility as possible for the future lot owners who will build the homes. Chapter 22-D (PRUD) Section 6 states “Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.” The Planning Commission must determine if sufficient information has been provided to show what the overall design and character of the project will be and whether this fits the purpose and intent of Chapter 22-D (PRUD). The Summit Eden Design Guidelines submitted with the application show many different housing styles and provide restrictions on size, height, design, etc., but this is a private document for potential homeowners, governed by a Design Review Board, and is not adopted by the County. It would be helpful if a variety of renderings was provided for each housing type to show the different styles that may occur. This helps the Planning Division make more objective rather than subjective decisions when house plans and building permits are submitted for review. The last thing a homeowner wants to do is go through a PRUD amendment process because their plans do not match what was previously approved. All of the proposed dwelling units must comply with applicable zoning ordinance and building code requirements, including ADA compliance.

In addition to housing styles, the Planning Commission should also consider building locations. The site plan shows building envelopes and setbacks, but building footprints have not been identified. This may not be a problem for single-family dwellings, but some of the lots are proposed to have up to 20 accessory buildings. Chapter 22-D Section 7 states that development plans must show “uses, dimensions and locations of proposed structures,” among other items. The proposed accessory buildings do not comply with this section because there are no renderings of the structures, their dimensions and locations have not been identified, and their proposed use as “casitas” or “accessory suites” is not allowed in the zoning ordinance. Until these issues are resolved and the proposed accessory structures are brought into compliance with the applicable requirements, staff recommends that they not be approved as part of this PRUD.

### **Streets and Traffic Circulation**

The PRUD has eight different streets referred to on the plan as Streets A-H. All of these streets are proposed to be public, though the proposed right-of-way widths vary from 66 feet to 36 feet. The Road Dedication Plat covers these streets. Street A is the main road into the PRUD. It will be improved from the existing Powder Mountain parking lot to the end of this development. Street A has a 66 foot right-of-way width and 26 feet of pavement until it reaches the Village area where the pavement width is reduced to 22 feet. Streets B and C have 50 foot right-of-way widths and 26 feet of pavement. Streets D-H which are located in the Village area near the smaller lots have 36 foot right-of-way widths and 22 feet of pavement. The streets will have rolled gutter on both sides and the pavement is asphalt

except for two small areas in the Village where colored concrete is proposed. Sidewalks are not proposed except in a small portion of the Village on Street A where concrete and pavers are proposed. There are also four ski crossings (two underpasses and two bridges) shown on the site plan.

The street pattern has connectivity and appears to be a feasible design subject to the requirements of the Weber County Engineering Division and the Weber Fire District. The 50 and 36 foot right-of-way widths, the 22 foot pavement width, the alternative paving materials, and the ski crossings will require a variance to the Weber County Subdivision Ordinance from the County Commission. The County Commission will determine whether or not to accept the proposed streets for public use. One of the concerns is the cost of maintenance and repairs on roads in a remote location that can only be accessed from a State Road that the County does not maintain. The developers need to consider this issue moving forward. In addition to the proposed streets, the developers have provided a right-of-way location for a future secondary access. The majority of this right-of-way is in Cache County and future discussion between the Counties may be necessary when improvements are planned.

#### **Access Exception Application**

The developers have submitted an application to allow access to Lots 1, 2, 3, 4, 9, 10, 20, 37, and 43 at a location other than across the front lot line. This request constitutes an access exception and is governed by Chapter 23 Sections 29 and 32 of the Weber County Zoning Ordinance. Access exceptions can be granted due to special or unique topographic, boundary, or other physical conditions that may cause dangerous or undesirable conditions for access across the front lot line. Lots 1-4, 9, and 10 are proposed as large ranch lots and are located on buildable terrain that is only accessible by a shared driveway due to topographic restraints (mainly steep slopes) and limits on roadway standards. These lots will be provided with an access easement for the private driveway location as shown on the Site Plan. The developers are proposing design elements, i.e., access width less than 20 feet and radius areas less than 75 feet that do not comply with Section 29. These design elements must be corrected or a variance obtained from the Weber County Board of Adjustment. Lots 20, 37, and 43 have similar topographic constraints and may require use of a private drive or access easement, however, no plans for these lots have been provided. The Planning and Engineering Divisions agree that these access exceptions make sense, but additional design information on these lots is necessary before approval can be recommended.

#### **Restricted Lots**

This PRUD is located in a mountainous area where there are existing topographic, geological, and physical constraints on lots. Lots 6, 11-16, 24, and 39-47 are classified as restricted lots. These lots have an average slope of 25% or greater and do not have buildable areas of at least 75 feet by 100 feet with an average slope of less than 25%. Restricted lots are designated on the subdivision plat with an "R" following the lot number. A Hillside Review must be completed on these lots prior to any construction taking place. The Planning Division is requesting verification from the developers that the lots in this PRUD meet the requirements of the lot size tables in Chapter 36-B (Hillside Development Review Procedures and Standards) of the Weber County Zoning Ordinance. The tables apply to restricted lots between 5,000 and 43,560 square feet, and lots with a buildable area of at least 75 feet by 100 feet (average slope less than 25%) between 15,000 and 43,560 square feet.

#### **Parking**

Chapter 24 (Parking Regulations) of the Weber County Zoning Ordinance requires two side by side parking spaces for each single-family dwelling on the same lot as the dwelling. Each of the lots in this PRUD must meet this standard and the developers have stated that this will be done. The nest units will be treated differently than single-family dwellings, but at least one parking space per nest unit is recommended. The nest units on Lot 36 have one parking space per unit, though the parking spaces are on the street, uncovered, and there is no vehicular access to the units. Lot 103 is similar, but the parking spaces are located in covered garages adjacent to the street. Units 1, 2, 4, 6, 10, 11, 15, and 18 have 2 car garages beneath and there are two stand-alone four-car garages provided as well. Unless some of the parking spaces below these units are used for other units as well, there is insufficient parking for these nest units. There is also no parking shown for the five nest units on Lot 73. Further clarification from the developers is required to address the parking issues. The Planning Commission may adjust the required number of spaces listed in Chapter 24 if in its determination "unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted."

#### **Open Space, Recreational Amenities, and Trails**

Dedicated open space consists of approximately 384 acres or 64% of the net developable area within the PRUD boundary. Many of the larger lots also have areas outside of the designated building envelopes that will act as open space, though they will not be dedicated. The Village has one area labeled as "The Park" which also acts as open space. This area will have a 12 foot by 12 foot concrete stage as shown on the site plan. Some of the open space areas also have ski easements or are designated as areas for future ski lifts. Trails are also a large component of the open space and recreation plan. The developers are providing an extensive network of new trails and enhancing some of the existing trails and access roads. The developers have provided a Powder Mountain Trails Master Plan map that is to be used as a guide for future trail design but not as the exact route of every pathway. The majority of the trails will be designed and constructed as natural surface, multi-use trails which can be used by hikers, bikers, and runners in both directions. In addition, some of the trails will be wide gravel or paved trails that will allow a variety of walkers, hikers, and bikers to access the Village Center and other private facilities. A few of the trails will be one-way downhill and slope style (lift served) mountain biking trails that will be open to the public. Equestrian specific trails are also proposed to be constructed within the Summit development. The trail loop in Geerts Meadow will be groomed for cross country skiing in the winter, and some of the trails may be used for snowshoeing where conflicts with alpine

skiers and snowboarders will not occur. Most of the trails in this phase are private and not open to the public. Weber Pathways has provided a letter indicating their concern with the privatization of many trails which are now used by the public. Further research is necessary to determine if there are any public prescriptive rights due to historic use.

### **Landscaping**

Landscaping plans are not required for the single-family dwelling lots, though most of them have large existing areas of natural landscaping. The Summit Eden Design Guidelines provides the following instruction for homeowners, "landscape and site design are to provide a gradual transition from the structure or built element to the natural lot area both to match adjacent landscapes and enhance the patterns of the existing native landscape. Home sites are to maintain existing site drainage patterns, minimize grading and vegetation removal, consider view corridors from other properties and/or common use areas, protect and utilize distinctive natural features (e.g., rock outcroppings, vegetation, topography), integrate man-made improvements with the site, and avoid highly prominent ridgelines and skylines. Landscape improvements should incorporate, rehabilitate, and enhance existing vegetation, utilize indigenous and/or regional species of plant materials, and minimize areas of intensive irrigation. New trees and shrub plantings are to be a mix of sizes that will blend naturally into the surrounding vegetation near the development's edges."

Landscape plans are provided for the nest areas and the Village. The applicant will plant 355 additional trees in these areas as shown on the site plan, along with at least 300 new shrubs to re-vegetate disturbed areas, enhance the entrance area into the Village core, and to buffer road entrances. The plans identify types of shrubs, but not locations for them. The problem with this is that any adjustments to the approved landscape plan must come back to the Planning Commission for approval. The Planning Division recommends that the plans be adjusted to show their approximate locations. The developer has stated that all of the new landscaping will be irrigated with a drip irrigation system that will be designed as it is built to maximize efficiency. The Planning Commission will decide if the landscape plans are sufficient for the PRUD.

### **Signage Plan**

Chapter 22-D (PRUD) Section 8 states that the Planning Commission shall consider "The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting." The developers have stated "No signs are proposed in this PRUD submittal. Any future signs will be provided as part of a separate submittal/process."

### **Lighting Plan**

Chapter 22-D (PRUD) Section 8 states that the Planning Commission shall consider "The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting." The developers have stated "No lights are proposed in this PRUD submittal. Any future lights will be provided as part of a separate submittal/process."

### **Financial Feasibility**

Chapter 22-D (PRUD) Section 8 states that the Planning Commission shall consider "The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established." The developers have provided a summary of financial information (Exhibit I) for the Planning Commission to consider.

### **Water and Sewer**

Powder Mountain Water and Sewer Improvement District has provided feasibility letters for water and sewer services as required by Chapter 22-C (Conditional Uses). The letters are subject to several requirements and the plans require approval from the District, the Weber County Engineering Division, and the State Division of Drinking Water. The Weber County Subdivision Ordinance requires a Capacity Assessment Letter from the Division of Drinking Water prior to final approval from the Planning Commission, and a Construction Permit from the Division of Drinking Water for expansion of the water system prior to the subdivision receiving final approval from the County Commission. Final subdivision approval cannot be recommended by the Planning Commission until all of the agencies mentioned previously have approved the new water system expansion. The Weber County Engineering Division has requested a capacity assessment letter, stamped by an engineer regarding the capacity of the existing sewer lagoons. The developers have not yet provided this information. The Planning Commission will be able to consider the new water tank and well as a separate Conditional Use application, but even if it is approved, the subdivision will be held up until it meets the requirements described above. The Development Agreement between Weber County and Western America Holding LLC states in Section 6.6 "The total number of dwellings and supporting buildings shall be limited by the provision of the necessary water, sewer and other utility infrastructure to support such development. No development shall be allowed unless Developer demonstrates the ability to provide water, sewer and other necessary infrastructure in accordance with state laws, rules and regulations and county ordinances."

### **Emergency Services**

The Planning Division has received a letter from The Utah Department of Natural Resources, Division of Forestry stating that the developers have contacted their office and that they are working on a wildfire prevention, evacuation, and suppression plan. The Weber Fire District and the U.S. Forest Service are also working on this plan. This plan must be completed and presented to the Planning Commission prior to a recommendation of final subdivision approval. The applicant has identified a .59 acre parcel in the Village Center for a future fire station that will also serve the needs of the Sheriff's Office.

### **Development in Cache County**

Lots 33-36 and a portion of Road C are located in Cache County. These lots cannot be approved by the Planning Commission without an interlocal agreement between the two counties designating Weber County as the Land Use Authority. The developers and Weber County have approached Cache County concerning an interlocal agreement. Cache County has responded with an e-mail that discussions are currently underway but no decisions have been made. If an interlocal agreement is not approved, all development in Cache County must be removed from the PRUD plan. The units in Cache County are not part of the Zoning Development Agreement and, as a result, are not part of the total 2,800 units allowed in Weber County.

### **Preliminary Subdivision Approval / Phasing Plan**

Chapter 22-D (PRUD) states "If the Planned Residential Unit Development or phase thereof is to be subsequently divided as a "Subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "Subdivision". The developers have provided a preliminary subdivision plat and a phasing plan showing three phases. Phase 1 contains 23 lots, Phase 2 contains 27 lots plus 15 nest units, and Phase 3 contains 91 lots plus 25 nest units. Several of the parcels proposed for subdivision have delinquent taxes. The County will withhold approval of an otherwise valid plat until a tax clearance letter has been obtained which verifies that all taxes have been paid. In addition, the subdivision must be brought under the same taxing districts so that the lots are not divided after the plat is recorded.

## **Summary of Planning Commission Considerations**

In addition to the requirements of applicable ordinances addressed above, the Planning Commission should consider the requirements of Chapters 22-C (Conditional Uses) and Chapter 22-D (PRUD), and the requirements of the Zoning Development Agreement.

Chapter 22-C states "Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. 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.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use."

Staff has determined that due to the development's location and large open space areas, the potential detrimental effects listed in the ordinance are mitigated; however, the Planning Commission can consider other issues not listed in the ordinance that may require mitigation. The Planning Commission also has several determinations to make regarding architectural designs, building locations, landscaping, parking requirements, road widths, and other items discussed previously. If it is determined that this development meets the PRUD criteria, then site plan approval and preliminary subdivision approval can be recommended to the County Commission. If additional information is required, the Planning Commission should identify what it needed and ask for clarification from the Developer. The conditional use criteria cannot be met until the Planning Commission is satisfied with the overall PRUD site plan and design.

Chapter 22-D (PRUD) Section 8 states: In considering the proposed Planned Residential Unit Development, the Planning Commission shall consider:

1. The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
2. 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.
3. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
4. The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
5. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or Master Plan proposals of Weber County as being a desirable future residential density.
6. The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

All of these items are discussed previously in the staff report, but the Planning Commission must find that they have been adequately addressed before a recommendation for approval can be made to the County Commission. If additional information is required, tabling the application may be appropriate. In making this determination the Planning Commission should consider the following questions:

- Does the Planning Commission have sufficient information to find that the PRUD application meets the criteria and requirements of applicable county ordinances and the Zoning Development Agreement?
- Are the proposed site design drawings, housing types, setbacks, building heights, landscape plans, and architectural renderings sufficient to qualify for a PRUD as described in Chapter 22-D?

- Does the Planning Commission agree with the recommendation that there is insufficient information to allow accessory buildings in the PRUD?
- Are the proposed street patterns and designs appropriate for safety and traffic circulation?
- Should the Access Exception application be approved pending necessary design changes or variances?
- Is the parking plan sufficient for the Village and nest units?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

The Planning Commission should also consider the requirements of the Zoning Development Agreement. The required conditions for Phase 1 and the analysis of each are included below:

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

Powder Mountain Resort has provided a letter and a map of specific avalanche hazards sites. According to the letter, the areas of proposed development are considered to have low risk of avalanche danger because their location is above the identified possible avalanche paths.

**The Developer shall seek input from the U.S. Forest Service to develop and implement a wildfire prevention, evacuation, and suppression plan for the Project. Developer shall address phase and site specific wildfire hazards and management plans at the time of and within all development review applications.**

The Planning Division has received a letter from The Utah Division of Natural Resources, Division of Forestry stating that Summit Development has contacted their office and that they are working on the plan. Prior to the final subdivision plat being placed on the planning commission agenda, this plan must be completed.

**Developer agrees to follow the recommendations of the State of Utah Department of Environmental Quality and Utah Geological Survey as outlined in letters dated October 12, 2007 and September 18, 2007 respectively.**

Western Geologic (2012) has performed recent field work to identify landslides and other geologic hazards at the site. Based on the subsurface conditions encountered at the site, it is the opinion of the geologist that portions of the subject site outside of mapped landslides are suitable for the proposed development. Areas within mapped landslides may be suitable for limited development; however, additional site-specific geotechnical/geologic studies will be required on a case-by-case basis to assess the relative risk of future movement potential and to design suitable measures for landslide hazard mitigation, as required. Site development is also subject to Weber County Hillside Review Development Standards.

**The Parties recognize the benefits of minimizing road miles, and road widths to protect the natural habitat and they further recognize the benefit of clustering development. The Developer agrees as part of the amendment process to the Concept Development Plan to a design that minimizes road miles, road widths and encourages clustering.**

The Developers had the following response, "As part of the proposed development, homes will be clustered to develop a bustling resort community while reducing environmental and visual impacts. In areas where structures are placed away from the core, every effort will be made to reduce the visual impact of the structure. This will be accomplished by utilizing natural grading and landscaping, as well as an unprecedented approach to limiting the overall footprint of the proposed structures. The proposed road alignments have been curved to follow the natural contours of the mountain and the road widths have been reduced as recommended by the County Engineer."

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

The developers have provided a Design Guideline book for landscaping, architectural design, building mass, exterior lighting, and other site improvements. The book also has a section on sustainability standards, which states "all buildings, site landscaping, and construction at Summit Eden should be healthy, durable, restorative, and a complement to the natural landscape. The design of the site and buildings must incorporate sustainable building design and construction practices, including: utilization of renewable and highly efficient energy systems, "green" building materials, recycling of construction waste, utilization of natural day lighting and water conservation measures". In addition, roads, landscaping, drainage designs, and other aspects of the development have incorporated sustainability elements.

**Developer shall consider comments made by the State of Utah Division of Wildlife Resources (DWR) at the site plan level of approvals for development per the existing Resource Development Coordinating Committee (RDCC) process including trails and wildlife buffers. DWR comments, eligible for consideration, shall be those submitted prior to a Planning Commission meeting where the related application is being considered for the first time. Reasonable and customary wildlife buffers will be part of the Developer submittals for design review/subdivision applications.**

The developer has submitted a wildlife due diligence report. This application has been submitted to the (RDCC) for their review. The RDCC and Division of Wildlife Resources have requested additional time to review the PRUD submittal and make comments. The Planning Commission should take this request into consideration.

**Developer agrees that a minimum of 30% of the total proposed project's gross acreage shall be permanently preserved as open space in any development application/plans for any improvements within the project.**

Approximately 64.4 percent of the PRUD's net developable area will be preserved as space. Chapter 22-D requires an open space easement to be dedicated to Weber County in order to guarantee preservation and maintenance of the open space areas. This will be required as part of final subdivision approval if easements are not in place prior to final subdivision approval.

**Developer agrees that all construction will utilize best management practices. Final site plan applications made to Weber County shall be accompanied by a summary of the best management practices being utilized.**

The applicant will be incorporating all reasonable best management practices (BMP's) into its erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) for the proposed development by using silt fences, limiting the disturbed area, and other practices. This applies to infrastructure and home construction.

**The Developer shall present a transit plan with an implementation methodology that may include but not be limited to:**

**A. Airport shuttle.**

**B. Complimentary on and offsite transit service.**

**C. Park and Ride provided in Ogden City or other approved Wasatch Front location.**

**D. Mandatory employee shuttle originating from Wasatch Front.**

**This Plan is to be presented and approved prior to or in conjunction with any site plan/subdivision submittal.**

The developers will continue to lease the property adjacent to the Valley Market for use as a park and ride. The shuttle service will be required for most Powder Mountain employees. Powder Mountain has also been coordinating with UTA on increasing bus services from Ogden to Powder Mountain. The bus services currently run daily.

**Developer agrees that air transportation into the Resort and Resort air operations will comply with the standards and requirement for helicopters in the Ogden Valley. Helicopters are allowed only in the DRR-1 and F-40 Zones, subject to applicable standards and requirements. "Resort air Operations" refers to those aerial operations vital to construction and management of the resort, i.e., lift installation and avalanche control.**

No aerial operations have been planned at this point. Any future aerial operations must comply with these requirements.

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

Summit will be working with its selected contractor or contractors to develop a traffic control plan. Items that will be considered in this plan include: Creating construction materials on site to reduce construction traffic, coordinating deliveries of materials during non-peak hours, mandating carpooling whenever possible, employing traffic control as necessary for public safety, and isolating construction activities to on-site whenever possible. The finalizations of these plans are heavily contingent upon contractor selection and the means by which native materials can be processed for construction. A detailed traffic control, staging and commuting plan will be developed with the selected contractor and will be presented for approval prior to any construction on-site.

**Upon completion and sale of the first unit, the developer or its successors in interest shall donate \$100,000 which sum shall be used solely for the benefit of the local community by purchasing and maintaining open lands and other community projects, as determined by the County."**

The developer intends to meet this requirement.

**Developer shall adopt and record a reinvestment fee covenant that complies with the requirement of the Utah State Code for such covenants.**

A reinvestment fee will be applied to all transfers of lots, homes, and units, with certain exceptions such as sales by the developer to initial buyers, bulk sales for development purposes, transfers of employee housing units, transfers between family members, and certain other transfers that are excluded by Utah law. The fee amount is anticipated to be 1% of the gross selling price of the applicable real property. The Powder Mountain MOU approved by the County Commission showed a fee amount of 1.5%. The Planning Division recommends that the 1.5% fee be adopted rather than the proposed 1% fee. It will be collected at closing and paid to the master owners' association established for the project. Reinvestment fee funds will be used by the master owners' association only for purposes permitted under Utah law, which include the following:

- Common planning, facilities, and infrastructure;
- Transportation features, such as a village shuttle system and other programs to reduce traffic impacts;
- Community activities and programming;
- Common resort facilities and recreational amenities;
- Open space preservation;
- Charitable purposes; and
- Master association expenses



## Conformance to the General Plan

This PRUD is preserving large areas of open space, preserving wildlife habitat, and enhancing recreational opportunities for the Ogden Valley. The development uses a sewer system, enhances culinary water availability, and enhances emergency services at Powder Mountain. The PRUD also complies with the Zoning Development Agreement approved by the County Commission.

## Conditions of Approval

The following items must be addressed prior to final subdivision approval:

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber County Building Inspection Division
- Requirements of the State Division of Drinking Water and Division of Water Quality
- Requirements of Powder Mountain Water and Sewer Improvement District
- Requirements of the Zoning Development Agreement
- All development parcels must be brought under the same taxing districts
- All delinquent taxes on development parcels must be paid
- An interlocal agreement is required for any development within Cache County.
- Compliance with all applicable county ordinances

## Staff Recommendation

The PRUD application has provided enough information to be considered by the Planning Commission, but the PRUD information is far from finalized. The Planning Commission should consider the items addressed in the "Summary of Planning Commission Consideration" section to determine if sufficient compliance with Chapter 22-C (Conditional Uses), 22-D (PRUD), other applicable ordinance requirements, and the Zoning Development Agreement have been demonstrated. The Planning Commission needs to include a recommendation for the access exception application as part of its PRUD recommendation. The Planning Commission has the following options:

1. If in the Planning Commission's determination, sufficient information has been presented to show compliance, then a recommendation for approval can be made to the County Commission, subject to the conditions and terms listed in this staff report.
2. If the Planning Commission determines that additional information is required, then a recommendation to table the PRUD is appropriate.
3. If the Planning Commission determines that the PRUD does not comply, then a recommendation can be made to the County Commission for denial.

## Exhibits

- A. Summit Eden development submittal letter
- B. PRUD site and development plans
- C. PRUD access exception plans
- D. PRUD landscape plans
- E. PRUD ski crossing and alternative pavement design plans
- F. PRUD architectural renderings
- G. Road dedication map
- H. Trails map
- I. Financial plan summary
- J. Weber County Engineering review letter
- K. Rocky Mountain Power review letter
- L. USDA Forest Service review letter
- M. Powder Mountain Water and Sewer District Improvement District will-serve letter
- N. Powder Mountain Water and Sewer Improvement District Engineer review letter
- O. Weber Pathways review letter