



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Reconsideration and action on an administrative application, Conditional Use Permit (CUP) 2013-03 (Summit at Powder Mountain Phase 1) consisting of a 154 unit Planned Residential Unit Development (PRUD)

**Agenda Date:** Tuesday, March 19, 2013

**Applicant:** Western America Holding LLC, applicant, Russ Watts (Summit Eden), representative

**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 154 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

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**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 February 26, 2013 the Ogden Valley Planning Commission (OVPC) considered CUP 2013-03 for a 141 unit PRUD at Powder Mountain. The OVPC unanimously voted to table the CUP until March 19, 2013 and requested additional information from the developers on the following issues:

- Architectural design including new renderings
- Updated landscape plans for the village and nest areas
- Interlocal agreement with Cache County
- Clarification on public vs. private trails
- Clarification on public vs. private roads
- Clarification on the 1% vs. 1.5% real estate transfer fee
- Additional referral/review agency comments
- Payment of delinquent taxes on property within the PRUD boundary

The developers have provided new information on these issues and each one is discussed in its own section below. In addition to this information the developers have revised the PRUD to include 13 additional units and one less lot (Lots 76 and 77 were combined to make Lot 76 larger), bringing the totals from 141 units to 154 units and 117 lots to 116 lots. Several lot boundaries have also been adjusted to meet the larger lot area and width requirements of Chapter 36-B (Hillside Development Review Procedures and Standards). These lot boundary adjustments caused one of the Estate Single-Family lots to be removed and replaced by one additional Village Single-Family lot. New site plans showing these changes have been provided and they are discussed in more detail below. This staff report does not cover everything that was mentioned in the February 26<sup>th</sup> OVPC staff report, however, a summary of the PRUD and Conditional Use criteria will be discussed in the "Summary of Planning Commission Considerations" section. This summary includes a list of specific items that should be included if a recommendation for approval is made to the Weber County Commission.

## Additional Information Requested by OVPC

### Architecture Update

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, glass, and metal materials with varying roof designs. 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.

Typically with PRUDs, 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 developers have provided a variety of new photographs and design guidelines for the single-family housing units and updated renderings and design guidelines for the nest units. This new information provides much more detail for the Planning Commission to consider, while still providing enough flexibility for "custom" home designs. The Summit Eden Design Guidelines submitted with the application show similar 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. The Planning Division's main concern with the previous architectural submittal was that it lacked sufficient detail to help staff feel comfortable in making an objective decision about whether or not a specific house plan complied with the PRUD approval. The new information provides enough detail to allay these concerns, but the Planning Division recommends that each house plan submitted for a building permit be accompanied by a certification from the Summit Eden Design Review Board that the house plans comply with their Design Guidelines and the PRUD approval. All of the proposed dwelling units must comply with applicable zoning ordinance and building code requirements including ADA compliance, and the PRUD approval.

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. Chapter 22-D Section 7 states that development plans must show "uses, dimensions and locations of proposed structures," among other items. The Planning Commission must determine if the building envelopes and setbacks are sufficient to meet the "dimensions and locations" standard of Section 7. Accessory buildings are not proposed for any of the single-family dwelling lots.

### **Roads and Traffic Circulation Update**

The Developers have provided new information showing which roads are public and private. The PRUD has eight different roads referred to on the plan as Roads A-H. Roads A and E are proposed to be public, though the proposed right-of-way width on Road E is 36 feet rather than the typical 66 feet. Road E is designated as public because it provides access to the proposed conference center on Lot 76. Road 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. Road 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. Roads B, C, and F have 50 foot right-of-way widths and 26 feet of pavement. Roads D, G, and H which are located in the Village area have 36 foot right-of-way widths and 22 feet of pavement. The roads 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. Three of the ski crossings are on Road A and one is on Road E. The ski crossing designs must be approved by the County Engineering Division.

The road 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 36 foot right-of-way widths, the 22 foot pavement widths, the alternative paving materials, and other alternative design elements will require a variance to the Weber County Subdivision Ordinance from the County Commission. The County Commission will determine whether or not to accept Roads A and E as public roads. One of the concerns is the cost of maintenance, repairs, and snow removal/storage 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 and come to an agreement with the County on these issues. In addition to the proposed roads, the developers have provided a right-of-way location for a future secondary access. The secondary access provides a connection from Powder Mountain to Highway 39 via the existing County road through Evergreen, Sunridge, and Vista. The secondary access will not be improved at this time. The majority of this right-of-way is proposed to be in Cache County and future discussion between the Counties may be necessary when improvements are planned. The location of this secondary access is subject to change as the developers continue to work with the County review agencies.

### **Trails Update**

After meeting with the Planning Division and Weber Pathways, the developers have committed to provide access and connections to existing trails on the Weber Pathways Ogden Valley Master Plan. The developers have also stated that future applications in the DRR-1 Zone will include a trails plan for the entire Powder Mountain development. Trails will be provided within the PRUD boundary to meet the Ogden Valley Pathways zoning ordinance requirement.

### **Landscaping Update**

Landscaping plans are not required for the single-family dwelling lots, though most of them have large existing areas of natural landscaping. New landscape plans have been provided for the nest areas and the Village. The applicant will plant 350 additional trees in these areas as shown on the site plan. The shrubs that were originally proposed but not shown on the site plan have been eliminated. 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 must decide if the landscape plans are sufficient for the PRUD.

### **Development in Cache County**

Lots 33-36 and a portion of Road C are located in Cache County. The developers and Weber County have approached Cache County concerning an interlocal agreement that would designate Weber County as the Land Use Authority for these lots. Cache County has responded favorably to the request but discussions are ongoing and an agreement has not been finalized. The Planning Commission recommendation to the County Commission can include the development in Cache County, but final subdivision approval is contingent on approval of the interlocal agreement.

### **Real Estate Transfer Fee Update**

The developers have agreed to a real estate transfer fee of 1.5% rather than the 1% fee that was originally proposed.

### **Additional referral/review agency comments**

The Weber Fire District has now provided its review of the PRUD. The technical and design issues will be addressed as part of the final subdivision approval but the Fire District is requiring the developers to provide a sufficient parcel of land agreeable to the Fire District, at no cost, for the purpose of building a fire station. The developers have designated a parcel for a future fire station and sheriff's office, but it is located outside the PRUD boundary in an area for future development.

The developers have recently completed a Community Wildfire Prevention Plan in conjunction with the Weber Fire District, Utah Division of Forestry, Fire and State Lands, and other agencies. This plan provides information on reducing fuels for fires, community resources, community preparation, response resources, etc.

The Planning Division has also received review comments from the Utah Division of Wildlife Resources. The review letter is attached as Exhibit R. The zoning development agreement requires the developers to consider these comments in proposing trails, wildlife buffers, etc. for the PRUD.

### **Payment of delinquent taxes on property within the PRUD boundary**

Delinquent property taxes must be paid prior to final subdivision approval from the County Commission.

## **Other PRUD Updates Since the February 26<sup>th</sup> OVPC Meeting**

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.

### **Site Plan Update from 141 to 154 Units**

The PRUD boundary contains approximately 594 total acres of which 463 acres can be used for development. Of the 463 acres, 384 acres (64%) are designated as open space. The original site plan showed 103 lots with 141 total units including 16 lots that were designated for further subdivision at a future date. The developers have now decided to include 13 of the 16 additional lots as part of this PRUD. The remaining three potential lots have been removed from the site plan and will require a PRUD amendment if they are proposed in the future. The site plan now shows 116 lots with 154 total units. The additional lots include three Hillside Single Family lots, four Village Single Family lots, and six Village Live/Work Single Family lots.

A conference center (Lot 76) 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/Unit and Housing Types Update**

The lot/unit 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. There are no accessory buildings proposed for these lots.
- **Estate Single-Family:** Estate lots include Lots 5-8, 11-23, and 36-43. 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. There are no accessory buildings proposed for these lots.
- **Cabin Single-Family:** Cabin lots include Lots 24-34. 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. There are no accessory buildings proposed for these lots.
- **Hillside Single-Family:** Hillside lots include Lots 44-46 and 63-86. These lots range in size from approximately 2,600 square feet to 1.2 acres 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. There are no accessory buildings proposed for these lots.
- **Village Single-Family:** Village lots include Lots 47-56, 58-62, and 107-115. These lots range in size from approximately 1,300 to 3,000 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 115 is proposed to have a main building height of 40 feet. There are no accessory buildings proposed for these lots.
- **Village Live/Work Single-Family:** Village Live/Work lots include Lots 57 and 87-106. These lots range in size from approximately 870 to 3,000 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 87-106 are proposed to have a main building height of 40 feet.

- **Nest Units:** Nest Units are proposed for Lots 35, 76, and 116. These lots range in size from approximately 1.3 to 3.6 acres. Lot 35 has 15 nest units, Lot 76 has 5 nest units, and Lot 116 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 proposed for these lots. Lot 35 has a 160 square foot “storage cabin” as shown on the site plan. A separate condominium plat for the nest units is required.

#### **Access Exception Application**

The developers have submitted an application to allow access to Lots 1, 2, 3, 4, 9, 10, 19, and 42 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 19 and 42 have similar topographic constraints and require use of a shared private drive or access easement. These private drives are now shown on the site plan, but they also must meet the 20 foot width standard of Chapter 29 or obtain a variance. The Planning and Engineering Divisions agree that these access exceptions make sense and should be approved subject to meeting the required design standards.

#### **Restricted Lots**

This PRUD is located in a mountainous area where there are existing topographic, geological, and physical constraints on lots. Lots 6, 12-14, 23, 38-44, and 46 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. Several lot boundaries have been adjusted to meet the larger lot area and width requirements of Chapter 36-B (Hillside Development Review Procedures and Standards). These lot boundary adjustments caused one of the Estate Single-Family lots to be removed and replaced by one additional Village Single-Family lot. The developers have now provided verification that these lots meet the requirements of the lot tables in Chapter 36-B.

#### **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 because they function as hotel units and do not have vehicular access. Therefore, at least one parking space per nest unit is recommended. The nest units on Lot 35 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 116 is similar, but the parking spaces are located in covered garages adjacent to the street. Units 1-8 have two-car garages beneath and there are two stand-alone four-car garages provided as well. The two-car garages provide one space for the nest unit to which they are attached and one space for another unit. Using this method there are sufficient parking spaces for the nest units on Lot 116. There are no parking spaces shown for the five nest units on Lot 76. The developers have stated that these units will have designated parking areas at the conference center parking lot. This is similar to the on-street parking for Lot 35. 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.” Any adjustment should be included in the Planning Commission’s findings.

#### **Signage Plan**

No update has been submitted. 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**

No update has been submitted. 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**

No update has been submitted. 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 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. These feasibility letters must be updated to include the 13 additional units proposed for the PRUD. If the Planning Commission recommends approval of the PRUD it should be subject to receiving the updated letters prior to final approval from the County Commission. 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. This capacity assessment letter is required prior to final subdivision approval. 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 the Community Wildfire Prevention, Evacuation, and Suppression plan completed in conjunction with the Weber Fire District, Utah Division of Forestry, Fire and State Lands, and other agencies. This plan is required by the development agreement and will be updated with each new phase of development at Powder Mountain.

### **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". In addition, the subdivision must be brought under the same taxing districts so that the lots are not divided by taxing districts after the subdivision plat is recorded. The developers have provided a preliminary subdivision plat and a phasing plan showing three phases. The phasing plan has been updated to reflect the 13 additional lots, but the preliminary subdivision plat also must be updated. Phase 1 contains 22 lots, Phase 2 contains 13 lots including 15 nest units on Lot 35, and Phase 3 contains 80 lots including 5 nest units on Lot 76 and 20 nest units on Lot 116.

### **Zoning Development Agreement**

The developers have complied with the requirements of the zoning development agreement for this phase. These requirements are discussed in the February 26th OVPC staff report.

## **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."

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.

The developers have provided the additional information requested by the OVPC on February 26<sup>th</sup> to address the conditional use and PRUD criteria. The Planning Division has reviewed this information and determined that it is sufficient for the OVPC to reconsider. Staff has also determined that due to the development's location, large open space areas, and compliance with the zoning development agreement, the potential detrimental effects listed in the ordinance are mitigated. The Planning Commission must now determine if the additional information is sufficient and if the conditional use and PRUD criteria, and zoning development agreement requirements have been met. In making this determination the Planning Commission should consider the following questions that were also discussed on February 26<sup>th</sup>:

- 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?
- 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?

If additional information is found to be necessary, the OVPC should specifically identify what is needed and ask for further clarification from the Developers. The conditional use criteria cannot be considered complete until the Planning Commission is satisfied with the overall PRUD site plan and design. If the OVPC finds that this development has adequately addressed the previous questions, meets the conditional use and PRUD criteria, and meets the requirements of the zoning development agreement, then site plan approval and preliminary subdivision approval can be recommended to the County Commission. In making a recommendation of approval the OVPC should include findings for the following items:

- Sufficient new information has been provided by the developers to satisfy the OVPC's reasons for tabling the PRUD at the February 26<sup>th</sup> planning commission meeting including:
  - Architectural design including new renderings
  - Updated landscape plans for the village and nest areas
  - Interlocal agreement with Cache County
  - Clarification on public vs. private trails
  - Clarification on public vs. private roads
  - Clarification on the 1% vs. 1.5% real estate transfer fee
  - Additional referral/review agency comments
  - Payment of delinquent taxes on property within the PRUD boundary
- Certification from the Summit Eden Design Review Board that each house plan submitted for a building permit complies with their Design Guidelines and the PRUD approval.
- Accessory buildings are not proposed for any of the single-family dwelling lots.
- Alternative road design elements that will require a variance to the Weber County Subdivision Ordinance from the County Commission.
- Secondary access road in Cache County.
- Updated site plan with 116 lots and 154 units.
- Conference center on Lot 76 as a non-residential accessory use.
- PRUD variations of the FV-3 zoning requirements for lot size, setback, and building heights.
- Access exception approvals.
- Restricted lots.
- Parking space adjustments.
- Compliance with the zoning development agreement requirements.
- Other items the OVPC feels are necessary.

## 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 including updated sewer and culinary water feasibility letters
- Sewer capacity assessment letter verifying adequate sewer capacity for the PRUD
- 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
- Compliance with all applicable county ordinances whether listed in this staff report or not
- Approval of the Cache County units subject to the interlocal agreement or county line adjustment being completed prior to final subdivision approval
- Compliance with Chapter 36-B (Hillside Review) lot size tables

## Staff Recommendation

The Planning Division has determined that sufficient new information has been provided addressing the OVPC's reasons for tabling CUP 2013-03. Therefore, the Planning Division recommends approval of CUP 2013-03 for a 154 unit PRUD at Powder Mountain, subject to the conditions of approval listed in this staff report, compliance with applicable county ordinances, compliance with the zoning development agreement, and compliance with applicable agency review comments. Several items mentioned in the staff report must still be finalized, but these items can be addressed during the final subdivision review.

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 in the Planning Division's recommendation. Specific findings must be made as part of a motion to approval.
2. If the Planning Commission determines that additional information is required, then a recommendation to table the PRUD is appropriate. Specific findings must be made as part of a motion to table.
3. If the Planning Commission determines that the PRUD does not comply, then a recommendation can be made to the County Commission for denial. Specific findings must be made as part of a motion for denial.

## Exhibits

- A. Summit Eden development submittal letter
- B. Updated PRUD site and development plans
- C. Updated PRUD access exception plans
- D. Updated PRUD landscape plans
- E. PRUD ski crossing and alternative pavement design plans
- F. Updated PRUD architectural renderings
- G. Secondary Access road proposed location
- H. Updated trails maps
- 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
- P. Weber Fire District review letter
- Q. Community Wildfire Protection Plan Introduction
- R. Division of Wildlife Resources review letter