



**Weber County**

Weber County Planning Division  
www.co.weber.ut.us/planning\_commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

**Ogden Valley Planning Commission  
Notice of Decision**

March 21, 2013

Western America Holding LLC  
Attn: Steve Nielsen (Pronaia Capital Partners LTD)  
PMB#449  
2753 E. Broadway Rd. Ste. 101  
Mesa, AZ 85204-1573

Summit Eden  
Attn: Russ Watts  
5200 South Highland Dr.  
Salt Lake City, UT 84117

Case Number: Conditional Use Permit 2013-03

You are hereby notified that your CUP application for a 154 unit Planned Residential Unit Development (PRUD) at Powder Mountain was heard by the Ogden Valley Township Planning Commission in a public meeting held on March 19, 2013 after due notice to the general public.

The Ogden Valley Township Planning Commission found that sufficient evidence was presented to establish that the CUP application meets the following criteria found in Chapter 22-C (Conditional Uses) of the Weber County Zoning Ordinance:

Chapter 22-C (Conditional Uses):

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.

The Ogden Valley Township Planning Commission also considered the following issues listed in Chapter 22-D (PRUD) of the Weber County Zoning Ordinance and found that they have been adequately addressed:

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.

Therefore, the Ogden Valley Township Planning Commission renders the following decision:

**Approval** of CUP 2013-03 is hereby recommended to the Weber County Commission based on the following findings and subject to the following conditions:

Findings:

- 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 is required.
- Accessory buildings are not proposed for any of the single-family dwelling lots.
- Alternative road design elements will require a variance to the Weber County Subdivision Ordinance from the County Commission.
- Secondary access road in Cache County is required.
- Updated site plan with 116 lots and 154 units is approved.
- The conference center on Lot 76 is approved as a non-residential accessory use.
- PRUD variations of the FV-3 zoning requirements for lot size, setback, and building heights are approved.
- Access exception approvals are approved subject to meeting design requirements.



- Restricted lots meet applicable standards.
- Parking space adjustments from two spaces to one space are allowed for the nest units.
- Compliance with the zoning development agreement requirements has been accomplished.
- Time share/nightly rental units shall be designated on the site plan.
- A road maintenance agreement with Weber County for the public roads is required.

Conditions of 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

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The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the date of the meeting.